



Town of Carlisle

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PLANNING BOARD

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MINUTES OF MEETING OF OCT. 30, 1995
PUBLIC HEARING for Fielding: special permit for conservation cluster and common drive
PUBLIC HEARING for Alberico: for special permit for accessory apartment
PUBLIC HEARING, con't: for Laurajon Rd. subdivision

Chair Colman opened the meeting at 7:20; present were board members Tice, Epstein, Yanofsky, and Hengeveld. Minutes of 10/16/95 were approved on a motion by Hengeveld seconded by Epstein, with Hengeveld, Epstein, Yanofsky and Colman voting in favor and Tice abstaining. Bills were approved for payment as submitted.

Conservation Restriction Committee Betsy Fell of the committee described the committee's work. She explained that the committee ordinarily includes a member of the planning board and the planner assistant, but at the moment, there is no planning board member. She stated that the time commitment is small in that the board only meets when there is a conservation restriction under review. In response to Epstein's question, she felt a reasonable length of commitment might be about 6 months, to assure continuity in planning board representation while a new planner assistant is being sought. Board members will consider accepting her invitation and will respond by the next meeting.

Public hearing on a special permit for conservation cluster /common drive at Cross St. for Fielding Colman opened the hearing at 7:30 by reading the public notice for a joint hearing on both special permits. He announced that the notice had been published in the Carlisle Mosquito on Oct. 13 and 20, 1995, had been sent to parties in interest as certified by the Carlisle Assessors on Oct. 11, 1995, and had been posted at town hall on Sept. 20, 1995. Present for the hearing were Ken Ernstoff, Richard and Judy Wells, Keith Therrien, John, Chris and Mary Fielding, Michael and Janet Kelly, Michael Benfield, Betsy Fell and Stuart Johnston of the Trails Committee, and Karen Rigg. The applicants' representative, Joe March, noting that only five board members were present, commented that MGL Ch. 40-A requires the consent of five out of seven members for the grant of a special permit and that each member who votes on a permit must have attended all sessions of the hearing. After consulting with his clients, he asked the board to agree to continue the hearing to a later date, when more members might be present. Abutter Richard Wells cautioned that if the board grants the continuation, it should be sure to exercise control

over the number of any additional continuances it might grant. Yanofsky moved that the board continue the public hearing without taking any testimony to Nov. 13, 1995, at 8:45. The motion, seconded by Hengeveld, was unanimously approved. Abutters asked the board to allow an informal discussion at this time at which their concerns could be aired. The board felt such a discussion would be inappropriate. The parties in interest present were provided a separate room in which to review the plan and discuss their concerns. March and Fielding offered to join the group, but were told the group would prefer to meet without them. The board arranged a site walk, to be guided by Fielding, for Nov. 5 at noon, and advised Fielding to invite abutters. The board then discussed whether there is reason to ask Graves to do a site visit. Members agreed there might be significant factors visible on site which do not appear significant on the plans, and asked the P.A. to request a site visit.

Curbing waiver request for Tall Pines Board members used a fifteen minute gap in the schedule to discuss the information provided by March, Graves, Costello and the P.A. After discussion which considered durability, aesthetics, safety and cost, a majority of members agreed that none of those considerations provided a reason to consider granting the waiver. In addition, the members reviewed a letter from Judith Cutler, town counsel, which responded to the question whether such a change would be significant enough to require a public hearing. Her letter advised the board that such a change would require a public hearing. Hengeveld abstained from the discussion.

Discussion on a zoning bylaw amendment to allow car repair use in Res. B Members discussed the requirements of MGL Ch. 40-A, Section 5, which governs the process for zoning changes. The board had not yet seen a draft of the bylaw to be proposed and the deadline for submission of a legal ad to the *Carlisle Mosquito* would occur before the board's next meeting. Members felt they would not be able to give the matter adequate consideration in light of the lengthy agendas for the November meetings on the 13th and the 28th. Members agreed that whenever the selectmen submit a draft to the board with a request to hold a hearing on it, the board will follow the process required by 40-A and will hold a hearing.

Public hearing for a special permit for an accessory apartment for Alberico Colman opened the hearing at 8:30 by reading the public notice. He announced it had been published in the *Carlisle Mosquito* on Oct. 13 and 20, 1995, had been sent to a certified list of parties in interest on Oct. 13, and had been posted at town hall on Oct. 13, 1995. No parties in interest were present. The board reviewed the memo from the P.A., the application and plans, and the testimony of John Alberico. Alberico explained that he and his wife wish to expand their living space while possibly providing living quarters for his wife's elderly parents. He showed a photo of the front of the current house, noting that although the bylaw states that the home with the apartment must retain the look of a single family home, and that to achieve that, generally additional entrances should be on the side or rear, his current home has two front entrances, and he is simply proposing to move one of these further along the front face. Currently the garage doors face front, but in the addition, they will be on the end, and the garage will be below grade. As they reviewed the

floor plans, the board noted that there is a space, undesigned except for a bathroom, with access to the apartment, and questioned whether it could be used as a second bedroom and bath for the apartment, thereby exceeding the area allowed under the bylaw. Alberico testified that this new space was intended to provide for expansion of the abutting existing master bedroom, and a private bath for that bedroom. The wall between the existing master bedroom and the new space, which currently is an outside wall but which will become an inside wall, is cheaper to leave than to remove. The window in that wall will be replaced by a door, which will provide access to the bath from the master bedroom, and from the apartment to the house on the same level. Alberico emphasized the importance of leaving the access from one unit to the other on the same level when dealing with the elderly. If the undesigned space is not part of the apartment, the apartment falls well below the maximum allowed area and maximum allowed per cent of the total space.

Yanofsky asked whether Alberico had considered parking for the apartment and appropriate screening for the abutters, noting the site plan does not include that information. Alberico stated that he plans to expand the driveway to provide at least one parking space, and that, in his opinion, the immediate neighbor's view is screened by woods. Colman commented that the board ordinarily sees an elevation of all sides of the house, but that this plan does not show an elevation of the end opposite the addition. Although the board recognized that the appearance of that far end will change because the addition is on a slightly different vertical plane, members agreed the change would be insignificant.

Yanofsky moved that the board approve the application for the accessory apartment, as the plan meets all the requirements of the zoning bylaw and the regs, with the condition that parking comprised of at least one outside space be provided for the apartment, and that appropriate screening be provided to screen the abutter on that side of the lot. Tice seconded the motion and Hengeveld, Epstein, Colman, Yanofsky and Tice voted in favor. The public hearing was closed at 9:00.

Continued public hearing on Laurajon Rd. definitive subdivision plan Colman reopened the hearing at 9:30. There were no abutters present. Russ Wilson, representing owner Treibick, told the board he had made changes to the plan to meet the Oct. 16, 1995 recommendations of the board's consultant, Paul Graves. The P.A. commented that the board had forwarded further questions to Graves, who had replied earlier that evening. Wilson asked to see the questions and the reply. The P.A. agreed to fax those to him the next morning. Wilson asked whether the board had made a decision on the two waivers he had requested: from the requirement to install a sidewalk, and from the maximum 2:1 slope requirement. He was told that members would rather see the complete plan, including the addition of revisions and missing information, and go on a site walk, before they reach a conclusion. A site walk was arranged for Nov. 5 at 2 pm, and the P.A. was instructed to request Graves do a site visit as well. Yanofsky raised the issue of the discrepancy in measurement along the frontage which members had noticed when reviewing the recently approved ANR of the site. Wilson could not account for it at the moment, but explained that in surveying, the less than one inch discrepancy is considered insignificant. At 9:15, Colman continued the hearing to 9:45 on Nov. 13, 1995.

Tall Pines curbing waiver request Tall Pines developer Costello came to hear the board's decision regarding his request to modify the subdivision approval to allow him to substitute cape cod berm wherever granite is required. The board informed him that town counsel had advised that such a modification would be significant enough to require a public hearing, and that the members at this time had reached a consensus that there was little reason to allow the modification. Colman advised Costello that he could still request the hearing and the board would hold it. Costello stated that he would not do that. He then offered to help the board present the subdivision conservation restrictions, those protecting the Tall Pines and the trail and pedestrian easements, to Joel Lerner of EOE, explaining that the existing recorded documents are valid only for 30 years. If Lerner accepts them for the state, they will be perpetual and wholly enforceable. Costello said he would be unwilling however to reopen the subdivision process, as he is close to the point where he will ask the board to release some 12 lots from the restrictive covenant so that he can sell them. Therefore, he is unwilling to do anything which changes the documents if such change would require a new hearing. Colman asked if the lots which Costello has under agreement include any with restrictions on them; Costello explained that lots 8 and 9, at Barnes Place, do indeed have no build/no cut restrictions on them, and that 17 and 19, on Swanson common drive, have a pedestrian easement. He added that trail easements are automatically perpetual, but that the planning board had required a conservation easement along the trail easement to create a buffer, and it is that portion which needs the state acceptance to be in perpetuity. Noting that Judy Lane of the Trails Committee had begun work on a draft for Lerner several weeks earlier, but had not completed it, he suggested that the board go to Lerner with a signature sheet attached to the existing documents. The board agreed that such an action would be desirable, and that Epstein, or perhaps LaLiberte (who was not present), would visit Lerner. The P.A. was asked to provide Epstein with a summary of the history of the existing restrictions. If Lane produces reworded documents, town counsel would need to review them for consistency with the planning board documents. Epstein pointed out that although Lerner might not like the wording of the existing agreements, presumably he would agree it is better to have a perpetual agreement he doesn't like than a 30 year agreement he doesn't like. Tice suggested the P.A. write a letter to Lerner expressing the planning board's support; the P.A. expects the Trails Committee and ConsCom will also add letters of support.

Malcolm Meadows preliminary review draft report With Jay Luby and Ken Harte of the Carlisle Conservation Foundation and Kirk Ware of the Congregational Church in attendance, the board discussed the P.A.'s draft memo. Taking up the points in the draft, members discussed how much additional information they would like to see on the proof plan (showing 8 subdivision lots). They asked the P.A. to discuss the plan with the ConsCom administrator, asking her to check the flagging of the wetland in general, and in the area of lot 7, which would require a wetland crossing, in particular, and to review March's calcs on the wetland filling which would be required to provide access to lot 7. They asked her to discuss the soils data with the BOH administrator; she replied that she had. Linda Fantasia, the administrator, had recommended she ask BOH consultant Rob Frado of Barrientos Assoc. to review the data and write a report to the planning board. The board instructed the P.A. to do so.

Regarding the road plan and profile waiver, Yanofsky was of the opinion that all information should be provided, as this driveway would provide access for 12 units worth of elderly citizens. When considering a traffic study waiver, she felt that if the board keeps in mind the \$200,000 per unit figure which all participants have set as a goal, little mitigation could be done by the developer even if a study indicated it might be desirable. Hengeveld reminded everyone that the board had concluded in March of 1995 that the project is exempt from a study under the regs. Luby commented that fire chief Koning had visited the site last year and had agreed the driveway design was safe. Hengeveld asked if the public had made any comment about safety of the road to anyone present. The P.A. replied that an abutter who had then just moved to Stearns St. opposite the Malcolm land called her last year to express her concern with the use of the Malcolm land for the project, citing Stearns St.'s narrowness and right angle bend. The board told the attendees it would continue to review the draft for the next meeting, and the P.A. would call them if there are questions to be asked. They were provided with copies of the draft. The board set up a site walk for Nov. 5, 1995, at 11 AM.

December meeting dates were set for the 4th and the 18th.

The Bishop decision will be filed as drafted.

The P.A. will deliver copies of all resumes submitted for the P.A. job and received through Nov. 1 to board members, who will have a posted public meeting at Colman's house, 18 Audubon Lane, at 8:30 pm on Nov. 2. She will forward any additional ones as they arrive.

The meeting was closed at 11 pm.

Submitted by Sandy Bayne, planner assistant