



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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MINUTES

October 14, 1998

Discussion of Planning Board goals for 1998-99

Request for discussion of proposed Agreement for Judgment re: Hunters Run Definitive Subdivision Plan (disapproved 7/15/97 and appealed 8/4/97); Request of Robert Kydd

Request from residents of Malcolm Meadows that Planning Board's engineer be authorized to resolve discrepancies regarding site grading between his findings of 8/18/98 and those of the applicant's consultants

ANR plan: 45 Craigie Circle, Map 13, Lots 28 & 29, Donald Lunny and Doris Jafferian, applicants

ANR Plan: 1056 Curve Street, Map 29, Parcels 6, 6-39, 7 and 7A. John Swanson and Tall Pines Realty Trust, applicants (9/24/98) (Determination that approval is required on previous plan filed 8/19/98, appeal filed 8/24/98)

ANR plan: 113 Judy Farm Road, Map 17, Lot 3 and Lot 19, Parcel B, Ward E. and Siegrid K. Burke, applicants

ANR plan: 100 Long Ridge Road, Map 1, Lots 70, 71 and 72, Judith Berkes, applicant

Review of Performance Guarantee: Definitive Subdivision Plan for Maplewood (a.k.a. West Meadow), 361 Acton Street, Map 17, Parcel 17A, Robert Koning, 45 Acton St., applicant

Notice of intent to remove property on West Street, Map 17, Parcel 20, from Chapter 61A classification - owners Howard and Janice Hensleigh

Notice of intent to remove property on Curve Street and Fiske Street, Map 28, Parcels 2 and 8, from Chapter 61A classification - owner Juliette Wang

Computer networking for Planning Board office

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).

Chair Hengeveld called the meeting to order at 7:35 p.m. Members Abend, Epstein, Reid and Tice were present. Also present were Planning Administrator George Mansfield and David Ives of the *Mosquito*. Members Holzman and LaLiberte were not present this evening.

The minutes of the meeting of September 28, 1998 were reviewed with two clarifications made. Abend moved to accept the minutes as amended. Reid seconded and the minutes were accepted 4-0-1 with Tice abstaining.

Bills were circulated, while PB computer and software needs were discussed. It was agreed that *Office 97 Professional Edition* should be purchased for the PA and an additional copy should be purchased for the Planning Secretary if the software can be obtained for a "good" price. Epstein moved to allocate \$300 toward the purchase of *Office 97 Professional Edition* for the PA and secretary. Abend seconded the motion and it carried 5-0.

Discussion of Planning Board goals for 1998-99

The Board agreed that a second attempt should be made to pass an **Open Space Neighborhood Bylaw** at the Spring Town Meeting. It was suggested that the Board address concerns raised during the Spring '97 Town Meeting discussion and Mansfield pointed out that tapes documenting this Town Meeting are missing the portion of discussion pertaining to the Open Space Neighborhood. Abend recommended presenting an example using the open space neighborhood concept applied to a parcel for which a recent conventional development has been proposed or approved. Epstein emphasized the need to educate and solicit support from other Town boards in order that they may publicly endorse the bylaw at Town Meeting. Abend suggested meeting with the other boards before Thanksgiving for this purpose. All Board members agreed to review the proposed Open Space Neighborhood bylaw and prepare a list of questions and items to be addressed. Epstein offered to compile these for the Board's review. Abend agreed to call Mark Bobrowski to get a copy of the final draft of the bylaw. Epstein also noted that Bobrowski had offered to assist the Board at no additional cost if it decided to present this bylaw again.

Abend recommended that the Board prepare a status report documenting how the **new subdivision rules and regulations** have been benefitting the Town.

Reid's concept of a **bus tour** was discussed as an opportunity to educate other Town boards in the concept of an open space neighborhood, as well as the benefits of the new rules and regulations and informing these boards of land that still has potential for development. She obtained an estimate of \$175.00 to charter a 46 seat bus for approximately 4 hours on a Saturday morning.

Abend offered to review the individual **special permit rules and regulations** looking for compatibility with the subdivision rules and regulations as well as consistent terminology. A subcommittee might then be formed to update these rules and regs. if necessary.

Hengeveld offered to contact Cons.Com. chair Claire Wilcox to discuss their concerns regarding the **percent of wetlands allowed within the ellipse**. A zoning bylaw change may be required.

Reid was concerned that the PB is not given the opportunity to provide **input to Town projects**, such as the Town Hall, school and playing fields. Abend, who is the Board's liaison to the Municipal Land Committee, offered to present this issue at the next meeting. He also agreed to give PB input to the MLC as requested in a memo from the Town Administrator dated Sept. 25, 1998.

Request for discussion of proposed Agreement for Judgment re: Hunters Run Definitive Subdivision Plan (disapproved 7/15/97 and appealed 8/4/97); Request of Robert Kydd

Robert and Jeanne Kydd of Chelmsford were present along with their lawyers Alan G. Lampert and Douglas E. Hausler. Their engineers John Boardman and Lynn Remington of David E. Ross and Associates were also present. The following members of the public were in attendance: Dave Kelch of Oak Knoll Road, Ferris Taylor of Hemlock Hill Road, and Milan Bedrosian of Nickles Lane.

Lampert explained that the so-called "Hunters Run" property owned by the Kydds, was placed under agreement by Brian Hebb in 1995. He attempted to develop this property, which resulted in a lawsuit appealing the Planning Board's disapproval of a Definitive Subdivision Plan. His option to purchase has recently expired and the Kydds have decided to retain this property and develop it on their own. Therefore, they are now the plaintiffs in the pending lawsuit.

Boardman then gave the history of the Hunters Run project and showed the 8% and 10% grade plans which the previous Board had seen. The latter plan was revised to show the abutting Kydd land and to demonstrate the potential build-out with these additional 12 acres. The original plans showed 6 lots, while the revised plan showed a maximum of 10 lots on 28 acres. This plan also showed a 50 ft. right-of-way to the abutting land-locked property owned by Brown.

Hengeveld reminded Boardman that previously there were concerns raised by neighbors. She asked if any of these concerns had been addressed. Boardman said that roadway grading will begin after the Kelch driveway to avoid affecting this access. Regarding the concerns of a through road, Boardman felt this was the safest approach and offered to discuss these issues with the neighbors.

There was discussion as to whether the old or new subdivision rules and regulations should apply to this project. The Board felt it would be difficult to assess a portion of the

project (the original 6 lots) under the old regs. and the remaining portion under the new regs. They asked the applicant to present a conceptual plan noting all the waivers required under the new rules and regs.

The applicant agreed to meet with abutters and neighbors to discuss concerns and alternatives, and will notify the PA when a date is set for such a meeting.

Request from residents of Malcolm Meadows that Planning Board's engineer be authorized to resolve discrepancies regarding site grading between his findings of 8/18/98 and those of the applicant's consultants

Bill Reeder, Howard Knuttgen and Nancy Rockstrom of 319 Stearns Street were present. Reeder stated that the residents have not received a response from the developer other than the article in *The Mosquito*. He asked that the PB request a formal response from NorthWest Structures.

Tice moved to authorize LandTech to meet with NorthWest Structures engineers and/or site landscapers to resolve their finding regarding the depth of the loam cover on the site, i.e., whether it is 4" as required or something much less. Abend seconded the motion and it was approved 5-0.

ANR plan: 45 Craigie Circle, Map 13, Lots 28 & 29, Donald Lunny and Doris Jafferian, applicants

David E. Missirian of Sudbury, MA represented the applicants for this discussion. Tice moved and Abend seconded a motion to endorse the ANR plan for Donald Lunny and Doris Jafferian dated 9/17/98. The motion carried 5-0.

ANR Plan: 1056 Curve Street, Map 29, Parcels 6, 6-39, 7 and 7A. John Swanson and Tall Pines Realty Trust, applicants (9/24/98) (Determination that approval is required on previous plan filed 8/19/98, appeal filed 8/24/98)

Hengeveld recused herself from this discussion. On the basis of Town Counsel's advice, the Board determined that this plan has been properly filed as an ANR and must be endorsed. Reid moved to endorse the ANR submitted by John Swanson and Tall Pines Realty Trust dated 9/22/98. Abend seconded the motion and it carried 4-0-1 with Hengeveld recused.

ANR plan: 113 Judy Farm Road, Map 17, Lot 3 and Lot 19, Parcel B, Ward E. and Siegrid K. Burke, applicants

Abend moved to endorse the ANR plan submitted by Ward E. and Siegrid K. Burke dated 9/10/98. Reid seconded and the motion carried 5-0.

ANR plan: 100 Long Ridge Road, Map 1, Lots 70, 71 and 72, Judith Berkes, applicant

Tice moved to endorse the ANR plan submitted by Judith Berkes and Deck House dated 10/5/98. Abend seconded and the motion carried 5-0.

Review of Performance Guarantee: Definitive Subdivision Plan for Maplewood (a.k.a. West Meadow), 361 Acton Street, Map 17, Parcel 17A, Robert Koning, 45 Acton St., applicant

This performance guarantee was modelled after the one submitted earlier by William Costello and appeared to be in order. Epstein had a question regarding the mortgagee and wished to consult with Town Counsel regarding this issue. The Board authorized him to do so.

Notice of intent to remove property on West Street, Map 17, Parcel 20, from Chapter 61A classification - owners Howard and Janice Hensleigh

The Board had received a memo dated 10/9/98 regarding this property from Steve Tobin of the Trails Committee. The Board found that it agreed with Tobin's statements and asked the PA to forward a copy of this memo to the Selectmen along with a cover memo stating that the Planning Board concurs.

Notice of intent to remove property on Curve Street and Fiske Street, Map 28, Parcels 2 and 8, from Chapter 61A classification - owner Juliette Wang

The Board reviewed the draft recommendation prepared by Mansfield. Some changes were suggested and Abend agreed to review the final draft prior to sending it to the Selectmen.

Computer networking for Planning Board office

Mansfield explained to the Board that there are no immediate plans to network the Town offices, but Cons.Com. member Patricia Smith has offered to donate her services to network the two workstations for Cons.Com. administration. She is also willing to network the Planning Board and Board of Health so that these three boards could share information. The PB may incur some costs for cables or cards, but Smith expected it to be minimal.

The Board advised Mansfield that his highest priority is to have E-mail capability and they authorized him to spend up to \$100 for networking with Cons.Com.

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).

At 10:35 p.m. Reid moved to adjourn to executive session in order to discuss potential strategy regarding Treibick as well as Hunters Run, noting that the Board would not return to regular session at the conclusion of this discussion. Abend seconded. Members were polled and unanimously approved the motion.

At 10:45, Tice moved to adjourn from executive session and to adjourn the meeting. Reid seconded and the Board was polled and unanimously adjourned the meeting.

Respectfully submitted,



Anja M. Stam
Recording Secretary