

CARLISLE PLANNING BOARD

MINUTES

JUNE 11, 1990

Present:

Vivian F. Chaput, Chairman
Norman S. Lindsay
Stephen Tobin
Sylvia Sillers
Phyllis W. Hughes
George B. Foote
Jill Natola
Elaine H. Olden,
Planner Assistant

Meeting called to order at 8:03 p.m.

Noting that there were no changes to be made in the minutes as presented but that they were still incomplete, the members deferred action on them until they were complete.

Bills

The members authorized payment of bills as presented.

Senate Bill S909

After Mrs. Olden described the provisions of this bill and some responses the Board might make to it, the members instructed her to prepare a letter conveying the Board's support in general and its objection to one provision in particular.

Judith Nitsch Engineering, Inc.

After reading a letter from Judith Nitsch, P.E., dated May 8, 1990, the members instructed Mrs. Olden to ask Ms. Nitsch to meet with the Board to describe her company's services.

Correspondence from Charles Rolando concerning River Road Common Driveway

Mr. Rolando delivered a letter to the Board requesting that the Board re-open the following public hearing, which was closed on April 9, 1990, and grant an extension of time for the public hearing until July 31, 1990: application for a Special Permit pursuant to Section 5.4.4 of the Carlisle Zoning Bylaws to relocate and pave a common drive constructed off River Street pursuant to a Special Permit granted September 11, 1978. The members agreed to re-open the hearing so that Mr. Rolando can present the proposed Maintenance Agreement as required by the Carlisle Planning Board Rules and Regulations regarding Special Permits for Common

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Driveways and to extend the time for the public hearing until July 9, 1990.

Master Plan Plan

The members agreed to submit reports for the next meeting detailing each member's progress to date on his or her section of the Master Plan, the work that remains, and a schedule for completing the work.

Tall Pines Public Hearings - Definitive Plan and Common Driveway

At 8:34 p.m. Chairman Chaput called to order the public hearings continued from June 4, 1990, on the applications of Walter and Norina Zywiak; John M. Swanson, Trustee of Swanson Family Trust; John M. Swanson, Trustee of Susan & Peter Realty Trust; John M. Swanson, Trustee of JMS Realty Trust; and John M. Swanson and Elizabeth E. Swanson for approval of a 37-lot Definitive Plan entitled "Tall Pines" for property located at the southwesterly corner of Fiske and Curve Streets and William Costello Realty Trust for a Special Permit pursuant to Section 5.4 of the Carlisle Zoning Bylaws for a Common Driveway to serve three lots in a proposed subdivision entitled "Tall Pines" on property located at the southwesterly corner of Curve/Fiske Streets.

The following information was presented on behalf of the applicant:

A guard rail with reflectors has been added between the road and the bike/footpath. Hutchins Ridge Road has been changed to Hutchins Road. Bridge specifications had been submitted to the Board's engineering consultant for review. The applicant had met with the Conservation Restriction Advisory Committee.

It was established by the applicant's engineers and members of the Board that the specifications according to which the bridge will be built have not been presented to the Board's consulting engineer for review.

Asked about additional buffer on Lot 10, the applicant's engineer explained that the only leaching field area yet located on that lot is within the proposed extended buffer.

Ms. Hughes commented that she and Ms. Natola were reconsidering their opposition to waiving the bike\footpath requirement. Ms. Hughes asked if money saved by not building the bike\footpaths could be spent on repair of the roads accessing the subdivision. Mr. Foote ascertained from the engineer that if the bike\footpaths were waived, the right of way would remain the

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same and no clearing would be maintained outside of six feet, in order to maintain as natural a condition as possible along the roads for aesthetic purposes.

Mr. Tobin reported that the Conservation Restriction Advisory Committee had met with the applicant, and language changes in the various documents had been agreed upon. He also reported that he had reviewed the revised documents which had subsequently been submitted to the Planning Board and pointed out several problems, some substantive and some copying errors. The applicant made note of these problems. Comparing the "hold harmless" clause in the proposed documents with a letter of advice from Town Counsel, Mr. Tobin said that the proposed clause was satisfactory. He asked if the common driveway pedestrian easement is to be a Chapter 184 Conservation Restriction and explained his understanding that any other form of recorded easement no matter what its language expires in 30 years or less. When Mr. Tobin inquired if the trail is to be used to build and/or repair the "kidney dam," the applicant's engineer responded that there is other access to the dam for those purposes.

Mr. Foote pointed out that the drainage easement should be granted not to the Town but to the road-owning entity.

The applicant's engineer said that the wooden guard rails on the bridge, requested by members of the public at an earlier meeting, are unacceptable, because the guard rails must be of maintenance-free aluminum. He added that two concrete headstones have been changed to fieldstones.

Mr. Tobin requested that the conservation restriction boundaries be blazed or staked.

Attorney Edward F. Lawson presented a letter dated June 11, 1990, and explained the arguments detailed in that letter supporting his request that the Board disapprove the definitive plan.

Ray Faucher, Senior Forest & Park Supervisor for the Commonwealth of Massachusetts Division of Forest and Parks reported his department's concern about the need to protect the tall pines in the adjacent state park.

When Susan Hutchinson asked if the developer could benefit financially from larger lots, he replied that he was not interested in creating larger lots.

Gabor Miskolczy, chairman of the Board of Health, presented information in response to the Planning Board's memo dated June 4, 1990.

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Al Bartlett submitted a letter dated June 11, 1990, requesting the Planning Board to take action to acknowledge his objection to the boundary lines shown on the definitive plan, including identifying contested boundaries on the approved plan. It was the consensus of the Board members that only a statement on the plan that "endorsement of the plan is not a determination of property ownership" would be appropriate. William McNary, of Stamsky and McNary, Inc., engineers for the applicant, said that as the surveyor whose stamp is on the plan, he is comfortable with the boundary lines and would be uncomfortable with any reference to disputed lines.

Ms. Tuscano objected to any repair of the "kidney dam" and to the construction of the common driveway because it would be a major disruption to the dam. The applicant's engineer explained that as the dam has deteriorated, the channel has become less defined, and that this is the reason water overtops Fiske Street. He added that the common driveway and the three lots served by it have no relation to the function of the dam. When Mr. Miskolczy suggested that the repairing the dam will change the water level in the area, the engineer said that the dam is not being altered, and Ms. Hughes added that the engineer is making the dam serve its intended function better.

When Ms. Chaput polled the Board members for their comments on outstanding items, they made the following requests:

Mr. Foote: does not wish to waive review of bridge
Mr. Tobin: final wording of the conservation restriction documents
Ms. Sillers and
Mr. Lindsay: want review of bridge specifications
Ms. Hughes: any scientific information that Attorney Lawson has about buffering the tall pines
Ms. Chaput: correct wetland delineation on the plan
Ms. Natola: bridge information, increased buffer on Lots 6, 7, and 8.

Mr. Foote proposed an agreement for a 100' easement on Lot 10 which would allow grading for a septic system in the first 25 feet. The applicant agreed to consider this proposal. Mr. Faucher said such a buffer would have a positive effect on the pines.

When Judy Lane asked about conditions under the proposed bridge, the members responded that jurisdiction over those conditions lies with the Conservation Commission.

Mr. Costello requested an extension to July 13, 1990, to allow time for completion and review of the bridge specifications and

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other open items. At 11:05 p.m., Chairman Chaput continued the public hearing until July 9, 1990, at 9:00 p.m.

Meeting adjourned at 11:05 p.m.

Respectfully submitted,

Elaine H. Olden
Planner Assistant