



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

P.O. BOX 827
CARLISLE, MA 01741
(978) 369-9702

MINUTES August 3, 1998

- Request from Town Administrator to review and comment on draft policy regarding Chapter 61A properties**
- Request from Town Administrator to nominate Planning Board member to serve on the Conservation Restriction Advisory Committee**
- ANR Plan: West Street, Map 17, Parcel 20A, Howard Hensleigh, applicant**
- Public Hearing: Definitive Subdivision Plan and Special Permit for Common Driveway for West Meadow, 361 Acton Street, Map 17, Parcel 17A, Robert Koning, 45 Acton St., applicant**
- Request from residents of Malcolm Meadows for engineer's review of as-built conditions to determine compliance with conditions of S.R.O.S.C. special permit**
- Request for consideration of partial waiver of notice requirements for proposed amendment to Common Driveway Special Permit at 69 Old North Road (Public hearing scheduled for 8/24/98)**
- Request from counsel for plaintiff in matter of Treibick v. Carlisle Planning Board (Laurajon Definitive Subdivision Plan, East St. - disapproved 2/25/96) to initiate settlement discussions**
- ANR Plan: 1056 Curve Street, Map 29, Parcels 6, 6-39, 7 and 7A. John Swanson and Tall Pines Realty Trust, applicants**
- ANR Plan: Concord Street, Map 4, Parcel 20 ("Buttrick Woods"), Landwest, Inc., applicant**

Chair Hengeveld called the meeting to order at 7:30 p.m. Abend, Holzman, Reid, and Tice were present along with Planning Administrator Mansfield. Seba Gaines of the *Mosquito* was also present. Members Epstein and LaLiberte arrived later.

The minutes of June 22, 1998 were reviewed and no corrections were made. Tice moved to accept the minutes as drafted, Reid seconded and minutes were approved 4-0-1 with Abend abstaining. (*Epstein arrived.*) The minutes of July 6, 1998 were also reviewed with one clarification made. Reid moved to accept the minutes as amended and Tice seconded the motion. The minutes were approved 5-0-1 with Tice abstaining.

Request from Town Administrator to review and comment on draft policy regarding Chapter 61A properties

Board members corrected several typos and suggested that the Trails Committee and the Municipal Land Committee be added to the list of groups for non-statutory notification. The PA was asked to forward these comments to the Town Administrator.

Request from Town Administrator to nominate Planning Board member to serve on the Conservation Restriction Advisory Committee

Hengeveld explained that she had asked the Town Administrator for more information regarding the goals and the time commitment required for this committee, and is expecting to receive an answer soon. In the meantime she has asked the PA to contact former PB member Sally Duscha to see if she would be interested in serving on this committee. Duscha hasn't given an answer yet.

(LaLiberte arrived.)

Subcommittee Reports

Abend said that he was able to attend the MAGIC meeting held on July 9th and reported that general information was shared for the benefit of new members.

Abend also gave a brief summary of the O'Rourke site walk held on July 10th and noted that it was informative and productive.

ANR Plan: West Street, Map 17, Parcel 20A, Howard Hensleigh, applicant

Mansfield presented the plan explaining that the ANR creates 1 standard lot and 2 porkchop lots. Tice moved to endorse the plan for Howard Hensleigh dated July 24, 1998. LaLiberte seconded and the motion carried 7-0.

Public Hearing: Definitive Subdivision Plan and Special Permit for Common Driveway for West Meadow, 361 Acton Street, Map 17, Parcel 17A, Robert Koning, 45 Acton St., applicant

The applicant, Bob Koning, was present with his engineers, Bill McNary and Jody Minkle, of Stamski and McNary. Dale MacKinnon of Earth Tech was present as the Planning Board's engineer. The following members of the public were also present: Sarah King, Jan Sachs, Marty Schafer and Rob Koning of Acton Street; Debra Hankey of East Street; Hans B. Wilhelmsen of Heald Road; Audrey Stoddard, Jesselyn L. Tobin, Colleen Walsh,

William & Marita Salem of Judy Farm Road; Steve Tobin of Partridge Lane and Dave Kelch of Oak Knoll Road.

Bill McNary presented the subdivision plan noting that a similar plan was approved in 1988, but has since lapsed. Previously the subdivision had been designed with 6 lots, but the new plan has 5 lots. There is a total of 24-1/2 acres of land. The public subdivision road will extend approximately 1000 ft. from Acton Street and from there the common driveway will continue for an additional 600 ft. The center of the property is largely vegetated wetlands and there are additional wetlands to the rear of the property. The drainage basin is larger than the one approved on the 1988 plan, in order to comply with new stormwater management criteria. This catch basin will slowly drain into the wetlands.

McNary noted that he had reviewed comments made by Earth Tech and incorporated some changes. The fire protection cistern has been moved to a higher location on the property to avoid encroaching on the wetlands.

McNary then reviewed the "List of Requested Waivers" as outlined in the attachment to his July 30, 1998 letter to George Mansfield: 1) The applicant does not wish to provide a landscaping plan, since the road will have little impact on existing vegetation and additional plantings would alter the view. Reid asked to have the specimen tree in the field preserved and noted on the plans. McNary explained that this has been done on the most recent revision of the plan. 2) The Board expressed concern over the applicant's reliance on a common driveway to access the lots, which would require a waiver of Art.III, Sec.2.A.6. Epstein asked fellow Board members to consider their position on this issue. The road could be viewed as a 1600 ft. common driveway or a 1600 ft. subdivision road. It might be appropriate to apply one set of standards for the entire length of roadway. Epstein asked if there is a precedent for this type of construction. McNary stated that Patch Meadow also has a subdivision road which turns into a common driveway. Abend preferred viewing this roadway as a common driveway, thus resolving some issues, such as snow plowing and school bus pick-up. 3) Regarding a waiver of Art.III, Sec.2.B.3, McNary explained that the adjacent property line cannot be altered to allow for a minimum property line radius of 25 ft. The Board asked if the roadway could be moved, but McNary said it would then begin to encroach on the other property line. 4) The fourth waiver asked to allow less than one percent grade along the roadway. McNary noted that in order to maintain a one percent grade, it would be necessary to raise the roadway 3 feet above the grade of the field near station 3+50. Following recommendations made by Board Engineer, Dale McKinnon, the Board asked McNary and Minkle to explore other options such as eliminating the curbing and providing a swale along the roadway. 5) McNary then explained that a waiver from Art.III, Sec.2.C.3 was necessary to prevent steeper grades in some locations while providing the leveling area at the approach to the intersection. He added that this waiver would allow less wetland filling, and maintain a nicer view from the road. He noted that there are sight distances of 250 ft. and 300 ft. at the intersection. 6) A waiver from Art.III, Sec.2.D.2 is requested in order to provide a tee-turn-around rather than a cul-de-sac at the end of the subdivision

road. A cul-de-sac would be provided at the end of the common driveway. 7) No Bike/Footpaths would be provided in order to minimize pavement and disturbance in the open field. 8) From the beginning of the roadway to station 3+0, a 2:1 grading of the side slope will be provided. A 3:1 slope cannot be provided without grading onto adjacent property. 9) Trees will not be planted along the roadway in order to preserve the existing view.

Epstein asked if there would be a separate list of waivers for the common driveway portion of the development and McNary explained that they would be similar. McNary then asked if the Board would be willing to approve a longer dead-end road. Reid felt that the length of the cul-de-sac was less of an issue, given the location of the cistern and the limited tree clearing required. Epstein expressed concern over the Town's liability in the event that emergency vehicles have difficulty accessing these homes. Abend thought a shorter public roadway with a longer common driveway might be an option to explore. LaLiberte noted that in earlier Board discussions, it had agreed that cul-de-sac length would be negotiable if lots are limited and open space is provided. He indicated that with five lots and an undisturbed meadow, the Board may be in a position to negotiate this issue.

The Board asked McNary to clarify the use of parcel X. McNary explained that parcel X and any part of lot 1 may not be recombined to form an additional building lot.

Abend noted that an additional waiver would be required since the centerline of the roadway is not at the centerline of the right of way as it enters the cul-de-sac.

Hengeveld said that due to potential conflict of interest, the Concord fire chief should be asked to review the roadway and turnaround design.

A site walk was scheduled for Saturday, August 8 at 7 a.m.

Abend **moved to continue the public hearing to August 24, 1998 at 8:30 p.m.** Tice seconded the motion and it carried 7-0.

Request from residents of Malcolm Meadows for engineer's review of as-built conditions to determine compliance with conditions of S.R.O.S.C. special permit

Bill Reeder and Howard Knuttgen of Stearns Street were present. They represented the residents of Malcolm Meadows and explained the issues as outlined in their memo to the Carlisle Planning Board dated July 27, 1998.

Hengeveld noted that she and the PA have reviewed the SROSC regulations and found that they do not require an as-built plan, however, there are still funds available in the project review account.

Reeder said that Katrina Proctor of Cons. Com. has reviewed the erosion issues and will write a memo to Peabody. PB members agreed that Cons. Com. has greater jurisdiction in this matter. The Planning Board has no leverage since all the occupancy permits have been issued. Judith Cutler, the Board's counsel agreed that the PB has no jurisdiction, but they could ask the building inspector to take action.

Reid moved to allow the PA to request an engineer's review (not to exceed 8 hours) of the grading and drainage issues as cited in the memo from the residents of Malcolm Meadows dated 7/27/98. Tice and Hengeveld will review the engineer's report and, if necessary, request an enforcement letter from the Building Inspector with a copy to Bill Reeder and the Trustees Elect of Malcolm Meadows. Tice seconded the motion and it was approved 7-0.

Request for consideration of partial waiver of notice requirements for proposed amendment to Common Driveway Special Permit at 69 Old North Road (Public hearing scheduled for 8/24/98)

Laura Chelton and Deborah Cassady were present to ask for a waiver to Sec.6.B and C. They will notify all of the immediate abutters of the public hearing with certified letters, but noted that the abutters to the abutters are in Chelmsford and they cannot obtain a certified abutters list from their Town Clerk since they do have Carlisle maps there. The applicants wished to notify the Chelmsford abutters with an advertisement in the *Lowell Sun*. The Board asked them to obtain the uncertified list and make a good faith effort to send certified letters to the appropriate parties.

Request from counsel for plaintiff in matter of Treibick v. Carlisle Planning Board (Laurajon Definitive Subdivision Plan, East St. - disapproved 2/25/96) to initiate settlement discussions

Reid moved to go into executive session to discuss the pending litigation. Abend seconded the motion. Board members were polled and all approved the motion.

After twenty minutes of discussion Epstein **moved to return to regular session.** Tice seconded, the Board was polled and all approved the motion.

Jacob C. Diemert, Attorney of Acton, MA and Russell Wilson, Engineer of Littleton, MA were present to represent the plaintiff.

Diemert showed some plans and stated that since the denial in February 1996, the applicant consulted with Cons.Com. for wetlands delineation and now has a more comprehensive plan for the Planning Board. He wished to remand the case from Land

Court, submit a revised plan and return to the planning process. Diemert then outlined several options for proceeding, including simply correcting the areas of disapproval.

The Board thanked him for his proposals and said they would contact him when they have discussed this further and decided how to proceed. No plans were submitted to the Board.

ANR Plan: 1056 Curve Street, Map 29, Parcels 6, 6-39, 7 and 7A. John Swanson and Tall Pines Realty Trust, applicants

As an abutter, Hengeveld recused herself and Vice Chair LaLiberte conducted the discussion.

The applicant, John Swanson of 1056 Curve Street, and his lawyer, Fred Conroy, were present for this discussion. The applicant's engineer, Joe March of Stamski and McNary presented the ANR plan. The plan showed a total of six lots. The Board expressed concern over lots 2 and 3. These lots would obtain their frontage on Hutchins Road and be accessed by driveways off of Curve Street. The proposed driveways would be approximately 400 ft. and 600 ft. long. The main issue raised by the Board was whether these lots could be accessed through their frontage since that area appears to be under a conservation restriction.

Conroy then explained that he was involved in drafting the conservation restrictions and explained that these restrictions are voluntary and not in effect until all the development on the Tall Pines and Swanson lands is complete. He referred to page 8, Section X of the Conservation Restriction, which was signed in November 1995. Conroy maintained that these restrictions do not prohibit driveways.

The PA then showed plans obtained from Cons.Com. dated 11/25/95 which showed the conservation restriction areas. Abend asked what the purpose of this restriction was. March explained that vernal pools were discovered during development and the conservation restriction areas were offered as a compromise. Mansfield noted that in speaking with the Cons.Com. administrator, he believes that Cons.Com. is operating under the assumption that the conservation restrictions are in effect.

The Board concluded that it needed more information before granting approval and asked for an extension to August 11, 1998. Swanson granted the extension in writing. March agreed to flag the lot lines at Hutchins Road as well as the proposed driveway entrances off Curve Street by Friday to allow Board members to review the site before meeting at the Koning property at 7:00 a.m. Saturday August 8th. The meeting would be held at the Koning property following the 7:00 a.m. site walk there.

ANR Plan: Concord Street, Map 4, Parcel 20 ("Buttrick Woods"), Landwest, Inc., applicant

Joe March of Stamski and McNary presented the plan for the applicant. He noted that the applicant will pursue a conservation cluster for this property, but needs ANR approval to obtain financing. The applicant does not plan to record this ANR. Reid **moved to endorse the ANR plan for Landwest, Inc. dated 7/30/98.** Epstein seconded and the motion carried 6-0.

The meeting was adjourned at 11:35 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Anja M. Stam". The signature is written in black ink and is positioned above the typed name.

Anja M. Stam
Recording Secretary