



# Town of Carlisle

MASSACHUSETTS 01741

Office of  
*PLANNING BOARD*

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## MINUTES April 28, 1997

**Report on completion of construction to correct drainage deficiencies at Ice Pond Subdivision, and timetable for completion of subdivision roadway**

**Two ANR Plans: Hutchins Road and Forest Park Drive, Tall Pines Realty Trust and Dorothy Bartlett, applicants**

**Notice of intent to remove land from Chap. 61A status: 180 Prospect St., Gutheil, applicant**

Present were Colman, Duscha, Hengeveld, LaLiberte and Tice. Yanofsky and Epstein were absent. Also present was Michael Abend, Maya Liteplo for the *Mosquito*, David Kelch, Betsy and Steve Kendall, Town Counsel Judith Cutler and Planning Administrator George Mansfield.

Because Colman was late, Vice Chair Hengeveld opened the meeting at 7:30 p.m.

**Two ANR Plans: Hutchins Road and Forest Park Drive, Tall Pines Realty Trust and Dorothy Bartlett, applicants**

Mansfield reported that the questions raised by the Board on this plan at the previous meeting were addressed to Town Counsel. She responded that both owners of record need not sign the application as long as one has the authority to sign for the other. In this case, Costello has provided evidence that he can sign for Dorothy Bartlett. With regard to whether the new lot can have access to an unaccepted subdivision road, Cutler explained that there was no problem as long as the subdivision was properly secured by a covenant, which it is. Therefore the Board can endorse this ANR. LaLiberte moved and Tice seconded **the motion to endorse both ANR plans**. The motion was approved 4-0, Colman not voting.

### **Report on status of Planning Board clerical assistance**

Duscha asked that the references of the candidate be checked, and LaLiberte said that he would get an update on the budget at the end of the month of April.

### **Municipal Incentive Grants (DHCD): Notice of available funds and workshops**

Mansfield had informed the Board that this year DHCD is not requiring Community Action Statements as a prerequisite for applying for these grants for FY 1998. He suggested an application be submitted to fund the full development of the revision of the Rules and Regulations. Board members approved Mansfield's request to attend a workshop on this topic in Chelmsford. LaLiberte suggested a copy of the grants notice be sent to the Board of Health, Selectmen and Conservation Commission with a cover memo.

### **Notice of intent to remove land from Chap. 61A status: 180 Prospect St., parcel 22A, lot 3 (Gutheil)**

Colman joined the meeting and assumed the chair. Mansfield noted that the Board had now received proper notification of this intent. Colman asked Board members for their opinions. Duscha stated that she would like to see rural vistas maintained and consistent with the Study Plan, the vista from Prospect St. of Prospect Hill Farm ought to be preserved. **She moved to recommend to the Board of Selectmen that the Town acquire this property by exercising its right of first refusal.** Hengeveld seconded the motion. The motion was approved by a voted of 5-0.

### **Report on completion of construction to correct drainage deficiencies at Ice Pond Subdivision, and timetable for completion of subdivision roadway**

LaLiberte recused himself from this discussion. Mansfield reported considerable activity since the last meeting, although the conditions of extension voted at that time have not been fulfilled. He said he had received nothing in writing, no timetable, no letter of agreement from Hebb to pay LandTech's expenses. Mark Sleger could not provide a not-to-exceed estimate of his costs until Hebb gave him a schedule too, so he could estimate his time on the site. Sleger also asked for a copy of the original approved subdivision plan which is not in the PB files. Mansfield further reported that Hebb had begun the work to correct the drainage problem on Wednesday, April 23rd, and Mark Hebb had called Mark Sleger that morning to notify him of that construction project. Sleger was unable to get to the site until Friday, April 25th. By that time the pipe was laid under the roadway and the earth compacted over it and the manhole was installed. Sleger made some suggestions, but in general agreed that from what he could see, the work was satisfactory. He did express some concerns about the flow of water at the outlet end and raise questions about

whether an existing order of conditions is sufficient to cover this work since it is in the wetlands buffer zone. Colman asked why LandTech did not anticipate the ponding at the end of the pipe during the design review stage. Tice said he was concerned that the Board expects something at this level of detail and asked whether it was fair to hold LandTech accountable. It was noted that the board relies on LandTech for this type of technical review.

Colman asked Mansfield to get a copy of the approved definitive subdivision plan from Hebb. Colman and Tice suggested that Hebb's engineer survey the inverts and verify the pitch of the pipe and the base. Cutler said that Hebb has an obligation to do this work correctly and get it inspected. She added that the Board ought to have within its Rules and Regulations a requirement of 48 hours notice to the consulting engineers before commencing with an installation of this sort. Noting that Sleger had also recommended that some of the subdivision security funds be held for an entire season to allow for settling of this trench, Cutler said that the Board would have the authority to hold funds for this period of time. She suggested, furthermore, that this could be adopted as a regulation, with a percentage or minimum dollar figure stated. Duscha asked whether she could send an example of such regulations and she replied that she could. In any case, Cutler said, the Board should reserve some funds to make sure that this structure works. The Board concluded that LandTech needed more information about the pitch of the pipe, the base on which it is laid, and the compaction of the earth over it. Once that information is determined, the Board members said they would be satisfied.

**Preparation of presentation to Town Meeting re: proposed articles and report on efforts to obtain support for their adoption**

LaLiberte stated that townspeople are concerned about the validity of two acre zoning and the threat that a cluster development zoning might pose to that. Cutler replied that she had never seen two acre zoning challenged on that basis. She said that state law clearly recognizes the validity of clusters. Furthermore, she said, she will be at Town Meeting to address any concerns that arise there. David Kelch said there were two issues he thought the townspeople might raise: one being the two acre zoning, the second being whether this proposal allows a developer to maneuver around the rules and develop more intensively in wetland areas. Tice suggested that these two issues be approached head-on in the Board's presentation to Town Meeting.

**Preparation of Planning Board report to Town Meeting re: proposed Open Space Residential Development warrant articles**

LaLiberte moved and Duscha seconded the motion that the minutes of the April 9, 1997 Public Hearing be accepted as the report to Town Meeting. This motion was approved by a vote of 4-0 with one abstaining (Hengeveld).

**Other Business**

The Board discussed its upcoming hearing schedule and its transition to new membership. Colman suggested the Board close the hearings on Hunters Run and Pine Meadow and readvertise them once the new board is seated and on which Abend will replace Colman. Cutler cautioned that the applicants must agree to this approach and give appropriate extensions of time. They must also make brand new presentations to the Board. She said, however, it would be possible to incorporate what was in the file for the record.

On behalf of the other Board members, LaLiberte expressed his sincere appreciation to Colman for his five years of service to the PB.

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

George Mansfield  
Planning Administrator