



Town of Carlisle

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Office of

PLANNING BOARD

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MINUTES SEPT. 11, 1995

Chair Colman opened the meeting at 7:20. Present were board members Hengeveld, Tice, Yanofsky, Duscha, LaLiberte, and Epstein, *Mosquito* reporter Claudia Miller, and Dick and Barbara Blanchard of Rutland St.

The minutes of 8/14/95 were approved as amended on a motion by Yanofsky, seconded by Duscha. Voting in favor were Tice, Colman, Yanofsky, Duscha, Hengeveld and LaLiberte; Epstein abstained. The minutes of 8/28/95 were approved as written on a motion by Hengeveld, seconded by Tice. Voting in favor were Yanofsky, Hengeveld, Duscha, Tice and Epstein; Colman and LaLiberte abstained.

Bills were approved for payment as presented.

Inquiry re ANR for Moschini at Cranberry Hill Lane The board discussed the correspondence from Sally Lakness of Cranberry Hill Lane, who inquired how Larry Moschini, her abutter, had acquired enough land from his abutter, Mr. Szeto, owner of a 4 acre lot, to create a 2.5 acre lot when the Assessor's maps show a total of 5.27 acres for the Szeto and Moschini properties. The P.A. commented that she had questioned surveyor McNary about the apparent discrepancy, and he had commented that the additional 1.25 acres exist, but had been lost in the records, and their ownership disputed. McNary stated that surveyors must prepare plans based on the records and on their on site survey work. The board asked the P.A. to convey to Ms. Lakness that it is obliged to review plans as they are submitted; it is not the board's business to check the accuracy of the work presented on a plan stamped by a registered surveyor. The P.A. will send Ms. Lakness the minutes of the meeting when they have been approved.

Discussion regarding Bishop common drive off Rutland St. The board reviewed the three issues on whose resolution the conditional approval of this special permit had been voted at the August 14 meeting. First, members reviewed with Mr. Bishop the August 18, 1995 letter from consulting engineer Judd of LandTech regarding the design of the cul-de-sac. Judd recommended that the board's regs require a 42' cul-de-sac, with 2' of gravel shoulder on both inside and outside of the paved way for overhang, to accommodate a 29' fire truck. Further, he stated, if the board chooses to accept the 25' cul-de-sac as proposed, and as is required in the current regs, the center of the circle should be paved, rather than landscaped, in order to provide adequate access to and relatively easy exit from individual drives for the town's 29 foot fire truck. In an emergency, the truck could

proceed straight across the circle, rather than try to negotiate the 25' diameter cul-de-sac. As to exiting, either because of a mistake in identifying the location of the fire or when the emergency is over, Bishop pointed out that the two private drives on the circle are located and angled in such a way as to allow them to act as T-turns for each other. Duscha reminded Bishop that he had agreed to widen the entrances to the private drives so that turning into them is easier for emergency vehicles. He committed to make them 25' wide. The board asked if he could create the 42' circle. He replied that he could, but that doing so would entail redesign, loss of time as the fall construction period begins, and a large additional cleared area. The board recognized that Judd's recommendation regarding shoulders had already been met in both the regs and the plan as presented. Finally, to allay board concerns regarding the possibility of mistaken identification of homes in an emergency situation, Bishop agreed to provide durable and highly visible house number signs and to show their design on a detail in the as built plan. Their maintenance is already mandated in the homeowners' agreement.

Condition two of the approval required that the maintenance agreement reflect any necessary changes to accommodate the maintenance of the modified cul-de-sac design. Bishop noted that the entrances to the private drives off the circle are fixed as they are included in the common drive easement, the layout of which is part of the approved plan, and the maintenance of which is required already in the homeowners' agreement.

As to issue three, the name of the common drive, Yanofsky suggested and members discussed the concept that all common drives should be designated in the same way to signal to emergency vehicles and to the public in general that these are not public roads. It might be, Yanofsky suggested, that all common drives from this one on could be designated drive or lane, or some other word not used for public roads. The issue was resolved when the board reviewed the list of Carlisle public roads, and found that all possible designations were already in use for public roads. The common drive will be called Overlook Drive, as proposed by the applicant. The discussion was tabled until the close of the public hearing scheduled for 8:15.

Public Hearing on the Treibick definitive subdivision plan, Laurajon Rd. At 8:15, Colman explained to the board and to those present for the public hearing that the notice required by M.G.L Ch.41, the subdivision control law, had been deficient, and must be redone. Specifically, the *Concord Journal* had run the notice only once, instead of the two times required. Therefore, the public hearing could not go forward. Based on the P.A.'s discussion with town counsel, he said, the board had two choices. It could either open the hearing, take no testimony, continue it to a certain date, and mail letters to abutters explaining the situation and providing the new date, or it could declare the hearing cannot even be opened, and then resend the certified mail notice as required by Ch. 41. The members agreed the latter more conservative process would be followed. Duscha moved and LaLiberte seconded that the board find the notice was defective, that the public hearing therefore could not open, that notice must be republished, and that the hearing would occur on Oct. 16, 1995 at 8 pm. All voted in favor. The board then discussed the timing of the subdivision process, and agreed that the rescheduling of the hearing leaves the board little time before the Nov. 15 deadline for a decision. Yanofsky also noted that the P.A.'s review of the submission comments that the application form is not complete,

and she questioned whether a complete and therefore legal submission had been made. Members agreed that the application is not materially deficient and that the submission is a legal one, but asked the P.A. to make sure the information is supplied.

Bishop common drive, continued Board members and Bishop discussed his request, made on August 14 during the public hearing, to reduce the slopes in the wetland crossing, shown in the plan at 3:1, to 2:1. He explained that such a modification would reduce wetland filling by an area 12' wide by 70' long. His request had not been granted by the board as part of the vote to approve, and members felt the plan should be considered approved as submitted. Colman commented that if ConsCom requires a 2:1 slope, as Bishop thinks they may, then he has the right to return to the board for an amendment to his plan.

Regarding other issues which the P.A. felt needed clarification, the board agreed that: turnouts at the 50 degree bend in the drive and the widening of entrances to private drives as discussed and agreed to were adequate to compensate for the developer's offer to widen the paving at that area to 16'; and the sight distance at the 50 degree curve would be only marginally improved by cutting trees on the inside slopes because of the steepness of the grade, which is 8% at that area, so no additional tree cutting would be specified. Duscha felt it was premature to talk about possible amendments prior to ConsCom action. She reminded Bishop that the planning board works as quickly as possible to review proposals which have been submitted. There was no additional discussion.

LaLiberte moved, and Hengeveld seconded that subject to the modification of the plan to show the paving of the island in the cul-de-sac, the board finds that: the plans as submitted, dated July 29, 1995, show premises reasonably adapted to the proposed use; the proposed use is not contrary to the best interests of the town in that it will not be injurious or dangerous to public health or hazardous because of traffic congestion, danger of fire, explosion or other reasons, and will not produce vibration, noise, smoke, fumes, odor, dust, gas, chemicals, or other effects observable at the lot lines in amounts seriously objectionable or detrimental to the normal use of the adjacent property, and will not be injurious to the character or amenities of its residential district because of its design or appearance; further, the plans and conditions and homeowners' agreement as approved provide sufficient access for fire, police, ambulance, rescue and other vehicles, provide safety of approach to the public way, and include sufficient requirements for assignment of responsibility for maintenance, snow removal and drainage. There was no further discussion. Yanofsky, LaLiberte, Hengeveld, Duscha and Colman voted in favor; Epstein and Tice abstained.

Evans letter offering Ch. 61-A land to town The board agreed that the information submitted is inadequate for board action. The P.A. had already advised Jane Evans to consult with Town Administrator DeBenedictis to determine the components of a complete submission, and that the planning board could not react to the letter alone.

Closing of West St. to commuter traffic Members asked the P.A. to research this issue further. The Selectmen will be discussing it on Sept. 12 at 8 pm.; a board member may attend the discussion.

Senkler offer of Ch. 61-A land, lot 7 at Mill Pond, to the town Board members reviewed the Mill Pond common drive plan, and were told by the P.A. that a conservation restriction is in effect for the trail which runs on lot 7. Recognizing that the town's rights run with the land, the board agreed to make no recommendation to the Selectmen.

Letter from Selectmen re Hart property The board members agreed that the owner has no legitimate claim against the town regarding his landlocked situation, and further, that there is no solution to the problem which would benefit the town. Colman will attend the Selectmen's meeting at 7:30. Sept. 12 to discuss this with them.

Consulting engineer issues Members discussed their concerns about the lack of continuity at LandTech as it relates to the review of proposals made to the planning board. They asked the P.A. to invite Chris Lorrain to a meeting with the board. In addition, she will invite John Judd, who had begun what will be a lengthy process of inspection at Tall Pines before he recently departed from LandTech, to discuss the possibility of his continuing that process through his new firm, and of replacing LandTech as our consulting engineer. The P.A. will ask DeBenedictis if any state law governs the choosing of a consultant in that a bid process might be required.

Computer compatibility Yanofsky reported that the LTCR Committee and the FinCom had been discussing the need for compatibility; at this time, no departmental computers are compatible with any other departments. She commented that this is a long term planning issue to which the board should give some thought. LaLiberte commented that the location of all departments in a town hall will affect decisions made about this.

The meeting was adjourned at 10:05.

Submitted by Sandy Bayne, planner assistant