

DRAFT**MINUTES**
June 10, 1996**ORGANIZATION OF THE 1996-97 BOARD****ANR PLAN:** Berry Corner Lane**DISCUSSION:** *Study Plan Implementation*
Conservation Commission agenda items
Board dynamics and teamwork

Chair Colman called the meeting to order at 7:20 p.m. Colman, Duscha, Epstein, Hengeveld, Tice and Yanofsky were present. Also present was Planning Administrator Mansfield. LaLiberte joined the meeting at 7:40 p.m.

MINUTES: The minutes of the meetings of May 6, 1996 were approved as amended with typographical corrections 7-0 on a motion by Hengeveld, seconded by Duscha. Duscha suggested that the first sentence of the first paragraph on page 4 be amended to read as follows: "Because he was a member of the 1994 Board, Colman explained their vote." Colman and all others agreed to that amendment.

ORGANIZATION OF THE 1996-97 BOARD

→ Colman reported that he had spoken to nearly all the members about the roles they wished to play on the Board in the upcoming year. He said that if it is what all the members wish, he would agree to continue as Chairman, but would relinquish that position to anyone who felt strongly that a change was desirable. Duscha responded that if Colman felt he need^{ed} a break, she would be willing to assume the Chair, or a rotation schedule could be established. She noted that many members have had a difficult year in their personal lives. Epstein asked how the selection of officers had been handled in past years, and Colman replied that it had been through informal discussion, just as now. LaLiberte told Colman that if he was willing to continue as Chair, LaLiberte would be

pleased. Colman noted that he and Duscha shared the advantage of being available in town during the weekdays.

Yanofsky observed that two people were willing to lead the Board, and so the members should make a decision. She said that, for continuity's sake, she would not favor rotating the Chair. Perhaps, she said, the selection of a Chair should be related to the anticipated work over the next year. Duscha responded that she thought the most important task of this Board was to work on the implementation of the *Study Plan*, noting that it did not work well to assign it to a subcommittee. Tice asked which aspects of being chair are the most burdensome. Colman replied that fielding telephone calls from members of other Boards and complaints from townspeople proved to be the least satisfying aspect of the job for him.

Hengeveld recalled that Duscha had proposed the concept of giving different Board members the responsibility of overseeing each project or application, and suggested that might change the role of the Chair and relieve him or her of some duties. Colman said that he believed that such a system would do little to reduce the Chair's workload, and Yanofsky said she felt that there should be one "point person" for all business. Nevertheless, Colman added, giving a member primary responsibility for one project can be a great learning experience, and he recalled that he "cut his teeth" on Ice Pond inspections.

Colman summarized that he believes the most important qualities of being the Chair are (1) allowing everyone the opportunity to speak, and (2) not letting one's personal opinions control the discussion. ~~One~~ ^{discomfort w/} those criteria, he said, either he or Duscha could do the job well, and his only concern is about her ~~inexperience in~~ public speaking. Duscha responded, however, that the Chair's position would give her the opportunity to get experience running public meetings, which she would like to do. Colman noted that this would be the last year of service for him, giving someone else that opportunity next year. Yanofsky said that while this would not be the year for her to take this position, she would really like to serve as Chair before she leaves the Board.

Hengeveld suggested that co-Chairs be considered. LaLiberte said that this could possibly allow both Duscha and Yanofsky to serve next year, but that Duscha might consider taking the Vice-Chair position now. Epstein suggested that it wouldn't be necessary to have the title of Chair to run a meeting, and that rotating the presiding officer would not require a rotating Chairmanship.

Tice then moved the nomination of Colman as Chair, but there was no second and discussion continued.

Colman suggested that those who wish to moderate meetings could do so on a rotating basis. Epstein suggested that, to maintain continuity, a rough structure be developed for the conduct of meetings. Yanofsky added that a standard announcement could be read at

the beginning of a meeting (or hearing) that would set out the rules of conduct. She also asked that the Board develop some objectives for the year.

Hengeveld requested that she continue as Vice-Chair, because it is the one role that her schedule allows her to play. She added that she does not see the position as a stepping-stone to the Chairmanship. LaLiberte would also like to continue as Treasurer, and Tice offered to assist him. Likewise, Duscha agreed to continue as Clerk.

Members then addressed the filling of liaison positions. Yanofsky said that she did not want to remain on the Long-term Capital Requirements Committee. She went on to explain the workings and membership of the committee, and noted that meetings can be frequent, especially during the period from January to Town Meeting. Turning to the Conservation Commission liaison, Colman explained that he served this function for two years and that it was a good way to learn more about the properties in town, since many more come before that body than before the Planning Board. Mansfield noted that there needs to be an active liaison to Cons. Comm., since there are many issues of common interest. Duscha, the current liaison, said that she enjoyed their meetings but could not attend many lately. Tice offered to stay with the Board of Health, but asked that their agenda be sent to him regularly. LaLiberte agreed to stay with the Historical Commission, but admitted that there was little to do.

Regarding the Planning Board rep. to MAPC (MAGIC), Duscha confessed that she hasn't done much and the function is not worth much to Carlisle. But \$1,000 is allotted in the Planning Board budget to secure MAPC membership. Mansfield noted that the Planning Board and the Selectmen each have an appointment to MAPC, and those individuals, who do not have to be members of either Board, can become more deeply involved than just attending MAGIC meetings. Yanofsky suggested that the substance happens outside of the meetings, and that she would like to see the Selectmen change their appointment to gain stronger MAPC representation.

Regarding a liaison to the School Committee, Yanofsky offered that if such a link were established, it should be to the School Building Committee, but perhaps no formal representation is required. Colman agreed to be the liaison to the Selectmen.

At this point, Colman noted that members of the public were present regarding a scheduled review of ANR plans, and asked that the present discussion be **tabled** until later in the meeting. When discussion was resumed, Yanofsky **moved approval of the current slate of officers**, and Tice seconded the motion. **The motion was approved by a vote of 7-0.**

Yanofsky further noted that both the Long-term Cap. and Historic Comm. appointments are to be made by those committees, and so this Board was just in a position to offer. It was further agreed that the MAGIC appointment would be taken up at the next meeting, and also a Rules of Procedure subcommittee would be established at that time to develop boilerplate language to be read at the outset of each hearing.

an appointee

The officers and liaisons of the 1996-97 Board are:

Chair	Richard Colman
Vice-Chair	Tara Hengeveld
Treasurer	John LaLiberte
Clerk	Sally Duscha

Long-term Capital Requirements	Susan Yanofsky (suggested)
Conservation Commission	Sally Duscha & Michael Epstein
Board of Health	Bill Tice
Historic Commission	John LaLiberte (suggested)
MAPC (MAGIC)	(Open)
School Building Committee	(Open)
Selectmen	Richard Colman

ANR Plan: Berry Corner Lane (Valchuis)

Mansfield updated the information in his June 7 memo to the Board, having learned just today of some of the unique features of properties fronting on Berry Corner Lane, which was created in 1968 under the "Small Subdivisions" provision then in the Rules and Regs. ^{and} only available to subdivisions of five lots or less. That, he said, combined with his observation that the new assemblage of land shown in this plan was not labeled either as a parcel or a building lot, made it difficult to determine whether a sixth lot was being created using Berry Corner Lane for frontage and access, and whether the Board had the obligation to endorse this as an ANR plan. Furthermore, since this application was filed on May 20, today was the final day in which the Board could act to be in compliance with the statute.

The applicant, Michael Valchuis, said that he could not answer the questions being raised and suggested they be referred to Bill McNary, who was representing him. But, he added, neither McNary nor his attorney were present as he had expected them to be.

Epstein asked the primary question: is this a subdivision? Yanofsky said that if this were linked to a subdivision, we might then treat it as an amendment. Colman replied, "not necessarily." Epstein then asked if the application was properly before the Board. LaLiberte suggested that if the Board cannot identify whether the land is intended to be a building lot or not, then they can't endorse it. But Mansfield explained that the Rules and Regs. do not require property to be labeled. Yanofsky, referring to the original 1968 plan creating Berry Corner Lane, observed that that plan is not labeled as a subdivision plan. She said she did not know what basis the Board had not to endorse this ANR.

Richard Wells, a Berry Corner Lane resident, explained that the Lane is neither a public road nor a private way as such. Rather, he said, it is a separate lot owned in common by

the five abutters that they pay real estate taxes on. Selectmen Vivian Chaput tried to explain the history and the rationale of the Small Subdivision regs. Epstein tried to interpret the application in the context of his reading of MGL Chap. 41, Sec. 81L. But when no clear conclusion could be reached, Epstein suggested the applicant offer an extension in which to act, which Valchuis did, in writing, to July 15, 1996.

Colman then **moved to continue this item until the next meeting (July 1, 1996)**, and LaLiberte seconded the motion. The motion was **approved 7-0**. Colman asked the P.A. to seek an opinion from Town Counsel regarding the Board's options.

DISCUSSION: Study Plan Implementation

Selectman Vivian Chaput made a presentation to the Board on this issue. She expressed her concern that the *Study Plan* has been sitting on a shelf collecting dust for a year since Town Meeting approval. She said that the Selectmen would like to have a meeting of all the Town's Boards to address the question of implementation, noting that the goals and recommendations of the Plan go well beyond land use. However, her primary interest, she said, is in the land use issues. She became very concerned when Pine Meadows subdivision was approved using the standard subdivision rules and regs. in spite of the existence of the *Study Plan*.

She also lamented that, although the Town has met all the requirements to be eligible for funding under the Open Space Bond Bill, which is offering \$400 million, we missed the first deadline of June 1, 1996. Mansfield asked whether the Selectmen or the Cons. Comm. had received an RFP for this funding, but Chaput didn't know.

Although an updated Open Space Plan is in place as required, she said, the need is to coordinate the recommendations of that document with those of the *Study Plan*, and to identify parcels or conservation restrictions important to acquire. She said it is important to involve the Carlisle Land Trust and the Finance Committee. She also observed that a ~~local~~ ^{Town} conservation acquisition fund already exists.

The key element, Chaput said, is to have a person take charge of this effort, preferably someone with legal expertise. She suggested that LaLiberte would be an ideal choice. She promised her full support and effort, and added that Pat Loring would also be another good resource person and worker. However, she said, it is essential that the Planning Board take on this effort now. The Land Trust have their hands full with implementing the Malcolm Meadows and Estabrook Woods projects. The Planning Board's main purpose should be that of coordination, setting up meetings and working with the other Boards. The overall goal, of course, is the implementation of the Plan.

Colman suggested that Chaput's request did not just involve getting a group together to go out and obtain funding for land acquisition. He also said that the rules and regs. can be structured to preserve vistas and the perception of rurality, as long as we don't take

away a potential buildable lot. Why then, Chaput asked, isn't the field at Pine Meadow going to be preserved? This needs a bylaw change, she said.

LaLiberte suggested that the Board take a two-pronged approach to this challenge. Yanofsky added a third. Together they agreed that the issues to be addressed included (1) the financial aspects, e.g., funding, development rights, and C.R.'s; (2) tools, such as the conservation cluster bylaw; and (3) growth management and the fiscal impacts of this growth. These all have to work together, Yanofsky added; the conservation aspect has to include defining further what features we want to save in each piece of land. However, she said, the Planning Board cannot do this job alone.

But Chaput said she wants to see the Board organize this effort and assign responsibilities to others. Duscha speculated that the Board is best suited to look at the land use issues, but the financial elements should be the jurisdiction of the Finance Committee. Hengeveld suggested that what is really needed is a visionary. But Colman replied that the Planning Board may be the only ones, except the Long-term Cap. Committee, charged with looking to the future. Chaput reiterated that the Selectmen are looking at the task in terms of all the goals in the Plan, and want to involve all boards and committees in the effort. They plan to begin this process in the fall, she said, but the Planning Board should not wait.

LaLiberte agreed that he would be happy to be the focal point for this effort. He would, he said, go on Long-term Cap. if that will help, but said that another subgroup should be created to redraft bylaws and regs. Epstein returned to Yanofsky's three categories of issues to address. He warned against spreading the resources of the Board too thin, seeing this as a massive job. Colman said that he thought all would agree that the Planning Board should spearhead the implementation of the Plan. But the question is: what is the best use of time and talent to make this happen?

Yanofsky said she knew of a "huge growth-management guru from MIT." Why not, she suggested, ask him to present a forum in Carlisle with Cons. Comm., the School Committee, and other relevant bodies present? Tice thought this was an excellent idea, but LaLiberte thought this would not be possible until the fall. Yanofsky said we would need to know what the next step would be following this forum. Alternatively, Epstein said we could use expertise and experience from other towns. He said he might prefer an intimate session with the Planning Board rather than a big public meeting. He feared that the focus might be lost. But Colman replied that "H.G. Mit" might be able to define that focus. Yanofsky suggested that the Board could use "H.G. Mit's" observations and develop a position paper for Carlisle. Colman asked Yanofsky to copy her resource material for the entire Board and to try to contact "H.G. Mit" for more information.

Hengeveld reminded the Board that the need for a steering committee and a visionary was still primary. But Tice suggested that the approach or structure might better await the input from "H.G. Mit." Epstein countered that the Board as a whole should take this task on now with a coordinator. Yanofsky noted the importance of involving other

Boards, citing the recent experience of the Recreation Commission's Bisbee proposal. Finally, Colman suggested that the whole Board meet on **June 24** as the Study Plan Implementation Steering Committee, with LaLiberte as Chair. Members agreed.

Chaput concluded by reminding the members that they^e are others who they should tap as resources, like Pat Loring, who specializes in grant research. She also suggested that an article be considered for the fall Town Meeting warrant to appropriate funds to develop an RFP to purchase land.

Ice Pond inspection

In response to Carl Hanscom's request, through his attorney, Colman asked the P.A. to schedule with LandTech an inspection and estimate of the cost of remaining work to be done, if any. Colman and/or Tice also agreed to attend the site inspection. Duscha said that particular attention needs to be paid to the drainage. (Subsequently, Hebb notified the Board that the work will not be done until June 30 because of wet weather early in the spring, so the inspection was postponed.)

Recreation Commission proposal to use Bisbee land for soccer fields

The Board discussed the proposal currently under review by the Cons. Comm. Duscha agreed to attend the June 20 meeting at 9:45 p.m. Epstein said he did not think soccer fields belong on this land. Hengeveld also spoke against this proposal. Yanofsky thought that Long-term Cap. should review this proposal in relation to development plans for the Banta-Davis parcels. Colman said that the Rec. Commission's own plan was to centralize playing fields for the use of the schools. Originally, they said they wouldn't use Bisbee, he reported, but new members of the Commission appear more sympathetic to Concord's needs. This land, he said, is important as a gateway to the town. Moreover, parking is already available at Banta-Davis.

Yanofsky suggested there should be a needs assessment of soccer use. But, to provide input to Cons. Comm., she **moved to recommend support of the Recreation Commission's proposed use of the Bisbee land as soccer fields and parking.** Duscha seconded the motion. Tice recused himself as an abutter, and LaLiberte did likewise, explaining his law partner is an abutter. The motion **failed to carry by a vote of 0-5 with 2 recused.**

Evans' transfer of building rights proposal on Baldwin Road

The Cons. Comm. had requested a Planning Board member be present at 7:00 p.m. at their meeting of June 20 when the Evans were to present their plans for development of their land and an offer to preserve certain open space. Yanofsky suggested that an attorney would be appropriate. Colman agreed to represent the Board, and Duscha and LaLiberte also may be there. Board members discussed a previous Town Counsel's opinion that limited the Evans' right to use Two Rod Road for frontage and/or access for development. LaLiberte also referred to a more recent court decision that might be relevant, and supported the Town's position. He said he would Fax a copy to Mansfield, and Colman asked that both the case and Town Counsel's opinion be Faxed to him.

Board dynamics and teamwork

This discussion, originally proposed by Duscha, was continued from the meeting of April 22. Tice expressed his serious concern about the Board's process. He said that meetings are poorly focused, and that simple business could be disposed of much more quickly. He said that all members should collectively commit to stay on the topic and on a time schedule. Hengeveld disagreed; saying that the Board does a good job in public hearings, although meetings like this evening's are indeed less organized. Yanofsky said that while, in general, the process is not too bad, members need to listen to each other better during meetings. She said that agendas tend to be too long, and more background information should be included in the packet. She suggested that the Chair review the packet materials before they are distributed. She pointed to the Berry Corner Lane ANR as an example of being unprepared, but Mansfield explained that the background information in front of the Board tonight was unknown to him until this afternoon. Hengeveld said that she believed that what Yanofsky was asking for is already being done, and Colman agreed.

Colman said he was certainly willing to try to improve the dynamics of discussion among Board members. Epstein asked Duscha if she wanted the Chair to formally recognize a member before he or she speaks, but Duscha replied that this was not necessary. Colman also offered to set a tighter time schedule if members wished. Tice thought this was a good idea. Hengeveld suggested that the structure of a hearing be introduced in advance with an outline on the white board. Alternatively, LaLiberte offered to blow up such a schedule on his copier. Mansfield said he would prepare an outline of the basic format for a public hearing. He also suggested that the Chair should explain to the public present the process of actions that don't require a hearing, such as an ANR application, and determine in advance what the role of the public will be.

Other business:

After reviewing the *Mosquito's* publishing schedule and members' vacation plans, it was decided that meetings for regular Board business would be held on **July 1** and **August 5**. Other meeting dates during the summer would be reserved for Study Plan Implementation Committee meetings.

An inspection of Tall Pines subdivision by LandTech was set for Saturday, June 22 at 9:00 a.m. Colman and Tice will attend with Mansfield.

Board members asked that the Open Space Plan be circulated.

Duscha agreed to preside at the July 1 meeting.

The meeting was adjourned at 10:50 p.m.

Respectfully submitted,

George Mansfield
Planning Administrator

