



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

MINUTES

August 24, 1998

P.O. BOX 827
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Request from Town Administrator to nominate Planning Board member to serve on the Conservation Restriction Advisory Committee

PUBLIC HEARING: Amendment to Common Driveway Special Permit, 69 Old North Road, Map 34, Parcels 1, 15 and 16, Peter Chelton, Robert Cassidy and Keith Simon, applicants

JOINT PUBLIC HEARING: (Tree Warden): Request by William Costello to remove six (6) trees in the right of way of Maple St., a scenic road

CONTINUED 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

Petition from residents of Kimball Road, Hutchins Road and Fiske Street to amend Tall Pines Definitive Subdivision Plan to add bike/footpaths to the subdivision plan

Request by William Costello for discussion of prospective requests for lot releases for Pine Meadow Subdivision, Maple St.

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 Release of Project Review Fee for Common Driveway Special Permit, Baldwin Road (Evans)

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 (executive session)

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

Chair Hengeveld opened the meeting at 7:35 p.m. Members Abend, LaLiberte and Tice were present. Reid and Epstein arrived later and Holzman was not present this evening. Planning Administrator Mansfield and David Ives of the *Mosquito* were also present.

Minutes for the meeting of August 3, 1998 were reviewed with minor corrections made. Tice **moved to accept the minutes as amended.** Abend seconded and the minutes were approved 4-0. (*Reid arrived.*) Tice also **moved to accept the minutes of August 8, 1998 as drafted.** Abend seconded this motion and it carried 4-0-1 with Reid abstaining.

(Epstein arrived.)

Hengeveld reported on the Selectmen's meeting held on August 11. Topics she discussed with them included improvement of communication between Town boards, the Open Space Bylaw, percent of land in the building ellipse within the wetlands, Common Driveway Rules and Regulations, improvement of computer technology for PB administration. The Selectmen asked the PB to review and possibly amend the Conservation Cluster Bylaw. They also wanted to let the PB know that the issue of Town Counsel is being reviewed and that John Ballentine will be the Selectmen's representative to the PB.

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Hengeveld noted that she had not received any information regarding the goals and the time commitments of this committee. She added that former PB member Sally Duscha had declined to accept this position. Mansfield explained that he had discussed this with the Cons.Com. administrator and determined that this committee will be dealing with issues which will be of greatest concern to Cons.Com. Involvement by the Planning Board may be limited. John Lee will be representing Cons.Com. on this committee. Hengeveld agreed to be the contact person for this committee, but will rely on other PB members and the Planning Administrator to help her represent the PB as necessary.

PUBLIC HEARING: Amendment to Common Driveway Special Permit, 69 Old North Road, Map 34, Parcels 1, 15 and 16, Peter Chelton, Robert Cassady and Keith Simon, applicants

The applicants Laura Mullins Chelton, Peter Chelton, Patricia Simon and Deborah Cassady of Old North Road were present. Laura Chelton showed the current plan with the common driveway length totaling 575 feet. The original permit was granted in 1984 and stated that the driveway will be maintained as crusher run gravel. Chelton explained that the gravel washes down the driveway and into the street, especially with melting snow. The applicants noted that it is especially difficult to drive up the driveway in winter, and they described several instances in which cars and service vehicles were unable to gain access to the properties served by the common driveway. Chelton explained that they would like to amend the common driveway special permit to allow them to pave the first 295 feet of the common driveway, which is the steepest portion, after which the driveway levels off. She added that Bill McNary of Stamski and McNary, who prepared the original common drive plan, has been on site to review the existing common driveway and he noted that a drainage pipe had been installed at the base of the driveway after the driveway was completed. Gary Davis of D.P.W. was also present this evening and confirmed that a culvert had been installed at this location which directs water under North Road and into a

detention basin. The applicants intend to pave the driveway as recommended in a letter to them from Bill McNary dated July 17, 1998. The Board expressed some concern over gravel from the top of the driveway washing onto the paved portion, and suggested it might be preferable to pave the entire driveway length. Patricia Simon explained that erosion is not a problem in this area and that the paved portion would be designed with a "lip" at the top to prevent gravel from washing down. The Board also discussed drainage issues and some members felt it was not appropriate to allow paving of the entire length of the driveway without a review for drainage calculations.

Tice moved to revise the Planning Board notice of the special permit decision dated May 4, 1984 by deleting condition #1, that the surface shall be maintained as crusher run gravel, provided that items 3 and 4 of the letter from Bill McNary dated 7/17/98 are met. Abend seconded the motion. Epstein moved to amend the motion to read ". . . deleting condition #1. . .as it pertains to the lower 300 feet of the common driveway . . ." Abend seconded the amendment and it was approved 5-1 with Tice opposed. Mansfield proposed clarifying the motion to read "with the exception of the first 300 feet from Old North Road, which may be paved with two coats of asphalt, the surface of the driveway shall be maintained with crusher run gravel." Tice accepted this amendment and the Board voted 6-0 in favor of the amended motion. Tice moved to close the public hearing. Abend seconded and the hearing was closed with 6-0 in favor.

JOINT PUBLIC HEARING: (Tree Warden): Request by William Costello to remove six (6) trees in the right of way of Maple St., a scenic road

Tree Warden Gary Davis joined the Planning Board for this hearing. Bill Costello and his attorney Richard Gallogly were present. The following members of the public were also present: Joan Patterson, Luisa Heard, Marian and Douglas Goodale, Kathleen Coyle, Sue and Sam Peitropaolo, Donna and Newel Cantrell and Bob Ford all of Maple Street. As an abutter, Abend recused himself from this public hearing.

Costello showed the plan indicating the trees slated for removal. Doug Goodale questioned the need to remove six trees. He stated that he had gone out to the intersection of Davis Road and Maple St. and felt that only one tree might require removal in order to improve sight lines. Costello agreed, but noted that the PB concern is for pedestrian safety. A sidewalk is not proposed, but a 4 foot shoulder requirement was placed on the plan as a Planning Board condition at the time of approval. Luisa Heard asked if the Planning Board had seen a petition signed by residents of Maple St. which had been submitted to the Board of Selectmen. The Board had not seen this so Heard presented it to the Board and stated that the residents felt there are few pedestrians on this road and they wished to preserve its rural character.

Reid stated that she had been on a site walk to review the area and felt it was very dangerous for pedestrians. She felt that there were some points along the road where additional shoulder width should be required for safety. Costello added that more foot traffic was likely once the Davis Road subdivision is complete.

Epstein stated that he was in favor of minimizing tree cutting, but noted that the decision filed in May 1997 requires 4 foot shoulders. Mansfield later pointed out that the Rules and Regulations for subdivision roads require 4 foot shoulders. Doug Goodall agreed that there is a problem in this location, but noted that other areas in town are worse. Luisa Heard asked if the opposite side of the road could be widened to protect the trees. Epstein explained that the Planning Board only has jurisdiction over the new subdivision. Abend noted that it is actually the embankment which needs to be cut back, and this will result in the loss of the trees.

Several Maple Street residents expressed concern over increased traffic speed once the roadway is improved. They also noted that walking along roadways is hazardous in many parts of town and questioned the need to improve this small section.

Several board members felt that tree removal would not substantially improve safety and preferred not to disrupt the environment further.

Reid moved to approve the removal of six trees on Maple Street, a scenic road. Tice seconded the motion. The motion was rejected 2-3 with Hengeveld and Reid in favor.

The Board discussed selective removal of trees, but concluded that this would require another site visit to determine which trees should be specified. Tice **moved to close the public hearing.** The motion was seconded by Epstein and approved 5-0. The Board consequently failed to give consent to the removal of any trees on Maple Street, as required by the Scenic Roads Act, and so the four foot shoulder cannot be built.

CONTINUED 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 and his engineer Bill McNary of Stamski and McNary were present.

McNary presented the revised plans highlighting the most significant changes. The roadway is now designed as a 1600 foot subdivision road and there are minimum grades of one percent along its entire length. The new design eliminates the waiver for access that is not through a lot's frontage, but will require a new waiver for exceeding the maximum dead-end road length. The cul-de-sac also has a maximum outside turning radius of 100 feet, rather than the 140 feet required in the rules and regulations. McNary noted that the cistern has now been located higher and further from the wetlands and

drainage patterns would be the same as the previous plan indicated. McNary presented the Board with a list of required waivers. He apologized for not being able to submit the plan with detail sheets this evening and asked if he could submit them to the PA and Earth Tech tomorrow. Mansfield asked that he include a cover letter summarizing the changes.

McNary said that sight distances at the intersection with Concord Road were good for speeds up to 45 and 50 mph and asked for the Board's opinion on granting a waiver for the traffic study. After some discussion of this issue, Abend **moved to require a study of actual travel speeds by conducting a tube count on the Concord Road for a period of at least 24 hours on a weekday.** Tice seconded the motion and it was approved 5-1 with Tice opposed.

McNary said that trees near the intersection with Concord Road are noted on the plan, but he will ask for a waiver from the landscaping plan requirement since the remainder of the roadway runs through open field. He also noted that lot sizes have changed and there will be one porkchop lot. Reid asked that a statement be added to the plan which will prevent the creation of any additional building lots.

Tice moved to continue the hearing to September 14, 1998 at 7:45 p.m. Reid seconded and it was approved 6-0.

Petition from residents of Kimball Road, Hutchins Road and Fiske Street to amend Tall Pines Definitive Subdivision Plan to add bike/footpaths to the subdivision plan

Developer William Costello and his attorney Richard Gallogly were present. The following members of the public were also present for this discussion: Abha and Anil Singhal, Shalin Wa, Rich and Debbie Boule, Mary Charnly, Ross Blair and Malcolm McGrory of Kimball Road and Thomas Rice and Walter Dray of Hutchins Road. Abend recused himself because of a business relationship with Costello's attorney and Hengeveld recused herself as an abutter.

Abha Singhal asked to have sidewalks constructed in the Tall Pines neighborhood as requested in the June 15, 1998 petition to the Planning Board signed by 12 residents.

The Board was reluctant to take up this issue since it was considered at length at the time of the original Public Hearing. Mary Charnly asked the Board to consider the safety of the many children in this neighborhood and noted that there had already been several "incidents."

Gallogly noted that Costello had already donated land to the Town in exchange for the money saved by not building sidewalks. Costello added that there is an easement for a meandering sidewalk, should the Town decide to provide sidewalks in the future.

The Board advised the residents to approach the Selectmen regarding construction of sidewalks once the roadway has been accepted by the Town. Reid moved not to schedule a public hearing to amend the Tall Pines Definitive Subdivision Plan to provide for sidewalks. Tice seconded and the motion carried 4-0.

Request by William Costello for discussion of prospective requests for lot releases for Pine Meadow Subdivision, Maple St.

William Costello and his attorney Richard Gallogly were present to ask how the PB wishes to handle lot releases. Costello asked if the Board would consider holding lots instead of executing a tripartite agreement as in the past. He felt this agreement is difficult to set up and it would be easier to give the Town seven times the value of finishing the roadway by allowing them to hold lots. Board members felt uncomfortable with this and preferred administering money rather than real estate.

Costello said that with the Tall Pines Subdivision the work is nearing completion and the agreement states that he may reduce the money in the tripartite account by \$30,000. The Board asked him to submit a formal request and the work will then be reviewed by their engineer.

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

The Board discussed the problems with enforcing compliance with special permits. No enforcement mechanism is contained within the special permit rules and regulations and the special permit decision was also written without an enforcement mechanism.

Abend moved to forward the letter from Land Tech dated August 18, 1998 to Cons.Com., Board of Health, the Building Inspector, Northwest Structures and all residents of Malcolm Meadows along with a cover letter indicating that the enforcement of the issues discussed in this letter is no longer the purview of the Planning Board and encouraging them to take appropriate action. Additionally, the August 16, 1998 letter received from Ken Jung regarding his well, will be forwarded to the Board of Health. Tice seconded and the motion carried 6-0.

Release of Project Review Fee for Common Driveway Special Permits, Baldwin Road (Evans), Hensleigh Way

LaLiberte moved to ask the PA to send a letter to Evans and Sachs indicating that there is money in their escrow account. The motion was seconded by Abend and approved 6-0. Tice moved to release funds in the account for Hensleigh Way

Common Driveway. Abend seconded and the motion was approved 5-0-1 with Epstein abstaining.

Executive Session

At 10:35 p.m., LaLiberte **moved to go into executive session to discuss pending litigations with Triebick, Valchuis and Swanson and noted that the Board will not return to regular session.** The Board was polled individually and unanimously approved the motion.

At 11:10 p.m. the Board came out of executive session and immediately adjourned the meeting.

Respectfully submitted,

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

Anja M. Stam
Recording Secretary