



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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MINUTES

September 23, 2002

Planning Board Vacancy

Continued Public Hearing: Common Driveway Special Permit, 138 East Street, Map 22, Parcels 62B & 63D, Theodore Treibick, applicant

ANR Plan: 581 River Road (Map 1, Lot 17) David J. and Carol A. Valchuis, applicants

Board of Health Meeting re: 302 Lowell Street (Comprehensive Permit)

Executive Order #418

Discussion of potential modification of length of Planning Board member terms and addition of Associate members

Discussion of Board policy on release of agenda supporting materials to press in advance of meetings

ANR Plan: 57 Maple Street (Map 13, Lot 72, 72B and 72C) David K. and Beverly J. Morrison, applicants

Request for release of deposit to assure completion of Swanson Lane Common Driveway Amendments (Kimball Road), Map 29, Parcels 6-19, 6-19A, 6-20, and 6-21 [Request of David Erickson]

Request for certification of completion of requirements for occupancy, Lot 5, Hart Farm Estates, in accordance with Conservation Cluster and Common Driveway Special Permit conditions [Request of Brian Bonenfant]

Discussion of 2002-2003 Planning Board goals and objectives

Request to join alliance of Planning Boards proposing amendments to M.G.L. Chap. 40B (Comprehensive Permit Law) [Request of Duxbury Planning Board]

Request for comments on proposed revisions to M.G.L. Chap. 40B (Comprehensive Permit Law) [Request of Norton Board of Selectmen]

Request from Town Counsel for input on proposed draft Agreement for Judgement in appeal of American Tower Corporation et al. to Board of Appeals Decision 0111 denying variances for wireless communications facilities at 662 Bedford Road [Executive Session]

Chair Kate Reid called the meeting to order at 7:30 p.m. in the Clark Room at Town Hall. Board Members Michael Abend, Louise Hara (Vice Chair/Clerk), Dan Holzman, Tom Lane (Treasurer) and Phyllis Zinicola were present. Planning Administrator George Mansfield and Administrative Assistant Anja Stam were also present. *Mosquito* reporter Susan Yanofsky attended most of the meeting.

Zinicola made several clarifications to the minutes of the last meeting regarding the discussion of recent changes to Chapter 40B legislation. The Board accepted these changes and Abend moved to accept the minutes of 8/19/02 as amended. Hara seconded the motion and it carried 6-0.

The bills were circulated for signature. Lane noted that FinCom has requested a preliminary FY04 Budget by Dec. 27, 2002. He agreed to prepare a draft budget accordingly.

Planning Board Vacancy

David Freedman of 301 Hutchins Road was present.

Freedman had expressed verbal interest in filling the PB's vacancy and forwarded a letter dated 9/13/02 to the Board expressing this interest. The Board received two additional letters of interest from James G. Bohn of Concord Street and Kenneth Bedrosian of Bedford Road today. The Board found that all three candidates were well qualified based on their letters of interest and their resumes. Board members agreed, however, that Freedman seemed more familiar with Planning Board procedures because of frequent attendance at meetings and his involvement in specific issues. They felt that given the short-term appointment and the increasing PB workload, the Board requires a candidate "who can hit the ground running."

Mansfield noted that Freedman had already expressed a willingness to learn quickly by stopping by the PB office to discuss the Board's responsibilities with the PA. The Board agreed to recommend to the Board of Selectmen that David Freedman be appointed to fill the PB vacancy until elections in the spring. Board members agreed to check their schedules in case the BOS requires interviews of the three candidates.

Continued Public Hearing: Common Driveway Special Permit, 138 East Street, Map 22, Parcels 62B & 63D, Theodore Treibick, applicant

Mansfield reported that he received a phone message from the applicant today, requesting a continuation of the public hearing. Mansfield also expected to receive the request via fax, but it had not been received before the meeting. Lane moved to continue the public hearing to October 28, 2002. Abend seconded the motion and it carried 6-0.

ANR Plan: 581 River Road (Map 1, Lot 17) David J. and Carol A. Valchuis, applicants

The applicants were present.

Mansfield explained that approximately one acre of this lot is in Concord and approximately three acres are in Carlisle. Reid asked why the ellipse was drawn over the towns' borders when the Carlisle PB is only concerned about dimensional requirements in Carlisle. Valchuis thought that the ellipse designates the building envelope, and he planned to build the home on the Concord side of the lot. The Board explained that ellipses merely show that the lot is regular in shape, but do not indicate where the buildings are to be located. Board members agreed that minimum frontage and acreage requirements in Carlisle were clearly met. The PA said that according to the PB regulations, existing improvements must be shown on an ANR plan. He noted that the existing driveway is not shown, but buildings on the lot are to be razed. Lane moved to endorse the plan of land in Carlisle, dated 9/16/02 and stamped 9/23/02 prepared by Stamski and McNary for David J. and Carol A. Valchuis as approval not required waiving the requirement that the existing driveway be shown on the plan. Abend seconded the motion and it carried 6-0. The PA was directed to forward copies of the revised ANR plan to the Board of Health and the Conservation Commission to advise them of the changed plan.

The Board agreed to refund \$100 to the applicant because a previous version of this ANR application was not accepted by the Board though a \$300 application fee had already been submitted. The ANR approved by the Board today required a \$200 application fee.

(At 8:10 p.m. Abend left the meeting temporarily, returning at 8:55 p.m.)

Board of Health Meeting re: 302 Lowell Street (Comprehensive Permit)

John and Jane Brewer of 280 Lowell Street, Richard Kane of 398 Lowell Street and Sean Flynn of 107 Woodbine Road were present.

Holzman reported on the Board of Health meeting he attended on 9/10/02 regarding the proposed comprehensive permit at 302 Lowell Street. He noted that the applicant, Michael Kenny, was present along with several of his associates. At that meeting, Kenny proposed using an innovative tertiary wastewater treatment system in order to allow him to develop 50% more bedrooms than a conventional system would allow. Because this is in the pilot phase, a reserve area must be put aside on the lot in case the system fails. Holzman explained that such systems are used in commercial applications, but Kenny believes the system can be installed for residential use for approximately \$40,000.

John Brewer asked if such a system would require power. Holzman said that the system requires air and therefore a fan must be installed in separate housing.

Richard Lane noted that Kenny is proposing three treatment systems for eight buildings. He asked if the bedroom density would change if this innovative system fails. Holzman was not familiar with the comprehensive permit law, or the details of the pilot program.

John Brewer asked at what stage the PB would become involved with this application. Reid explained that with a comprehensive permit, the PB may give advice to the Zoning Board of Appeals if they request it, otherwise the PB does not review the application.

Reid asked Holzman who would monitor the wastewater treatment system during the pilot phase. Holzman stated that the applicant would be responsible for hiring a professional to check the system each month for one full year.

Executive Order #418

Lane explained that he sent Carlisle's existing plans to Laurie Connors of MAPC for preliminary review to determine if they would qualify as equivalent plans for the EO 418 program. Connors advised him that only the *2000 Open Space and Recreation Plan* would meet the minimum requirements. Although the *2001 Housing Plan* was also submitted to Connors, she felt this document was incomplete. Other plans were also found to be lacking in details or in need of updates. Yanofsky noted that these plans must be in place in order to qualify for DHCD and other development grants.

Reid stated that she was involved in the municipal planning day held two years ago and felt that the Town's master plan could have been updated at that time if funding had been available. She also felt that the Town is in need of an updated master plan in order to spend Community Preservation Act funds and other money more efficiently. She suggested that the PB encourage the Board of Selectmen to pursue the \$30,000 grant available for updating the master plan. The Board agreed to recommend that the BOS sign the Initial Agreement Letter at their meeting tomorrow.

Discussion of potential modification of length of Planning Board member terms and addition of Associate members

Reid noted that it would be ideal to change the length of terms from five years to three years prior to spring elections, but this would require a bylaw change at an earlier Town Meeting. She spoke with the chairman of the Board of Selectmen and he agreed to put this on the agenda for the joint BOS/PB meeting tomorrow.

(Abend returned.)

Discussion of Board policy on release of agenda supporting materials to press in advance of meetings

Board members agreed that it would be appropriate to provide the press with supporting materials of matters before the Board.

ANR Plan: 57 Maple Street (Map 13, Lot 72, 72B and 72C) David K. and Beverly J. Morrison, applicants

As an abutter to this property, Abend recused himself from the Board. Engineer Jeffrey Brem represented the applicants. Mansfield explained that the applicants wish to divide their lot into two buildable lots plus a small parcel to be sold to a neighbor. The plan was submitted this evening and therefore had not been reviewed in advance of the meeting. Several errors were discovered and the Board suggested that they could sign the plan at their meeting tomorrow evening if the corrections were made and submitted to the PA during the day tomorrow. Brem agreed to do so.

Request for release of deposit to assure completion of Swanson Lane Common Driveway Amendments (Kimball Road), Map 29, Parcels 6-19, 6-19A, 6-20, and 6-21 [Request of David Erickson]

In a letter dated September 10, 2002, the Board's engineer reported that the trench had been properly repaired, however, two utility covers were broken and in need of replacement. Mansfield stated that the letter had been forwarded to Erickson, but he had not replied. The Board directed the PA to inform Erickson that the covers must be repaired before the deposit may be released. Holzman moved and Hara seconded a **motion to continue this discussion on October 28, 2002**. The motion carried 6-0.

Request for certification of completion of requirements for occupancy, Lot 5, Hart Farm Estates, in accordance with Conservation Cluster and Common Driveway Special Permit conditions [Request of Brian Bonenfant]

Mansfield explained that Bonenfant is seeking a certificate of occupancy on Lot 5, but the Planning Board's engineer has reported that the common driveway is not complete for the following reasons: 1) a 60 ft. common portion of Bonenfant's driveway is not paved, 2) there is puddling on several portions of the common driveway as well as on Hart Farm Road, and 3) an as-built plan of the common driveway has not been submitted to the PB's engineer. Mansfield noted that four occupancy permits have already been issued on the common driveway because at that time the development was still under covenant. Since then the covenant has been released and the Town holds a \$50,000 bond from the developer, Michael Kenny.

After some discussion, the Board agreed that the common portion of the driveway must be completed prior to allowing a certificate of occupancy. The Board also expected the developer to address the roadway grading and puddling issues throughout the development prior to release of the \$50,000 bond.

Discussion of 2002-2003 Planning Board goals and objectives

Abend suggested that the common driveway rules and regulations be updated and improved. The Board felt that the fire cistern regulations should be addressed after a new fire chief is appointed. Holzman noted that the town of Stow has good cistern regulations. Abend asked the AA to obtain a copy of Stow's regulations for him. The Board agreed that it should hold a meeting at 7:30 p.m. on Thursday 10/17/02 in order to focus on goals and objectives and EO418.

The Board also scheduled regular Monday meetings for October 28th and November 25th. November 14th was held as a possible meeting date if necessary.

Request to join alliance of Planning Boards proposing amendments to M.G.L. Chap. 40B (Comprehensive Permit Law) [Request of Duxbury Planning Board] and Request for comments on proposed revisions to M.G.L. Chap. 40B (Comprehensive Permit Law)[Request of Norton Board of Selectmen]

Mansfield reported that both Duxbury and Norton are still interested in comments on their proposals even in light of recent changes to M.G.L. 40B. Abend thought that at this point it is difficult to evaluate what changes might be relevant and suggested that the PB should spend its time planning for EO#418 instead. The Board agreed and asked the PA to remove this item from the agenda.

Request from Town Counsel for input on proposed draft Agreement for Judgement in appeal of American Tower Corporation et al. to Board of Appeals Decision 0111 denying variances for wireless communications facilities at 662 Bedford Road [Executive Session]

Abend moved to go into executive session to discuss pending litigation, not to return to regular session. Hara seconded the motion. The chair called for a roll call vote (Abend-aye, Hara-aye, Holzman-aye, Lane-aye, Reid-aye, Zinicola-aye) and the motion carried 6-0.

At 10:30 p.m. the Board unanimously closed the executive session and adjourned the meeting.

Respectfully submitted,



Anja M. Stam
Administrative Assistant