

CARLISLE PLANNING BOARD

MINUTES

OCTOBER 15, 1990

Present:

Norman S. Lindsay, Temporary Chairman  
Stephen P. Tobin  
Sylvia Sillers  
Phyllis Hughes  
George B. Foote  
Jill Natola  
Elaine H. Olden,  
Planner Assistant

Meeting called to order at 8:00 p.m.

Bills

The members authorized payment of bills as presented and began discussion of a memorandum from the Finance Committee regarding reduction in the budget, which was deferred to later in the meeting.

Brookview/Nickles Lane Documents

George Senkler, II, Trustee of Nickles Lane Realty Trust, applicant for amendment of a previously approved definitive plan entitled "Brook View, Carlisle, MA; Definitive Plan for: The Ledgewood Group LTD." by Stamski and McNary, Inc.; dated Revised Nov. 14, 1988, to extend the roadway within the street as shown on the approved plan, presented documents requested by the Board as conditions of endorsement of the amended plan. Temporary Chairman Lindsay appointed a subcommittee of Mr. Foote, Ms. Natola, and Mrs. Olden to review these documents and arrange for endorsement of the plan when the documents are in order.

The applicant's engineer pointed out that the approval dated October 2, 1990, filed in the Town Clerk's office omits reference to a sheet of the amended plan. It was agreed that the engineer would supply the Planner Assistant with appropriate copies of the approved amended plan sheets and that she would prepare a confirmatory approval referencing all the sheets to be filed in the Town Clerk's office.

Public Hearing - Baran - Common Driveway - Cross Street

At 8:45 p.m., Temporary Chairman Lindsay called to order the public hearing on the petition of Clover Realty Corporation for a Special Permit pursuant to Section 5.4 of the Carlisle Zoning Bylaws for a Common Driveway to serve two lots at 481 Cross Street.

Representatives of the petitioner explained that a lot had been subdivided with the result that a driveway presently serving a house on the property now crosses another lot. Mr. Foote raised the question whether the Board would be creating a buildable lot by approving a common driveway. The representatives said that a new driveway completely within the lot could be constructed to serve the house, although that is not the applicant's preference.

When Temporary Chairman Lindsay inquired if any member of the public wished to speak to the petition, Gabor Miskolczy asked if the ANR plan which subdivided the original lot was endorsed in error because it created a third porkchop lot contrary to Section 4.1.2.4.4 of the Zoning Bylaws. After looking at the assessors map, the Board members determined that one of the adjacent lots was not a pork chop lot but was a nonconforming lot pre-existing the adoption of Section 4.1.2.4.3 requiring a 250-foot circle.

The applicant's representatives presented an alternate plan showing a driveway contained within the lot and said that the common driveway is preferable because it saves destruction of wetlands and provides for one access onto Cross Street instead of two for the two lots.

At 9:28 p.m., Temporary Chairman Lindsay continued the public hearing until November 12, 1990, at 8:30 p.m.

Request for Extension of Ice Pond Road Common Driveway Special Permit

At 9:28 p.m., Temporary Chairman Lindsay called to order the public hearing on the application of Charles Boiteau for renewal of a Special Permit pursuant to Section 5.4 of the Carlisle Zoning Bylaws originally granted on October 25, 1989, for one proposed Common Driveway as shown on a plan entitled "Carlisle, MA, Common Driveway Special Permit Plan Within 'Ice Pond Road' Subdivision, Owner: Charles Boiteau, 282 Mill Road, Chelmsford, MA" dated 9-11-89 by Westcott Site Services, 240A Elm St., Somerville, MA, for property located north of East Street.

When the petitioner's representative began his presentation with references to other permits which the Board has granted for Ice Pond Road, Mr. Lindsay pointed out that the subject of the public hearing was only the common driveway special permit extension. The following information was then presented on behalf of the petitioner: the common driveway special permit expires on October 25, 1990; the request is for a one-year extension; there are no changes in the plan referenced by the special permit; the delay in constructing the common driveway has been caused by legal appeals for other permits connected with the project.

When Mr. Foote inquired why the common driveway special permit had not been recorded, the applicant's representative replied that the various permits granted by the Planning Board are linked together; that the conservation cluster special permit has not been recorded for tax reasons; and that therefore the applicant does not have a complete package to record with the common driveway special permit.

At 9:45 p.m., Temporary Chairman Lindsay suspended the public hearing temporarily so that Mr. Boiteau could complete an application for the extension of the common driveway special permit.

#### Ice Pond Road Fire Protection

The following responses were made on behalf of Charles Boiteau in response to a letter to Mr. Boiteau dated October 1, 1990, from the Planning Board concerning the draft of an easement document to be executed by Norman D. Brooks and Mary Ann Brooks which is part of Mr. Boiteau's proposal for meeting the fire protection requirements of the Ice Pond Road subdivision by enabling use of a fire pond already existing on the Brooks' property. The responses were accompanied by the comment by Mr. Boiteau's attorney that the easement complies with the guidance of the Board's subdivision regulation concerning fire protection regardless of current advice from Town Counsel.

Inclusion of reference to a plan in order to locate the pond and to identify its boundaries: A plan of the pond and easement presented to the Board and labelled Exhibit A will be improved and then referenced in the recorded easement and attached to it.

The deletion of paragraph 4 concerning the Town's obligation to maintain the equipment: After the Board members pointed out that the subdivision requirement implies a right of the Town to maintain the equipment and the easement document speaks of an obligation to do so, the applicant agreed to delete paragraph 4.

Assignment: the Board and the applicant agreed to a provision allowing assignment for fire protection purposes.

Selectmen's signatures: after noting Town Counsel's written advice that Town Meeting acceptance of the easement is important because there is no contractual connection between the Grantor and the Town and her verbal advice that acceptance by the Selectmen is an acceptable interim action, the Board and the applicant agreed to seek the Selectmen's signatures now and to defer seeking Town Meeting action until Annual Town Meeting.

Easement relates to the requirements of Section 4.F.4 of the subdivision regulations only and the other requirements of Section 4.F are still to be addressed. The members and the applicant reviewed the other requirements as follows:

- 4.F.1 [distance from water]: all lots are within 2500' feet on the town plan.
- 4.F.2 [location of access point]: the details of construction have not been provided.
- 4.F.3 [fence]: requires a formal waiver
- 4.F.4 [access easement]: the easement is to be revised as agreed and re-executed by the Brooks. The easement is to be presented to Annual Town Meeting for acceptance.
- 4.F.5 [maintenance]: a letter of license will be submitted to the Board by the applicant.

On motion by Mr. Foote seconded by Ms. Sillers, the members voted unanimously to waive the requirement of Section 4.F.3 of the Subdivision Rules and Regulations for a five-foot chain link fence because it is a preexisting fire hole. Mr. Foote commented that the list generated in the discussion of Section 4.F constitutes a checklist for fulfillment of the condition of the subdivision approval requiring a fire protection covenant.

Public Hearing on Ice Pond Road Common Driveway Special Permit Extension Resumed

At 10:45 p.m., Temporary Chairman Lindsay reconvened the public hearing on the application of Charles Boiteau for renewal of a Special Permit pursuant to Section 5.4 of the Carlisle Zoning Bylaws originally granted on October 25, 1989, for one proposed Common Driveway as shown on a plan entitled "Carlisle, MA, Common Driveway Special Permit Plan Within 'Ice Pond Road' Subdivision, Owner: Charles Boiteau, 282 Mill Road, Chelmsford, MA" dated 9-11-89 by Westcott Site Services, 240A Elm St., Somerville, MA, for property located north of East Street.

Mr. Boiteau submitted the application with the fee.

On motion by Mr. Foote seconded by Ms. Hughes, the members voted unanimously to extend the special permit for the common driveway at the Ice Pond Road subdivision until October 25, 1991, provided that all documents related thereto are recorded by December 15, 1990, because there has been no change in the findings which supported the original Special Permit and no change in circumstances to warrant denial of the Petition to extend the Special Permit.

Temporary Chairman Lindsay closed the public hearing at 11:09

CARLISLE PLANNING BOARD MINUTES  
OCTOBER 15, 1990  
PAGE 5

P.m.

Inquiry from Mr. Flannery concerning the status of road

Mrs. Olden reported an inquiry from Mr. Flannery concerning the status of a way to Mr. Flannery's property. The Planning Board members responded that all roads not on a list voted by Town Meeting many years ago were abandoned and that since this way is not on this list, as far as the Town is concerned, it is not a town road. The members added that the Planning Board has no information about county roads.

Continued discussion of the Finance Committee Memo

In considering ways to reduce the budget, the members discussed the establishment of a separate account for consultant fees in order to reduce the engineering portion of the budget. They also noted that a 30% reduction in staff time as recommended by the Finance Committee is a disproportionate cut in light of the Board's giving up its secretary 1st year. On motion by Mr. Foote seconded by Ms. Hughes, the members voted unanimously to authorize the establishment of a separate account for consultant fees pursuant to M.G.L. Chapter 44, Section 53G.

Meeting adjourned at 11:42 p.m.

Respectfully submitted,

Elaine H. Olden  
Planner Assistant