



Town of Carlisle

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Office of

PLANNING BOARD

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January 9, 2006

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Review of application to Zoning Board of Appeals for Comprehensive Permit under MGL Chap. 40B for 56 age-restricted, condominium units of attached housing to be known as “Coventry Woods,” on Concord Street, northeasterly of 515 Concord Street (Map 8, Parcel 10 – 22.8 acres), 14 units to be designated as affordable housing (Application of Coventry Woods LLC and MCO & Associates, Inc., referred by Board of Appeals)

Discussion of implementation of Affordable Housing Plan, Affordable Accessory Apartment study, Inclusionary Zoning, Smart Growth

Request to place article on Town Meeting warrant to amend Zoning Bylaw to allow Affordable Accessory Apartments

Request for release of Lots 3A and 4A from Restrictive Covenant for Maplewood Definitive Subdivision Plan (Koning Farm Road) Map 17, Lots 17A-3, 17A-4 & 17A-5 [Request of Robert Koning]

David Freedman called the meeting to order at 7:39 pm in the Heald Room at Town Hall. Board members **Louise Hara, Peter Stuart, Michael Epstein, Kent Gonzales, Ray Bahr, Brian Larson,** and Planning Administrator **George Mansfield** were present.

Gretchen Caywood, assistant to the Planning Administrator, and Bob Zielinski, Carlisle Mosquito reporter were also present.

Minutes

The PB reviewed the minutes of the 12/12/05 meeting, and two changes were suggested. Epstein moved to approve the minutes as amended, Bahr seconded and the motion carried 7-0.

Selection of Treasurer, MAGIC rep., BOH liaison

The PB welcomed Larson as a new full member of the PB. Freedman ascertained that he would be willing to become PB Treasurer. Larson’s background includes a Masters degree in Finance and Accounting and over 15 years of corporate budget experience. Epstein moved and Bahr seconded appointing Larson as PB Treasurer, and the PB approved 6-0-1.

Epstein volunteered to act as BOH liaison, but suggested that an alternate would be appropriate in the event that his schedule does not allow him to be available at some point. Hara agreed to act as alternate BOH liaison.

Regarding the PB representative to MAGIC, Mansfield pointed out that Carlisle is not currently being represented at the MAGIC meetings, which are monthly except for during the summer. Mansfield also pointed out that the actual Council meetings are in the evening, while some Council-sponsored meetings are during the daytime, and that the representative does not have to be a PB member or even a Town resident. Since there were not volunteers, Freedman stated that he will try to cover the next meeting, which is on January 19th, and that the PB will readdress this issue at the next meeting.

Regarding the future of the PB membership, Freedman pointed out that the 3-year terms for both he and Hara are up in May of this year, and that they both intend to step down. Larson's 1-year term (which he is completing for former member Boulé) is also up this May. Freedman said that he intends to run for the one-year term when it becomes available, and requested that Larson run for one of the 3-year terms. Larson requested some time to consider this, and will let the PB know well prior to the March 13th caucus. Freedman also pointed out that the PB will need to find a member to run for the other 3-year term, and will need to seek two associate members.

Hara ascertained from Mansfield that an associate member can act as PB liaison to some of the other Boards. For example, they could act as a liaison to MAGIC, but not to the Historical Commission. Freedman requested a list of the boards to which associate PB members can act as liaisons, and Larson requested a complete list of boards to which PB liaisons are needed.

Annual Town Report

The PB contribution to the Annual Town Report is due on February 7th. Mansfield ascertained from Freedman that the format should remain similar to that of the past several years.

Wireless Bylaw Subcommittee

Freedman reported that he had attended the last meeting of this subcommittee and was very impressed by the level of discussion in the meeting. Gonzales reported that the next meeting is January 18th, and at this meeting they will review Maxson's proposed modifications. Gonzales confirmed to Epstein that he does plan to summarize the proposed changes in the Mosquito, which is important as the townspeople need some advanced information on any major changes being proposed. Zielinski (Mosquito) suggested that a press release will get better response from the townspeople.

Gonzales cited previous lawsuits as partial justification for the proposed bylaw changes. Epstein suggested that when the public asks if the changes were made to address a possible lawsuit, Town Counsel should be able to respond. Hara added that (in the Town Meeting) the BOS needs to be prepared to address the reasoning behind the proposed bylaw changes.

Freedman suggested tasking Tice (BOS) with reviewing issues in the lawsuits with the Town Administrator. Mansfield also suggested speaking with Kim Saillant regarding the issues in the lawsuit, pointing out that it is necessary to go through the Town Administrator to access her. He also reminded the PB that we are not necessarily fully aware of the lawsuit issues, as the PB was not initially involved. Since the ZBA was sued, the PB only came in during the settlement phase to help resolve the problem. Freedman also reminded the PB that the bigger issues of concern to the townspeople at the Town Meeting will be the location and types of the cell towers and relative radiation levels among various proposals.

Gonzales summarized that the overall goal of the subcommittee was to remove excess verbiage from the bylaw, and to provide the PB the opportunity to allow for exception to the 900-ft setback rule for towers no more than 60-90 ft high. Larson suggested using the approach of restricting the type of structure built, rather than the exact location. Bahr ascertained that the shorter towers do not require more radiating power, just more short towers. Freedman added that the PB will need to address with the public the issue of lots of short towers versus one tall tower.

Larson reminded the PB that it is not possible for the town to prohibit a cell tower based on health concerns. Larson also suggested that the bylaw changes are toward having less visually offensive structures and more modern equipment. The type, size and visibility of equipment are the main points that will allow providers to provide services. An overall goal is to provide Carlisle with good wireless service. Larson added that a cell phone held at your ear provides more radiation exposure than a tower.

Freedman and Hara stressed that the subcommittee will need to be prepared to speak to potential health issues even though the decision cannot be based on them. Freedman also summarized that the decision will be to keep the existing bylaw and possibly incur lawsuits, or to change the bylaw in the hopes of avoiding them. An alternate approach would be to clean up the bylaw verbiage, and not make other changes.

Larson summarized that the underlying logic behind the bylaw change is to have less visually offensive structures in the town, and a bias toward newer technologies. Therefore, he said, we are trying to structure the bylaw based on size and type of structure being built, and the visibility of it, which will give the providers options that they could pursue technically so it becomes hard for them to sue us on the basis that we are prohibiting them from providing service.

Freedman inquired as to the potential financial gains for the town, and Larson stated that the gains do not look significant unless the town owns the towers.

Epstein pointed out that the consultants must be able to answer the anticipated health questions and other questions in the public forum of the Town Meeting. Freedman added that the subcommittee must be clear before the meeting that the BOS are 100% behind the proposed changes. Epstein also suggested that the subcommittee approach the ZBA and FinComm for their view, so it can be anticipated. Hara added that BOH input may be important due to communication issues associated with homeland security, as well as health concerns.

In conclusion, Freedman stressed to Gonzales the importance of spending the time to nurture the support of other boards and the community at large on this issue, so that as many of the issues and viewpoints as can be are fully communicated and understood before Town Meeting. Mansfield added that Sprint calls regularly to see where the process stands concerning the Anderegg tower, and recently inquired as to whether bylaw changes will be discussed at the upcoming Town Meeting.

Request for release of Lots 3A and 4A from Restrictive Covenant for Maplewood Definitive Subdivision Plan (Koning Farm Road) Map 17, Lots 17A-3, 17A-4 & 17A-5 [Request of Robert Koning]

When Freedman inquired as to whether any other changes are necessary if Lots 3A and 4A are released, Mansfield pointed out that while the Board retains Lot 5, it has changed. Mansfield reminded the PB that in November they endorsed an ANR plan that reconfigured three existing subdivision lots (3, 4, and 5) into Lots 3A, 4A, and 5A. Lots 3 and 4 were previously released, and Lot 5 is still held under the Covenant. However, pieces of Lot 5 now make up portions of Lots 3A and 4A. Mansfield pointed out that Koning is selling lot 4A.

Mansfield proposed that Koning draft an amendment to the Covenant substituting 5A for 5. Freedman then stated that the PB can vote on the release contingent upon Koning's preparation of the amendment.

Epstein then moved that the PB agree to release Lots 3A and 4A as shown on the plan of land in Carlisle for Robert Koning drawn November 10, 2005 by Stamski and McNary, conditioned upon the modification of the Covenant previously provided to the PB to reflect the fact that Lot 5A will be substituted for Lot 5 in that Covenant. Hara seconded the motion and it passed 7-0.

Freedman confirmed that four PB signatures will be obtained on the amended Covenant and on the Lot Release, with one of the signatures being notarized on each form. It was not known how quickly Koning needed this done, but the Board agreed to make an effort to sign completed documents prior to the next meeting if possible and if the conditions were met.

Development of additional GIS data layers and technical support (Applied Geographics)

The discussion focused on how the GIS data collection and maintenance would proceed once Janice Bernsee has completed her assignment. Freedman pointed out that all Board Administrators and their Assistants need to be trained on the basic use and retrieval of data from the GIS system. Bahr questioned why there couldn't be someone designated to get training who would be able to keep the GIS database viable.

Hara pointed out that a GIS seminar or workshop could be arranged for us by ESRI. Freedman asked Mansfield to obtain information on seminars that could be conducted for us, and also confirm what the Town is entitled to through our licensing agreement as well. It was agreed that the participating boards should share the cost if a seminar or workshop was arranged.

Town Hall Technology

Mansfield reported that no new computer technology problems have arisen at this time. Freedman pointed out, however, that if a problem occurred now, we might not have anyone to deal with it in a timely manner.

Mansfield did point out that other technical issues continue to be problematic, including heating problems in Town Hall and problems with some small but essential equipment, such as the postage meter (which is problematic with packages over 13 oz), which are not being addressed. Epstein suggested that a BOS liaison attend the PB meeting on occasion to hear about these ongoing issues. Freedman said he would contact John Williams to discuss these and other Town Hall issues.

Request to place article on Town Meeting warrant to amend Zoning Bylaw to allow Affordable Accessory Apartments

Freedman stated that what is being proposed is to keep the bylaw “as is” for any non-affordable accessory apartment, including all restrictions (apartment not in an outbuilding, size of apt limited to 1200 sq ft, etc.) and to allow accessory apartments that may not meet all those conditions as long as they meet affordability restrictions, including providing evidence of the tenant’s income (similar to Lincoln’s bylaw), and submittal of landlord’s tax returns to show that rental income has been declared. For such an in-law apartment, the tenant cannot have assets over \$50,000. This limit is a problem for retirees, but can be circumvented by putting these assets in a trust. Also, Freedman pointed out that the task force has discussed a CPC-funded honorarium of \$1000/year for anyone that participates in the affordable housing approach, and also up to \$10-\$15,000 as a one-time allocation to help with conversion of a unit. Freedman also pointed out that an affordable accessory apartment may be allowed in an outbuilding. When Bahr asked about tax benefits, Freedman reported that having differential tax rates is apparently problematical, and therefore the honorarium approach is preferred. Also in order for the apartment to count toward the 10% affordable housing, deed restrictions are needed. Lincoln’s bylaw has been waiting one year since its Town approval for the state to rule on it. Freedman added that the State does not like people to get out of the program once in, and that if the owner got CPC funds to set up the apartment and wants out of the program, they must return the money. CPC funds are given to create housing expected to remain in perpetuity.

Epstein expressed concern that there was no current plan to discount the accessory apartment when calculating property taxes, for example. Hara added that an honorarium would help offset the increased tax bill incurred by adding an apartment, but the PB felt this was unlikely to offset the increased taxes. Freedman also added that to assure that the tenants meet affordable housing requirements, a list of potential qualified tenants would be needed. Theoretically, the landlord could choose from the list. Freedman pointed out that towns where this approach is most successful are generally vacation towns or other towns with an intrinsic need for rental units. He stated that the Town will work to give as much financial incentive as possible, but the State still has certain bylaw requirements. Freedman stated that he feels that Carlisle’s accessory apartment bylaw is less restrictive than other towns that for example allow only 600-900 square foot.

When Gonzales inquired about the motivation to make an apartment “lower income”, Freedman stated that it could be over a detached garage, for example, which is not allowed in the standard income case. It will also be able to be secondary to a business.

Freedman added that the State wants this bylaw to help with the affordable housing crisis, and that we are studying the bylaw to try to reduce potential headaches for the landlords and to increase incentives.

Discussion of implementation of Affordable Housing Plan, Inclusionary Zoning, Smart Growth

Freedman and Mansfield reported that they will do an RFP for this issue, and Edith Netter was again suggested as a possible consultant. Freedman pointed out that the general consensus on Inclusionary Zoning is that smaller towns like Carlisle have generally not gained much from the bylaw.

The PB approved sending Mansfield and Freedman to the Zoning for Affordable Housing seminar on Friday, January 27th if they feel it would be worthwhile. Mansfield will provide Freedman the contact information for Edith Netter, in order to arrange that she come in to discuss affordable housing zoning strategies including whether inclusionary zoning is feasible in Carlisle and, if so, what thresholds should trigger the inclusionary provisions.

Freedman reported that he had volunteered Caywood to do a phone survey of the owners of permitted accessory apartments seeking information according to a list of questions developed by the Town's consultant Toby Kramer.

136-138 East Street Common Driveway (T. Treibick)

While this item was not on the agenda, Mansfield explained that for this 2-lot common driveway on East Street, Treibick is seeking PB signoff so that he can obtain a Certificate of Occupancy and sell one lot. However, several outstanding issues still exist according to LandTech.

For example, a redesign of the turnaround, which was necessary for certain reasons according to Treibick, resulted in a design that does not meet the layout previously approved by the fire department. Mansfield explained that in light of this, Treibick should seek an amendment of the special permit if he wants the common driveway certified. Mansfield also reported that there was as yet no response from the Fire Chief on the new turnaround. In light of all outstanding issues delineated by LandTech, a bond assurity was suggested. Mansfield will relay this information to Treibick, explaining that he needs to seek an amendment and possibly a performance guarantee in order to obtain a certificate of completion of the common driveway.

Banta Davis Phase II

While this was not an agenda item, Freedman reported that a turnaround after the entrance has been added to the plans in order to allow for dropoff of children in a safe and organized manner. RecComm will present the revised plans at the next PB meeting.

Applegrove Lane

Freedman reported that the Fire Department has issued a permit for the installation of the dry hydrant with conditions, which include the requirement to submit a certification that the pond will have a minimum available capacity of at least 30,000 gallons during a drought of 50 year frequency, and that the line will draw 1500 gallons per minute. Hara pointed out that this is 50% over what was agreed to by the Fire Department during the hearing. The PB considered whether to wait for the applicant to request a response from the PB before contacting the Fire department, as technically the PB is responsible for the manner in which the special permit is implemented, but concluded that Mansfield should contact Crabtree to ask his response to the FD letter.

Greystone Crossing

Mansfield pointed out that Larson, Stuart, and Bahr will be eligible to vote on this application as long as they attend the new hearing on 1/23. Epstein suggested that the applicant's attorney should determine how the new hearing should be introduced at the next meeting, based on the advertisement, and then the PB should get the Town Administrator's approval to run it by Town Counsel.

Freedman requested that Mansfield begin outlining a draft decision. Hara reported that she is meeting with Dimakarakos on Wednesday to walk the proposed pathway.

Stuart moved to adjourn the PB meeting, Larson seconded, and the PB voted 7-0 to adjourn the meeting at 10:22 pm.

Respectfully submitted,

Gretchen Caywood,
Planning Board Administrative Assistant