Town of Carlisle
MASSACHUSETTS 01741

Office of
PLANNING BOARD

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

MINUTES
February 12, 2001

Continued Public Hearing: Common Driveway Special Permit, "Laurel Way," 138 East Street, Map 22, Parcels 62B &63D, Theodore Treibick and Deborah MacDonald, applicants
Request for release of Lots 2 & 3 from covenant for Hart Farm Estates Definitive Subdivision Plan, Curve Street (Map 28, Parcels 6, 7A-1, 7A-13, 11 & 12 (request of Paul Hart)
Request for release of Lots 2, 6, 8, 9 and 10 from covenant for Carriage Way Definitive Subdivision Plan (Map 13, Parcels 21, 22 & 23, map 22, Parcel 75 and Map 23, Parcel 1) [Request of William Costello]
Request for extension of time to complete Pine Meadow Definitive Subdivision Plan, Maple Street, Lots 76-1 to 76-15 (Davis Road) [Request of William Costello] (Plan approved 5/27/97)
Report on Workshop on Inclusionary Zoning (1/25/01)
Discussion of possible Town adoption of provisions of the Community Preservation Act (Selectmen's meeting 2/13/01)
Report on Municipal Planning Day (2/10/01)

Chair Epstein called the meeting to order at 7:30 p.m. Members Abend, Hara, Holzman, Lane and Reid were present. Planning Administrator George Mansfield and *Mosquito* reporter Chris Jones were also present.

The **minutes** of 1/22/01 were reviewed. Hara suggested that the discussion concerning ponding in the Town-owned buffer strip adjacent to Lot 12 be added to the minutes. Reid **moved to accept the minutes of 1/22/01 with the amendment as suggested by Hara.** Abend seconded the motion and it carried 6-0.

Lane reported that FinCom responded favorably to his presentation of the FY02 **budget**. Subsequently, the Personnel Board approved wage increases for the PB staff, which were higher than estimated. Lane will present FinCom with a revised budget, showing these wage increases outside of the overall 3% budget increase.

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Engineer Gary Shepard of David Ross Associates was present to represent the applicant. Abutters Fred Lewis of 141 Bedford Road and Bill Cuccinello of 134 East Street were also present. Shepard was informed that only five of the members present were eligible to vote (Epstein excluded) on this permit.

Shepard stated that with the exception of slope and grading issues, all concerns raised by the Board have been addressed. He maintained that the steep slope of the existing driveway could only be addressed with a major revision to the plan and impact on the buffer zone. Shepard explained that the inside turning radius at East Street is only 28 feet, but the opposite shoulder has been bumped out to allow for an SU30 turn. He objected to the Fire Chief's request for a turning radius allowing for a 40-foot truck. He stated that he has never been required to meet such design requirements in any community.

Shepard then presented a graph listing five possible scenarios: 1. Utilize the existing driveway as is, 2. Modify the existing driveway, 3. Completely reengineer a common driveway at the existing driveway location, 4. Build an individual driveway through a 15-ft. access strip, and 5. Build an individual driveway through the 40-ft. frontage. He then prioritized these options from the points of view of planning, conservation, safety and the lot owners. Each scenario had disadvantages, but Shepard asked the Board to consider which option would be most agreeable to all parties.

The Board asked abutter Cuccinello about the grade at the existing driveway location, versus the grade near the 40-ft. frontage. Cuccinello stated that both had steep grades, but thought that the frontage location might be less steep. Lewis asked that the applicant's engineer meet with the Fire Chief in order to resolve Koning's concerns. He also asked if this area would be considered as a future site for sidewalks. Reid felt that sidewalks along this portion of East Street would be located on the opposite side of the street.

The length of the driveway from East Street to the garage of the proposed house was measured at approximately 700 feet. Abend reiterated his concern over approving a substandard common driveway without restricting its use. The Board discussed this issue, and ultimately agreed that in the interest of public safety, the special permit should not allow accessory non-residential use.

The Board then discussed the turning radius at East Street and decided to require the applicant to resolve this issue with the Fire Chief. Abend also suggested that this common driveway should not be named since it serves only two lots.

Abend then **moved to approve the common driveway special permit shown on the plan entitled "Elderberry Lane Common Driveway" in Carlisle, MA for Theodore Treibick and Deborah MacDonald dated August 2000, last revised February 6, 2001, finding that the common driveway offers the least intrusive impact on the environment in order to provide access to Lot E1-B, with the following conditions: 1) That the design be acceptable to the Fire Chief, 2) With approval of the Fire Chief, that the name be eliminated from the common driveway but that the two addresses be posted at East Street, 3) Excluding existing non-residential use, that no other non-residential use be allowed and 4) That approval is subject to the Board's acceptance of the common driveway maintenance agreement. Approval is granted with the following waivers: 1) Sec.XV.A.3 of the common driveway regulations because the driveway is located less than 40 feet from the outside lot line, 2) Sec.XV.A.4 because a circle will not be required at the end of the common driveway, and 3) Sec. XV.C because a name will not be required for this common driveway if the Fire Chief agrees to this.** Reid seconded the motion and it carried 5-0-1 with Epstein abstaining. The public hearing was continued to February 26, 2001 at 7:45 p.m.

Request for release of Lots 2 & 3 from covenant for Hart Farm Estates Definitive Subdivision Plan, Curve Street (Map 28, Parcels 6, 7A-1, 7A-13, 11 & 12 (request of Paul Hart)

Developer Michael Kenny of South Hamilton was present. A revised composite drainage plan was presented. Mansfield explained that the driveway serving Lot 2 has been moved ten feet, the driveway serving Lot 3 has been super-elevated to drain away from the trail easement and the trail head has been graded as requested by the Board. Reid then moved and Abend seconded a **motion to approve the grading plan of Lots 2 & 3 and to release these lots from the covenant for Hart Farm Estates Definitive Subdivision Plan.** The motion carried 6-0.

Request for release of Lots 2, 6, 8, 9 and 10 from covenant for Carriage Way Definitive Subdivision Plan (Map 13, Parcels 21, 22 & 23, Map 22, Parcel 75 and Map 23, Parcel 1) [Request of William Costello]

Attorney Richard Gallogly was present to represent the applicant. He stated that the five remaining lots would be more than sufficient to cover the estimated $157,000 cost of roadway completion. Reid **moved to release Lots 2, 6, 8, 9 and 10 of the Carriage Way Definitive Subdivision Plan from the covenant.** Epstein seconded the motion and it carried 6-0.

Request for extension of time to complete Pine Meadow Definitive Subdivision Plan, Maple Street, Lots 76-1 to 76-15 (Davis Road) [Request of William Costello] (Plan approved 5/27/97)

Richard Gallogly represented the applicant on this issue as well. He requested a letter from the Board stating its requirements for acceptance of the Pine Meadow Subdivision. He explained that this document would be required if litigation with the owner of Lot 15 becomes necessary. Gallogly also asked for an extension of the time to complete the subdivision.

Epstein **moved to extend the completion date from May 27, 2000 to November 15, 2001.** Lane seconded and the motion carried 5-0-1 with Abend recused.

The Board directed the PA to request an inspection of Pine Meadow by the review engineer, and to draft a letter to Costello outlining completion requirements based on the engineer's report.

Status of Common Driveways

The Board reviewed a 2/8/01 memo from the PA to the Building Inspector, in which the occupancy status of outstanding approved common driveways was requested. Mansfield explained that some homes appear to be occupied without documentation of the engineer's final inspection and certification. The Board directed the PA to determine the status of the occupancy permits before proceeding to contact Town Counsel.

Town Meeting Warrant

Holzman and Reid thought that there were some minor technical corrections to be made to the wireless bylaw and agreed to look into drafting an article if necessary.

Report on Workshop on Inclusionary Zoning (1/25/01)

Hara reported that Mark Bobrowski gave a presentation at this workshop and that he recommended looking to the Town of Westford as a model. He noted that Westford's bylaw requires the various boards and committees to work together in the permitting process.

Wireless Applications

Holzman reported that his employment with an engineering firm may conflict with an upcoming wireless facility application, and he will recuse himself from any discussions with this applicant. He offered to provide the Board with information on alternative tower designs to prepare for this potential application. Holzman also recommended Don Haes as an RF engineer who could review wireless applications.

Discussion of possible Town adoption of provisions of the Community Preservation Act (Selectmen's meeting 2/13/01)

Mansfield reported on the EOEA sponsored CPA briefing held in Worcester on 2/10/01. Sylvia Willard of the Conservation Commission, Art Milliken of the Carlisle Land Trust, and Laura Snowden of the Housing Authority were also present. He explained that the CPA allows communities to apply a surcharge of up to 3% of the local property tax. Funds raised would be matched from a state Community Preservation Trust Fund account. Monies accrued in the local Community Preservation Fund are to be spent on open space, historic preservation and low and moderate income housing, with at least 10% of the annual receipts going to each category, and the remaining 70% for one or more of these three purposes, in accordance with local priorities. According to data distributed at the seminar, Carlisle could raise as much as $672,000 annually.

Mansfield explained that these provisions must be adopted at a general Town Election, with a Town Meeting held a minimum of 35 days prior to the election. Town Meeting would be responsible for setting the surcharge percentages, the exemptions and appointing a Community Preservation Committee.

Abend **moved to direct the PA to send a memo to the Selectmen stating that the Planning Board is in full support of advocating for a Special Town Meeting in order to pursue local adoption of the Community Preservation Act.** Hara seconded the motion and the motion carried 6-0. Hara agreed to attend the Selectmen's meeting on 2/13/01 regarding this matter.

Report on Municipal Planning Day (2/10/01)

Hara and Reid reported that approximately 70 residents attended and broke up into groups to discuss Public Safety, Public Services, School, Recreation, Housing and Conservation issues. Overall, those present went away with a good understanding of the Town's needs.

Hara and Reid presented the existing Conservation Cluster bylaw along with the MAPC model bylaw to those present and felt that they received the group's support in pursuing this second alternative.

In discussing conservation issues, the group agreed that the Town cannot continue buying land for the sole purpose of protecting it. Land is also needed for affordable housing and municipal use. They also concluded that municipal development could occur along Bedford Road rather than overdevelop the Town Center.

The meeting was **unanimously adjourned at 10:10 p.m.**

Respectfully submitted,

Anja M. Stam

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Planning Board Secretary