



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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MINUTES JULY 10, 1995

Vice Chair Hengeveld opened the meeting at 7:25; present were members Duscha, LaLiberte, Yanofsky and Tice, and reporter Drew Kissinger. The minutes of 6/26/95 were approved as submitted on a motion by Yanofsky seconded by Duscha. Voting in favor were Yanofsky, Hengeveld, Tice and Duscha; LaLiberte abstained. The minutes of the 6/12 Study Plan implementation subcommittee were distributed for future review. Bills were approved for payment as submitted. Chair Colman arrived at 7:30.

Fielding Conservation Cluster, Cross St. Chris Fielding presented a concept plan for the board's information and comment; his father, Mr. Fielding, was also present, as were Stuart Johnstone, Sally Lakness and Judy Lane of the Trails Committee. Fielding explained that his 14.2 acre parcel, parcel 22, can be used for 3 ANR lots, one a frontage lot, and two to the rear. He would like to preserve the bulk of the front lot as a rural vista, and also offer the town the preservation of the stone cairn marking the place where Acton, Billerica and Concord met, prior to the establishment of Carlisle. This cairn has been listed in the bicentennial list of historic places in Carlisle, and there is a marker there presently. The required 30% open space, approximately 4.5 acres, would include the front field where the Fieldings have grown Christmas trees. Each lot would have at least the minimum 20 feet of frontage and two acres required by the bylaw. The additional lot which is granted in a conservation cluster would be accessed, as would the other three, by a common driveway; all four would have their building area behind the two streams which traverse the property roughly parallel to the road. In addition, Fielding said, there is a trail connecting South St. to Westford St., which runs parallel to and between the two intermittent streams, which he would consider granting to the town. The total wetland filling for the whole project would be less than 5000 square feet, he stated, as the proposed crossing would be at the narrowest point. The closest abutters would be the residents on Berry Corner Road. Two of the lots have perked; Fielding wished to get a general idea of the board's attitude toward his concept before he committed to the cost of the engineering required to perk two more lots and to design the common driveway. Board members will take a guided site walk on 7/15 at 8:30 A.M., and Colman will ask ConsCom members to walk with the planning board members.

ANR Trainor, Rutland St. The board reviewed this ANR plan prepared by Stamski and McNary. As it met all requirements of the subdivision rules and regs, and as its access is

functional, Yanofsky moved and Duscha seconded that the board sign the plan. All voted in favor.

ANR: 321 and 371 Rutland St., for Bishop Because the applicant had not obtained the signatures of some of the lot owners, and because the Form A had not been stamped in by the Town Clerk, the board asked Mr. Bishop to return for review of this plan at the next meeting when he had done these two things.

Common drive conceptual discussion, Les Bishop, Rutland St. Bishop explained that his proposal for 4 lots to be served by a common driveway involved the creation of one new reduced frontage (pork chop) lot. Three standard lots exist as well, between two of which the common drive would run. The alternative plan would have four individual drives for these lots, so that there would be seven private driveways in a distance of 910 feet. Lane, a former ConsCom commissioner, questioned Bishop's right to subdivide lot 5, stating that under the Wetland Protection Act, that lot merited no further use if it required a wetland crossing. Bishop replied that the crossing is already in place, established at some earlier time. Bishop also explained that the homeowners' agreement would restrict access to the common drive, disallowing the 4 lot owners from using their frontage for private drive access. Board members questioned the location of the common drive, asking whether it might not utilize the existing crossing further east. Bishop explained that he had reviewed that crossing, and found that the expansion in width which would be required for a common drive and utilities would be unfeasible because of ledge. Board members will attend one of two site walks, either on July 21 at 1:30 PM, or on July 23 at 9 AM. Bishop will stake the center line of the drive so members can walk it alone if need be. The public hearing is being advertised in the *Lowell Sun* and the *Concord Journal* for July 24 at 8:00 PM. The *Carlisle Mosquito* cannot be used for MGL Ch. 40-A hearings this summer because its publishing schedule will not allow the two consecutive weeks required.

Budget issues The issue of the existence of two budget categories and a non budget 53-G account for payment of technical (legal and engineering) bills was discussed, and Yanofsky proposed that she discuss this with Fincom to determine if anyone on that committee knew the history of the situation. She questioned why the separate accounts; why not integrate the 01774 line item with the 01775, general planning board, item? She proposed that if FinCom agrees the board should instruct Andreassen to transfer the expended bills from the 53000 subcategory of the 01775 budget to the 01774 account. This \$1300 transfer will allow the 01775 balance to cover the board's June expenses. Colman stated that the 01774 item had been created before the existence of 53-G accounts, and it was the intention of the board and FinCom at that time to allow the 53-G to replace the 01774 line item, which had been used for reimbursable expenses. FinCom has not felt a sense of urgency to eliminate the 01774 item, he continued, because it is zero funded.

Yanofsky also will place an ad in the *Mosquito* and the *Journal* for secretarial help for the planner assistant. The P.A. will create a job description, and Hengeveld and Duscha volunteered to interview candidates with Yanofsky. Duscha noted that the secretary might attend meetings to take and write minutes, as it is very difficult for the P.A. to help

provide information for meetings while taking notes. The budgeted amount is quite limited, Bayne pointed out, but money can be used from the Planner subcategory.

Ice Pond subdivision update Present were Ice Pond resident homeowners Jeff Bloomfield and Kevin Balboni, and future residents Mr. and Mrs. Oh and Charles Boiteau. Colman explained that the board had become concerned that the subdivision approval had expired (in February 1994), that it would appear little or no work had been done on the ways and services as approved since April 1994 when the cistern had been completed and tested, and that builder Hebb had told P.A. Bayne that he intended to do no further work on ways and services until the Hanscom suit against him "goes away". Still left to be done are: sidewalk bed and pavement, wearing course of road pavement, bounds, some loaming and seeding of shoulders, and the resolution of the unauthorized construction of the drainage swale where the road curves closest to the wetland. Therefore the board had asked Building Inspector Koning to refrain from issuing any further building or occupancy permits. The board holds approximately \$63,000 in bond money, but is concerned that Hebb has no motivation to complete the ways and services because of the suit, and it would rather not be in the road building business. For the 10 lots, there is one building permit and 5 occupancy permits remaining unissued. LaLiberte recused himself from any discussion involving Ice Pond.

Bloomfield asked members why the board had signed the Stipulation in the Hanscom v. Hebb case. Colman explained that the board's responsibility was to see that the bond remained available to the town should it be needed. It had taken several thousand dollars of Carlisle taxpayers' money to achieve that goal.

Boiteau commented that he hoped to be able to get an occupancy permit by the fall, and that he hoped the board would not stand in his way. He suggested that although it is reasonable to allow the wearing course of road pavement to be placed after construction is completed on all lots so that the road is left undamaged, the board might require that the sidewalk and bounds be completed now. Mrs. Oh commented that she feels the board is holding her hostage, as she had expected to move into her home soon.

Yanofsky suggested the board and the homeowners work together to find a solution to the problem, but she also warned homeowners that they should be talking with their own counsel regarding remedy for these issues. Mr. Oh suggested the board put a lien on Hebb's property; the members responded that the board cannot do that. Members again suggested that homeowners find alternate ways to convince Hebb to continue his work. Because P.A. Bayne commented that Hebb had been given until August 1 to complete the ways and services, the homeowners asked what happens if on Aug. 15, when the Ohs are supposed to close on their home, those items are not completed. Colman explained that the board has limitations on its actions, and that the appropriate action would be decided in conjunction with town counsel. Hengeveld thanked the homeowners for coming in. Boiteau asked the board to put its course of action in writing; Colman explained that any actions would necessarily be decided in a public meeting, and that the minutes of meetings are the public record.

The board agreed that at the next meeting, which Hebb will attend, the board should know the following: 1. What is the process for taking the bond? 2. What is the process for actually building the road? 3. Has there been deterioration in the completed ways and

services? 4. What will it cost to complete the ways and services in 1995-96 dollars, including any necessary repair? 5. Is there a recommended completion schedule to prevent deterioration of the existing ways and services?

The P.A. had requested an estimate from LandTech of the cost of their preparing a report which would answer the last three questions. She reported she had been given a verbal estimate of \$500. Hengeveld moved and Yanofsky seconded that LandTech be authorized to create the report. Tice, Yanofsky, Colman, Duscha and Hengeveld voted in favor; La Liberte abstained. The board discussed the advisability of asking town counsel to be present at the meeting with Hebb. Tice moved, and Hengeveld seconded the motion, that the P.A. request town counsel's presence on July 24 at 9 PM. Tice, Colman, Yanofsky, Duscha and Hengeveld voted in favor.

Yanofsky commented that although the board had discussed at the meeting of July 10 actions which could be taken to remedy the Ice Pond situation, the actions (the letters to Hebb and the Building Inspector) had been taken between meetings without a specific authorizing vote. She suggested that in the future, a special meeting be posted for such a vote. She then moved the board ratify the actions which had been taken on the authority of Chair Colman on the basis of the board's concerns about public safety. Duscha seconded the motion, and Tice, Hengeveld, Duscha, Colman and Yanofsky voted in favor.

Proposed closing of Westford St. to commuter traffic The board discussed whether the board should make comment on the Concord Selectmen's proposal, or take any other action on the proposed closing. The P.A. was asked to determine the planning board's role in such matters.

New member search Colman reported that Epstein had tentatively agreed to serve.

LaLiberte reported that he will be away at the time of the August 28 meeting; Bayne reported that she will be out of the office as much as is possible the week of July 18-24, and the last two weeks of August.

The meeting was adjourned at 11:10.


submitted by Sandy Bayne

7/10/95

Bishop C.D. hearing:

<u>Names:</u>	<u>Address:</u>
Fred Love	651 EAST ST
Chip Sullivan	687 EAST ST
Dick Blanchard	186 Rutland ST.
Barbara Blanchard	186 Rutland St.
J.P. Howe	Lowell, MA
Sally Holmes	Cranberry Hill Rd.
Karen & Tom Morse	148 Rutland
Chris Buffer	131 Rutland
Chuck Holleman	Rutland

Web Meeting / Fee Pong:

Name:

Address:

Andrea & Rudy Burde

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Cheryl Finin

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Robert B. West

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Londonderry, NH
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Chris Puffer

181 Rutland St
Carlisle