



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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MINUTES

January 13, 2003

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

Budget

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]

Request to re-open discussion of settlement agreement of pending litigation, Vale, Valchuis et al. v. Planning Board (Berry Corner Lane) [Request of Michael Vale] (Executive Session)

Review of Consultant Services to identify and evaluate potential sites for Wireless Communication Facilities

Review of Town's submission of scope of services and selection of consultants to prepare community Development Plan to meet requirements of Executive Order #418 – Definition of "visioning" phase

FY04 Budget

Town Report 2002

Draft Personnel Policies Handbook

MAGIC population and employment forecasts

Chair Kate Reid called the meeting to order at 7:30 p.m. in the Clark Room at Town Hall. Board Members Michael Abend, David Freedman, 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.

The Board reviewed the minutes of 12/9/02. Abend **moved to accept the minutes of December 9, 2002 as drafted**. Freedman seconded the motion and it carried 5-0-2 with Abend and Zinicola abstaining. The Board also reviewed the minutes of a special meeting on 12/11/02. Hara made one clarification to these minutes and then **moved to accept the minutes of December 11, 2002 as amended**. Freedman seconded the motion and it carried 5-0-2 with Abend and Zinicola abstaining.

Bills

Mansfield explained that Nitsch has suspended engineering review at Hart Farm Estates until outstanding bills have been paid. He explained further that the balance in the project review account will not cover these outstanding bills, and the developer, Michael Kenny, has not replenished the account. Kenny contends that the individual lot owners are responsible for some of the review costs and he is requesting detailed itemization of bills from Nitsch. Mansfield reported that Nitsch forwarded such a breakdown to Kenny today.

Mansfield also noted that the owner of Lot 9A in Hart Farm Estates has offered to pay for the grading review of his own lot, which is not located on the common driveway. Reid suggested that the developer should be responsible for all review fees and other arrangements should be made directly between lot owners and the developer. The Board agreed that Nitsch should not be directed to conduct further review until outstanding bills have been paid, even if individual lot owners wish to pay for review of their lots. All payments should be made through the applicant, Kenny.

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

The applicant was present with his engineer, Gary Shepard of David Ross Associates. Other parties in interest present were Deb Belanger of 45 Palmer Way representing the Pedestrian and Bike Safety Advisory Committee and Alex Parra of 31 Bellows Hill Road representing Carlisle Extended Day Program.

For the record, Abend disclosed that he is currently working on projects which involve both Shepard's and Parra's firms, but he has no contractual arrangements with either of them.

In a letter from Carlisle Extended Day Program (CEDP) dated December 22, 2002, President Tarik Samman notified the Planning Board that CEDP has settled with Treibick and makes no requests for any rights pursuant to the Common Driveway Special Permit application. According to the letter, CEDP has retained the utility easement on Treibick's property associated with a previous common driveway and described in the deed dated 1/25/1983, but has relinquished any rights pertaining to the right-of-way easement.

Belanger stated that the Pedestrian and Bike Safety Advisory Committee has listed East Street as its second priority for pathways after the Town Center has been completed. She has learned that approximately 11 ft. of shoulder would be available along the roadway at Treibick's frontage, but that much of this is not level and near a steep drop-off. She asked if the applicant might be amenable to providing an easement for possible future construction of a sidewalk or pathway. Treibick was willing to offer an easement along his frontage provided that it only be used for a Town-owned sidewalk and no other purpose. He also asked to be assured that he would not assume any cost or liability for such use. Belanger said that if the Town pursued this option, an agreement would be drawn up to this effect.

Hara moved to approve the Plan of a Common Driveway in Carlisle, MA for Theodore and Carol Treibick and Deborah L. MacDonald prepared by David Ross Associates, dated August 2000, last revised March 4, 2002 finding that the lots served by this common driveway are provided with safe and convenient access, and the plan provides preservation of the natural environment, maintenance of neighborhood character, and adequate access for emergency vehicles as approved by the Fire Chief; with the following conditions: 1) the decision shall note that a 20-ft. wide slope and grading easement shall be provided to the Town along the East Street frontage of Lots E-1A and E-1B for the future construction of a pedestrian pathway, 2) the PB shall be provided with a copy of a fully executed Common Driveway and Utility Maintenance Agreement, 3) the driveway shall not be named but shall be identified with appropriate house numbers at the East Street entrance and where the driveway divides, 4) mailboxes serving Lots E-1A and E-1B shall be located, at the discretion of the Post Master, to the north of the driveway entrance or opposite that entrance, 5) the common driveway may not be used to serve any non-residential use with the exception of any currently existing non-residential use on Lot E-1A, 6) Lots E-1A and E-1B shall not be accessed by any means other than this common driveway, 7) the special permit shall lapse if not recorded within 60 days of the end of the appeal period, 8) no occupancy permit shall be issued on Lot E-1B until an as built plan has been submitted and the Board's engineer has certified that the common driveway is constructed in accordance with the above referenced plan. Abend seconded the motion and it carried 6-0-1 with Freedman abstaining.

Budget

The Board discussed the need to hire a GIS consultant to digitize the Assessor's Maps. Reid noted that this should be done in order to remain eligible for State funding. The PA noted that funding may be available from Mass GIS to support a portion of this expense. He agreed to research the status of this potential grant. The Board suggested that the PA also speak with the Assessors' office to ask them to contribute to this cost. Board members also noted that they should meet jointly with their EO 418 consultant, their wireless consultant and with Applied Geographics to determine how the Town's GIS needs should be met.

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]

Brian Bonenfant, owner of Lot 5, was present. He understood that a 60-ft. portion of his common driveway was not complete, but requested that the Board certify completion so that he may obtain his occupancy permit. He offered to complete the driveway as soon as possible in the spring. The Board regretted burdening the lot owner, but explained that withholding occupancy permits is the only way it is able to guarantee completion of special permits. Mansfield noted that Nitsch has reviewed this lot and found drainage and grading to be in compliance with the plan. After some discussion, Freedman moved to waive condition #8 of the Common Driveway Special Permit decision for Hart Farm Estates, which states that no Certificate of Occupancy shall be issued until the common driveway is certified complete, as it pertains to Lot 5 of Hart Farm Estates, with the following conditions: 1) that Bonenfant obtain written approval from the Fire Chief that the unpaved portion of the common driveway will not be a safety concern, 2) that

Bonenfant provide a written statement to the Board that he agrees to pay for paving and inspection of the portion of his driveway located on Lot 4 if the developer does not do so, 3) that Bonenfant notify the Planning Board at least 48-hours prior to paving, and 4) that the paving be completed as soon as practical. Hara seconded the motion and it carried 4-2-1 with Abend and Zinicola opposed and Reid abstaining.

Mansfield was directed to draft a memo to the building inspector advising him of the Board's decision. The Board noted that Bonenfant should also obtain written permission to proceed as directed from the owner of Lot 4.

Request to re-open discussion of settlement agreement of pending litigation, Vale, Valchuis et al. v. Planning Board (Berry Corner Lane) [Request of Michael Vale]

Michael Vale and David Valchuis were present. Berry Corner Lane residents Thierry Copie and Dick Wells were also present.

Vale reminded the Board of his last appearance before them by reading from the minutes of 1/14/02. He noted that at that meeting, the Board had asked the abutters to cooperate with Vale and Valchuis in providing a maintenance agreement for Berry Corner Lane. Vale said that the abutters still refuse to sign a maintenance agreement. He then presented a draft maintenance agreement to the Board as part of a revised Agreement for Judgment and asked if the Board would endorse the ANR plan if all signatures were obtained on the maintenance agreement. The Board agreed to review the agreement in executive session and noted that it must also be reviewed by Town Counsel.

Review of Consultant Services to identify and evaluate potential sites for Wireless Communication Facilities

Marilyn Saunders and Patricia Stimpson of Canterbury Court were present for this discussion.

Hara reported that on 1/3/03 she and Mansfield met with GPR and BSL to review various maps of Carlisle and to give the consultants some background information and a virtual tour of the town. Then Hara drove to the DPW and Banta-Davis lands with the consultants, to show them properties that the Town had considered as potential wireless sites in the past. She noted that they took several signal readings and measurements while on the tour and wished to return for another tour in the future.

Saunders asked if the Board expected interim reports from their consultant. The Board explained that they may have a report in mid-February, but at this time there is no specific date for a report. Stimpson explained that she and Saunders represent Concerned Carlisle Citizens for Wireless Technology (CCCWT) and would welcome an opportunity to ask questions of the consultant directly. Stimpson also stated that she is working with Paul Gill. They plan to walk and evaluate the Conant property, and then make a presentation to the Board of Selectmen.

Review of Town's submission of scope of services and selection of consultants to prepare community Development Plan to meet requirements of Executive Order #418 – Definition of "visioning" phase

Hara reported on the review and final selection process for the Town's EO 418 consultant, Thomas Planning Services, Inc. She noted that some adjustments may be made to the Agreement and Scope of Services before final signatures are obtained, and she asked that any comments or suggestions be forwarded to the PB office as soon as possible. Mansfield also noted that he is still awaiting written confirmation that the Community Development Plan has been approved by the State, but verbally he has been told to begin the visioning phase. The Board directed the PA to contact Carol Thomas and ask about obtaining the written confirmation and a signed contract. Mansfield was also directed to contact the Board's pre-planning consultant, Caren Ponty, to ask how much consulting time is still available within her \$2000 limit. Reid, Hara, Freedman, Mansfield and Ponty plan to meet at 4:00 p.m. on 1/16/03 to review the contract and discuss the visioning phase of the Community Development Plan.

FY04 Budget

Lane proposed several FY04 budget scenarios as requested by the Town Administrator. The Board agreed with Lane's recommendations although suggested modifying the "growth budget" scenario by increasing the staff wages by 5% to reflect a 2% hourly rate increase plus increased hours.

Town Report 2002

The Board suggested that Mansfield prepare the 2002 Town Report in a format similar to previous years. Mansfield agreed to provide a draft to the Board before submission to the Town Administrator.

Draft Personnel Policies Handbook

Mansfield reported that the Personnel Board will meet at 6:30 p.m. on 1/16/03 in order to review and approve the Personnel Policies Handbook. He will attend this meeting and Reid said she would attend if possible.

MAGIC population and employment forecasts

Lane noted that there are some discrepancies in the report prepared by MAGIC and each community has been asked to review their information and report corrections to MAPC by 1/24/03. Lane and Mansfield agreed to discuss this outside the meeting.

Request to re-open discussion of settlement agreement of pending litigation, Vale, Valchuis et al. v. Planning Board (Berry Corner Lane) [Request of Michael Vale] (Executive Session)

At 10:45 p.m. Abend moved and Holzman seconded a motion to go into executive session to discuss pending litigation with Vale/Valchuis, not to return to regular session. The Board was polled and unanimously agreed to the motion.

At 11:00 p.m. Abend moved and Lane seconded a motion to come out of executive session and to adjourn. The Board was polled and unanimously agreed to the motion.

Respectfully submitted,



Anja M. Stam
Administrative Assistant