



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

MINUTES

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Review of Special Permit and ANR fee structure

PUBLIC HEARING: Stearns Street (Malcolm Meadows) - Amendment to Special Permit for Senior Residential Open Space Community, Northwest Structures, Inc., applicant

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

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

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

Discussion of strategy with regard to pending litigation, Valchuis et al. v. Planning Board (Executive Session)

Vice Chair Hengeveld called the meeting to order at 7:20 p.m. Abend, Epstein, and Tice were present along with Planning Administrator, Mansfield. Roy Watson, Jr. of the *Mosquito* was also present. Members Duscha and LaLiberte arrived later and Yanofsky was absent.

Regarding **budget** items, Mansfield presented the MAGIC bill which was reduced to \$1000 in response to a letter from the Board. The Board agreed to pay this amount and Epstein provided the 4th signature necessary to approve payment. Tice provided a Revenue Projection for FY'99 to be presented to Fin.Com. on February 18, 1998.

Review of Special Permit and ANR fee structure

Tice also recommended that ANR fees be raised from \$10 to \$100 per lot, based on data collected from area towns. Mansfield noted that the ANRs are part of the subdivision regulations and a proposed fee increase would therefore require a public hearing. Mansfield and Tice recommended raising the fees for Conservation Clusters which could be done without a public hearing because they are on a schedule separate from the Rules and Regulations. (Duscha arrived.) The Board discussed this option and Tice **moved to**

raise the fee for a new Conservation Cluster from \$300 to \$1000. Abend seconded. Duscha wished to see justification of how many Board hours are actually spent administering a Conservation Cluster. Mansfield said that this could not be determined since the Board has not yet completed a Conservation Cluster. Abend felt that this amount is conservative and might even be raised in the future. He did not think it was too high. A vote was taken and the motion carried 4-1 with Duscha opposed.

PUBLIC HEARING: Stearns Street (Malcolm Meadows) - Amendment to Special Permit for Senior Residential Open Space Community, Northwest Structures, Inc., applicant

Present for this public hearing were Ron Peabody, the applicant. His representative, Joe March of Stamski and McNary arrived later in the hearing. Bob Koning, the Fire Chief, was present as well as the following members of the public: Leonora and Albie Jarvis, Rosamond Merrill, Raymond Borden, Ruth and Bill Reeder and Howard Knuttyen of Stearns St., Eunice Knight of Bedford Rd., Jane and Ralph Anderson of Baldwin Rd, and Betsy Fell of Patten Ln.

Hengeveld noted that only 5 Board members were present and the applicant needs 5 favorable votes for approval of the amendment. Peabody requested that the Board continue the hearing to another date without taking testimony since his representative was also not present. Hengeveld opened the hearing and Duscha **moved to continue it to Feb. 9th at 7:45 p.m.** Tice seconded the motion. Epstein said that he was not in favor of continuing the hearing since many members of the public had made the effort to be present this evening. Leonora Jarvis questioned whether all seven members would be present at the next meeting and if it could be continued again. A vote on the above motion was taken and it was turned down by a vote of 2-3 with Duscha and Abend voting in favor and Tice, Hengeveld and Epstein opposed.

Peabody then explained that the amendment was requested for the relocation of the fire cistern and the changes in landscaping. He apologized for not coming to the Board earlier regarding the fire cistern. He explained that Larry Topjian, Clerk of the Works, was informed by the fire chief that the fire cistern needed to be one 20,000 gal. tank rather than two 10,000 gal. tanks and that it needed to be relocated. He assumed that the Board was aware of this request and proceeded immediately. (Joe March arrived.) Peabody then proceeded to explain the landscaping changes.

Bob Koning explained his reasons for combining and relocating the cistern. He said that the new location near the entrance will also serve other properties along Stearns St. Initially abutters were disturbed by the flashing light on the cistern, he said, but that is only a warning light to indicate when the cistern is only 3/4 full. Now that it is full, the light will not flash. Hengeveld asked Koning if he had any restrictions for screening the cistern. He said that there are none as long as there is access to the suction pipe.

Ralph Anderson requested that the area around the cistern be adequately screened from the road. Joe March showed the latest set of plans which have been revised to show the cistern in its current location. Anderson asked that the screening of the electrical boxes also be shown on the plan. Peabody explained that this plan is from Beals and Thomas, the Landscape Architect who represented the Town during the original public hearing.

Raymond Borden was concerned about trees along Stearns St. and how they interfered with sight lines when coming out of the complex. March said that there are still some trees on the inside of the stone wall that are slated for removal. Jane Anderson asked if these trees would have provided screening. Peabody explained that trees left for screening purposes are in another area. Anderson stated that this is an important project for Carlisle and it should be attractive.

Eunice Knight of the Carlisle Conservation Foundation said that they plan to extend the existing trail and would like to work with Peabody. She would also like to see screening for the parking lot. Peabody assured her that there are trees for screening on the original plan and they will still be planted. Mansfield pointed out that these trees have been removed on the revised plans. Peabody said these pines should be put back in. Epstein said it would be helpful to present the old plan and highlight the changes.

It was noted that the new location of the cistern infringes on the trail easement by approximately 6 inches, but the trail can go right over this since the cistern is completely underground. Knight requested spruce rather than deciduous trees for screening. Abend asked for a note on the plans regarding screening of the cistern. Peabody said he is not sure of screening materials since this will be planned with input from the fire chief and residents.

In response to questions from the Board, Peabody said that the trees along Stearns St. will be removed as soon as possible and the three trees shown in the circle will be planted as planned.

Abend **moved to continue the public hearing to Feb. 9th at 7:45 p.m.** Tice seconded and the motion carried 5-0.

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

Present for this discussion was John Fielding along with his representative, Joe March of Stamski and McNary. Also present were potential lot owners Michael Lohrer of 12 Cole Rd., Wayland and John Blanz of E. Riding Dr.

Mr. Fielding said he received letters from the engineers and the Planning Board and he intends to complete the common driveway as specified in the letters except for grade changes in two locations. These grade changes are due to ledge underneath.

Joe March said he responded to LandTech's letter in his own letter dated January 8, 1998. He spoke with Mark Sleger at LandTech who determined that the pavement is not thick enough and therefore assumed the wear course had not been installed. March was not able to look at pavement due to frost, but will resolve this discrepancy when weather permits. He added that the shoulders have been installed and will be loamed and seeded in the spring. March felt the finished grade is adequate with appropriate sight lines. The crack in question can be repaired in the Spring.

Abend referred to a "bump" he noticed at station 5 when he drove along the drive. March felt this was not a problem, but Abend contended that it could be during icy weather. He suggested that the sides might be raised as an alternative to blasting the ledge. March displayed the profile plan for Board review.

Lohrer felt he was unable to see over the hill and Blanz said his site engineer told him this is a dangerous point in the drive. Cars approaching this hill cannot see each other. Fielding disagreed. March asked the Board to ask LandTech about this issue. Epstein also asked to have LandTech verify March's responses to their letter.

Abend asked to see an as-built profile and also requested that the plan note a sign with appropriate words of caution to be placed at this "bump" in the drive.

Fielding agreed to call the PA to schedule discussion for Feb. 23rd.

(LaLiberte arrived.)

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

The applicant, James (Sandy) Ford was present along with his representative George Dimakarakos of Stamski and McNary and prospective buyer Chris Hart of 187 West St. Abutters Betsy and Steve Kendall of 319 Cross St. were also present.

Dimakarakos explained the changes made in response to suggestions made by Judith Nitsch Engineering. He showed that the sight lines at the entrance onto Cross St. are adequate for speeds up to 38 m.p.h. and this is a 25 m.p.h. zone. The turn-out was offset to one side as requested. Hart spoke with fire and police chiefs regarding the naming of the common drive and both said signs with numbers would be adequate. The fire chief also approved the design of the T-turnaround.

Duscha expressed continued concern about parking in the T. Abend asked if moving the T had been discussed further. Hart said he spoke with the PA and Cons.Com. administrator about this and it was determined that the house location cannot be moved due to the proximity of the wetlands buffer zone.

The Board then discussed other options to prevent headlights from shining into the abutters home. Hart noted that the grades become steeper if T is moved further west. Hengeveld asked about proposed screening and Hart offered to provide a landscaping plan. He also offered to explore options regarding relocating the drive and the T-turnout with the Fire Chief.

The Board asked the applicant to return to the next meeting with a landscape/screening plan and exploration of alternate drive and turnout locations. Abend also requested a formal grading plan of the entire lot.

Abend **moved to continue the public hearing to February 9, 1998 at 8:30 p.m.** Tice seconded and the motion carried 6-0.

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

Present for this public hearing were the applicant along with her representative, Howard Hensleigh and Ken Harte who is working with the applicant on conservation issues. Dale MacKinnon of Earth Tech was present as engineering consultant to the Board. The following members of the public were also present: Valenz Z. Holt and Mark Struss of School St., Steve Tobin of Partridge Lane, Bob Goehring of Woodridge Rd., Chris Hart of 187 West St. in Carlisle.

Mansfield noted that two new documents were received today regarding this property: 1) a letter from the fire chief regarding the removal of birch trees and 2) a letter from Cons.Com. with the order of conditions.

Epstein asked if the applicant had looked into moving the drive in order to preserve several older trees that would otherwise be disturbed. Harte said that McNary had not been back to the site following the site walk, but it appears that the trees would be lost even if the driveway was rerouted due to limited space. Abend asked for a profile plan. Hensleigh said that he had spoken with McNary and learned that this property was likely cut over at one point and all the trees are now approximately the same age. McNary rewalked the drive this morning and determined that none of the really older trees were in the path of the drive. Ken Harte added that the noted trees were not of particular value and would likely be lost during construction anyway.

Hensleigh also informed the board that the applicant wished to utilize the existing utility poles and only put the utilities underground along the new portion of the drive. He maintained that the wires are well screened by mature trees and the Rules and Regs. do not require utilities to be underground.

Hengeveld pointed out that according to the letter from Bob Koning, all the birch trees would need to be removed. Hensleigh was in agreement with this, but also said that Koning told him the width of the existing drive was sufficient. Hengeveld said that Koning had told her earlier this evening that he wished to see all driveways at a width of 12 ft. Harte said there is a turnout approximately 200 ft. from School St. His main concern over widening the existing driveway was its possible disruption of the bordering wetlands. Eptein expressed greatest concern for driveway width at the entrance onto School St. Abend stated that 10 ft. is not a sufficient width to allow two cars to pass. LaLiberte asked if it would be possible to widen only the entrance. Mark Struss of School St. was familiar with the property and suggested that the culvert at the head of the driveway could be widened without too much disruption to the wetlands. He also noted that there are some pines further down the drive that might be lost if the entire length were widened. MacKinnon said that his primary concern is always safety and still recommends a 12 ft. width for the entire length of the driveway.

Steve Tobin said that as a member of the Trails Committee he feels the applicant is donating a very nice trail to the town and some leniency should be allowed.

The Board members continued to discuss their concerns regarding the driveway width and possible solutions. Receiving no more public input, Tice **moved to close the hearing.** Abend seconded and the Board agreed 6-0.

Abend then **moved to approve the conservation cluster as shown on a plan entitled "Plan of Land, Carlisle, MA for Nancy Rockstrom" dated 12/4/97 by Stamski and McNary, finding that it meets the requirements of the Conservation Cluster Bylaw in that there are more than 10 acres, the number of lots does not exceed the number of ANR lots plus one, each lot has at least 2 acres, more than 3/4 of an acre of each lot is not in a wetland/flood hazard district, and the plan satisfies sections 5.5.2.4.1, 5.5.2.4.2, 5.5.2.4.3, 5.5.2.5, 5.5.2.6, 5.5.2.7.1, 5.5.2.8, 5.5.2.9 and 5.5.2.10 conditional upon review and approval of the agreement for conveyance to the Town or its designee, and it meets the objective of 5.5.1.** Tice seconded the motion.

Duscha requested that the motion be clarified by stating that **the plan meets the Conservation Cluster objectives by encouraging linkage of conservation land and use as passive recreation.** Abend accepted the amendment to his motion and it was approved 6-0.

Regarding the Common Driveway, Tice **moved to accept the plan for the Common Driveway for Nancy Rockstrom, dated 12/4/97 with the requirement that the**

existing driveway be widened to 12 ft. to the turn-out at station 200, subject to review and approval of the driveway documents and maintenance agreement by the Board, waiving the requirement to widen the entire drive to 12 ft., waiving the 1000 ft. length limitation and waiving the requirement that the driveway be 40 ft. from the outer lot lines. No separate name will be required for this common driveway provided that adequate signage be provided at the entrance and at forks noting house numbers. Epstein seconded.

Epstein was in favor of **requiring only the first 40 ft. at the driveway entrance to be widened to 12 ft.** Tice accepted this as an amendment to his motion. Abend proposed an amendment **to require rip rap from the outlet at approx. station 4+70 to the headwall at approx. station 3+40.** Tice accepted the amendment.

Abend wished to make it clear that the existing wires are hidden in existing trees and no new utility poles should be installed.

The above motion with amendments was approved 5-1, with Duscha opposed.

Scheduling of meetings

The Board agreed to meet on the second and fourth Mondays of February and March beginning at 7:30 p.m. The meeting of February 23rd will begin at 7:15 p.m.

Discussion of strategy with regard to pending litigation, Valchuis et al, v. Planning Board (Executive Session)

Present for this discussion was Town Counsel Elizabeth Lane and Rich Hucksam who attended the pre-trial conference.

LaLiberte **moved to go into executive session to discuss pending litigation.** Tice seconded and the Board was polled and unanimously approved the motion.

The Board came out of executive session and the meeting was adjourned at 11:37 p.m..

Respectfully submitted,



Anja M. Stam
Recording Secretary

