



Town of Carlisle

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MINUTES MEETING MAY 22, 1995 PUBLIC HEARING: MILNE COMMON DRIVE SPECIAL PERMIT AMENDMENT

Vice Chair Evans opened the meeting at 8:18. Present were board members Tice, LaLiberte, Yanofsky, Duscha and Hengeveld. Present at a later time were Paul Alphen of Hall, Balas, Finnegan and Alphen, Vivian Chaput of Milne Cove Rd., Joe March of Stanski and McNary, Dorothy Milne of Maple St., Robert Koning, Fire Chief, Bill Holland of the *Mosquito*, and Judy Lane and Stuart Johnston of the Trails Committee.

The minutes of 3/20/95 were approved as submitted on a motion by Hengeveld seconded by LaLiberte; Hengeveld, LaLiberte, Duscha and Evans voted to approve, and Tice and Yanofsky abstained. The minutes of 4/24/95 were approved as amended on a motion by Duscha, seconded by Tice; Tice, Hengeveld, LaLiberte, and Duscha voted to approve, and Evans and Yanofsky abstained. Bills were approved for payment as submitted.

Study Plan Duscha commented that she felt the plan should be sent to MAPC; the planner assistant had done so. Duscha also asked that a copy be made available to Carlisle 2000 when that committee convenes. The planner assistant reported that copies are available to the public in the library and at the town clerk's office. Board members and Chaput, former member and chair of the Study Plan Committee, discussed the next steps to be taken. Chaput suggested that the review of the board's own rules and regs and the zoning bylaw for conformance with the goals of the Study Plan should occur first. She especially would like to see revision to the conservation cluster bylaw occur soon; this is one of the implementation devices featured in the plan. Yanofsky suggested the board look soon at defining what Carlisle citizens have meant when they recommended trails, namely, trails for what purpose, and for what users? Duscha would like to include a section on regional planning. Evans reminded the board this is an evolving document, and that sections which had been somewhat lightly treated in the plan can begin to be fleshed out now. He felt the board should keep those additions near the top of the list, lest they be forgotten as time passes and the composition of the board changes. Hengeveld raised the education section as an example of one which is lacking detail, and questioned how the board could forge a relationship with the schools. Duscha and Evans felt it would be

worthwhile to try to discuss this with the schools. Duscha also would like to generate regs for Scenic Road hearing process.

Study Plan cost Hengeveld moved and Tice seconded that the board authorize Yanofsky to discuss the board's expenditure for the Plan (\$700) with the Fincom; the 95-96 budget has no Study Plan item, whereas the 96-97 budget has a \$1500 item. Five members voted in favor with LaLiberte abstaining.

Public Hearing: Amendment to Milne common driveway special permit

Evans opened the limited public hearing at 8:30, and read the notice which had been mailed to parties in interest as certified by the assessors, posted at town hall, and advertised twice, on May 5 and May 12, 1995, in the *Carlisle Mosquito*. Paul Alphen, attorney for Mrs. Milne, displayed the proposed amendment to the special permit plan, as drawn by Stamski and McNary, revision date April 13, 1995, and explained that Mrs. Milne was applying for an amendment to remove Condition #1 from the original special permit decision, dated Nov. 14, 1994, and to replace that condition with an alternate plan for access to lot three. He reminded those present that the planning board had agreed to consider the removal of Condition #1 under an agreement for remand. The April 13 alternate plan shows access to lot three from the common drive at a point near Maple St. Joe March of Stamski and McNary then responded to the review of the amendment by the planning board's engineering consultant, John Judd of LandTech. He agreed with LandTech that a 29 foot fire truck could not make the turn from the common driveway to the private driveway in one forward motion, but he had thought the truck could safely park on Maple St. and carry hose approximately 60 feet to the house. He had been made aware of Fire Chief Koning's strong objection to that assumption, and recognizing that the private drive could not be made wide enough to accommodate a 29 foot truck because of its proximity to the wetlands, he had prepared a second alternate plan, dated May 22, 1995, and called Sketch Plan B. This plan shows access to lot three directly from Maple St. Because the common drive uses lot three, however, this lot would stay in the common drive agreement. The private driveway for lot three, March said, could be curved as it comes off Maple in such a way as to prevent a sight line from the street to the house, and the tree buffer already proposed could be modified to augment that screening effect. This alternative shows the private drive 130 feet west of the common drive with a 30 foot radius provided for emergency vehicles.

Regarding Judd's second suggestion of a heavier duty guard rail at the major wetland crossing, March commented that the guard rail in the April 13 plan is no different from the one already approved, and that the specs suggested by Judd are highway standard.

Regarding Judd's comment that the DEP approved open box culvert, modified from the closed culvert shown on the Wetland Protection Plan approved in Oct. 1995, does not show deep enough footings for local winter conditions, March stated that he disagreed, but he had already modified the April 13 drawing on May 22 to show a four foot deep footing anyway. Additionally, he had shown a concrete utility conduit on the amended plan.

Duscha asked Fire Chief Koning for his comments. He reiterated his opposition to the design of the private drive in the April 13 plan, and voiced his satisfaction with the Sketch Plan B access to lot three. He explained that a structure fire must be fought from the immediate vicinity because the first truck in carries the pump, ladder, breathing apparatus and tools.

Yanofsky questioned leaving lot three in the common drive agreement. March explained that the common drive still crosses lot three to give access to lot six, so it must stay in the agreement. Yanofsky asked Koning, also the zoning enforcement officer, whether the continued existence of the tree buffer could be enforced. He replied that enforcement occurs as the result of a complaint.

Chaput, noting that she is no longer a board member, asked why the designer of the lots had not made lot four, which is over four acres, smaller, and lot three thereby larger, allowing a house to be sited on the rear portion. Alphen cautioned that the overall design was not an issue for the limited hearing. March replied, however, that zoning dimensional requirements interact in such a way as to make any other design unfeasible.

Evans inquired whether there were additional comments. Judy Lane asked why the applicants get all the benefits and why the board would allow the bending of the rules to permit a design which requires wetland filling. March responded that either access to lot three is in the buffer zone, but neither would require wetland filling. Duscha commented that she agrees with Koning's safety concerns, but does not want a separate driveway, as fewer entrances onto a road are safer and therefore more desirable. She asked why lot three couldn't be accessed by common drive on Dorothy Milne's own house lot, lot two. Tice asked if safety wasn't the board's main priority. Alphen responded that Milne was willing to provide emergency access over her lot to lot three, but was not willing to provide a common drive. Koning commented that this design is not acceptable to him because it relies on the memory of those responding to a fire. Chaput asked if Maple St. is a Scenic Road. Bayne replied that it is. March replied that in the April 13 plan layout, no trees are being cut in the ROW of this county road, and that the wall is on Milne's property. He will review the May 22 Sketch B design for this issue. Duscha moved, and LaLiberte seconded, that the public hearing be closed. All voted in favor, and Evans declared the hearing closed.

Yanofsky moved, and Tice seconded, that Sketch Plan B be accepted as an amendment to the special permit, eliminating Condition #1 of the Decision. In discussing her motion, she commented that this plan offers better safety, the board's prime concern and the bylaw's main purpose. She was, however, somewhat concerned regarding the proximity of the proposed private drive to the common drive. Duscha stated she was afraid to set the precedent of allowing lots on common drives to have separate access. Evans felt this case is different enough that such precedent would not be set. LaLiberte asked whether Yanofsky and Tice would allow an addition to their motion: that the design be submitted to LandTech for review of the distance between the private and common drives. Bayne suggested the motion also include: an explicit waiver of the special permit fee, requirement of a note on the plan stipulating 3" caliper trees in the tree buffer, and requirement of an amendment to the maintenance agreement which specifies maintenance of the tree buffer and of as many existing trees along the Maple St. frontage as possible. Yanofsky and Tice

accepted the additions to their motion. Yanofsky, Tice, LaLiberte, Hengeveld and Evans voted in favor of the motion; Duscha voted against it.

Preliminary Plan: Laurajon Rd., for Ted Treibick

Treibick's consultant, Russ Wilson, discussed this amended preliminary plan with board members. He explained that this 3 lot subdivision has two lots in Residence A district, and one, an existing lot, in Residence B, which will be redesigned to allow frontage on the new street as well as to provide additional necessary acreage to lot two. There is the potential for two more lots using a common drive. He said the drainage is good. The plan before the board that night, with an amendment date of May 12, 1995, showed additional and different information from that on the March 23, 1995 plan, first submitted on March 29, 1995. The board found that: a soils map and key had been added, although not overlaid on the 200 scale locus plan as required in the subdivision regs, and the exterior lines of streets had been added to that plan as required. The paved street width had been reduced from 24 to 18 feet and the diameter of the cul-de-sac pavement had been increased from 130 feet to 140 feet, as specified in the subdivision regs. The ellipse required under the zoning bylaw had been added on lot three, although undimensioned; therefore, although the diameter could be scaled, the determination of whether the area included the requisite 1.12 acres could not be made by the board. Additional information about the layout of East Street and Blaisdell Drive had been added. The limits of the waterway within the Flood Hazard/Wetland District had been added. The planner assistant commented that the review fee (for use in hiring consultants to assist in evaluating the plan) had been submitted, but the \$30 application fee had not.

Board members were joined in the discussion of the plan by Vivian Chaput, recently retired from the board. Members asked if there was enough land in the tract to create a conservation cluster. Although there are more than the requisite 10 acres, Wilson felt there was no reason to use the cluster concept. It was also suggested that the angle at which the new street would intersect East St. is not good for visibility, and that a 90 degree angle would be preferable, as suggested in Section 4.A.3.c. of the subdivision regs. Wilson explained that to keep the pavement in the middle of the ROW layout, he needed to use the angle shown. Members suggested he might ask for a waiver in this case from the subdivision regs which require pavement centered on the ROW except to facilitate bike or foot path location. He agreed to consider this.

Duscha commented that the board recognizes preliminary plan submission is not necessary, and that she appreciates the opportunity for discussion which the submission provides. She feels it is helpful to all. The planner assistant reminded the board that they could approve, approve with conditions, deny with reasons, or take no action, and that neither denial nor no action has negative implications for either the board or the applicant. Duscha moved, and LaLiberte seconded, that no action be taken. LaLiberte, Duscha, and Evans voted to support the motion. Yanofsky and Tice voted against the motion. Hengeveld abstained.

Board reorganization Evans told the board his letter of resignation will be submitted immediately, and will take effect June 1, 1995. Board members asked him if he would be

willing to work on specific tasks, such as a Study Plan implementation subcommittee. He agreed to do that. Yanofsky and LaLiberte commented that they would like to consider asking fall town meeting to authorize associate members for special permit work. Reporter Holland was asked to announce in the *Carlisle Mosquito* that the board has an opening. Members agreed to come to the next meeting, on June 12, with nominations. Members also discussed the possibility of starting meetings at an earlier time; this will be discussed at the next meeting.

The board voted the following assignments for the 1995-96 year:

Chair, Colman; vice-chair, Hengeveld; clerk, Duscha; treasurer, LaLiberte; MAGIC rep, Duscha; Long Term Cap, Yanofsky; ConsCom, Colman; Health, Tice; Historic Commission, LaLiberte (interim); Housing, Duscha; Study Plan implementation, Duscha, Yanofsky, and the new member, if acceptable to that person.

Board effectiveness training Members discussed briefly, but made no decision on, whether to hire the Junior League to aid them in increasing effectiveness. The planner assistant was asked to find any printed information which might help members in evaluating plans submitted to them.

The meeting was adjourned at 10:50.

Sandy Bayne
Submitted by Sandy Bayne, planner assistant