



Town of Carlisle

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PLANNING BOARD

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Minutes of meeting Oct. 17, 1994

Minutes of continued public hearing on Milne common drive

Minutes of continued public hearing on rules and regs for SROSC bylaw

Chair Colman opened the meeting at 8:05; present were members Yanofsky, LaLiberte, Duscha and Hengeveld. Members Chaput and Evans were not present. Bills were approved as presented; minutes were not reviewed.

Evans land Jane and Ken Evans made an informal proposal regarding access to their land. Using a letter of intent, a letter from their counsel, and a town assessors map showing the area in question, Jane Evans explained that they wish to demonstrate the right to use Two Rod Road as a private way to provide access to their land, joining Baldwin and Two Rod into a loop road. Once they demonstrate this, they hope to be in a position to pursue more sensitive development options. Were they to achieve control of the Malcolm land, the Evans would be willing to give the town an easement over the first 2000 feet so that a senior housing complex could have use of the road. She believes that since it is not a town way, she and her husband probably own to the centerline where it abuts their land. LaLiberte asked where she would propose connecting to Baldwin. Hengeveld believes access through Malcolm land from Stearns St. would be preferable if such right to use Two Rod Road can be proven. Duscha mentioned that the CSHO group is not planning a private road or a common driveway. Colman stated that if the Evans are requesting a subdivision by right, they should submit a subdivision plan, and the process can go forward from there. Duscha commented that her understanding of a "way" is that it is non-vehicular. LaLiberte asked if the Evans are relying on the 1909 Downey v. Hood case alone. The Evans replied that this is a preliminary review of case law, and that they would like town counsel and their attorney, Dan Briansky, to discuss the matter. The board agreed to ask town counsel whether Two Rod could be considered a way over which the town could grant access. If there is an answer from counsel before the meeting of Oct. 31, the board will discuss the issue at that meeting. The Evans will not be able to be present that night.

Continued public hearing: common drive for Dorothy Milne The hearing, continued from Sept. 26, was reopened at 8:30. Present were Joe March of Stamski and McNary, Dorothy Milne, her counsel, Patricia Hagedorn, and Steve Tobin of the Trails Committee. March presented a written report, dated Oct. 17, 1994, responding to issues which had not previously been resolved, and an amended plan, showing amendments as of Oct. 17, 1994. These unresolved issues had been enumerated by planning board consultant Chris Lorrain of LandTech in his letter of Sept. 26. March also reviewed all the applicant's previous responses to all issues raised by LandTech engineer Allen in his Aug. 22 letter. He reiterated the following points:

From Aug. 22 letter:

1. Option 2, the alternate driveway scheme which would provide lot 1 and lot 4 separate driveways, can be constructed with less than 5000 feet of fill.
 - 2.-5. are ConsCom related issues, and are addressed in the Wetland Protection Act plan as amended Sept. 29, 1994, included in this application.
 6. Travel width of drive. March has amended the Plan and Profile to show the drive at 12' gravel travel width (Oct. 17, 1994), with 1' shoulders for the length of the two culverts. A guard rail, detailed on the Plan and Profile, will be added to the crossings. The Wetland Plan specifies 2' shoulders on the balance of the drive in the typical drive cross section.
 7. The turning radii at Maple St. have been amended from 25' to 30' (Plan and Profile)
 8. Crushed stone swales have been added to Plan and Profile in cut areas. This, said March, will slow down water flow, and disperse it.
 9. Typical section has been added to Wetland Plan.
 10. No common drive section at wetland crossing has been shown, but the culvert is shown in front view on the Wetland Plan. March stated that the rules and regs do not require it, and it is expensive to produce.
 11. The velocity of the water through the smaller culvert has been reduced to 9.9 fps (feet per second), bettering the minimum 10 fps suggested by Lorrain. March feels scouring of the pipe will not be an issue anyway as the flow is infrequent. He has amended the Plan and Profile notes to stipulate that any cobbles which are inadvertantly displaced during construction will be replaced; he feels this will prevent erosion of the brook.
 12. Removal of stumps from the site has been stipulated on the Plan and Profile sheet.
 13. Extent of flood plain is shown on Wetland Plan.
 14. Maple St. drainage will be prevented from entering the wetland by a 10' deep paved apron and berm at the intersection; this is stipulated on the Plan and Profile.
 15. Section IIG4a does not require limit of clearing be shown; it does require location of trees of major size, shrubbery which impairs sightlines, and visibility at corners and intersections. March stated he felt there are no significant trees in the layout area, and that the sight distances, shown on the Plan and Profile, are quite adequate for the allowed speed on Maple St.
 16. Replication areas are shown on the Wetland Plan.
 17. The site location has been added to the drainage map included in the application.
- Regarding the remaining issues from Lorrain's Sept. 26 letter:
1. Further dewatering information has been added to the Wetland Plan. Although this is a ConsCom area, the Wetland Plan has been attached to the application for common drive.

2. Width of drive has been reviewed under point # 6, Aug. 22 letter above. March explained further that he has tried to keep the project under the 50' of bank disturbance limit which keeps the project in the limited project category. If the travel way were to be 16' at the wetland bank, the project would not qualify as a limited project, and ConsCom would require a habitat study. As for the recommended additional turnout if the house on lot 4 is beyond station 6+75, March explained it is not needed because zoning setbacks of 40' prevent the location of a house on lot 4 beyond that station.

3. Existing cobbles versus riprap at minor crossing. March explained that Lorrain's suggestion would result in more disturbance to the wetland, and would also put the project over the 50' of bank. This intermittent brook is well stabilized and any disturbed cobbles will be reinstalled.

4. Stump removal note has been added.

In summary, March stated he had addressed all of LandTech's concerns, and he asked that the hearing be closed.

Steve Tobin of the Trails Committee asked that the possibility of a trail easement be considered, as requested in the Committee's Oct. 5, 1994 letter to the board. He mentioned that in 1985, the developer of the common drive at the end of Oak Knoll Rd. accommodated the Committee and the Planning Board by including a restriction in the deed to his land. This deed restriction brought a trail to the edge of the Milne property. At that time, Tobin said, the Committee spoke with Dorothy Milne as well, asking that she grant an easement through to Maple St. via the common drive. March replied that a foot path already exists on land adjacent to Milne's, and that she is unwilling to grant an easement on her land. Tobin stated this path is only 4 feet wide, very narrow for a trail, and that the public may only have the right to pass over the land, not to construct a trail. He felt the users of the trail would be Oak Knoll residents. Milne spoke directly to the issue, saying she is unwilling to grant the easement. Hagedorn, her attorney, stated that Oak Knoll residents like their dead end, and may not want to see even a walking trail through to Maple. Colman asked the length which such an easement would require. There was conjecture it might be 150-200 feet. Hagedorn added that the mix of cars and pedestrians on the drive would be hazardous. Yanofsky replied that there are several trail easements in town along private roads. Hagedorn replied that private roads are wider than the proposed common drive. Tobin added that another location for the easement might be the cart path, which intersects the common drive. Yanofsky suggested cars could park at Greenough, across Maple St. Tobin felt that is not a viable alternative. After brief further discussion, LaLiberte moved, and Duscha seconded, that the hearing be closed, subject to review of the letter from March submitted that night (dated Oct. 17, 1994.) The vote was unanimous in favor of the motion.

Fincom report Yanofsky reported that she has drafted a letter in response to the Fincom's request for early predictions regarding 1995-96. The board was asked whether there were any unusual expenses which could be predicted. She responded that it is the board's belief that civil suits against the board should come out of the town's budget rather than out of the board's legal expense line item, which is meant for routine advice on regulatory matters. With that in mind, the appeal to Land Court of the board's decision on the Tall Pines common drive would not be charged to the board's 1995 expenses. She concluded that the only other unpredictable expense is for the planning consultant's hours.

Tall Pines subdivision will begin implementation in spring 1995, and the board will attempt to estimate the number of hours of review it will require. Yanofsky then left the meeting.

Continued hearing on SROSC bylaw rules and regs LaLiberte reported that the subcommittee is reviewing the report from LandTech, and will produce a draft for the next public meeting on Oct. 31. The hearing was continued to that night.

Draft revisions to the rules and regs for common drive special permit Colman distributed revisions which he had drafted for the board's review; they included a minimum width of 12' traveled way and 2' shoulders and a requirement for an as built plan.

ANR Ho/Wang, Judy Farm Rd. The board endorsed this ANR.

ANR Treibick, 138 East St. The board did not endorse this ANR because they felt the information given was incomplete to make a determination.

ANR Poole, School St. The board endorsed this ANR.

ANR Swanson, Curve/Fiske Sts. The board endorsed this ANR.

The meeting was adjourned at 10:20.

Submitted by Sandy Bayne, Planner Assistant, based on minutes taken by Sally Duscha.