



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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MINUTES

January 24, 2000

Review of 1999 Town Meeting Article 33 (citizens' petition) to amend Sec. 5.7 of the Zoning Bylaws, conditions for the grant of a Senior Residential Open Space Community special permit [Request of Selectman Chaput]

Discussion of procedures for adoption of Rules and Regulations for administering special permits for Personal Wireless Service Facilities

Review of FY2001 Planning Board Budget proposal

Continued Public Hearing: Amendment to Common Driveway Special Permit, Swanson Lane (Kimball Road), Map, Parcels 19, 19A and 6-19, David and Kristy Erickson, applicants

ANR Plan: 120 Pine Brook Road, Map 35, Lot 22Y, Albert I. Gould and Betsy Goldenberg, applicants

Review of draft 1999 Town Report

Discussion of 1999-2000 Planning Board goals and objectives

Chair Tice called the meeting to order at 7:30 p.m. Members Abend, Epstein, Hara, Holzman, Lane and Reid were present. Planning Administrator George Mansfield was also present as well as *Mosquito* reporter David Ives.

The minutes of January 10, 2000 were reviewed and Epstein moved to accept the minutes as drafted. Tice seconded the motion and it carried 6-0-1 with Reid abstaining.

Review of 1999 Town Meeting Article 33 (citizens' petition) to amend Sec. 5.7 of the Zoning Bylaws, conditions for the grant of a Senior Residential Open Space Community special permit [Request of Selectman Chaput]

Selectman Vivian Chaput explained that the 1999 Town Meeting included a warrant article by citizen petition to amend sections of the Zoning Bylaws regarding the Senior Residential Open Space Community (SROSC). This article was brought forward specifically to lower the minimum age requirement from 62 to 55 and to increase the maximum square footage per unit from 1400 sq. ft. to 2400 sq. ft. The article was withdrawn at the citizens' request due to lack of background information. Chaput suggested that the Board reconsider this article for the 2000 Town Meeting.

Chaput stated that according to state law it is permissible to place age restrictions on such developments and felt that age 55 would be appropriate to accommodate empty nesters. She then explained that the maximum dimensions were originally developed to provide moderately sized and priced housing to provide seniors with an alternative that would allow them to remain in Carlisle. Chaput said that the SROSC committee felt that a 1400 sq. ft. maximum per unit would allow for one or two bedrooms and the overall building maximum of 4800 sq. ft. would match the scale of Carlisle homes. The need to cluster the buildings in order to retain a certain percentage of open space was also considered when determining the maximum dimensions. Chaput felt that the Town should not amend the requirement to set aside 1.2 acres of open space per unit.

Epstein asked if Chaput had any specific recommendations regarding the citizens' petition. Chaput suggested contacting the council on aging regarding the minimum age restriction and the residents of Malcolm Meadows regarding the size restrictions. Personally, Chaput felt that 2400 sq. ft. would be too large and that this dimension would significantly increase the footprint of the structures.

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Abend suggested that 2400 sq. ft. could perhaps be a maximum size, with a lower average size. He noted that some seniors need room for family visiting from out-of-town. Chaput said it is important to restrict size in order to target the needs of seniors. Abend was familiar with the Hudson bylaw, which allows a maximum of two people per unit, one of whom must be over 55, no school aged children, and allows visitors.

Epstein suggested that the Board do some calculations to see if larger units would still preserve open space. Chaput noted that the size limitation may have aided the passage of the original SROSC bylaw at Town Meeting. She felt that citizens do not wish to see large luxury condominiums in this community.

Holzman asked why developers are not choosing the SROSC option. Chaput thought that the 1.5 unit density bonus might not be enough incentive. Mansfield explained that he has had several inquiries in the past, and the main stumbling block appears to be the age requirement. He also recalled one developer who felt that the limited size was problematic.

Reid and Abend agreed to work on this issue. Epstein suggested that the age restriction and the size restriction be separated into two separate warrant articles.

Discussion of procedures for adoption of Rules and Regulations for administering special permits for Personal Wireless Service Facilities

Paul Gill of the Wireless Applications Advisory Committee (WAAC) was present.

Holzman explained that he received comments on the draft regulations from Epstein, Lane and WAAC. Other Board members had no comments. Tice said he spoke with Selectmen regarding siting facilities on Town land. The Selectmen stated that they would not actively solicit bids, but would consider siting on Town-owned property if approached.

Holzman agreed to prepare a draft of the rules and regulations incorporating the suggestions received. He noted, however, that he does not have expertise in the area of radio frequencies and emissions. Epstein asked if WAAC would have the expertise to write this section of the regulations. Gill thought they might be able to do so, but would also have to research the issue. He preferred to have an RF engineer review this area. Gill suggested two possible RF engineers: Mark Hutchins of Vermont, tel. 802-258-3000 and Dave Willard in Carlisle. The Board also asked the PA to contact Earth Tech and Judith Nitsch Engineering to see if they have an RF engineer on their staff. Mansfield noted that the wireless regulations from Sherborn do not ask the applicant to demonstrate RF need. They simply request documentation to show compliance with FCC regulations.

Epstein asked what WAAC's role would be regarding wireless applications. Gill said the committee would work with the PB to look after the Town's best interest.

Holzman then asked about his involvement at public hearings given his employment in the wireless industry. Various options were discussed and the Board decided that an opinion from Town Counsel would be helpful. Holzman will forward a note to Mansfield stating his current employment and involvement in the industry and the PA will forward this to Town Counsel for an opinion.

The discussion was continued to February 14th.

Review of FY2001 Planning Board Budget proposal

Lane explained that FinCom has requested that Town Boards limit their budget increase to 1.4% for FY2001. He then presented a proposed budget which complies with these guidelines with the following exceptions: 1) the proposed salary increase for PB staff is 3%, which is in line with salary increases proposed for other Town employees, 2) part time wages will be increased to reflect an anticipated 50% increase in the number of hours based

on expected wireless and subdivision applications, 3) the telephone budget will be reinstated to cover the cost of Internet access.

Lane noted that although the proposed budget represents a greater than 7% increase overall, the increase without considering the added burden of wireless applications is only 2%. Epstein suggested that Lane obtain a letter from the Selectmen to FinCom explaining the PB's new responsibility for wireless applications.

Abend moved to accept the proposed FY2001 budget for \$49,298. Reid seconded the motion and it carried 7-0.

Continued Public Hearing: Amendment to Common Driveway Special Permit, Swanson Lane (Kimball Road), Map, Parcels 19, 19A and 6-19, David and Kristy Erickson, applicants

Applicant David Erickson was present with his lawyer Alex Parra and his engineer Joe March of Stamski and McNary. The following members of the public were also present: Karen and Bill Glazier of Kimball Road; Pat and John Kovach and Joanne Rainville of Swanson Lane and Ken Harte of Estabrook Road.

Parra explained that his client was submitting an ANR application to establish the two lots with frontage on Kimball Road. The PA noted that this ANR was submitted at 2:45 p.m. today.

The Board noted that the frontages for these proposed lots coincide with an existing common driveway easement. Parra argued that the easement is non-exclusive because Mr. Erickson owns the underlying fee. Parra then responded to the case law presented by Town Counsel as grounds for disapproval. He felt that these cases were not entirely relevant and argued that ANR endorsement can only be denied if there are physical obstacles to access. He also believed that the common driveway amendment could not be denied as long as its proposed use is consistent with its current use.

Abend asked if Erickson would therefore be able to create a subdivision road over the existing common driveway if it still gave access to the current lots. Abutter Pat Kovach noted that the amended common driveway maintenance agreement she signed states that lots 1, 2 and 19 may be developed, but that no subdivision road may be built. Epstein felt that although Erickson owns the underlying fee, he has given up some of his rights in granting the easement. He did not think that Erickson has the right to build a subdivision road.

Pat Kovach stated that she is not opposed to the common driveway amendment. Her concerns regarding the cistern location and linkage to Fiske Street have been addressed.

Joe March then showed a plan in which individual driveways could access lots 1 and 2 through their frontages and adjacent to the existing common driveway. The Board noted, however, that these driveways are still within the common driveway easement and maintained that the easement affects the frontage of these lots. Parra disputed this saying that easements do not eliminate frontage. Tice suggested that Parra should discuss the issue of legal access to these lots with Town Counsel.

The Board then focused specifically on the common driveway amendment. March noted that previous concerns regarding the common driveway have been addressed and the fire chief has approved the cistern location. Bill Glazier and Pat Kovach expressed concerns about the effect the cistern would have on the wetlands and area wells. March explained that the cistern fills slowly and only once, so it will not draw excessive amounts of water from the aquifer. Mansfield asked if cisterns require BOH approval. March said they do not.

Mansfield reminded the Board that it must make positive findings when granting a special permit, specifically in the area of public safety. March noted that Erickson plans to donate 3.8 acres of land to the Carlisle Conservation Foundation. Ken Harte stated that there is a trail on this land that would provide linkage to other conservation land.

Board discussion regarding its inclination to approve the common driveway amendment found Abend in favor, but other Board members undecided. Undecided members were particularly concerned about safety issues with two

additional lots utilizing the narrow bridge. Epstein thought it was important to consider the intent of the original special permit decision.

Erickson agreed to pay for a Board engineer's review of the plan, and the Board agreed to forward the plan to LandTech for review. Epstein will authorize Town Counsel to discuss the access issues with Parra. The Board also requested and received an extension of ANR approval to March 3, 2000. Abend moved to **continue the public hearing to February 14, 2000 at 9:15 p.m.** Lane seconded the motion and it carried 6-0-1 with Reid abstaining.

ANR Plan: 120 Pine Brook Road, Map 35, Lot 22Y, Albert I. Gould and Betsy Goldenberg, applicants

The applicants were present with their engineer Gary Shepard of David E. Ross Associates. Shepard explained that the purpose of this ANR was to sell a 14-acre parcel of land to an abutter. He showed a narrow strip of land to be retained for the purpose of preserving a link to conservation land via an existing trail. Abend moved and Hara seconded a motion to **endorse the ANR for a plan of land in Carlisle, MA prepared for Albert I. Gould and Betsy Goldenberg by David E. Ross Associates dated Jan. 20, 2000.** The motion carried 7-0.

Review of draft 1999 Town Report

The Board reviewed a draft of the PB's report for the 1999 Town Report prepared by Mansfield. Abend moved to **allow the Chair and PA to complete the report for submission to the Selectmen by February 1st.** Reid seconded and the motion carried 7-0.

American Planning Association (APA) Conference

Tice recommended sending the PA to the APA conference in New York City in April. Epstein supported this suggesting that he focus on attending meetings regarding open space preservation and growth control. Abend moved to **fund the PA's attendance of the APA conference.** Lane seconded the motion and it carried 7-0.

Discussion of 1999-2000 Planning Board goals and objectives

The Board discussed whether it should present the Open Space Neighborhood Bylaw at Spring Town Meeting. Although most members agreed that amending the rules and regulations and developing wireless regulations should have a higher priority, Hara noted that there are very few large tracts of land remaining in Carlisle. She felt that this bylaw would become moot if it were not passed in the near future. She agreed to look into the possibility of placing it on the warrant again. Epstein suggested that it would not be worth pursuing without full support from the Carlisle Land Trust.

Abend said that the Municipal Land Committee is willing to propose a bylaw to allow PB site plan review of all municipal and non-residential development.

The Board agreed to begin future meetings at 7:30 p.m. rather than 7:15 p.m. as suggested at the last meeting.

The meeting was adjourned at 11:07 p.m.

Respectfully submitted,



Anja M. Stam
Planning Secretary