

PLANNING BOARD

The Carlisle Planning Board is a seven-member elected board with two positions for appointed Associate Members, supported by a Planning Administrator and a part-time Administrative Assistant. Massachusetts state statutes and the Town's bylaws establish specific responsibilities and requirements for the Planning Board.

The Board reviews and approves the division of land under the Subdivision Control Law (MGL Ch. 41) and the Board's Subdivision Rules and Regulations. It also serves as the Special Permit Granting Authority as authorized by the state Zoning Act (MGL Ch. 40A) and the Carlisle Zoning Bylaws for various types of land use and development petitions, including those for common driveways, conservation clusters, senior residential open space community developments, personal wireless service facilities, and accessory apartments. Under MGL Ch. 40, the Planning Board also must give its consent before any alterations are made to trees and stone walls along the town's Scenic Roads. Further, the Planning Board serves in an advisory capacity to the Board of Selectmen for site plan review of non-residential development, and to the Zoning Board of Appeals for Comprehensive Permits for affordable housing development under MGL Ch. 40B. The Zoning Act also requires the Board to guide the process of Zoning Bylaw amendments through Town Meeting. In addition, the Board has provided support to other Town boards and departments on specific planning activities at their request, including the Board of Health, Conservation Commission and Housing Authority.

Beyond these responsibilities, the Planning Board is also charged by state law (MGL Ch. 41) to "make careful studies and when necessary prepare plans of the resources, possibilities and needs of the town, and...submit to the selectmen a report thereon, with its recommendations." This charge also includes the Board's responsibility to prepare, from time to time, a master plan or study plan of the town. (The most recent study plan was adopted by Town Meeting in 1995.) In 2003, the Board undertook a state-sponsored community development planning process, which, while it did not produce a new master plan, ultimately resulted in an Affordable Housing Plan adopted in 2005 and approved by the state. This Plan was updated by a committee that included two Planning Board members and was approved by the full Board this year as a Housing Production Plan. That Plan was also approved by the state this fall.

The Board's overall responsibility under state law is to protect the health, safety and welfare of Carlisle's residents. Guided by the General Laws of the Commonwealth, the Zoning Bylaw, the Study Plan, and citizens' comments and concerns, the Board strives to preserve and enhance the integrity of Carlisle's character through the use of its regulatory tools, while also safeguarding property owners' rights. To achieve these goals, the Board recommends and specifies changes to development proposals through the permitting process. Board members and staff strive to work with project proponents, technical advisors, and citizens to shape development projects so as to preserve resources and minimize any negative impacts upon the community.

2010 Developments/Site Plan Review

Consistent with these objectives, the Planning Board has long emphasized its attempts to manage residential growth in Carlisle, rather than simply permitting it in response to development applications. Increasingly, parcels proposed for development in Carlisle are either large parcels that long-term owners have kept out of development for many years or parcels with serious constraints on development such as extensive ledge or wetlands, minimal upland, and/or access issues. The latter category of parcels proposed for development, those with serious constraints, requires increased coordination among the land use boards to address often interrelated issues of stormwater management, water supply, sewage disposal, and surface water and groundwater protection.

From 2006 - 2008, the Planning Board experienced extremely high levels of land development permitting. However, in the past two years, 2009 – 2010, only 10 building permits for new homes have been issued each year. Therefore, most of the new building lots created since 2006 remain unsold, and there is a potential of at least 55-60 new, as-of-right dwelling units to be built in the future, generally in the sections of town south and west of the town center.

While the principal work of the Planning Board in 2010 was overseeing the buildout of roadways and other infrastructure at Hanover Hill, Greystone Crossing and Chestnut Estates (see table summarizing Carlisle's development status below), in November a hearing was opened on the development of a significant, 41.5-acre parcel of land at the corner of River and Skelton Roads, with approximately 1,000 feet of frontage on the Concord River. To be known as "Elliott Farms," recognizing the family that has long owned and raised horses on this land, the development as proposed will consist of 6 building lots, 4 to be served by an extended common driveway. Two of these lots of 7 acres or more are expected to remain in agricultural use, and a riverfront lot may be acquired by a conservation organization to preserve public access. At the end of the year, the Board's review of this application was on-going, and it was understood that an adjacent riverfront parcel might also be divided in the future to provide two or more additional building lots. It is expected that the development of all these parcels will employ conservation restrictions and/or limited impact development (LID) measures to preserve rural vistas, treed areas and open fields to the greatest extent feasible.

In its role under the Zoning Bylaws as technical advisor to the Selectmen for Site Plan Review, the Planning Board worked with the Selectmen to submit an amendment to the Bylaws at the 2010 Town Meeting to clarify and expedite the review process, and also reviewed and helped revise the accompanying Rules and Regulations. These revised Bylaws and regulations were tested in August and September when the Site Plan Review process was required for the proposed construction of a new classroom addition at the Carlisle Public School to replace the Spalding Building. This is designed to be a complex, two-phase multi-year project to be carried out with minimal disruption to the operation of the School. In its role, the Planning Board coordinated the input of 17 other Town boards and officials and held two public meetings, delivering its final

recommendations to the Selectmen so they were able to act within 45 days of the filing of the application. This process was repeated on an even tighter schedule in December when some amendments had to be made to the approved Site Plan to satisfy fire protection requirements. Once again, the Planning Board delivered its report and recommendations on schedule so as not to delay the project. At that same time, another non-residential project that had received Site Plan approval in 2008, the expansion of Ferns Country Store in the town center, applied for a modification of the use of the facilities, and at the end of the year the Board was once again collecting and analyzing comments of other Town officials to make their report to the Selectmen in January, 2011.

Wireless Facilities

In 2009, the Planning Board had issued a special permit for the co-location of a new wireless facility at an existing permitted site on the 189-ft. monopole at 871 Bedford Road. This year, Verizon Wireless returned to apply for a modification of that tower to house its updated antennas, and the Board, after a public hearing, approved the change which did not substantially change the appearance of the monopole. For first time in the decade, there were no new wireless facility applications in 2010. There are currently 5 service providers transmitting from the Bedford Road tower, and one each from a tower on Westford Street and from the First Religious Society's steeple on School Street. Permits for two additional previously approved sites, on Lowell Street and in the FRS steeple, expired this year without the providers requesting extensions. Nor did the Selectmen reissue their 2009 Request for Proposals to allow siting of wireless facilities on Town-owned land, although there were some inquiries made to the Planning Board from companies with technologies that employ smaller scale, but more numerous, transmission facilities. As the economy improves, it remains to be seen how Carlisle will be asked to accommodate this rapidly changing communications technology.

Alternative Energy Facilities

Also in 2009, the Planning Board had held public hearings and made its recommendations to Town Meeting on a proposal to amend the Zoning Bylaws to allow the private construction of wind energy conversion systems. That proposal met with some local opposition and was not moved. In 2010, the Carlisle Energy Task Force (CETF) changed its focus to concentrate on satisfying the criteria for the Town to be designated a "Green Community" by the state, bringing with it eligibility for state funding of energy conservation improvements. One key to receiving this designation is to offer as-of-right zoning for sustainable energy generation facilities. The CETF asked the Board to assist with developing an amendment to the Zoning Bylaws that would provide a suitable overlay district where photovoltaic solar panels could be installed to produce energy to be used by the Town and/or sold back to the power grid. Several Town-owned sites have been evaluated, and the CETF, with the Planning Board's assistance, is expecting to place an article on the 2011 Town Meeting warrant that would designate a portion of the DPW transfer station where this use would be allowed.

Wetland/Flood Hazard Zoning District

In June 2010, FEMA adopted revised Flood Insurance Rate Maps (FIRM), the first general federal flood map revisions since 1988. As a result, in order to provide homeowners continued access to flood insurance, Carlisle was required to adopt a new Wetland/Flood Hazard overlay district map and a revised Zoning Bylaw at the 2010 May Town Meeting. The Planning Board helped refine the draft Bylaw, held the required Public Hearing, and worked with the Conservation Commission and Town Administrator to present these articles to Town Meeting. Although the action did not change the previously-drawn boundaries, the complexities of the new FEMA categories and digital formats had to be explained clearly and concisely to Town Meeting, where the Bylaw passed.

Affordable Housing

The Planning Board has also been active in the Town's efforts to create affordable housing while protecting the town's residents from negative impacts from projects developed under Chapter 40B of the Massachusetts Statutes ("Comprehensive Permits"), which allow a developer to override Town bylaws or regulations.

In 2009, the Planning Board coordinated the preparation and adoption of a set of development regulations to achieve "horizontal alignment" across the land use boards, as applicable. This initiative involved the creation of a set of common development standards, guidelines for the use of interdisciplinary Town Advisory Groups (TAG's), and a shared agreement for the reimbursement of project review expenses by all applicants. These three components were integrated into revised Comprehensive Permit regulations adopted by the Board of Appeals and the Planning Board's drafts of the second and third components were each adopted by the Board of Health and the Conservation Commission.

In 2010, the Planning Board prepared a similar but more comprehensive set of amendments to its own Subdivision Rules and Regulations—the first since 2002. They solicited comments from other boards and from peer review engineers, and opened a public hearing on the revised regulations in January. After reviewing the input they had received, they adopted revised Subdivision regulations in April. Following that, the Board turned to revisions of its Rules and Regulations governing special permits under which certain housing developments may also proceed, which include those for Conservation Clusters, Common Driveways and Senior Residential Open Space Communities (SROSC). None of these had been updated and amended since 1995, and so more comprehensive revisions were necessary. The Board adopted revised Conservation Cluster and Common Driveway regulations in July, and is still considering a draft of SROSC amendments. In 2011, they also expect to return to the Subdivision regulations to consider changes to stormwater management requirements, among others, to better reflect the changes that have been adopted by the state DEP.

Early in the year the Board participated in the TAG for the Benfield Farms senior affordable housing development on South Street, and provided a detailed review of

NOAH's Comprehensive Permit application and recommendations to the Board of Appeals. This project's proposed access also required the Board to hold a public hearing and give its consent to the removal of protected trees and alteration of stone walls on a Scenic Road, on the condition that some mitigating plantings of trees and shrubs be performed.

In other attempts to facilitate the development of affordable housing, at the request of the Housing Production Plan Committee and as required by new DHCD regulations, the Planning Board reviewed and approved a revised Housing Production Plan that updated the 2005 Affordable Housing Plan, and was approved by the state in October. The Board also continued to work with the Housing Authority to create local regulations for affordable accessory apartments under deed restriction. Although this program in Carlisle was approved by the state near the end of 2008, the form of deed restriction and other details of the program acceptable to both the state and to the Housing Authority have yet to be finalized.

Construction Management

A substantial portion of the Planning Board's work involves the oversight of land development projects through the construction process to completion to ensure that each development is consistent with the Board's approval. As part of the amendments to the Board's various regulations as discussed above, the Board also added a requirement for a construction management plan ("CMP") for all projects of four or more lots or units to be developed by the applicant following the Board's guidelines. The intent of the CMP is to reduce the negative impact of large construction projects on the town and the neighborhood, and give the Board another tool to manage such construction.

While several projects required the Board's oversight during 2010, one in particular—Chestnut Estates on Rutland Street—proved more challenging than most. This project was permitted by the Board in 2007 as a Conservation Cluster served by two common driveways. It was the first in the Town to employ extensive LID techniques. But in 2010, the original applicant/owners sold the project to a local area developer, who hired his own design engineer and in July began an accelerated buildout of the infrastructure. The schedule and the challenges of both the site and the design required substantial oversight by Town staff and the Board's peer review engineers. Abutters complained of constant, intrusive noise from the equipment used to remove the extraordinary amount of ledge that was encountered by the developer. These abutters have subsequently proposed that the Town adopt a noise control bylaw to address situations like this in the future. Both the Planning Board and the Board of Health have been working cooperatively with them on this initiative, although it is unlikely that a comprehensive noise bylaw will be able to be ready for the 2011 Town Meeting.

The status of all current and proposed development, as of December 31, 2010, is summarized below:

<u>Location</u>	<u>Lots</u>	<u>Name</u>	<u>Status</u>
<u>Subdivisions</u>			
Westford St.	35 lots	Hanover Hill	Approved 2008, under construction
<u>Special Permits - Common Driveways</u>			
Off Cross Street	2 lots	#317 (no name)	Approved 1998, under construction
Off Cross Street	4 lots	Trillium Way	Approved 2006, amended 2010, under construction
Off Rutland Street	4 lots 3 lots	Chestnut Lane Twin Beech Road	Approved 2007, under construction
Off Hanover Road (Westford Street)	5 lots 3 lots 4 lots	Sorli Way Gormley Way (2 unnamed)	Approved 2008, under construction
268 Fiske Street	2 lots	(no name)	Approved 2008, construction pending
291 River Road	6 lots	To be determined	Hearing opened 11/2010, continued to 2011
<u>Special Permits - Conservation Clusters</u>			
Cross Street	15 lots	Greystone Crossing	Approved 2006, under construction
Rutland Street	7 lots	Chestnut Estates	Approved 2007, under construction
<u>Special Permits - Personal Wireless Service Facilities</u>			
<u>Sprint PCS</u>			
27 School Street		Stealth installation within church steeple	Permit granted 2007, not built, permit expired
<u>T-Mobile - Omnipoint</u>			
886 Lowell Street		Stealth installation within barn cupola	Permit granted 2007, not built, permit expired
<u>Verizon Wireless</u>			
871 Bedford Road		189 ft. monopole	Court ordered monopole, permit for this provider granted 2009, amended 2010, operational

Finances

Planning Board activities during 2010 generated a total income of \$3,050 through application fees, all of which was paid to the General Fund. The Planning Board has no statutory mechanism to retain application fees, unlike many other Town boards, and is entirely reliant on Town Meeting appropriations to conduct planning activities. In 2007, the Board had reviewed and adopted a revised fee structure that increased application fees by more than 130% to benefit the General Fund. Since those fees are still above the regional average for comparable towns, the Board did not propose an increase this year.

Project review fees, which are held in special revenue accounts (“53G accounts”) and limited to payment of the costs of technical review of submitted plans and project construction oversight by engineering consultants, were received in a total of \$6,000 for 2010. As noted, none of these fees can be used for planning initiatives for the town.

In 2010, the Planning Board proposed a recurring warrant article to provide some funding previously covered under the Planning and Professional budget line item, eliminated in 2009 due to budget cuts over the past several years. This article in the amount of \$5,000 was approved at the 2010 Annual Town Meeting. These funds can be used for Board initiatives such as the need to review and revise local bylaws or regulations to be consistent with new state stormwater regulations or to fund planning consultant services related to the needs of other boards. Examples of past projects of this nature are the development for the Selectmen of an RFP for Wireless Facilities on Town-owned land or rights of way, the revision to the Comprehensive Permit Rules and Regulations for the ZBA, and the preparation of LIP regulations for the Selectmen. Since these initiatives generally require \$10,000 or more for the necessary consultant work, the Board will carry over the 2010 funds and work towards the inclusion of a similar amount to be combined with this balance on the 2011 Town Meeting Warrant.

Overview of 2010 Board Activity

Traditional measures of Planning Board activity in terms of permits granted, new lots or roadways created, development projects completed, or fee income derived do not reflect the majority of the business that the Board normally undertakes. The following **categorized summary** gives a more accurate picture of that work, much of which was generated by initiatives taken by the Board itself to support its permitting functions and Planning Board services requested by and provided to other Town and regional agencies.

Permit Applications to the Board

- Application for amendment to Greystone Crossing Conservation Cluster Special Permit
- Application for Amendment to Elliott Farms Common Drive Special Permit

Other Applications to the Board: Approval Not Required (Subdivision) Plans

- 45 and 63 Acton Street – 2 lots
- 57 and 63 Spencer Brook Lane – 2 lots
- Trillium Way (in Greystone Crossing) – 4 lots
- 685 East Street – 1 lot
- Elliott Farms – 4 lots

Other Applications to the Board

- Proposed modifications to Personal Wireless Facility tower at 871 Bedford Road
- Conceptual plan for subdivision of land at 391 River Road
- Recommendations to Selectmen for Site Plan Review, Carlisle School Building project
- Recommendations to Selectmen for amendments to approved Site Plan, Carlisle School
- Recommendations to Selectmen for amendments to approved Site Plan, Ferns Country Store

Public Hearings not Associated with Permit Applications

- Scenic Road alterations – Chestnut Estates (Rutland Street)
- Scenic Road alterations – Lot 1, Benfield Parcel A on South Street
- Amendments to Subdivision Rules and Regulations – several sessions
- Zoning Bylaw amendments – Sect. 5.2, Wetlands/Flood Hazard overlay district bylaw
- Zoning Bylaw amendments – Sect. 2.2, Location of Districts (to conform with revised FIRM maps)
- Zoning Bylaw amendments – Sect. 7.6, Site Plan Review and Rules and Regulations for same.

Planning Board Construction Oversight

- Hanover Hill roadways, common driveways, footpaths, trails and drainage infrastructure buildout, including approvals of requested waivers
- Greystone Crossing Conservation cluster (off Cross Street)
- Chestnut Estates Conservation Cluster, common drives, trails and infrastructure buildout
- Carriage Way landscaping and street trees
- Berry Corner Lane continued implementation of Settlement Agreement

Planning Board Initiatives

- Completed significant amendments to Subdivision Rules and Regulations
- Completed comprehensive amendments to Conservation Cluster and Common Driveway Rules and Regulations
- Proposed and reviewed comprehensive amendments to Senior Residential Open Space Community Rules and Regulations
- Began detailed review of input toward second phase of amendments to Subdivision Rules and Regulations
- Town Meeting joint presentation of Wetlands/Flood Hazard overlay district amendments
- Investigation of alternate or additional peer engineering review consultants and review of procedures regarding their selection
- In conjunction with Carlisle Energy Task Force, developed draft of proposed Zoning Bylaw for as-of-right siting of solar facilities to help achieve “Green Community” status
- Began investigation into noise bylaws/regulations in other towns, and discussion (requested by residents) toward same in Carlisle
- Review of 2010 Open Meeting Law amendments and implementation of PB compliance
- Staff attendance at seminars and training by Mass. Municipal Association, Citizen Planner Training Collaborative, and Mass. Association of Planning Directors
- Research and evaluation of potential grant support for general land use planning activities

Planning Support Services Provided to Other Boards and Departments

- At request of BOS, reviewed their Rules & Regulations for Site Plan Review and proposed specific amendments
- Reviewed, at Conservation Commission request, the 2005 Open Space & Recreation Plan initiatives and submitted PB input for two-year extension to 2012
- Detailed review of Benfield Farms Comprehensive Permit application and recommendations to Board of Appeals
- Reviewed, at request of Housing Authority, revised draft of Affordable Accessory Apartment proposed deed restriction
- At request of Housing Production Plan Committee, reviewed and approved draft HPP to update the 2005 Carlisle Affordable Housing Plan
- Recommendation to Selectmen for laying out and acceptance of Carriage Way as public way
- Review of and amendments to Town's Commonwealth Capital Application
- Review for Building Commissioner of proposed curb cut/lot access permit for new construction

Other Business

- Review of requested amendment to construction details for pathway on Cross Street at Greystone Crossing
- Certification of satisfaction of special permit conditions allowing issuance of building permits regarding Trillium Way (Greystone Crossing)
- Annual and mid-year budget analyses and projections at request of Finance Committee
- Technology management, including but not limited to upgrades of office software and hardware and training on new scan/copy/fax procedures
- Response to public records request for comprehensive Town GIS parcel data
- Response to request for documentation of 1987 release of subdivision lot (Crestview)
- Staff and Board member certification of completion of State Ethics Law training
- Provision of data to update 25-year population and employment projections for Regional Transportation Plan (Metropolitan Area Planning Council)
- Preliminary review of land at 393 South Street for recommendation on Town's first right of refusal to purchase

Membership

In the 2010 annual elections, three 3-year positions were available. Marc Lamere chose to run for a second term, but Carol Nathan did not. David Freedman had been appointed to the third seat when former member Ken Hoffman resigned in 2009, and he chose once again to seek an elected position. The third seat was won by newcomer Jeff Johnson, who is trained both as a lawyer and a land surveyor, two skills very valuable to the Board. Unfortunately, the Board has gone throughout 2010 without any Associate members as no one has stepped forward to be appointed. This continues to be a hardship for the Board and some of its special permit applicants, since there is no back-up in case a regular member is forced to miss a session of a continuing public hearing. With the Board's 2010 reorganization, David Freedman was re-elected as Chair and also to serve as Clerk. Michael Epstein and Marc Lamere were also re-elected as Vice Chair and Treasurer, respectively.

Planning Board members continued to emphasize the importance of maintaining liaisons with other boards and committees. David Freedman serves as liaison to the Selectmen, to the Zoning Board of Appeals, and to the Conservation Commission. Kent Gonzales is liaison to the Board of Health, and Tom Lane to the Housing Authority. Michael Epstein is liaison to the Recreation Commission and to Town Counsel, while Marc Lamere is liaison to the Trails Committee and to the Pedestrian and Bicycle Safety Committee. Nathan Brown represents the Board as a member of the Historical Commission and Marc Lamere on the Conservation Restriction Advisory Committee. Jeff Johnson is on the Community Preservation Committee, Tom Lane is a member of the Long Term Capital Requirements Committee, and Nathan Brown also serves on the Highland Building Stabilization Committee. Finally, Jeff Johnson represents the Board and the Town on the Minuteman Advisory Group on Interlocal Coordination (MAGIC).

Support

The Planning Board benefits from high quality professional assistance, with several engineering consultants with a broad range of expertise available to assist in the technical review of the plans brought before the Board, work that is paid out of restricted special 53G accounts funded by applicants (and with unused funds ultimately returned to them). The Board uses the services of Nitsch Engineering, Inc., of Boston and LandTech Consultants, Inc., of Westford, but also called upon Places Associates of Littleton this year for special assignments. The Board also relies on the expertise of Town Counsel, Deutsch Williams Brooks DeRensis Holland & Drachman, to help interpret zoning and subdivision law and to represent the Board in litigation. Currently, there is no outstanding litigation against the Board.

The Planning Board's staff has continued to provide excellent service throughout the year. Planning Administrator George Mansfield has completed his fifteenth year providing professional support to the Board, and Gretchen Caywood, appointed as part-time Administrative Assistant in 2005, gives the Board the resources it needs to carry out its many duties. In 2008, Ms. Caywood's position was combined with a similar vacant position in the Board of Health, and for nearly 3 years she served in a full-time Land Use Administrative Assistant position assigned to each board. Near the end of 2010, she resigned from her Board of Health position and began duties as Assistant Town Clerk. However, Ms. Caywood is also continuing to serve in her role providing administrative support to the Planning Board.

The Year Ahead

During 2011, the Board will continue to confront the challenges of the changing needs and resources of the town. The Board will complete the update of its SROSC special permit rules and regulations and revisit its Subdivision rules and regulations—including the revision of stormwater management guidelines—to reflect best engineering practices and sustainability in land development activities, as well as to provide a firm basis for the review of comprehensive permits, as described above. The Board also expects to continue to provide advice to the CETF, the Board of Health, and others in their efforts to

amend the Zoning and General Bylaws to meet the needs of the Town. While it is difficult to predict the level of new development activity in an economy that may be just beginning to recover, with the Town's ongoing long-range planning efforts, and with the expectation of continuing applications for affordable housing development and the build-out of approved projects—including the on-going Benfield Farms 40B project, 2011 is expected to be another busy year.

In all matters, the Planning Board will, as in the past, be working with the Town's other land development, public health, and environmental protection agencies. In this manner, the Board's goal is to achieve cost savings through better coordination, as well as to preserve open space and rurality, provide affordable housing through a managed process, safeguard water quality and quantity, and control the fiscal and other impacts of new development upon the town.

Planning Board Members:

David Freedman, Chair/Clerk
Michael Epstein, Vice Chair
Nathan Brown
Kent Gonzales
Jeff Johnson
Marc Lamere, Treasurer
Tom Lane

Associate Members:

Vacant (2 positions)