

CARLISLE PLANNING BOARD

MINUTES

DECEMBER 3, 1990

Present:

Norman S. Lindsay. Temporary Chairman
Stephen P. Tobin
Sylvia Sillers
Phyllis Hughes
Jill Natola
Elaine H. Olden,
Planner Assistant

Meeting called to order at 8:05 p.m.

Minutes

On motion of Ms. Hughes seconded by Ms. Natola, the members voted unanimously to accept the minutes of the November 26, 1990, meeting, with insignificant corrections.

Bills

The members authorized payment of bills as presented.

Discussion of memo from Finance Committee

The members discussed the Fiscal Year 1992 Budget Guidelines memorandum dated November 26, 1990, from the Finance Committee, focusing on three points: the meaning of the guideline concerning percentage increase; the no-override assumption of the guidelines; and the inapplicability of the suggestion concerning use of reserves to the Planning Board.

Ms. Chaput joined the meeting during this discussion.

Hayes Farm Release of Covenant

Mrs. Olden reported the status of the request to release the covenants on Hayes Farm to enable the developer to sell lots. The members considered the material which had been received just before the meeting: a letter dated December 3, 1990, from John Anthony of Cleverdon, Varney & Pike reporting on inspection of the subdivision; an executed Amendment to Agreement entitled "Performance Secured by Lender's Agreement"; an executed Amendment to Form F Covenant; and a request for release of covenants dated June 27, 1989, recorded in Book 5083, Page 112, and November 22, 1989, recorded in Book 5083, Page 116.

Noting that the condition of approval concerning fire protection has been met, the members instructed Mrs. Olden to request from

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the developer a copy of the testing reports referenced in Mr. Anthony's letter concerning the adequacy of the fire hydrant.

Noting an internal inconsistency in the Amendment to Form F Covenant concerning dates and the lack of plan reference in Mr. Anthony's letter, the members discussed at length the action they could properly take to respond to the request for release of the covenants. After noting that there is a Lender's Agreement as well as a covenant on "Section I," on motion by Mr. Lindsay seconded by Mr. Tobin, the members voted unanimously to release the covenant dated November 22, 1990, for Hayes Farm Definitive Plan dated June 1, 1989, as amended by the Amendment to Form F Covenant, contingent upon receipt of a properly drafted Amendment to Form F Covenant found to be acceptable by Chairman Chaput, Ms. Natola, and Mrs. Olden.

After instructing Mrs. Olden to confirm with John Anthony that his inspection covered all of the plans approved for these subdivisions, on motion by Ms. Hughes seconded by Mr. Lindsay, Ms. Hughes, Mr. Lindsay, Ms. Chaput, Mr. Tobin and Ms. Natola voted to release the covenant dated June 27, 1989, for Hayes Farm Section 2 Definitive Plan dated March 3, 1987 Rev. July 29, 1987, Sept 1, 1987, contingent upon Mr. Anthony's confirmation or, in the alternative, the provision of a "bond" to guarantee completion of the road in accordance with all of the approved plans. Ms. Sillers abstained.

The members agreed that when the contingencies are resolved, they will come into the office at each member's convenience to sign the related documents.

Cranberry Hill Lane

On motion by Ms. Hughes seconded by Mr. Lindsay, the members voted unanimously to send the proposed letter included in the meeting packet concerning the catch basin at Cranberry Hill Lane, with the addition of a reminder to the developer that any difficulty with the catch basin after the final coat is installed on the road will delay release of the performance guarantee.

Private Sewage Treatment Facilities

Chairman Chaput noted the receipt of material about the Final GEIR on Private Sewage Treatment Facilities and Mrs. Olden's plan to report on the subject at a later meeting.

Connection by court between planning and zoning

Chairman Chaput also noted the receipt of material on recent

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court cases challenging zoning in which the courts ruled that zoning that is not supported by planning is arbitrary and unreasonable.

Board of Health input on subdivision rules revision

The members approved Mrs. Olden's delay of public hearing on proposed subdivision rules revisions to give the Board of Health time to make recommendations.

Ms. Hughes' presentation to Conservation Commission

Ms. Hughes reported that at the Conservation Commission's invitation she had presented an explanation of the Planning Board's jurisdiction at a recent Commission meeting. She said that her comments seemed to be well received, with Commission members listening intently and asking several questions when she was finished.

Mr. Lindsay's proposed resignation

Mr. Lindsay said that because he foresees long absences during the winter months during his and his wife's retirement, he has decided, after consideration of the needs of the other Board members and of the public, that he will resign to make way for a member who can attend Board meetings regularly. He expects to notify the Selectmen that his resignation will be effective on December 31, 1990. The members expressed both their regret at Mr. Lindsay's resignation and their appreciation for his consideration of the members and public in making his decision.

Meeting adjourned at 10:47 p.m.

Respectfully submitted,

Elaine H. Olden
Planner Assistant