



Town of Carlisle

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MINUTES OCT. 31, 1994

PUBLIC HEARING: REPETITIVE PETITION FOR COMMON DRIVE AT TALL PINES (SWANSON LANE)

PUBLIC HEARING: SPECIAL PERMIT FOR COMMON DRIVE AT TALL PINES (SWANSON LANE)

CONTINUED PUBLIC HEARING: SPECIAL PERMIT RULES AND REGS FOR SROSC BYLAW

Chair Colman opened the meeting at 8:09. Present were board members Chaput, Duscha, Hengeveld, and LaLiberte; Yanofsky was not present. Minutes of Sept. 26, 1994 were approved as written, on a motion by Duscha seconded by Hengeveld. Chaput abstained. Minutes of Sept. 12, 1994 were unanimously approved as reamended, on a motion by Chaput seconded by Hengeveld. Minutes of Oct. 17, 1994 were approved as amended, on a motion by Hengeveld seconded by Duscha. Chaput abstained. Bills were approved for payment as submitted.

Milne common drive special permit discussion Dorothy Milne of Maple St. was present for the board discussion of her common drive application for Maple St. Colman began the discussion by stating that he felt there was no reason not to grant the permit in that the application generally met the goals of the common drive bylaw and rules and regs. Duscha felt that the goal of maintenance of the neighborhood character was not met as well as it might be, in that development of lot 3, with access off Maple St. instead of off the common drive, would require removal of many trees rather close to Maple St. and disturb "the gateway" to Carlisle. Board members asked Milne again whether locating the development area for lot 3 beyond the stream off the common drive had been seriously considered. Milne said it had, but that for soil and wetland considerations, it was not possible. Duscha was dismayed that the applicant is unwilling to consider allowing a trail easement to pass through a small portion of her land, given the townspeople's widespread desire to support a trail network. Duscha raised the question of whether the board has concluded that a 12' wide travel way and 1' wide shoulders constitute acceptable standards at wetland crossings in a fill design. Hengeveld stated that she feels those are acceptable

standards. Duscha felt the applicant was not making a strong argument for allowing the special permit. On the other hand, she said, she felt the common drive is safer than four separate drives, especially on that stretch of road, given the sight lines, and more desirable than a subdivision road. Milne asked if the board wished her to reconsider the placement of the access and development area for lot three. There was agreement that this would be desirable. The discussion closed with Milne asking for a decision at the next meeting.

Treibick ANR The Planner Assistant asked what information the members would like added to the Treibick ANR for East St., which they had declined to endorse on Oct. 17, 1994. Members concluded that the addition of the statement "Planning Board endorsement under the subdivision control law should not be construed as either an endorsement or an approval of zoning lot area requirements" would satisfy their concerns. Board member Evans arrived at 8:50.

Public hearing on the repetitive petition of William Costello Present were Ruth Toscano of Fiske St., Mary Bruce of Fiske St., Norina Zywiak of Fiske St. and the applicant. At 9:00, Colman opened the hearing by reading the public notice which had been printed in the *Mosquito* on Oct. 14 and 21, 1994, and had been mailed to parties in interest and posted at Town Hall on Oct. 13, 1994. The notice stated that Costello wished to resubmit an application for a common drive at Tall Pines (Swanson Lane). Colman explained that, under MGL Ch.40-A, an applicant for a special permit which has been denied may not reapply for the same permit in less than two years without the express permission of the planning board and the special permit granting authority (which in this case are the same.) This petition to reapply can only be granted if 6 members of a 7 member board find there is specific and material change in the conditions of the application.

Costello exhibited the resubmission plan, which showed the deletion of the T turnaround, and the inclusion of a circle at the end of the drive, the goal being the elimination of the possibility that emergency vehicles would need to back up on the drive. LaLiberte moved, and Hengeveld seconded, that the board allow the repetitive petition because by deleting the T turnaround and including the circle turnaround the applicant had shown specific and material change in the plan. The vote was six in favor: Chaput, yes; Duscha, yes; LaLiberte, yes; Hengeveld, yes; Evans, yes; Colman, yes. Colman closed the public hearing at 9:15.

Public hearing on the application for a special permit for common driveway at Tall Pines (Swanson Lane) Present were Toscano, Bruce, Zywiak and the applicant. Colman opened the hearing at 9:15. He read the public notice which had been printed in the *Mosquito* on Oct. 14 and 21, and which had been mailed to parties in interest and posted at town hall on Oct. 13, 1994. The planner assistant distributed LandTech's review of the changes in the plan, dated Oct. 31, 1994. Chaput asked Costello if the plan had been changed as it relates to the wetland crossing. The answer was no. Colman noted that LandTech's Lorrain had favorable comment regarding the changes, and that he reiterated his concern about the scouring of the wetland at the outfall of the culvert. Colman clarified that there was no issue of the drive itself being scoured. The planner assistant reminded

the board that the ConsCom, the applicant and the Friends of the Tall Pines had met many times to determine a process for dealing with wetland concerns, and that the resulting 96 conditions had been approved by DEP. These conditions included the requirement for monitoring the construction of the wetland crossings and for an observation period of two years, during which corrective measures could be ordered. LaLiberte commented that the safety issues raised during the previous application, namely the potential difficulties occasioned by T turnarounds, which require backing of emergency vehicles when they need to turn, and which are often not plowed in winter, had been significantly alleviated by the inclusion of the circle. Costello, noting Yanofsky's request during an earlier discussion, stated that a 3 lot common drive which had been approved for him on Old North Rd., the Erickson common drive, and Berry Corner Lane, a private road serving 6 houses, are all 10' wide traveled ways. The planner assistant mentioned that Fire Chief Koning found the changes in the plan, specifically the replacement of the T turnaround with a circle, to be a significant improvement in providing ease of movement for emergency vehicles, and had asked her to convey that to the board. Toscano commented that she doubted two vehicles could pass each other on a 10' traveled way, and that common drives are often not adequately plowed. The board confirmed that two vehicles could not pass each other on the traveled way, but also reiterated that the length of the wetland crossing is about 50', that the drive is straight at that point with adequate sight distance, that there is a turnout so that drivers may pull aside if an oncoming vehicle is seen, and that the design is a fill design, so that snow will normally and easily be pushed off the drive. There being no further discussion, Evans moved that the common drive be approved as redesigned and resubmitted on a plan dated Oct. 6, 1994; Chaput seconded the motion. During discussion on the motion, Duscha stated that she is still concerned, as she was last time, that the width of the drive at the wetland crossing not be considered ideal, or precedent setting. Chaput felt the board should reintroduce the wording from the previous decision, which states the board is approving a one-time compromise, which stems from the thorough, arduous, and lengthy process of negotiation among town, developer, Friends of the Tall Pines, and DEP, and that it does not intend to set a precedent with this unique situation. The board found that all issues raised by LandTech had been addressed, and that the circle improved safety of access for emergency vehicles. Duscha wished to add that the natural habitat is better preserved by one drive rather than three to serve the three homes, and that the narrow design of the crossing meets current rules and regs, which are silent on width. In the future, the board will establish a standard for common drive widths. The vote in favor of granting the special permit was: Duscha, Evans, Chaput, Colman and LaLiberte. Hengeveld recused herself. Colman closed the hearing at 10:00.

ANR Ballantine, 1127 North Rd. The board endorsed an ANR for John Ballantine which showed rearranged lot lines, including frontage, for two lots owned by him. Following the endorsement of the ANR, the board discussed with Ballantine the issues involved in the need to amend the special permit he had been granted for a common driveway at this location. That permit has been used in that the drive has been built. Given the new lot lines just endorsed, the common drive now runs over the newly created lot rather than over his own home lot. In addition, the common drive easement is extended for a small distance onto lot 5A. The same number of lots are being served as the original

permit showed. The board discussed what requirements it would ask Ballantine to meet. It was agreed a public hearing must be held. Material to be submitted must include, first, a plan showing the new lot lines endorsed by the ANR, the lot lines in their entirety for all four lots, and the existing and proposed driveway easement and design of the new portion. Second, the Homeowners Association maintenance agreement would need to be amended to identify the new lot designations, which differ from those in the original permit. Third, the agreement, as verified by signature on the application and plan, of the other parties in the common drive will be necessary.

Richard Annese, lots on Billerica border At 10:20, Annese presented his discussion plan for a two lot subdivision to the board. He proposed to combine many tiny lots which still show on the Assessors map at the Billerica border into two lots which meet Carlisle zoning. Their frontage would come from a proposed short road which extends from existing roads in Billerica across the Carlisle line, and his proposed access would be through an old Carlisle common driveway which predates Carlisle's common drive special permit. The Billerica roads have a 22-24' paved way and 40' ROW; the length of road without a second access would be just under 1900'. The common drive, as a paper road with no standing under subdivision law, could only be accessed by agreement with abutting homeowners, who would presumably own to the centerline. Annese proposed to obtain an easement so that he could build an all weather surface emergency access drive, with an easement width of 16'. This access would be about 1500' long. Chaput explained to Annese that the old Queensland Subdivision has no standing in law. She also mentioned that she feels the new zoning bylaw section passed in September would prohibit this plan, as this new road would not have access from a Carlisle road. She advised Annese he would need legal frontage and access in Carlisle, which he would need to own.

Continued public hearing on rules and regs for special permit under SROSC bylaw Colman opened the hearing, which had been continued from Oct. 17, and the board agreed there was no further reason to continue as public comment had ended. The board voted unanimously to close the hearing on a motion by LaLiberte, seconded by Duscha. A further draft of the regs will be reviewed at the next public meeting on Nov. 14, 1994.

Possible subdivision reg elimination, inclusion The P.A. raised the subject of the subdivision reg which had been voted in September, which is identical to the zoning bylaw amendment voted at the Sept. town meeting. She is waiting for a letter from town counsel regarding its appropriateness as a subdivision reg; the attorney general has not yet ruled on it as a zoning bylaw amendment. She redistributed the reg proposed by LaLiberte at that same time, stating that with one minor wording change, it would seem to do what Concord and Acton's regs do to prevent a very long extension of a subdivision road in another town from crossing into Carlisle without providing a second access to an existing Carlisle road. This reg would work in conjunction with the existing ones regarding single access road length, and regarding safety issue considerations involved in roads which cross town borders. (Sections 4A1a and 4A2e.) Duscha commented that this type of reg appears to have snob zoning qualities; she questioned whether it is really needed. The P.A. will try

to produce some sketches which illustrate the usefulness of this possible reg as opposed to existing regs.

Nickles Lane security account release The P.A. told the board that Senkler had provided her that day with: an as built plan, a certificate of completion, a check to cover remaining consultants' review fees, and a letter requesting that the board release his security account. The P.A. stated that she had drafted a letter to Cooperative Bank of Concord releasing the account, and would send it to Senkler.

Draft common drive rules and reg changes Members were asked to review the draft in this week's packet and to come prepared to react to them at the meeting of Nov. 14.

MP subcommittee The subcommittee agreed to set a meeting date before the next board meeting.

Submitted by Sandy Bayne, Planner Assistant