



Town of Carlisle

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Office of

PLANNING BOARD

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CARLISLE EDUCATION CENTER
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MINUTES FOR AUG. 22, 1994 MEETING

PUBLIC HEARING ON PROPOSED ZONING BYLAW CHANGE PUBLIC HEARING ON PROPOSED SUBDIVISION REGULATION CHANGE PUBLIC HEARING ON REGULATIONS UNDER SROSC BYLAW PUBLIC HEARING UNDER SCENIC ROADS ACT FOR WILLETT PUBLIC HEARING ON APPLICATION OF BILL COSTELLO FOR A SPECIAL PERMIT FOR COMMON DRIVEWAY

Board chair Colman opened the meeting at 8:00. Present were board members Chaput, Duscha, Yanofsky, and Hengeveld; also present were Dave Stewart and Bill Holland of Carlisle, and Walter Kaplan of Tennessee Gas. Member Scott Evans was absent.

Public hearing on proposed zoning bylaw amendment and proposed subdivision regulation amendment At 8:01, Colman opened the public hearings, jointly held, on the proposed amendment to the Carlisle Zoning Bylaw, and the proposed amendment to the Rules and Regulations Governing the Subdivision of Land in Carlisle. These were discussed jointly because they have similar intents. Colman read the contents of the public notice which had been circulated and published according to the requirements of MGL Chapter 40-A and MGL Chapter 41. These amendments, he stated, have been proposed by a subcommittee of the planning board. He explained that the zoning change, as advertised and printed in the warrant for Town Meeting, is not an attempt to stop development, but it is an attempt to be sure the town has some control regarding the safety of development throughout the town. This bylaw would require a lot which lies partially in Carlisle to meet Carlisle zoning requirements and to have frontage on a road in Carlisle. He distributed a second draft, which narrowed the scope of the amendment. He explained that the proposed subdivision regulation augments the existing regulations by requiring that any subdivision lot have actual access to a Carlisle road. Yanofsky, remembering that the selectmen had requested the board consider the possibility of such a zoning change, questioned the source of their concern. The Planner Assistant commented that several people had mentioned to her their concern regarding possible development on the borders of Carlisle and abutting towns, such as Acton, Billerica, Concord and Chelmsford. Some of the concern focused, she reported, on whether there would be safe public access to these lots for Carlisle school buses and fire trucks over roads which may

be built to lesser standards than Carlisle's. Additional concern expressed to her centered on the limited resources of the Carlisle School and municipal government: would non-Carlisle residents (those whose homes lie partially in another town) be able to attend Carlisle schools and use Carlisle resources without supporting them fully, and would school buses and fire and emergency vehicles be required to make long trips on roads which pass through an abutting town to reach one or two Carlisle lots. The board questioned whether the residence issue could be resolved within the scope of zoning bylaws and subdivision rules and regs. Colman reported that he had discussed this issue with Counsel Lane, who had explained that other chapters of MGL govern the issue of where children go to school. Safe public access is, however, within the purview of the board. The Planner Assistant distributed copies of a 1991 letter from Counsel Cutler to the board, which stated that the board has considerable control already under present subdivision regs as to safety issues. Chaput mentioned that she respects citizen concern and is therefore willing to consider the proposals, but in general, she likes the flexibility afforded under the existing subdivision regulation. The board considered whether this pair of amendments to zoning and to subdivision regs would prohibit a situation similar to Hartwell Road, which crosses through Concord before providing frontage in Carlisle via a subdivision road partially within Carlisle. Members agreed it would not. The board agreed to review Concord's subdivision reg which governs such a situation, and which was written in response to Hartwell Road. During public comment, Bill Holland asked why the board shouldn't try to limit further development of the town. On a motion by Yanofsky, seconded by Hengeveld, the board voted unanimously to continue the public hearing on both proposals to Sept. 12 at 9:30 PM.

Public Hearing on proposed SROSC (Senior Residential Open Space Community) Bylaw Rules and Regs Colman opened the public hearing at 8:35 on the regs proposed by the board by reading the text of the public notice of the hearing. Present in addition to the members and citizens recorded above were member LaLiberte and Steve Hamilton of Carlisle. Colman offered a second draft. Subcommittee members Colman, LaLiberte, and Hengeveld explained that they wished public and board response to their proposed regs, especially as to policy. For example: whether to retain all requirements in the draft, or to reserve some of them for use only on large scale, large impact projects, and if on certain projects only, what should the threshold be? Given that the traffic study section is triggered by a threshold of a minimum number of trips per day, Yanofsky and LaLiberte felt that all other requirements would be desirable for all projects. The subcommittee asked that the board approve their request for Landtech's technical review and an estimate of cost to review a project under these regs. The P.A. was instructed to forward that request to Chris Lorrain, and to send copies to Foote, Ernstoff, and the board of health. She was cautioned to tell the board of health that the planning board is attempting to cover all the bases, but doesn't wish to intrude on health's Title V enforcement rights. Chaput commented that if health's and conscom's statutory requirements ask for identical but differently formulated information, the planning board should leave those requirements to them, thereby simplifying the process and the cost. During public comment, Stewart commented that the Carlisle Senior Housing Options application would not be for a subdivision; he asked whether the board would consider differing sets of regs, one set

anticipating a private road or driveway, the other, a subdivision road. Similarly, he asked the board to consider scaling the fees to those two options.

Duscha commented that she felt the planning board may want to see some duplicative information, because we have different reasons to review it than other boards may, for example, septic system layouts and maintenance agreements. She felt the requirements could be written in such general terms that they could be satisfied by the format required by other boards.

Stewart commented that a piece of land large enough for a subdivision of 24 or more units would be hard to find. Steve Hamilton asked whether the regs attempt to set standards for design, or merely for process and presentation of material. Stewart suggested the landscape section might simply state goals, making reference to relevant sections of the bylaw, rather than require the myriad details in the draft. The P.A. brought out a plan presented in another town under similar regs. She showed the landscape plan, stating that the plans are often representational and descriptive, which is a relatively inexpensive thing to do.

The board discussed the wording and placement of the requirement for a subdivision "proof plan". Some members felt it should be a clearly stated part of the preliminary review, so that applicants don't grope their way through a formal application effort without knowing what the board expects to see in order to determine the number of units it may permit. The P.A. asked whether the requirement should stipulate the information required for a preliminary subdivision plan. Chaput questioned the fee structure, feeling it is probably excessive; she also felt the 10 acre minimum tract size should be reiterated at the beginning of the document so people who wish to consider an SROSC may know quickly whether their parcel is eligible. The board voted unanimously to continue the hearing to Sept. 12 at 10 PM.

Public hearing under Scenic Road Law, John Willett, applicant, for North Road
Colman opened the public hearing at 9:45 by reading the notice of public hearing as it had been circulated and published. Mr. Willett, new owner of the Penhune lots on North Road, designated a Scenic Road, explained that he proposes to place the driveway for lot one at the point which he had staked for the public's review. This access will result in no tree removal in the public way. It will remove the stone wall at that location, which is approximately 8" high. The board reviewed his photos, the approved ANR plan for this lot, and a driveway layout plan. Those board members who had visited the site felt the sight distance is adequate at that point. There were no questions or comments from the public; no abutters were present. Duscha moved and Chaput seconded that Mr. Willett be allowed to breach the stone wall on North Road as shown in the layout plan. The board voted 5 in favor, with Yanofsky abstaining.

Guarino letter re landlocked land of Prince Tibbo The board discussed the letter from attorney Guarino which asks the board to compensate his client for the alleged loss of the use of his land because it has no frontage on a public way. LaLiberte considered it a frivolous claim, and felt it was safe to disregard. The board agreed to continue the discussion at a later time.

Swanson Lane common drive: Public Hearing for Special Permit, applicant William Costello Chair Colman opened the hearing at 10:00 PM. by reading the notice which had been circulated to parties in interest, posted at Town Hall, and published. Member Hengeveld abstained from all discussion and voting. Other than the applicant, Walter Kaplan of Tennessee Gas was the only party in interest present. Joe March of Stamski and McNary, designers of the common drive, presented certain information: That the board had approved a common drive at this location in 1990 and keyed it to subdivision approval of Tall Pines; that the 1990 special permit had lapsed during the time the ConsCom Order of Conditions on the subdivision was being appealed to DEP; that he had sent a letter of certification to the board and to Landtech which defined the areas which have changed since the 1990 common driveway submittal as a result of the DEP appeal; that the changes entail narrowing the common drive as it crosses the wetland from 16 to 10 feet of paved way with one foot of shoulder on either side, shortening the culverts under the common drive from 27 to 14 feet and consequently pulling in the headwall, lengthening the headwall to reduce wetland filling, and providing pull-offs at either end of the 10 foot length. He stated that the plan otherwise is virtually the same in so far as common drive requirements are concerned. As before, the alternate plan is a subdivision road providing frontage to 4 lots instead of 3, and with greater impact on the wetland. A turn around is proposed for service and emergency vehicles. As before, the drive will have a 16 foot paved width except at the portion which serves only one lot, which will be 12 feet wide (and except at the aforementioned wetland crossing). The Planner Assistant reviewed the application in its non-technical aspects and found it complete. In addition, she reviewed the 1990 application and found this one to be the same in that the lots had not changed, the common driveway layout (except at the crossing) and the alternate layout have not changed, and the maintenance agreement has not changed. The board noted that there is still a pedestrian access which now runs over the narrowed common drive. March and the board reviewed Landtech's comments on the design and the applicant agreed to: revise the cover over the 12" pipe to 12" and to specify Class 5 pipe and to place the culverts on a 6" bed of 3/4" crushed stone; to correct the drafting error in the wetland crossing profile; to provide headwall details stamped by an engineer; to revise the common drive section to show a 2:1 slope in cut areas; to include a flared end at the upper end of the 12" pipe to prevent erosion; and to specify 4' on center spacing for the 18" culverts. March agreed with Allen that the Fire Chief ought to be consulted on the turn around design; he also agreed to send his comments to Landtech directly. The board agreed to ask Landtech for further response, and to ask Fire Chief Koning whether fire equipment would have trouble with the 10 foot of paved wetland crossing or the turn around. Colman asked for public comment. Kaplan had none. Colman asked Costello if he would provide an as built if the permit were to be granted; Costello agreed. The board voted to continue the hearing until Sept. 12 at 10:45 in order to gather the needed responses from Landtech and Koning.

TOLS presentation Jay Luby and John Ballantine of the TOLS steering committee made a presentation to the board. Present in addition to board members were Town Administrator Paul Cohen, Selectmen David Watson and Ralph Anderson, John Dalton, Peter, Greg and Carol Sullivan, John and Annette Lee, and Howard Hensleigh. Ballantine

reported that the committee is at the purchase and sale point, and wished to present the proposal as it now stands to town boards and to ask for their support. Using a handout (filed with these minutes), he explained that the total package has been negotiated to a lower expense to the town; at spring town meeting, the expected cost to the town was 1.3 million, it is now 1.1 million. Colman asked whether the Banta-Davis land had been appraised. Ballantine replied that an appraisal is being done on the portion to be swapped, but not on the land to be retained by the town. Luby mentioned the aesthetic value of a traditional New England church next to a cemetery, and stated the church has expressly stated its intent to build in a traditional style. Such a style will not be stipulated in the P. and S. however; the stipulation will be that the land be used for church purposes. To Ballantine's assertion that the parking lot will be at the rear of the church, the board asked if this could be written into the P. and S. Watson asked whether the committee's effort to meet the requirements of individual planning board members would garner a board vote in support of the proposal. Duscha replied that whether the board supported the proposal or not, these questions should be addressed for the townspeople's education. Ballantine went on to describe the perceived benefits of the package to the town, the structure and timing of the transaction, including the CSHO's agreement with the church, and the development of the Malcolm land with and without participation of the CSHO group. Chaput asked whether the school committee had been approached for support, especially in light of the fact that they will most likely need to expand in a few years. Watson replied that he had spoken to the committee earlier, and will go back again to them before town meeting to see if all their questions have been answered. He believes they have been. Chaput asked Luby if he believes all the conservation value of Malcolm will be protected by the structure of this package. He replied affirmatively.

Last, Ballantine addressed the issue of the use of the Conant land, a proposal for which will be on the warrant. He stated that the questions which the TOLS committee has regarding this are not trivial, and they include the indirect result of the possibility of a loop road through Malcolm and Evans land if neither of these is restricted. Ralph Anderson stated that the financial information being presented does not take into account the loss of the real value of the Banta-Davis land for future use by the town. He also felt the cost of the Malcolm back land is too high for wetland. Cohen commented that the state (Department of Environmental Affairs) is now looking with favor on limited development which preserves valuable open space, because the money is no longer there for outright purchase. Watson stated that two of the central issues raised by the planning board, centrality of town hall and neighborhood impact, can be addressed. Regarding the first, he believes municipal use will expand in the future to fill the area up to and including the congregational church. Regarding the second, he feels the committee has made a serious effort to negotiate with the neighbors, and that it has failed because they will not compromise. Yanofsky raised the concern that the participants may have established a policy without consciously creating it: that is, to push forward as a package proposals which would not have been accepted individually. Annette Lee questioned the process being used by all parties, saying that neighbors are being pitted against neighbors and secret meetings are taking place. John Lee asked how the planning board concluded the church is not in town center. Chaput replied that public perception defines the center as

what one can see from the rotary and the church is not visible from it. The sense of place which is desirable for town center can't include an invisible building. Ballantine ended the presentation by stating that the value of the \$250,000 Malcolm land includes: senior housing and the deeding back of some of the land to the town; the protection of Two Rod Road; and the protection of Estabrook Woods. The meeting was adjourned at 12:28.

Sandy Bayne
Sandy Bayne, Planner Assistant

THE CARLISLE TOWN OFFICE / LAND SWAP

TASK FORCE PROPOSAL - The "Final Deal"

AUGUST 22, 1994

<u>Town of Carlisle</u>	<u>\$1,000,000</u>	<u>Issues / Concerns</u>
Town office		Proximity to town center
Room to grow		Neighborhood impact / traffic
Community center		Building use / condition
Council on Aging meeting space		Malcolm land / conservation values
Extended Day rental space		
Improved playing fields abutting school		
Valuable conservation land		
Senior housing on Malcolm		
Lower cost than alternatives		
Town offices by January of 1996		

Structure of Transaction (12 units senior housing, \$1.0 million Malcolm land)

	<u>Town</u>	<u>Church</u>
Fall 94	(250,000)	\$250,000
Fall 94	(225,000)	
Spring 95	(75,000)	
Spring 95	(850,000)	850,000
Spring 95	450,000	(450,000)
Spring 95	(50,000)	*750,000
	(\$1,000,000)	\$1,400,000

* agreement between Church and seniors

Malcolm land development / Fall-back (6 ANR lots)

Senior development: 12 units (8 subdivision lots)

- approximately 5 acre parcel in Malcolm field (Stearn St., Two Rod Road)
- no dwelling units within 100 feet of Two Rod Road
- protect integrity of Two Rod Road
- details of development subject to approval by town boards
- deed back excess land to town; total of 32 + acres in conservation

Fall back:

If no seniors development by March, 1995 (Church notifies town)

Town votes to exercise option at Spring 1995 town meeting (by May 15)

- purchase remaining portion of Malcolm (6 ANR lots) for \$750,000
- purchase the equivalent of 3 designated ANR lots for \$250,000

If town decides not to exercise its purchase options, the church will have 5 ANR lots to develop.

Conant land petition

Three no votes on town office on Conant over past twenty years

Town approved swap at 1994 town meeting and not the Conant location

Petition proposal in July not subject to open meeting law - details?

Questions:

- **location: by police station or by the fire station?**
- **site issues: ledge, access road, parking**
- **septic and water issues (town center)**
- **access to town center (Westford road)**
- **size and town needs**
- **planning and construction uncertainties**

Cost and timing of Conant site versus the known benefits of the swap.

Benefits of Swap - Town of Carlisle

Town office

Room to grow

Community center / Council on Aging meeting space

Improved playing fields abutting school

Valuable conservation land

Senior housing on Malcolm

Town offices by January of 1996

Lower cost than comparable alternatives - \$1,000,000