



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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MINUTES 2/27/95

Chair Colman opened the meeting at 8:08. Present were members LaLiberte, Hengeveld and Duscha. The minutes of 12/19/95 were held for discussion at such time as Chaput, their writer, could be present. The minutes of 2/13/95, on a motion by Duscha seconded by LaLiberte, were approved as amended; Duscha, LaLiberte and Hengeveld voted in favor, and Colman abstained. The Planner Assistant will redistribute them when amended. Bills were approved for payment as presented.

Evans access via Two Rod Rd. LaLiberte reported that, as requested by the board at the previous meeting, he had spoken informally with Valerie Swett, attorney for Jane and Ken Evans. The discussion was intended to determine the basis for the Evans claim that they have right of access to their property over Two Rod Road; despite his request for information from Swett, LaLiberte was not able to make that determination.

Master Plan progress Anticipating her absence, Chaput had asked Duscha to report to the board the progress which had been made by Chaput on organization and writing of a draft of the Master Plan, and to ask the board to request a warrant article be reserved for the spring town meeting regarding the Master Plan. Duscha reported that it is her understanding that ex-member Hughes and Chaput had met and divided draft writing responsibility based on the values diagram created by Hughes in 1993. Bayne reported that Chaput had told her Evans had agreed to draft some sections as well. Board members asked on what information the content of the sections would be based, and expressed concern over the fact that town meeting is two months away and the board had not seen a draft. Members commented that any draft must be thoroughly discussed by the board as to both organizational basis and content, redrafted, and then circulated to other boards and committees and the public for comment. Bayne told members that she had reserved an article on the warrant at Chaput's request, recognizing that the deadline is Feb. 28, and assuming that the board would determine that night (Feb. 27) whether to pull it. Members discussed the implications of leaving the article on the warrant, and passing it over if the work is not completed in a timely way. Some members felt the board would appear disorganized; others felt there is no onus attached to such action. LaLiberte felt that the board might as well benefit from Chaput's, Evans', and Hughes' experience, leaving the article on the warrant until/unless it becomes apparent the plan will not be ready to come to spring town meeting; Duscha felt that, despite Chaput's long-term service and tremendous knowledge, a lesser plan might well be the result of last minute timing such as this. The issue of money (needed to produce both a circulation draft and then a final draft for presentation at town meeting) was discussed. Although the budget has no allocation

for the Master Plan, and no significant balance remaining in other budgeted categories, the board agreed that if members see a feasible product which could be ready for town meeting, they would be willing to go to the FinCom for special funds. It was agreed, finally, that the March 13 meeting would be the latest one at which the board could set the approval process in motion; if the drafters could not produce by then a draft which members could support it would be a moot issue for this town meeting. Hengeveld moved, seconded by Duscha, to continue the discussion at the March 13 meeting, when all board members might be present.

Draft special permit rules and regs amendments Colman will call Foote to inquire whether he has the regs on his computer and whether he can provide the board disk copies. Members discussed Bayne's estimates of the number of hours entailed in processing all special permits; based on her estimates, Colman suggested a set of fees which the board agreed to propose for discussion at the public hearing on March 13.

These were:

common drive, new:	\$500
common drive, amend.	\$300
common drive, ext.	\$200
accessory ap't.	\$250
conserv.cluster, new	\$400
conserv.cluster, amend.	\$300
Fl. Haz./Wetl., new	\$450

To be determined were fees for extensions of the last three, or amendments to apartments and Flood Hazard. Extensions are currently \$200.

Colman will draft proposals which shift responsibility for the public hearing notification to the applicant, and which require the applicant utilize certified mail for this notice, but which continue to make the board responsible for notification of the decision, using certificate of mail.

The board discussed Colman's earlier redrafting of the common drive regs and agreed to propose them at the hearing as amended. The board agreed to propose an additional statement saying: **Any and all extensions shall be at the board's discretion.**

The hearing has been advertised for March 13 at 8:00 pm.

Proposed amendment to section 5.4.4 of the zoning bylaw (common driveways)

Members discussed the draft produced by Duscha and Bayne. Bayne reported that town counsel Lane has not seen the draft yet, but has recommended the board use language regarding impact on the rural landscape and the natural environment which makes the goal minimalization of further impact rather than preservation, as many neighborhoods are already clearly not rural or natural. Duscha asked Bayne to consult town counsel regarding the use of the word "reasonable". Hengeveld moved and Duscha seconded that the board accept the draft, as amended to reflect Lane's concern, for proposal at a public hearing to be scheduled for March 27.

Malcolm Meadows discussion plan Ken Harte was present for this discussion. Bayne reported that she had discussed this informal submission with Hamilton, and the board discussed her memo regarding the submission. Harte explained the latest "proof plan" will

most likely show 9 lots, but only 8 of those lots will be in the 25 acre portion to be considered for the SROSC; the ninth will be a pork chop lot with frontage on Stearns St. which can be sold separately if the town decides not to buy it. The board reviewed the potential waivers request list. Members agreed that Hamilton should be asked to request a letter from Stamski and McNary certifying that the SROSC would be exempt from the Earth Removal Bylaw, and exempt from the traffic study requirement. Regarding the request for road design waivers, the board also agreed they would consider a proposal from Hamilton, via Stamski and McNary if he wishes, as to what road design information would be appropriate for this 300 foot long drive which stays entirely within one lot. Regarding landscape design requirement waivers, members agreed they would like to see enough detail to know how Two Rod Road, Stearns St., and the Westerly Meadow will be screened from the SROSC, and how the SROSC proposal meets the goals of the bylaw. Regarding the request for flexibility in the special permit to allow for variation in the architectural details, members tentatively agreed that as to exteriors, if the variations did not go beyond options presented in the application, then individual units might be altered to reflect those options, and as to interiors, the plans must merely continue to meet the requirements of the bylaw. Finally, the board asked the Planner Assistant to request an estimate from LandTech as to their review time for this plan, considering waivers which are likely to be granted. This estimate will allow the board to consider Hamilton's request that review fees be waived, allowing the application fees to cover the review process.

Annese proposal re lots at Carlisle/Billerica line LaLiberte reported that he had reviewed the letter from Angela Harkness, attorney for Richard Annese, and the file on the old Queensland subdivision. In his opinion, the board cannot approve these as ANR lots because they have no frontage under the MGL Chapter 41 Section L definition of a way (also the definition used in the Carlisle zoning bylaw). If Annese submits the subdivision plan which he showed the board earlier as a discussion plan, the board would probably deny it based on the distance which Carlisle emergency vehicles would need to travel in Billerica to provide service to the lots in Carlisle. (That discussion plan included Annese's hope to acquire an easement over private property in Carlisle to provide reasonable access; he has not yet notified the board that he has been able to do that.) The board concluded there is little it can do to help Annese.

Evans access, additional discussion The Planner Assistant reported that she had talked with counsel Lane regarding the issue of access; Lane had distinguished between a private easement agreement which the Evans may be able to show, and a right to use Two Rod Rd. as access suitable for subdivision under the MGL Chapter 41, Section L definition of a way. Her written opinion will be made available as soon as the Planner Assistant receives it.

ANR, Penhune on North Road LaLiberte moved and Hengeveld seconded that the board endorse this ANR; all were in favor. The ANR combines two lots.

Submitted by Sandy Bayne, Planner Assistant