



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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MINUTES

October 27, 1997

- Accessory Apartment Special Permit, 45 Pine Brook Road. (Hardy): certification that landscape condition has been met and release of escrow deposit**
- Interviews with Engineering Firms Offering Consulting Services for Project Review:**
 - Judith Nitsch Engineering, Inc. (Boston), Lisa Brothers, PE, Principal and Sandra Brock, PE, representatives**
 - Beals and Thomas, Inc. (Westborough), George Preble, PE, LSP, representative**
- Discussion of "informal conceptual plan" for subdivision of land at 662 West St., as per Rules and Regs., Art. II, Sec. 5.A(3) (Chris Fleming)**
- Discussion of "informal conceptual plan" for subdivision of land at 566 Westford St., as per Rules and Regs., Art. II, Sec. 5.A(3) (Hal Sauer, Doug Edwards and Ted Barrett)**
- Discussion of potential Conservation Cluster Special Permit for land at 605 School St. (Bill McNary for Nancy Rockstrom)**
- Endorsement of amendments to Overlook Drive Common Driveway Special Permit and review of draft decision**

Chair Yanofsky called the meeting to order at 7:15 p.m.. Abend, Duscha, Hengeveld, LaLiberte, Tice, and Yanofsky were present. Epstein arrived later. Also present were Planning Administrator George Mansfield and Mary Hult of *The Mosquito*.

LaLiberte made a clarification to the **minutes** of October 15, 1997 and Tice then motioned to accept them. Hengeveld seconded the motion and the minutes were accepted 5-0-1-1 with Duscha abstaining and Epstein not present.

Bills were circulated and Tice explained that the Kopelman and Paige bill represents over 40% of the legal budget. He asked that Yanofsky and Epstein review the bill for accuracy. Mansfield noted that the Board also needs to make plans regarding the part time wages account which is already twice the budgeted amount.

Accessory Apartment Special Permit, 45 Pine Brook Road. (Hardy): certification that landscape condition has been met and release of escrow deposit

Duscha moved to release the escrow account for the accessory apartment special permit at 45 Pine Brook Road to the Hardys given that the landscaping requirement has been met. Tice seconded the motion and it was approved 6-0.

Gunilla LaCoche of 766 North Road arrived later and wished to express some concerns regarding this accessory apartment. She thought that this discussion had been scheduled for 9:00. The Board allowed her to state her concerns and subsequently advised her to contact the building inspector or the PA tomorrow.

Epstein arrived at the meeting.

Interview with Engineering Firm Offering Consulting Services for Project Review: Judith Nitsch Engineering, Inc. (Boston), Lisa Brothers, PE, Principal and Sandra Brock, PE, representatives

Lisa A. Brothers, P.E., Vice President and Sandra A. Brock, P.E., Project Engineer, of Judith Nitsch Engineering, Inc. came before the Board to make their presentation.

Brothers began by explaining that she has over 13 years of experience and is responsible for the firm's 5 municipal clients. If the Board chose to hire Judith Nitsch, Brothers continued, she would be the principal in charge of this account. Brock would be the project manager for this account. She is a Title V inspector and a certified soil evaluator and has design, review and subdivision experience. Both women also have experience working with the DEP and the Rivers Act.

Brothers then gave a brief overview of the company explaining that Judith Nitsch Engineering was incorporated in 1989. The staff of 50 includes 20 civil engineers with 8 P.E.s and the remaining engineers are graduate trainees. Currently, their municipal clients are Weston, Norfolk, Groton, Devens Enterprise Commission and North Reading. She

explained that they enjoy working with municipal clients because it keeps them current on regulations and it gives the staff a good overview of a project.

Brock then explained that she would be the Board's main contact. She would stress that communication be done through the Board, and not allow contractors to bypass the Board. When a submittal is received, she continued, it is first reviewed for completeness. Any document leaving their office is always reviewed by a second engineer. Their Chief Engineer, Steve Benz, is responsible for the quality of all work. The company also has the policy of submitting the same letter of communication each time with new comments highlighted to ensure that all current information is at hand. Field reports are made in triplicate and given to the Board and the contractor. Their policy is to make suggestions based on their experience, but also take suggestions from the Board.

Brothers then addressed some of the issues the Board had mentioned in its request for qualifications. She noted that each bill would be submitted with a job number and be itemized. Regarding experience with regulations, Brothers said that Judith Nitsch wrote the regulations for Devens. They have also done revisions for Groton and other towns as well. The firm uses subconsultants for any landscape architectural work. For Devens they used Carol Johnson and Associates. They also use McDonough and Scully for traffic engineering. She then handed out a summary sheet of their services and asked the Board for their questions.

Yanofsky explained that some applicants need to have an estimate before beginning the work and asked how this would be handled in the billing. Brothers explained that they do this for Norfolk and Weston. An estimate is given when a submittal is received and then each bill is tracked to show how it reflects the estimate and how much money is still unspent.

Tice noted that there are 50 employees, but only 8 professionals. He asked who the other employees are. Brothers explained that they are support staff, clerical, surveyors, EITs. Tice asked what the responsibility of an EIT is. Brothers said they are project designers and do much of the number crunching, basic design and research. Tice asked if Brock would do the site inspections. Brothers explained that some jobs can be done by younger support staff. Yanofsky noted that in the past there have sometimes been problems with continuity and the Board is concerned about having multiple engineers. Brock assured the Board that all work would be channeled through her and she would be the one person responsible for the job.

Abend asked them about their ability and desire to attend the Planning Board meetings. Brock said that she typically will attend the first meeting of a public hearing to clarify the technical issues and does not attend subsequent meetings unless the Board requests it.

Tice asked how much lead time would be required for a site visit. Brothers said that they like to have 48 hours notice, but will come out on short notice if necessary. She also

mentioned that in the towns where they are already working, the contractors have become accustomed to going through the boards first.

Mansfield asked what their turnaround time was in responding to documents for review, noting that the Board meets every two weeks. Brothers explained that typically they like to use two weeks, getting it to the Board one week before their meeting to allow them to review it. They like to have at least one week to review documents.

Mansfield then asked what percentage of their total business was municipal. Brothers said that 75% is public and 25% private. Municipal business makes up approximately 20% of their overall business. They would decline private business in town to prevent conflict of interest.

Abend noted that doing work for developers can be helpful in that one gains insight on how to deal with Boards. Brock said that she has experience with permitting and has done subdivisions in the past. Abend went on to ask if they have done projects where there is neighborhood opposition. Brock said that they have worked for citizen organizations and noted that the town of Weston had similar issues. Both women have done this type of work for many years. Brock stated that they try to provide technical support and remain professional without taking sides.

Abend then asked if they had experience dealing with poorly written regulations and if they had made suggestions to other boards. Brothers cited Weston as an example and noted that they had advised their board that their regulations were heading in the wrong direction. Brock added that any recommendations made are supported with explanations.

Epstein asked how the workload is handled if they become overburdened. Brock said it would depend on the job. Another engineer might help, or there might be a shift in the workload. In either case, Brock assured him, she would still need to sign off on the work and would be responsible. Brothers added that municipal work usually receives higher priority.

Mansfield concluded by asking what length of contract they typically enter into. Brothers said it depends on the individual town.

**Interview with Engineering Firm Offering Consulting Services for Project Review:
Beals and Thomas, Inc. (Westborough), George Preble, PE, LSP, representative**

George Preble, PE, LSP came before the Board to make his presentation.

Abend noted that his firm has a business relationship with Beals and Thomas, but he felt he did not need to be recused from this discussion.

Preble began by giving some background information about his firm. They have 55 employees and they subcontract out for traffic consulting using either R.D. Vanasse, HTSD or McDonough and Scully. Beals and Thomas was incorporated in 1984 and is devoted to assisting private and government agencies with the development and conservation of land. They work with Wrentham, Kingston, West Springfield, Hanover and have also done a project with Acton. Preble said that he is a professional engineer. The staff also includes 8 people in the landscaping department, 10 in engineering, 11 in surveying and there is also an environmental and planning staff.

Preble explained that when reviewing documents, they prefer to have one week to do so. With most projects they generally give an estimate, obtain the money from the contractor and then submit bills. Preble said that he would be the project engineer. The team would also include a junior engineer (EIT) and specialists as required such as a septic engineer, and a BMP's expert who understands DEP and the Rivers Act.

Yanofsky asked how billing is handled. Preble explained that they will give an estimate in advance based on review through two public hearings. The Board can present this to the contractor. Usually, Preble said, he would only attend the first meeting of the public hearing.

Yanofsky noted that Beals and Thomas has little municipal experience. Preble explained that in the past, municipal jobs were only done sporadically because of an overwhelming workload. The firm would like to do more municipal work because reviewing the work of others is appealing and there is opportunity to gain new ideas. Currently the majority of their work is for developers.

Preble said he has been with Beals and Thomas for 10-1/2 years. Tice then asked who is responsible for site visits. Preble said that he or a junior engineer would do the site visits depending upon the job complexity. The EIT he would be working with has 6 years of experience and lives in Burlington. Duscha wanted to make sure it would always be the same EIT. Preble assured her it would be.

Tice asked what the lead time was for an inspection. Preble said it was generally 48 hours and then approximately 2-3 days to submit a construction inspection report. Tice asked for an example of this report, but Preble did not have one on hand. He promised to send one.

Epstein noted that Beals and Thomas had done work for the Sudbury planning board and asked what type of work this was. Preble was not involved in that job, but assumed it involved review work. Epstein then noted that Paige Duncan is listed as a Professional Planner on the team and asked what her responsibility was. Preble said that she would be a consultant regarding rules and regulations. Preble added that Paul Finger would be the landscape architect.

Abend noted that Beals and Thomas has had more experience working with private developers and wondered how this would affect working with the Board. Preble said that this would make it easier for him to review plans. He would look at the rules and work closely with the Board.

In closing, Mansfield asked for clarification of the fee schedule which Preble had presented. Preble said that he will send an additional document which correlates the employees with the fee schedule.

Discussion of "informal conceptual plan" for subdivision of land at 662 West St., as per Rules and Regs., Art. II, Sec. 5.A(3) (Chris Fleming)

Present for this discussion were Chris Fleming, the applicant. Also present were Susan Carlson and Marjorie Getchell of West St., John Bakewell of Concord Rd., Ken Harte of Estabrook Rd., Hal Sauer of Westford St., Doug Edwards of Meadowbrook Rd., Ted Barrett of Galloway Rd, Chelmsford, Claude and Gunilla LaCoche of North Rd., Ken Ernstoff of Cross St., Nancy Rockstrom of School St., Pam Woodard of Blueberry Ln., Concord, Michael Hally of Autumn Ln., Bill McNary of Stamski and McNary, John Lee of Lowell Rd. and Sharon Mendosa of Munroe Hill.

Fleming presented his conceptual plan and noted that the property lies between Log Hill Road and Acton Street, abutting the Pannell land. The total property consists of approximately 17.5 acres. He showed the location of existing buildings and the proposed 500 ft. cul-de-sac road drawn in by Stamski and McNary. The conceptual plan divides the property into 5 lots of 2.1, 2.3, 4+, 5.7 and 2.4 acres respectively. Fleming explained that this plan conforms to the current rules and regs., but he had some concerns with this plan. In order to preserve the existing meadow and the view from the neighbor's (Hoffman's) house, he preferred to pull the cul-de-sac back approximately 150 ft. further. This would still give him the same number of lots and increase the total length of the cul-de-sac by approximately 200 ft. He also wished to locate the road closer to Hoffman's property to avoid the septic. This would create a drive along the property line, but still be approximately 20 ft. from the stone wall.

Yanofsky asked about sight distances from the driveway entrance. Fleming said it was approximately 300 ft. in each direction.

Ken Harte suggested creating a conservation cluster and a common driveway instead of a subdivision. This would leave the back land which abuts the Pannell land undeveloped. Yanofsky cautioned that the Conservation Cluster Bylaw is written to preserve special and unique parcels in town, and would need to see this requirement met. Mansfield noted that a Conservation Cluster would preserve at least 1/3 of the land and encourage linkage of existing conservation land.

Yanofsky expressed concern for the abutters. Mansfield asked if it had been considered to locate the drive on the other side of the property, but Fleming said that this would be a dangerous location on West St.

Yanofsky supported Harte's suggestion, noting that a common drive is less intrusive and more attractive than a subdivision roadway. Tice also expressed support of this idea.

Fleming was very interested in this idea and said he would look into the Conservation Cluster rules and regs. He was also concerned about saving an existing barn because it might end up too close to the road. Hengeveld explained that this would be a zoning issue.

Fleming then asked about the requirement for preservation of trees with a diameter greater than 8". He was concerned that this would require extensive surveying since the 17 acres were heavily wooded and in Chapter 61. The Board assured him that he would not be required to survey each tree. Yanofsky told Fleming that if he were willing to invite the Board for a site walk, they could give him more input. Fleming was very willing to do this.

Yanofsky asked if there were any trails on the property and Fleming replied that there were only a few informal logging paths.

Abend asked if there were wetlands on the property. Marge Getchell, an abutter, said that most of the land is upland with perhaps small pockets of wetlands.

Fleming stated that he will discuss the conservation cluster with Joe March or Bill McNary. Epstein cautioned that it is still not certain if this property has unique features to qualify for a conservation cluster, and Fleming should not expend too much time or money in this approach until this is determined. Fleming asked to attend the November 10, PB meeting to present an alternative cul-de-sac plan and a conservation cluster plan. At that time he would also like to schedule a site walk with the Board.

Discussion of "informal conceptual plan" for subdivision of land at 566 Westford St., as per Rules and Regs., Art. II, Sec. 5.A(3) (Hal Sauer, Doug Edwards and Ted Barrett)

Hal Sauer explained that he is a neighbor to Anna Johnson and was present to discuss options for 18 acres of land owned by her. Ted Barrett was present holding power of attorney for Johnson and Doug Edwards was present as a representative of Remax and would be responsible for the development.

Sauer explained that Johnson bought the land in 1943 and is now 91 years old. He is interested in helping her develop the land to assure that she is provided for. In order to

develop her land, she would need a portion of Sauer's land and he therefore was proposing a land swap. This development could only be done with a 1000 ft. cul-de-sac. Johnson's existing house would be removed creating a 500-600 ft. buffer from the main road, and there is a barn that might be preserved. Sauer further noted that a 500 ft. cul-de-sac would be unattractive because one lot would have to be near the main road.

Edwards stated that perc testing was begun in April and all proposed lots have perced. Mansfield asked how many lots there would be if the cul-de-sac were limited to 500 ft. Edwards estimated they would lose 2 to 3 lots.

Yanofsky asked Sauer if they had discussed the new rules and regs. or conservation clusters with Stamski and McNary. He replied that he had not.

Abend asked about grading to which Sauer replied that there was no problem.

Ken Ernstoff of Cross St. stated that it is not yet clear how the townspeople feel about the 500 ft. cul-de-sac limit and this should be taken into consideration. Epstein replied that the new rule and regs. provide guidance and in spirit, this plan is in accordance with these regs. He would not have a problem granting a 1000 ft. cul-de-sac in this case. Abend agreed with Epstein, but noted that 900 ft. may be sufficient here. Sauer commented that he was not willing to swap too much land because there are some natural features he would like to preserve on his own property. Yanofsky, Tice and LaLiberte also expressed agreement with Epstein and Abend.

Edwards expressed concern that not allowing a 1000 ft. cul-de-sac would force homes to be too close to the main road and also threaten a stately maple tree on the property.

The Board concluded by expressing an interest in scheduling a site walk.

Regarding the O'Rourke property, Mr. Sauer asked the PB if it would submit a letter to the *Mosquito* stating their support for the preservation of this land.

Discussion of potential Conservation Cluster Special Permit for land at 605 School St. (Bill McNary for Nancy Rockstrom)

Bill McNary of Stamski and McNary was present to represent Nancy Rockstrom.

McNary began by presenting the plan and explaining that this land abuts land owned by the Carlisle Land Trust. The plan would create 3 lots, each with 20 ft. of frontage on School St. Each lot would be approximately 3+ acres. McNary also stated that this land borders wetlands and that a trail would be provided to link existing conservation land with School St.

Epstein asked how long the proposed common drive would be and McNary responded, approximately 1000 ft.

McNary then explained that approximately 9.5 acres would be used for building lots and approximately 7 acres would remain as open space resulting in 44% of the land as open space.

Mansfield said that he had been on a site walk with Ken Harte and Cons. Com. At this time it was noticed that a waiver would be needed for the driveway width because of a substantial birch grove along the road. There are approximately 17 ft. between birches and at some points the drive might only be 12 ft. wide.

Yanofsky asked what the sight distances were from the existing drive. Mansfield stated that they were reasonably good for School St. Yanofsky then asked what the "granite duck" would be. Ken Harte stated that the trail would provide the only trail linkage between School St. and Estabrook Woods and it would provide wetland vistas.

Abend asked what their timetable was and McNary replied that they would like to begin design work as soon as possible.

Yanofsky expressed support for the plan, but wanted to see grading of the driveway. Duscha also liked the plan and the trail easement it provided. In general the Board supported the plan at this conceptual stage.

Yanofsky again mentioned the possible waiver for the driveway width, and McNary said he would talk to Bob Koning, the fire chief, about this issue. McNary also noted that there is a 10-20 ft. buffer around the property.

Abend asked if any abutters were present. Alex Parra, of 31 Bellows Hill, was present and expressed his desire for maximizing the buffer area. Ken Ernstoff of Cross St. expressed surprise at the Board's support for this plan. He noted that the most important issue for the Town should be what it is receiving in exchange for granting the conservation cluster and creating a lot worth \$1/4 million. McNary explained that he did not wish to present a subdivision plan to show the maximum number of lots that could be obtained. Ken Harte pointed out that they would be giving 7.5 acres of land for conservation.

Epstein suggested that the applicant go through the requirements of Sec. 5.5.1 in the conservation cluster regulations to see if the plan meets the criteria. Ken Harte did so stating that it does indeed meet most of the requirements for a conservation cluster.

Parra said that as an abutter, he would not like to have the PB encourage the applicant to plan a subdivision. Yanofsky noted that density is still a concern.

Greg Peterson of Indian Hill said that he likes to walk the trails and would like to be able to link to School St., thus creating a circuit trail. He further suggested that other connections might be made to Baldwin Road to connect the Sachs Greenway. He concluded by stating that he is also not in favor of asking property owners to submit subdivision plans.

Yanofsky said that other trail options should at least be stated formally, such as ownership vs. easement. McNary pointed out that the owner is not obligated to give trail easements.

Ken Harte said that he did not understand why the Board was opposing this plan. Epstein replied that the Board is only asking for the applicant to defend the plan for the Town, but this does not mean the Board is opposed. He personally expressed support for the plan.

Hengeveld said that the plan made sense and noted that a subdivision plan could mean as many as 7 houses. McNary clarified this issue stating that the land could support 4 lots, but their costs would be higher so they would prefer to build 3 lots.

Mansfield noted that if this land were to be developed as a subdivision, the existing tree lined drive would be eliminated.

McNary reiterated his desire to move ahead quickly. He noted that there were no major wetlands issues and he would meet with Cons. Com. on November 6.

Harte concluded by asking the Board if they liked the plan, to which the majority of the Board replied in the affirmative.

Board member Tice left the meeting.

Endorsement of amendments to Overlook Drive Common Driveway Special Permit and review of draft decision

Following review and discussion of the plan and amendment **Abend moved to endorse Overlook Drive Common Driveway Special Permit Plan dated July 29, 1995, last revised July 18, 1997 by LaBombard engineering, after reviewing the Amendment to the Common Driveway Easement and Covenant signed and variously dated October 22, 24, 27, 1997.** Hengeveld seconded the motion and it was approved 6-0 with Tice not present.

Discussion of the Open Forum to be held on November 13, 1997

Yanofsky confirmed that the forum had been noted in the *Mosquito* and asked if there should be any further press releases or notices sent to specific individuals. LaLiberte said that he did not wish to send notices to individuals as this would send a wrong message. Yanofsky said that she thought the Town Boards and Departments should at least receive a notice, to which the Board agreed.

Mary Hult of the *Mosquito* pointed out that people are asking what the main changes are. This should at least be published before the Open Forum. Epstein asked if the bullet items already submitted to the *Mosquito* should be modified and clarified. Yanofsky said that an overview might be appropriate, but was afraid that this might create more misunderstanding if people don't comprehend the technical implications. Hult noted that the Board should reply in some way or the public may think the Board is being secretive. Epstein suggested that only the bullet items need to be published and interested parties can attend the Open Forum.

Abend wished to stress that the forum is to review the changes and the new rules and regs. He did not wish to discuss the process.

Epstein agreed to prepare a modified list of bullet items for the *Mosquito* and Hult asked that this be submitted by Monday. Hengeveld asked that it also be noted that waivers are always a possibility. Duscha asked that it also be pointed out that several parties have already approached the Board with conceptual plans. Epstein cautioned that the Board needs to remain objective and not appeal to emotions.

Yanofsky suggested that the Board needs to have prepared responses to some of the likely questions and that an introduction with highlights should also be planned. LaLiberte suggested that a list of potential topics be prepared and each board member be assigned a specific issue according to their preferences.

Mansfield said that it will be important to note to the public that the new rules and regs. do not reflect avant-garde ideas, but only serve to bring the rules and regs up-to-date.

Yanofsky informed the Board that Judith Cutler would be present.

Epstein suggested that the Board discuss tree preservation before this forum. The rules and regs. have strong language regarding this issue and the Board needs to be clear on this. Other issues the Board needs to be clear on include: driveway access zones, defining 150 ft. around the cul-de-sac turn around and the requirement of a traffic study.

Review of engineering interviews

Abend asked the Board for brief feedback on the two firms interviewed earlier in the evening. The Board was in agreement that Judith Nitsch Engineering had the better of the two presentations.

The meeting was adjourned at 11:30 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Anja M. Stam".

Anja M. Stam
Recording Secretary