



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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MINUTES
November 8, 1999

- Policy discussion of timely submission of plans and supporting documentation for meeting agendas**
- Request by EOE for nomination of "community treasures" for preservation**
- Public Hearing: Amendment to Common Driveway Special Permit, Swanson Lane (Kimball Road), Map 29, Parcels 19, 19A and 6-19, David and Kristy Erickson, applicants**
- Continued Public Hearing: Amendment to Pine Meadow Definitive Subdivision Plan, Maple Street and Davis Road, Map 13, lots 76-1 and 76-2, to delete condition #1 thereby releasing these lots for sale and building purposes, William Costello, applicant**
- Discussion of proposals for shoulder width and bike/footpaths on Carriage Way, located at 314 East Riding Drive, (Preliminary Plan approved 10/12/99) [Request of William Costello]**
- Continued Public Hearing: Special Permits for Conservation Cluster and Common Driveway to serve 5 lots at High Woods, 662 West Street, Map 6, Lot 63 (Christopher Fleming, applicant) [Motion to grant Special Permits approved 10/25/99]**
- ANR Plan: 138 East Street, Map 22, Lots 62, 62B, 63C, 63D & 71, Theodore Treibick and Deborah MacDonald, applicants [Motion not to endorse plan approved 10/25/99]**
- Discussion of the use of concrete vs. stone bounds in the Tall Pines Subdivision**
- Discussion of procedures for adoption of Rules and Regulations for administering special permits for Personal Wireless Service Facilities**

Chair Tice called the meeting to order at 7:30 p.m. Members Abend, Epstein, Hara and Lane were present. Planning Administrator George Mansfield was also present as well as *Mosquito* reporter David Ives. Holzman arrived shortly after the meeting was called to order.

Epstein moved to accept the minutes of October 25, 1999 as drafted. Lane seconded the motion and it carried 5-0. (*Holzman arrived.*) Bills were circulated. Tice thanked the Board for their input regarding staff performance and said he would contact the staff next week to schedule evaluations. Hara reported that the boardwalk in the Ice Pond Subdivision has been completed. Abend thanked Holzman for his efforts in working with the WCAC and at Town Meeting to pass the new wireless bylaw.

Policy discussion of timely submission of plans and supporting documentation for meeting agendas

The Board reviewed the draft prepared by Mansfield. Abend suggested that it should be noted that the Board's meeting schedule of second and fourth Mondays of each month is subject to change. Mansfield proposed to add a note stating that changes to the meeting schedule are posted at Town Hall. The Board also suggested that the deadline for submission of supporting documents should be set at noon on the Thursday before a meeting.

Request by EOE for nomination of "community treasures" for preservation

The Board discussed several possible nominations for "community treasures" and then designated Hara to consult with the Open Space and Recreation Committee and the CCF and CLT to provide nominations for this program. The deadline for submission is 11/12/99.

Public Hearing: Amendment to Common Driveway Special Permit, Swanson Lane (Kimball Road), Map 29, Parcels 19, 19A and 6-19, David and Kristy Erickson, applicants

Applicant, David Erickson of Fiske Street was present with his engineer Joe March of Stamski and McNary. Abutters Karen and William Glazier of Kimball Road and Frank Soracco of Sleigh Road in Chelmsford were also present. Erickson explained that there would be no changes made to the common driveway other than that it would serve two additional lots of 5.4 and 5 acres respectively. Parcel A consisting of 3.8 acres would be gifted to the Town. The applicant had not seen a letter from the Fire Chief dated 10/14/99 and it was forwarded to him at this time. In the letter Koning stated that the existing 10-foot wide bridge on this common driveway is a fire safety problem. He noted that water supply lines laid over the bridge would block access to additional fire equipment and therefore requested two additional 20,000 gallon cisterns; one on either side of the bridge. March noted that the furthest house proposed on this common driveway would be located no more than 1700 feet from the existing cistern at the intersection of Kimball and Hutchins Roads. The current regulations require that a cistern be located within 2000 feet of any new construction.

The Board questioned if these lots had real access through their frontage, since their frontage would cross the current common driveway easement. March showed the two concept plans originally presented a year ago. One plan showed use of the current common driveway and the other showed a subdivision road between Kimball Road and Fiske Street. The Board asked about the pedestrian easement shown on the plan. March explained that the easement runs along the common driveway and simply ends. He believed that the original intent was to provide a potential link with CCF-owned land, but noted that a trail already gives access to Town-owned land at the end of Kimball Road.

Abend thought that the use of the current common driveway would be better than creating a subdivision road. He thought that the ConsCom might be amenable to allowing a wider bridge on the common driveway in lieu of a subdivision roadway. He advised the applicant to consult with ConsCom regarding the possibility of widening the bridge.

Mansfield provided copies of the original decisions for the common driveway special permit. In September 1994 the application was denied based on concerns raised by the Fire Chief. In November 1994 a revised application was approved. Epstein noted that the PB originally approved this common driveway finding that it would serve only three lots. Adding two homes to this common driveway would increase the safety concerns.

March noted that the driveway is 16-ft. wide except for the bridge, which is 12-ft. wide including the 1-ft. shoulders. Mansfield said that in 1984 Koning was concerned that snow would make the bridge narrower in the winter. March felt that the low sides would allow snow to be pushed off the sides of the bridge. March agreed to stake the proposed driveway entrances and Board members will visit the site at their convenience.

Mansfield stated that he visited the site shortly after the driveway was paved on Friday. He noted that the roadway narrows abruptly at the bridge and suggested adding reflectors to aid drivers at night.

Abend moved to continue the public hearing to 11/29/99 at 7:45 p.m. Epstein seconded and the Board voted 6-0 in favor of the motion.

Continued Public Hearing: Amendment to Pine Meadow Definitive Subdivision Plan, Maple Street and Davis Road, Map 13, lots 76-1 and 76-2, to delete condition #1 thereby releasing these lots for sale and building purposes, William Costello, applicant

As an abutter, Abend recused himself from acting as a Board member, but asked to participate in the discussion. The applicant was present along with the following members of the public: Selectman Vivian Chaput of Milne Cove Lane; Kathleen Coyle, Louisa Heard, Jane and Bert Williams of Maple Street; Lauren Schmitt and Farshad Nayeri of Audubon Lane.

As Costello could not be present at the last meeting, Epstein told him that the public had asked why the Planning Board should be compelled to release the lots for sale. Costello responded by stating that the roadway is scheduled for completion in the spring and he would like to have all the heavy equipment off the road by then.

Epstein explained that in the development of Carriage Way, Costello is voluntarily offering to provide access to Town-owned land that would be otherwise inaccessible. In exchange for providing this access, Costello has asked for release of these lots in the Pine Meadow Subdivision. Epstein noted that when this was originally proposed in July, the PB had asked for feedback from other Town boards and committees. At that time, RecCom stated that the lots would be unaffordable, but suggested their release might be used to leverage other benefits for the Town. The Selectmen had advised that it was unlikely that the Town could fund the purchase of the lots in Pine Meadow.

Vivian Chaput said that at the last meeting, Selectman Doug Stevenson had stated that the Board of Selectmen saw no compelling reason to release the lots early. Since then, the Selectmen have met with Costello and are interested in working with him on the Carriage Way proposal. The Selectmen feel that it is very unlikely that the Pine Meadow lots will be purchased by Town Meeting and suggest that a compromise might be appropriate. Chaput spoke for herself when she suggested that perhaps one lot could be released now and the other lot could be retained for another year in case a neighborhood group wishes to purchase the lot.

Lauren Schmitt asked if the Town knows that its lot on Carriage Way is in fact a buildable lot. The Board said that no tests have been conducted, but they can be reasonably sure that the soil on that lot is similar to soil already tested in the area.

Farshad Nayeri felt that these complex negotiations between different developments and different boards make citizen participation difficult, particularly for those interested in development near their own homes.

Louisa Heard asked if it is legal for the Board to make such negotiations between two different developments. Epstein said that Town Counsel has advised the Board that such negotiations are legal. He explained that the Town has limited resources of land and money and opportunities such as this one can be used to leverage something for the benefit of the Town. Epstein felt that if the Board does not release the lots early, then they will be developed a year from now and the Town would have lost an opportunity.

Bert Williams asked the asking price of the lots. Costello said that each lot would be sold for \$315,000. Costello then explained that he is absorbing much of the cost in providing access to the Town lot on Carriage Way. He said that if the early release of the Pine Meadow lots were denied, then he would prefer to build Carriage Way without providing access to the Town-owned lot. Costello stated that he needs a decision from the Board tonight, otherwise it will be too late to begin construction before the winter.

Tice asked if Costello would accept the release of one lot as a compromise. Costello said that he would prefer the release of Lot 2 in order to complete the roadway. If Lot 1 is released after the roadway is completed, then it could be accessed from Maple Street during construction.

Epstein was reluctant to release the lots on Maple Street before determining whether or not the Carriage Way lot is buildable. Costello noted that even if the lot is not buildable, the Board would only be giving up 10 months. Lane thought that releasing only one lot would be a reasonable compromise.

Hara asked if there were any organized efforts by citizens to purchase these lots. Kathleen Coyle stated that there has not been enough opportunity to do so, and therefore requested that the public hearing be continued. She was reminded, however, that Costello wished to have an answer tonight.

Epstein was in favor of releasing the lots provided that Costello and the Selectmen come to an agreement regarding the financial arrangements outlined in Costello's letter dated 7/3/99. Costello argued that providing such an agreement would take months to accomplish. Epstein proposed that Costello attend tomorrow's meeting of the

Board of Selectmen to determine if they are confident that an agreement can be reached. Chaput agreed that he could meet with the Board of Selectmen tomorrow.

Epstein then moved to release from the provisions of condition 1 of the approval of the Pine Meadow subdivision, Lot 76-2 shown on assessors map 26, subject to the applicant and the Board of Selectmen reaching a satisfactory conceptual agreement relating to the financial arrangements set forth in Costello's letter of 7/3/99 relating to the proposed Carriage Way Subdivision. Lane seconded the motion and it carried 4-0-1-1 with Hara abstaining and Abend recused.

Epstein asked that the Selectmen provide a written memo to the PB following their meeting. Epstein moved and Holzman seconded a motion to close the public hearing. The motion carried 5-0-1 with Abend recused.

Lane agreed to attend the Selectmen's meeting to represent the Planning Board.

Discussion of proposals for shoulder width and bike/footpaths on Carriage Way, located at 314 East Riding Drive, (Preliminary Plan approved 10/12/99) [Request of William Costello]

Joe March was present to represent the applicant and Deb Belanger was present to represent the Bicycle/Pedestrian Safety Committee. March presented four possible roadway cross-sections and asked for the Board's preference. March preferred alternative #2, while Mansfield stated that he preferred alternative #4. Abend preferred option #2 stating that no sidewalk is needed on this cul-de-sac. Belanger stated that her committee would like to see pathways with an aggregate base and crushed stone surface, separated from the road and meandering around trees within the roadway easement. She preferred alternative #1 or a donation in lieu of such a pathway. If a pathway is constructed, federal guidelines require it to be 5-ft. wide.

By consensus the Board stated that it preferred the use of alternative #2 only in areas where there is a full cut taking up most of the 50-ft. easement. This would keep the pathway close to the road in these locations and minimize clearing. Otherwise there will be enough width within the easement to provide for a meandering pathway, which can be separate from the roadway. Alternatively, the applicant may make a donation to the sidewalk fund if the Board determines that a sidewalk is not desirable. A three-foot shoulder will be required in locations where the footpath is not adjacent to the roadway or if a footpath is not constructed.

Continued Public Hearing: Special Permits for Conservation Cluster and Common Driveway to serve 5 lots at High Woods, 662 West Street, Map 6, Lot 63 (Christopher Fleming, applicant) [Motion to grant Special Permits approved 10/25/99]

The applicant was present along with his engineer Joe March of Stamski and McNary. The Board's engineer Dale McKinnon was present. The following members of the public were also present: Alan Lehotsky, John Forelli, Barry Hoffman of West Street; Ken Harte of Estabrook Road; Laura Baliestiero of Stearns Street and Brigitte Senkler of Curve Street.

Mansfield explained that the Board voted to keep the hearing open after the last meeting in order to allow the Selectmen to vote on the Chapter 61 status of the property before filing a decision. On October 26, 1999, the Selectmen voted not to exercise the Town's option, but formal notice of that vote has not yet been made. In the interim, the following documents have been received by the PB: 1) letter from Kenneth J. Harte dated 10/28/99 requesting that the open space parcel be deeded to the CLT, 2) two letters from abutter Barry Hoffman dated 11/4/99 and 11/5/99 expressing concern over the effects of drainage on his septic system, 3) a report from MetroWest Engineering dated 11/5/99 supporting Hoffman's concerns, 4) a 11/5/99 letter from Christopher B. Fleming responding to Hoffman's letters, 5) a memo from the BOH dated 11/8/99 advising the PB to protect abutting septic systems.

Dale McKinnon said he reviewed the report prepared by MetroWest and noted that they refer to the DEP Storm Water Management Policy. When McKinnon had originally discussed the plan with March, they agreed to design

the common driveway to attenuate a 10-year storm, because the common driveway regulations do not require conformance to the DEP Storm Water Management Policy. At that time McKinnon did not have access to the soil data and required a deeper trench in order to provide more storm water storage. He noted that typically it is preferable to infiltrate storm water rather than allow it to run off. He was not aware of Hoffman's difficulty with high ground water. Both March and McKinnon felt that the interceptor trench in place around Hoffman's system would not be affected by the slight increase in ground water.

March suggested pitching the driveway away from the property line to infiltrate on the opposite side of the pavement. March discussed the eight recommendations made by MetroWest and stated that these recommendations could be easily addressed although he felt that items #6 and #8 regarding the storm water management policy were not applicable.

McKinnon advised the Board that designing for the 10-year storm is adequate, or it could require 25-year storm specifications. He recommended maintaining a 2-ft. separation from the bottom of the infiltration trench and the estimated high ground water level.

Fleming stated that he is willing to work out a solution with Hoffman, but requested a PB decision this evening in order to complete the sale of his home. Fleming said that he met with his neighbors this evening and they discussed the possibility of relocating the driveway to the other side of the property. The Board was concerned that this action would then affect abutters on that side of the property. Holzman suggested using a gravel driveway, which would create no increase in run-off.

Mansfield suggested that the Board could reconsider the previous vote and then vote on the Conservation Cluster separately from the Common Driveway Special Permit. This would allow Fleming to sell his lots and still keep the Common Driveway hearing open.

Epstein asked if the Board is willing to allow a longer common driveway to provide for relocation. The Board did not seem comfortable with this. Abend felt uncomfortable reconsidering the motion and splitting the special permits. He also thought that Hoffman's septic concerns could be infringing on Fleming's property rights. Mansfield felt that it would be acceptable practice to file separate decisions for Common Driveway A, Common Driveway B and the High Woods Conservation Cluster. He added that a motion to reconsider the vote would eliminate the previous vote taken on the special permits.

Hara felt that it would be appropriate to reconsider the vote in order to deed the open space to the CLT and also to resolve Fleming's time constraints without compromising safety issues. The Board generally agreed.

Abend moved to reconsider the motion of 10/25/99 to approve the Conservation Cluster and Common Driveway Special Permit. Lane seconded the motion and it carried 5-0-1 with Epstein abstaining. Abend then moved to approve the Conservation Cluster Special Permit for High Woods as submitted by Christopher B. Fleming and Susan B. Dolinger dated 7/9/99, revised on 9/20/99, 10/8/99, 10/25/99 and 10/27/99 with the condition that a stamped as-built plan incorporating the roof drain drywell be required prior to the issuance of occupancy permits. Finding that the addition of the High Woods open space to the existing land owned by the Carlisle Land Trust (CLT) would create an approximate core of 25 acres of protected open space in the center of the Western Corridor, Parcel A will be deeded to the CLT to provide continuity of management for this area in the future. Approval is granted pursuant to Section 5.5.1 of the Carlisle zoning bylaws in that the Board believes that a sufficient natural resource has been preserved in Parcel A, by preserving significant woods, fields and streams, preserving natural habitats, providing for conservation management, and encouraging linkage of conservation land. Holzman seconded the motion.

Hara asked how the CLT proposes to manage this open space. Harte explained that it could be transferred to the Carlisle Conservation Foundation (CCF). Hara amended the motion to add the following condition: **If the CLT and the CCF cease to exist, the property would be offered to the Town of Carlisle for conservation purposes**

for no compensation. The amendment was accepted and the motion was approved 5-0-1 with Epstein abstaining. Mansfield asked the applicant to provide a revised deed.

Epstein then moved to approve the **Common Driveway Special Permit for Common Driveway easement B as set forth in the plan submitted for High Woods Conservation Cluster submitted by Christopher B. Fleming and Susan B. Dolinger dated 7/9/99, revised on 9/20/99, 10/8/99, 10/25/99 and 10/27/99 with the condition that a common driveway maintenance agreement be prepared and submitted to the Planning Board and approved by any two members of the Board.** Tice seconded the motion and it carried 5-0-1 with Epstein abstaining. Tice and Epstein offered to review the agreement.

The Board realized that a condition had been overlooked when voting on the Conservation Cluster so Abend moved to reconsider the motion to approve the **High Woods Conservation Cluster Special Permit.** Lane seconded the motion and it carried 5-0-1 with Epstein abstaining. Abend then moved to approve the **Conservation Cluster Special Permit for High Woods as submitted by Christopher B. Fleming and Susan B. Dolinger dated 7/9/99, revised on 9/20/99, 10/8/99, 10/25/99 and 10/27/99 with the conditions that a stamped as-built plan incorporating the roof drain drywell be required prior to the issuance of occupancy permits, and that Lot 5 be regraded to address potential flooding of the driveway pursuant to Earth Tech's letter dated 10/25/99. Finding that the addition of the High Woods open space to the existing land owned by the Carlisle Land Trust (CLT) would create an approximate core of 25 acres of protected open space in the center of the Western Corridor, Parcel A will be deeded to the CLT to provide continuity of management for this area in the future. Approval is granted pursuant to Section 5.5.1 of the Carlisle zoning bylaws in that the Board believes that a sufficient natural resource has been preserved in Parcel A, by preserving significant woods, fields and streams, preserving natural habitats, providing for conservation management, and encouraging linkage of conservation land.** Lane seconded the motion and it passed 5-0-1 with Epstein abstaining.

Tice moved to continue the hearing to 12/13/99 at 8:30 p.m. Abend seconded the motion and it carried 5-0-1 with Epstein abstaining. In the interim, McKinnon and March will work with the applicant and the abutter to revise the common driveway plan.

ANR Plan: 138 East Street, Map 22, Lots 62, 62B, 63C, 63D & 71, Theodore Treibick and Deborah MacDonald, applicants [Motion not to endorse plan approved 10/25/99]

Abutters Fred Lewis of Bedford Road and Dian Cuccinello and Jane and Michael Kayat of East Street were present. The PA noted that the Board had voted not to endorse this plan at the last meeting because it was unclear. Although revisions had been made to the plan, the Board found additional errors and lack of information on the plan and took no further action.

Discussion of the use of concrete vs. stone bounds in the Tall Pines Subdivision

David Freedman of Hutchins Road presented concerns on behalf of residents of this subdivision. John Solomon of Hutchins Road was also present. Freedman obtained seventeen signatures of residents opposed to substituting concrete for stone boundary markers. He argued that previously the Board had told residents that the curbing could not be changed without a public hearing because it would require a change to the plans. He asked why the material for the bounds could be changed without a public hearing. Board members said they did not realize that stone had been specified on the plans and they had considered the change to be a field change. Epstein moved to reconsider the vote of 10/25/99 regarding the use of concrete bounds in the Tall Pines Subdivision. Abend seconded the motion and it carried 6-0. No further action was taken, so that the vote of 10/25/99 no longer stands. The Board agreed that March should be notified that a public hearing would be required if a change to the plans is requested.

Discussion of procedures for adoption of Rules and Regulations for administering special permits for Personal Wireless Service Facilities

Lane and Holzman agreed to work on this committee together with members of the WACC. The PA stated that one PCS company has already contacted him and he expects others will be inquiring soon. He noted that they are able to submit applications even if the rules and regulations are not in place. Abend suggested that a brief set of rules and regulations should be drafted for a Public Hearing in the near future. These can then be revised and expanded at a later date. Holzman agreed to draft such regulations and Mansfield will post the hearing for 9:00 p.m. on 12/13/99.

At 12:10 a.m. the Board unanimously adjourned the meeting.

Respectfully submitted,



Anja M. Stam
Recording Secretary