



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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MINUTES MARCH 27, 1995
CONTINUED PUBLIC HEARING: SPECIAL PERMIT RULES AND
REGULATIONS
PUBLIC HEARING: PROPOSED ZONING BYLAW AMENDMENT TO
SECTION 5.4.4

Vicechair Chaput opened the meeting at 8:11; present were members Hengeveld, Duscha, LaLiberte and Yanofsky. The minutes of March 13 were unanimously approved as amended on a motion by Hengeveld, seconded by Duscha. Bills were approved for payment as submitted. Hengeveld noted that she will be absent on April 10. Board members asked Chaput, whose term will expire on April 11, if she will continue as a member of the Master Plan committee; she agreed.

Continued Public Hearing: proposed amendments to common driveway, conservation cluster, accessory apartment, and flood hazard/wetland special permit rules and regulations Chaput opened the hearing at 8:16 by reading the published notice; she noted no one was present other than board members. The board reviewed the planner assistant's memo dated 3/24/95, Colman's draft changes to the common drive regs dated March 21, 1995, a form for public hearing notice, as used already for SROSC permits, and a draft revision to the application form, which included new fees. Members first discussed the issue of the shifting of responsibility for notice of the public hearing on all special permits to the applicant. It was noted that many other towns, as well as most conservation commissions, make the applicant responsible; the content of the notice is usually reviewed by the board staff before circulation. The cost of notice can run from \$100 to \$200, depending on the length of the notice, the number of parties in interest, and the type of postage. Yanofsky raised the concern that the defective notice which can result when the applicant is responsible costs the board and staff time and money as well as the applicant. Members eventually agreed to let the applicant do the notice, even in accessory apartment permits where the applicant is usually not a professional developer; the form to be included in all rules and regs will provide a guideline for composition of the notice, and the planner assistant will review the completed form before publication. Certified mail receipts will be reviewed against the assessors' list by the planner assistant before the hearing. The planner assistant has also asked the assessor's administrator to include the addresses of the planning boards of the abutting towns in the lists she generates for special permit applicants; this notice is required under MGL 40-A.

Next members considered the changes proposed to the common drive special permit regs, as defined in Colman's draft and the planner assistant's memo. The Colman changes were accepted as proposed with some minor grammar and clarity changes. To clarify the width design standard, the members agreed the traveled way shall be at least 12' wide with additional two 2' shoulders, for a total of 16 feet. In addition, because they feared homeowners (who may not read homeowners' agreements) may not understand they live on a private rather than a public road, members agreed that the proposed requirement that common drives be named should be dropped, but reconfirmed that house numbers must be used.

The board reviewed the fee structure refinements for all special permits (except SROSC) suggested in the planner assistant's memo and as shown on the draft application form. The members added a \$200 fee for extensions of all special permits to the fees they had approved at the first session of the hearing on March 13. Based on town counsel Lane's verbal comments to the planner assistant, the board agreed not to require a \$50 additional deposit (which had been suggested by LaLiberte as a way to encourage the filing of a copy of the recorded permit with the board), but otherwise approved the new form.

The board agreed that as certain issues raised by the planner assistant in her memo under the heading "odd items" had not been publicized, they would consider these at a later date. On a motion by Yanofsky, seconded by Duscha, the board voted to amend the rules and regulations for common driveways, conservation clusters, accessory apartments, and flood hazard/wetland permits as proposed in the Colman draft of 3/21/95, as amended, in the planner assistant's memo of 3/24/95, as agreed, and in the draft application form, as amended. Hengeveld, LaLiberte, Yanofsky, Duscha and Chaput voted in favor. Chaput closed the hearing at 8:45.

Public Hearing: proposed amendment to Section 5.4.4 of the Carlisle zoning bylaw (common driveway special permit) Chaput opened the hearing at 8:45 by reading the public notice; she noted that no member of the public was present. The planner assistant reported that she had not yet discussed the proposed bylaw change, which expands the purposes in the common drive special permit section of the zoning bylaw, Section 5.4.4, to include the purposes currently found in the rules and regs for common driveways, with town counsel Lane. She will review the proposed amendment with Lane before the next meeting. The board agreed to continue the hearing to April 10, 1995, at 8:15.

Draft Master Plan Chaput asked members to evaluate the draft master or study plan, and to consider whether they felt it was ready to circulate to other boards and interested citizens for comment. Yanofsky, stating that she felt much good work had been done, raised issues of concern to her, which centered on the need for enumeration and analysis of the pressures the town is facing, the need for analysis of the data presented, and the need for suggestions as to priorities for the recommended actions. She commented that if the land use plan section consists simply of the zoning map, it would appear the town has no vision of the future, of how land use might be improved. She suggested the plan be specific as to which vistas need to be protected, so that if an innovative zoning device or new types of conservation restrictions are adopted in the future, the town will know where they should be applied. She recommended the schools' long term plans and the town

offices plans be included. She questioned how the conclusion that the town is better served financially if it buys land rather than allow it to be developed as single family housing was reached; she suggested a model be developed and applied to test that conclusion. John Lee, who had arrived at this time, suggested Lincoln might have the formula needed. He volunteered to try to gather the information.

Duscha felt the plan is still at the level of values statements; it needs much more specificity in recommended actions. She pointed out that the actions recommended are still goal statements, whereas the objectives are really action recommendations. She felt too that the implementation recommendations have not been documented: where do they come from? The survey of early 1994 did not confirm the desire to restrain growth, she stated.

Yanofsky agreed that some of the conclusions were not endorsed by participants in the community planning days; therefore the master planning process is not a true one.

LaLiberte felt that if town meeting approves the plan, then it is de facto an expression of the town's will. Chaput, agreeing that the plan is not very specific, explained that she feels it is part of an ongoing process, that it will evolve and develop over time. She proposed that all board members get their written comments to her by the 29th (Wednesday), when she and LaLiberte will review them and integrate them into the draft. Then, she proposed, she will circulate that draft to boards and committees for comment, inviting them to the April 10 meeting, and publicize the April 10 meeting in the *Mosquito*. If no big problems are raised at that meeting, she proposed the board bring the plan to town meeting to be accepted as a study plan, with the idea that further comment from the public would be gathered in the future. Duscha felt this study plan was not significantly further along than the long range goals accepted at town meeting two years ago. Hengeveld felt the town doesn't need another Interim Report; a final document is needed. Duscha suggested that the town meeting article be used to publicize the board's intent to convene additional meetings on the subject. Yanofsky suggested the process continue, but that the board allow time to throw out some thought provoking ideas for public comment.

Chaput reiterated her question: should the board go forward to get comment from other boards and the public? Yanofsky stated she felt uncomfortable going to that step without more careful analysis. Duscha felt the board needs to gather and analyze more demographic information. Hengeveld suggested there is a need to predict what portions of the population will increase or decline. Chaput stated she can take that data from the MAPC 1993 report. Yanofsky recommended she draw conclusions from that report. Chaput suggested that the plan, as a study plan, is one to be worked on and added to. The board, in bringing it to town meeting, can establish that it expresses the question: Is this where the town wants to go? And then, from that base, the board might explore ways to be more specific in implementing the recommendations. LaLiberte commented that he feels the plan is a substantive document, not a "band-aid." Hengeveld commented that the draft needs additional format revisions, but that the content is complete enough to circulate it. She felt strongly that the board needs to go ahead. For the moment, it was left that board members will forward their specific comments to Chaput, who has posted a meeting for Wed. March 29 at the Education Center. She will integrate comments, and then circulate the resulting draft.

Town Offices plan The town offices building committee presented their plans to the board. (Their handouts are attached to these minutes.) Ed Sonn explained that the site chosen has the fewest environmental impacts of the eight considered, is closest to the town center and is visible from it, has the best sight distance, and is most considerate of neighbors. Sonn asked the planning board to give written support and to support the article for additional development funds at town meeting; members responded that they will vote on the article at the next meeting if the costs are known more precisely. Sonn hopes to obtain funding for the actual building at fall town meeting, so that the building can be used by August 1996.

Milne special permit Chaput recused herself from the discussion regarding the settlement of the special permit appeal. Howard Hall, attorney, and Dot Milne, his client, were present. Yanofsky chaired the meeting as the board reviewed the redesign concept submitted by Joe March. It includes two different features from the originally approved plan: lot three will have access only from the common driveway at a point near the frontage, and there will be an evergreen buffer along the frontage of lot three. The board agreed that the concept was acceptable, and asked that the planner assistant discuss the plan with March, specifying a staggered planting pattern for the trees, and that they be mixed pine and hemlock. The board also asked the planner assistant to discuss the process with Lane, and recommended that Hall speak with Lane after that. Based on a phone conversation with counsel Cutler, the planner assistant thought the board could reach an agreement for judgment to amend the special permit without a further hearing, and the board agreed to act at the meeting of April 10 if all issues had been settled.

The meeting was adjourned at 11:40.


Submitted by Sandy Bayne