Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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MINUTES
March 26, 2001

- **Notice of receipt of as-built plans for Common Driveway Special Permit serving Lots 2 & 3, 646-650 Concord Street, Map 7, Lots 43-2 and 43-3**
- **Review of revised lot grading plan for Lot 6, Hart Farm Estates Conservation Cluster, submitted for Planning Board approval in accordance with condition #4 of the special permit (granted 5/3/00) [Submitted by Charles Aggouras]**
- **Request for Planning Board approval of Carlisle affordable housing plan (Request of Carlisle Housing Authority)**
- **Discussion of proposed amendments to Subdivision Rules and Regulations**
- **Request for release of Lot 9 from covenant for Hart Farm Estates Definitive Subdivision Plan, Curve Street, Map 28, Parcels 6, 7A-1, 7A-13, 11 & 12 (request of Michael Kenny)**
- **Review of Maintenance Agreement for Common Driveway Special Permit, "Laurel Way," 138 East Street, Map 22, Parcels 62B &63D, Theodore Treibick and Deborah MacDonald, applicants**
- **Informal discussion of proposed amendment to Common Driveway Special permit for 299 Bedford Road (Request of Richard West, 10/23/00)**

Vice Chair Reid called the meeting to order at 7:30 p.m. Members Abend, Holzman, Lane and Zinicola were present. Epstein arrived at 7:40 p.m. Hara was not present this evening. Planning Administrator George Mansfield and *Mosquito* reporter Susan Yanofsky were also present.

Reid made one clarification to the **minutes** of March 12th and Abend then **moved to accept the minutes of 3/12/01 as amended.** Lane seconded the motion and it carried 5-0.

Lane confirmed that the Planning Board's **FY02 budget** as shown on the Town warrant agrees with the budget submitted to FinCom.

(Epstein arrived.)

Notice of receipt of as-built plans for Common Driveway Special Permit serving Lots 2 & 3, 646-650 Concord Street, Map 7, Lots 43-2 and 43-3

The Board reviewed a draft letter prepared by the PA, requesting submission of the as-built plan as promised by the applicant. Mansfield was directed to send the letter as drafted.

Review of revised lot grading plan for Lot 6, Hart Farm Estates Conservation Cluster, submitted for Planning Board approval in accordance with condition #4 of the special permit (granted 5/3/00) [Submitted by Charles Aggouras]

Recognizing that a letter has been received confirming that the entire roof shall be drained to the dry well, Epstein moved and Abend seconded a **motion to approve the revised grading plan for Lot 6 of the Hart Farm Estates Conservation Cluster.** The motion carried 6-0.

Request for Planning Board approval of Carlisle affordable housing plan (Request of Carlisle Housing Authority)

Alan Lehotsky and Martin Galligan of the Carlisle Housing Authority were present. They requested a letter from the Planning Board indicating their support of the Carlisle Affordable Housing Plan to be presented at Town Meeting.

Epstein asked if changes to the zoning bylaw might encourage the creation of affordable housing. Reid explained that she and Hara have been working with Hal Sauer of the Housing Authority to research this possibility, but have been unable to find good examples of bylaws that require affordable housing. Such bylaws that have been enacted in other communities have generally been ignored or circumvented. Reid noted that they are still looking into the possibility of changing the zoning bylaws, but she did not feel this option looked promising.

Epstein then asked if the Community Preservation Act could help the Town obtain affordable housing. Galligan felt that if the Town passes the CPA, the funds would help with the planning and engineering phases, but would not be sufficient to actually acquire or build affordable housing unless the funds are saved over several years.

On behalf of Louise Hara, Mansfield asked the Housing Authority to provide more specific information on their expenditure plan, the impact on the school system and the cost to the community.

Zinicola asked if there would be a point at which the State would recognize Carlisle's good faith effort to provide affordable housing. Galligan stated that each town is expected to have 10% of its housing stock as affordable. Zinicola suggested that the State might be less likely to enforce a comprehensive permit if Carlisle shows progress toward attaining this goal.

Epstein advised the Housing Authority to be prepared to demonstrate at Town Meeting, that the plan is feasible and land would be available. Galligan agreed and also noted that the plan is available to the public on the Town's website.

Reid **moved to support "The Town of Carlisle Affordable Housing Plan."** Abend seconded the motion and it carried 6-0. Reid offered to work with Hara to draft a letter in support of the plan, and to have the letter available for signature at the next meeting. The Board also agreed to offer verbal support for the plan at Town Meeting.

Discussion of proposed amendments to Subdivision Rules and Regulations

Sandy Brock of Judith Nitsch Engineering was present to aid the Board in reviewing drainage and curbing issues and Deb Belanger and Art Milliken of the Pedestrian and Bike Safety Advisory Committee were present to discuss footpath issues.

The Administrative Assistant was asked to review the rules and regulations for references to other documents and to obtain copies of those documents as required.

Request for release of Lot 9 from covenant for Hart Farm Estates Definitive Subdivision Plan, Curve Street, Map 28, Parcels 6, 7A-1, 7A-13, 11 & 12 (request of Michael Kenny)

Mansfield explained that Michael Kenny is still pursuing three options to correct the problem on Lot 9. First, Town Counsel is reviewing the request for a waiver of the 7' wall. Second, the Board of Health is reviewing the revised plan to consider allowing a 4' wall. The third option preferred by all parties involves pursing an ANR plan with the Town in order to shift the boundary between Lot 9 and the Town-owned open space parcel. Kenny is scheduled to meet with the Board of Health and the Board of Selectmen tomorrow, 3/27/01, and no action is required of the PB at this time.

Review of Maintenance Agreement for Common Driveway Special Permit, "Laurel Way," 138 East Street, Map 22, Parcels 62B &63D, Theodore Treibick and Deborah MacDonald, applicants

Epstein explained that Mr. Treibick has agreed to dismiss the pending litigation regarding the Laurajon Subdivision upon the Board's approval of the maintenance agreement for Laurel Way. Because a revised draft was received in the PB office just this afternoon, the Board did not have time to thoroughly review the document. Board members agreed to allow Epstein to review the revised common driveway maintenance agreement and to inform the applicant if it is found to be satisfactory. Epstein will direct the PA to file the decision when Mr. Treibick files a dismissal of the litigation.

Informal discussion of proposed amendment to Common Driveway Special permit for 299 Bedford Road (Request of Richard West, 10/23/00)

The applicant was present with his attorney Robert Santomenna. Abutter Eunice Knight was also present.

West had been before the Board previously on 10/23/00 to discuss this same amendment. At that time the Fire Chief had been present and requested the addition of a cistern to serve all homes on the common driveway. The Board had recommended further discussions with the Fire Chief and the PA before submitting an application.

West explained that despite proposing improvements to the driveway and a sprinkler system for the new home, the Fire Chief continues to insist on the installation of a fire cistern on this common driveway. He argued that the cost is prohibitive and an unfair burden to place upon one homeowner. He asked if the Board would be willing to amend the special permit without requiring a cistern.

Santomenna noted that although the common driveway currently serves 3 lots, the original special permit allows for 5 benefited lots. Santomenna stated that the Shohets are now proposing to subdivide Lot E as contemplated in the original special permit decision. He had copies of the recorded special permit, the plan dated 12/13/82 and easement documents, which were not in the Planning Board's files, and offered these to the PA.

Santomenna also explained that he had represented the Carlisle Land Trust in 1982 when this project was undertaken. The intent of this common driveway special permit was to prohibit development along the Bedford Road frontage and to allow low-density housing to the rear of the property, out of view of Bedford Road. He noted that the proposed ANR lot could obtain access through its frontage, but the Wests would prefer to preserve the land as intended by the original special permit.

Finally, Santomenna argued that while the Planning Board may require fire cisterns in a subdivision, it does not have legal authority to require a cistern for a common driveway special permit. Epstein directed him to Section 7.2.1.1 of the Zoning Bylaw which states that the Board must find that the use of a special permit shall not be "injurious or dangerous to the public health or hazardous because of. . .danger of fire." West reminded the Board that the bridges have been tested and found to meet the fire department's weight requirements. He is also proposing to widen the common driveway in certain areas and to provide pullouts. If necessary, he would offer to equip his home with a sprinkler system, but he is not willing to spend $55,000-60,000 for a cistern.

Lane asked if there had been any discussion with the Fire Chief about sharing the cost of the cistern with the Town. West stated that he had proposed this to the Fire Chief, but Koning was adamantly opposed to this suggestion.

Mansfield noted that if the Wests do apply for an amendment to the common driveway special permit, then all current lot owners must also sign the application. West asked if the Board would be inclined to allow the amendment without requiring a cistern. Abend stated that he was glad to see the proposed improvements to the common driveway and would be inclined to disagree with the Fire Chief's request for a cistern. Lane felt that at this point he was inclined to vote based on the Fire Chief's recommendation. Zinicola agreed with Abend and also felt that the proposed sprinkler system would address any fire safety concerns. Holzman felt that the additional home would not make the situation any worse than existing conditions, but he encouraged further discussion with other lot

owners to consider sharing the cost of a cistern. Reid was undecided. Epstein advised the applicant that the Board was essentially split and that he would need a positive vote from five of the seven members in order to approve the special permit. Epstein felt that the applicant has a strong case because the 1983 special permit decision did contemplate five lots.

Mansfield suggested that West might inform the Fire Chief of the size of the existing homes on the common driveway along with the proposed size of his own house. The PA noted that in previous discussions between the Board and the Fire Chief, Koning had expressed concern over the exceptionally large homes being constructed in new developments. Mansfield thought perhaps Koning would be less concerned if he knew that these homes were smaller. The Board also advised West to show Koning the alternative of an individual driveway to access this lot. Abend pointed out the possibility of installing a new driveway to serve the existing home. The common driveway would then be a safer alternative, as the individual driveway would not provide a cistern because it could be built without a special permit.

The meeting was **unanimously adjourned at 11:05 p.m.**

Respectfully submitted,

Anja M. Stam

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Administrative Assistant