



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

P.O. BOX 827
CARLISLE, MA 01741
(508) 369-9702

DRAFT

MINUTES

Special Meeting

December 18, 1996

**Ice Pond Subdivision: Request for extension of subdivision approval
Interviews for consultant services to prepare Open Space Residential Development
Bylaw**

Vice-Chair Hengeveld called the meeting to order at 7:45 p.m. Duscha, Epstein, Hengeveld, and Yanofsky were present. Colman, LaLiberte and Tice were absent. Also present was Planning Administrator Mansfield.

Ice Pond Subdivision: Request for extension of subdivision approval

Brian Hebb was present to make this request. He explained why he is asking for an extension until June 1, 1997. He told the Board that he was unaware of their action of December 9 requiring that the substandard drainage pipe be replaced before the road was paved until he received a call from a *Mosquito* reporter. He had not received the FAX from the P.A., he said, because his machine was not functioning as a result of the storm. Hebb explained that Carl Hanscom, his contractor, had installed the pipe on his own as a field change, and that he had used a 6 in. pipe because there is a 6 in. underdrain on the other side of the road. The engineer who was representing LandTech at that time, he said, had looked at the pipe but said nothing about its adequacy. Duscha asked who the engineer was, but Hebb could not recall. Mansfield pointed out that John Judd had written a memo to the Board in July, 1995, in which he mentioned the pipe without comment. Hebb said that Judd was not the engineer to whom he was referring.

Hebb explained that the paving had been scheduled for December 9, but snowstorms over the weekend had delayed the contractor. After learning of the Board's desire to have the pipe replaced, however, he said there would be no sense in completing the paving now, since the excavation would undoubtedly settle. Therefore, he said, he called the paving off and telephoned the P.A. for direction. He observed that as of today water is backed up at the inlet to the pipe in a manner worse than he has ever seen it. He suggested that

an alternative to replacing the pipe would be to fill in the depression and let the water drain across the road. He noted that a 12" pipe could not be tied into the existing underdrain. Duscha asked whether the solution might be to install two smaller pipes to properly handle the volume of runoff. But Hebb concluded that it would be best to ask his current engineers, Ross Associates, to evaluate the problem and recommend a solution.

Epstein asked if LandTech's engineer had made a recommendation regarding this extension request. Mansfield replied that Mark Sleger had suggested that the paving not be completed now, that the drain be replaced, and that all the work could reasonably be completed by late spring. Epstein asked Hebb when he could complete the recommended work. Hebb replied that he was being asked to do something that was not on the originally-approved subdivision plan, that he was afraid to open up the road now because of the high water table, and that he needed to evaluate all his options. Epstein focused his question to when could Hebb get the engineering evaluation completed. Yanofsky suggested that the Board set up a timetable for reaching an acceptable engineering solution and, if Hebb concurred, extend the subdivision approval to June 1. Duscha added that she would like to see the drainage problem corrected before the spring. Hengeveld suggested that Hebb's engineer submit a recommended plan to correct the drainage to LandTech by January 17, 1997, and that LandTech have its comments to the Board for its January 27 meeting. Duscha said that she would prefer to wait until January to act upon the extension request. But Epstein said that he could not imagine pulling the performance money in January and would not be in favor of approving the request in interim stages.

Yanofsky then moved to grant the further extension of subdivision approval for Ice Pond Road to June 1, 1997, provided that by January 17, 1997, the Board receive a plan prepared by Ross Associates, Inc., addressing the resolution of the drainage problem at Station 10+0. Epstein seconded the motion, and suggested an amendment that Ross Associates also propose a time schedule for correcting the problem. The maker of the motion accepted the amendment. The motion was approved 3-1, Duscha opposed.

Organization of staff and meeting space within the new Town Hall

Mansfield described briefly the inadequacies that he and the staff of the Board of Health and Conservation Commission have identified in the layout and furnishing plans for the new Town Hall. These include the lack of adequately-sized meeting rooms to accommodate the public whenever more than one Town board is meeting simultaneously, that the only adequate meeting room is on the first floor while all the boards' offices, files, telephones, and photocopying facilities are on the second floor, and that the space allocated for the staff is cramped and provides for no privacy. He further explained, however, that he and the other land use services staff believe they have identified a series of modifications that can be made in the layout of the space, without

any major architectural changes and without adding to the cost, that could greatly improve the functionality of the building for both the boards and their staff. He explained that they plan to meet with the Town Administrator to propose these changes, but that he would like the Board's input and support as well.

Yanofsky suggested that she and Chair Colman review the plans on behalf of the Board. Mansfield agreed and they set up a meeting to do so on Friday morning.

Compliance with conditions of Special Permit for Accessory Apartment for Gordon J. Hardy, 45 Pine Brook Road (approved 11/25/96)

Mansfield reported that the Board's decision on this application has been filed and the appeal period will run until January 2, 1997. Upon receiving a copy of the filed decision, however, the applicant called to express his concern that because of the condition imposed by the Board that a landscape screen be planted prior to the issuance of an occupancy permit for the accessory apartment, he will not be able to rent the apartment this winter as he had planned while he goes on vacation, since trees cannot be planted until the spring. After a brief discussion, Yanofsky moved and Duscha seconded the motion that **the Building Inspector issue a temporary occupancy permit for this apartment to be effective no later than May 30, 1997, or another reasonable time to be determined by the Building Inspector, and that a permanent occupancy permit be issued only after the landscape screen has been installed. Alternatively, the Building Inspector may issue a permanent occupancy permit upon presentation by the owner of a signed contract with a landscape contractor to install the required trees, said contract to be secured with a deposit of at least 10% of the estimated cost.** This motion was approved by a vote of 4-0.

[In a subsequent conversation with the Building Inspector, the P.A. determined that his practice is not to issue temporary occupancy permits. Alternatively, Mr. Hardy has agreed to post a bond for the full value of the landscape improvements in return for the issuance of an occupancy permit.]

Proposal to Board of Selectmen to seek the services of a Special Counsel for Planning Board legal matters

Mansfield reported that the Selectmen have asked to meet with the Planning Board on **January 14** to discuss this proposal. Epstein asked the members to consider their approach to the Selectmen, and whether Planning Boards in other towns have separate counsel. Mansfield replied that he would research this question. Hengeveld noted that she would not likely be available on January 14, and that Epstein should present the Board's proposal. Yanofsky observed that the Selectmen are accustomed to having entire boards come to their meetings. Epstein said he would call Colman and LaLiberte for their thoughts. He added that he wanted to discuss the Selectmen's role in the

appointment of Special Counsel, including their role in interviewing potential firms. He added that, since his work involves him in hiring, firing and supervising lawyers, he is used to assessing the quality of their work. He said he has not been impressed with the performance of Kopelman and Paige as Town Counsel in their service to the Planning Board, and he will explain this to the Selectmen.

Interviews for consultant services to prepare an Open Space Residential Development Bylaw

The Board members in attendance conducted interviews with representatives of the firms that had been selected from the proposals received and reviewed at the meeting of December 9. Interviewed in the following order were Mark Bobrowski and Richard Taintor, AICP, of Mark Brobrowski, Esq. and Whiteman & Taintor; Terry Szold and George Matarazzo, MLA, of Community Planning Solutions; and Joel Russell of Woodlea Associates. Each interview lasted approximately 45 minutes.

The P.A. also reported on the references he had contacted. For Bobrowski and Taintor these included the Groton Town Planner, the Chair of the Westford Master Plan Implementation Committee, a Planning Board member in Northbridge, and two members of Marion's Growth Management Committee. For Russell, references contacted were the Chair of the Williamsburg Zoning Bylaw Revision Task Force, a Planning Board member from New Marlborough, and the above-mentioned Marion officials, where both consultants have worked. For Szold and Matarazzo, contacts were made with the Ayer Planning Board Chair, the President of the Chestnut Hill Neighborhood Association, and the President of the Green Company. Unfortunately, Mansfield reported, officials in neither Georgetown nor Rowley, where Szold had done similar work to that proposed, could be reached. (However, a Rowley Planning Board member was subsequently contacted and that conversation was conveyed to Board members.)

The Board members agreed that both the interviews and the references provided clear and consistent indications of the strengths and weaknesses of the candidates, which the members discussed following the interviews. Since three members were absent, no final selection was made by means of a vote, but a consensus was reached that, based on their depth of experience, Bobrowski and Taintor were the preferred contractors. They agreed to discuss their findings individually with the absent members, and to coordinate the selection with the P.A.'s assistance no later than Monday, December 23.

The meeting was adjourned at 12:10 A.M.

Respectfully submitted,

George E. Mansfield
Planning Administrator