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Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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MINUTES January 12, 1998

Introduction of Town Administrator David DeManche

PUBLIC HEARING: Cross Street - Special Permit for Common Driveway, James Ford, applicant

Report from Rules and Regulations Subcommittee

Proposed FY99 budget request/Discussion of fee schedule

PUBLIC HEARING: School Street - Special Permits for Conservation Cluster and Common Driveway, Nancy Rockstrom, applicant

Fielding Farm Drive (Cross St.) - Applicants' response to request for compliance with Common Drive Special Permit plans

Request for discussion of appeal of disapproval of Hunters Run Definitive Subdivision Plan (Executive Session)

Chair Yanofsky called the meeting to order at 7:20 p.m.. Abend, Duscha, Epstein, Hengeveld, LaLiberte and Tice were present. Also present were Planning Administrator George Mansfield and Roy Watson, Jr. of *The Mosquito*.

Introduction of Town Administrator David DeManche

Yanofsky introduced the board members to DeManche and briefly highlighted the main issues before the Planning Board. She also suggested that the Planning Board present monthly reports to the Board of Selectmen. DeManche agreed that this was something the Selectmen were seeking from all boards. Yanofsky expressed her interest in focusing

on the issues raised in the Town Study Plan. Other board members mentioned the need for a bigger table in the conference room, new computers, a Town GIS system and timely communication between the land use boards.

PUBLIC HEARING: Cross Street - Special Permit for Common Driveway, James Ford, applicant

Present for the public hearing were the applicant, James Ford, his representative, George Dimakarakos of Stamski and McNary and the prospective buyer, Chris Hart. Also present were, Steve and Betsy Kendall of 319 Cross St. and Steve Tobin of 164 Partridge Lane.

Dimakarakos presented the plan. The current 12 ft. wide gravel drive will be paved with 2 ft. shoulders. Two turn-outs will be constructed, with one being a T-turn-out. He said that the police chief had also told him it would be appropriate to place a sign with a number on Cross Street rather than creating a new street name for the common drive. Duscha asked that the applicant obtain written approval from the fire chief regarding the T-turn-out.

Steve Kendall was concerned about the safety issues and said that it is difficult to pull out of the three driveways in this area on Cross St. Yanofsky asked if the idea of consolidating the drives into one had been discussed. Hart said that the Wolossows, current owners of the driveway, were not interested in changing the plan. Kendall said he would discuss it if something were offered in exchange, such as moving the house back. Dimakarakos explained that the location of the house cannot be changed because of wetlands and septic locations. Yanofsky asked about vegetation in the area and was told that it is sparse and the Kendall home is visible from the drive. Dimakarakos then showed the sight distances at Cross St. and noted that they are approximately 302 ft. and should be fine up to 30 mph. The posted speed limit is 25 mph. Duscha asked how old the barn at the driveway entrance is. Ford said it was 50 years old.

Dimakarakos then addressed the issues raised in the January 8, 1998 letter from Judith Nitsch Engineering, Inc., to the PA, and felt they could be easily dealt with. Some Board members expressed concern that visitors might utilize the turn-around for parking. Hart proposed posting a sign there. Abend encouraged the applicant to consider flattening the driveway entrance to give better visibility and acceleration when exiting onto Cross St. Epstein asked the Kendalls what specific safety concerns they had. Mr. Kendall responded, saying the additional cars entering Cross St. would be a problem.

A site walk was scheduled for 9 am. Saturday, January 17, 1998, by which time the T-turnout would be staked.

Tice moved to continue the hearing to January 26, 1998 at 8:15 p.m.. Epstein seconded the motion and it carried 7-0.

Report from Rules and Regulations Subcommittee

Epstein reported that the subcommittee met on December 12, 1997 with Abend, Duscha, Hengeveld, LaLiberte and Mansfield present as well as Selectwoman Vivian Chaput and Dale MacKinnon of EarthTech.

The committee addressed approximately half of the topics on the bulleted list leaving the length of dead-end roads for a later meeting. Chaput asked the Board to carefully consider the Carlisle study plan when revising the Rules and Regs. The next meeting was scheduled for Tuesday, January 20, at 7:30 p.m.

Proposed FY99 budget request/Discussion of fee schedule

Tice presented a Planning Board Fee Comparison and noted that Carlisle's ANR fee should be closer to \$100. Duscha asked why this fee should be raised. Mansfield noted that while the Planning Board's initial costs are low, the ANR's do require maintaining long term files for public record. Tice also recommended raising the fee for Conservation Clusters, but would like more comparisons. Yanofsky asked Tice to review additional data and prepare a formal recommendation to the Board.

PUBLIC HEARING: School Street - Special Permits for Conservation Cluster and Common Driveway, Nancy Rockstrom, applicant

The applicant, Nancy Rockstrom was present for this hearing along with her engineer Bill McNary of Stamski and McNary. Barbara Thissell of Earth Tech was present as consultant for the Board. Also present were Ken Harte of 64 Estabrook Road, Suzanne Struss and Howard Hensleigh of School St., Linda A. Palmaccio, Dan Resler, Murlidhar Rao, Luanne and Bob Goehring, of Woodridge Road, Janet Hentschel of Baldwin Road, Judy Lane of Concord Street, Marjorie and William McCormick and Alex Parra of Bellows Hill Road and Eunice Knight, Pres. of the Carlisle Land Trust, of Bedford Road.

Mansfield listed the following documents received since the last meeting: 1) plan for dual Conservation Cluster and Common Driveway, 2) review from EarthTech dated 1/7/98, 3) memo from the BOH dated 12/30/97, 4) memo from the Trails Committee dated 11/9/97, 5) letter from Nancy Baumgartner dated 1/5/98, 6) follow-up memo from Stamski and McNary dated 1/12/98, 7) letter from Mark and Suzanne Struss dated 1/8/98, 8) Trails Committee follow-up memo dated 1/12/98 supporting project.

Ken Harte began by demonstrating how this property would connect other conservation land in town and provide access from School St.

Bill McNary then presented the plan and demonstrated that it exceeds the minimum land requirements for a conservation cluster. Forty-four percent of the 17 acres will remain as open space and none of that land will be wetlands. This land will benefit the Town by preserving a natural resource, providing linkage to existing open space, creating trails and buffering the wetlands area. He also showed the ANR demonstration plan with two lots. With the conservation cluster, each lot is approximately 3 acres. He explained that soil testing has been submitted to the BOH and a reply is expected by January 20. Regarding the driveway, McNary explained that it is currently approximately 440 ft. long and the plan would extend it to 1040 ft. The utilities would remain overhead to the existing house, and the two new homes would be serviced by underground utilities. The existing driveway is 10 ft. wide and would be paved and graded. Swales would be provided along the new portion of the drive with a drainage pipe into the bordering wetlands. The steepest portion of the drive would have approximately a 9% grade.

Thissell recommended that the existing drive be upgraded during the construction and that all utilities be placed underground. She was also concerned about failure of the drainage system and undermining of the pavement edges. She asked that riprap be used in the swales.

Mansfield noted that the fire chief had seen the plans and the site. He plans to bring his largest vehicle in to see if it can be maneuvered on the driveway. Mansfield also said that he had spoken with both the police and fire chiefs regarding naming of the common drive. The fire chief still recommends naming the common drive while the police chief maintains that numbers are sufficient.

Both Abend and Duscha expressed concern over the width of the existing drive and wished to see it widened during construction.

Issues raised in the Earth Tech letter were discussed and then the floor was opened to the public.

Eunice Knight of the Carlisle Land Trust complemented the applicant on her donation of land to the Town.

Suzanne Struss also liked the plan and the donation, but wished to include a deed restriction to lock in the proposed plans. For example, she is concerned that future owners might install lights along the driveway. As an abutter she was also concerned about maintaining current access to the trails. McNary said he is proposing that any driveway lighting should face toward the lot owners and added that the plan is to keep to trails accessible on the common land while not encumbering the lots with trail easements.

Alex Parra asked to see the limit of clearing. McNary indicated the areas of clearing and noted that the maximum width is 40 ft. He also showed the locations of cuts and fills in the driveway. Parra then asked if clearing could be reduced by eliminating the turn-around. McNary said the center of the turnaround would not be cleared. Parra asked why a turn-around circle would be required rather than a Y turn around.

Yanofsky asked McNary to get a written statement from the fire chief regarding his preferences regarding the common drive. She expressed concern over the width of the existing drive and the overhead utilities.

McNary agreed to stake the drive and the turn-around and a site walk was scheduled for January 17 at 9:45 a.m.

Epstein **moved to continue the hearing to January 26, 1998 at 9:00 p.m.** Tice seconded and the motion carried 7-0.

(Epstein excused himself for the remainder of the meeting.)

Fielding Farm Drive (Cross St.) - Applicants' response to request for compliance with Common Drive Special Permit plans

Present for this discussion were prospective buyers John Blanz of East Riding Drive and Michael Lohrer of 12 Cole Road, Wayland, MA 01778.

Lohrer said that based on his observation, the pavement thickness was insufficient, and he asked for clarification to the letter from Stamski and McNary regarding binder, etc. In a letter from John Fielding, dated November 8, 1997, he had been notified that the paving is complete.

Mansfield notified the Board that since the last meeting the shoulders have been completed.

Yanofsky noted that Fielding still needs to file for an amended plan because of the deviance in grading. She suggested that this be taken up at the next meeting on January 26, and that he be asked to attend.

Request for discussion of appeal of disapproval of Hunters Run Definitive Subdivision Plan (Executive Session)

Present for this discussion was Brian Hebb's representative Paul Alphen, and Town Counsel, Judith Cutler.

LaLiberte **moved to go into executive session to discuss litigation regarding Hunters Run.** The Board was polled and unanimously approved the motion.

(The Board met privately with Town Counsel.)

Hengeveld **moved to close the executive session.** Tice seconded, the Board was again polled and unanimously carried the motion.

(The public was invited to return to the meeting.)

Alphen proposed an offer of compromise. Both parties should be able to discuss options freely without having discussions held against them in a court of law. He noted that both parties would benefit by coming to a compromise before litigation begins. He proposed that the two options are to further discuss the 10% plan or to remedy the conditions of disapproval to the 8% plan.

Regarding the 10% plan, Alphen stated that it could be resubmitted at a public hearing and if the Board approved the plan with waivers, the case would be dismissed. Yanofsky asked why Hebb did not understand that the Board was in fact interested in pursuing this plan. Alphen explained that as a lawyer, he had recommended presentation of the 8% plan since it had fewer variances and seemed more likely to pass.

Alphen noted that the options are to pursue a case and allow the court to decide, to resubmit the plan, or to have dialog focused on the 10% plan. He asked that the Board give him some feedback as to its preferences.

LaLiberte noted that he was recused from earlier discussions and would be unable to give feedback without doing further research.

Tice said he is interested in negotiating, but would like to have some time to consider the options.

Hengeveld also expressed a need for time to consider, but thought the 10% plan was a good one to pursue.

Abend said he is interested in the 10% plan and asked if the engineer would consider incorporating the new Rules and Regs. into the plans. Alphen said it could be considered.

Duscha declined to comment.

Yanofsky said she couldn't make a definitive statement at this time and she would also need more time to consider the options in order to give Hebb a carefully considered reply.

Carlisle PB Minutes

January 12, 1998

Page - 6 of 7

Alphen reminded the Board that it could also consider the 8% plan and its reasons for disapproval. The applicant is willing to address these issues.

The Board agreed to consider the options and take up the issue at its February 9th meeting.

LaLiberte moved to go into executive session to discuss strategy regarding the Hunters Run litigation. Tice seconded and the Board was polled and approved the motion 7-0.

The meeting was adjourned at 10:55 p.m.

Respectfully submitted,



Anja M. Stam
Recording Secretary

