



# Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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## MINUTES

February 14, 2000

**Notice of receipt of application for Definitive Subdivision Plan for Great Brook Estates, Map 26, Lot 18 & Map 35, Lot 22Y, 195 Rutland Street, and assignment to review engineer**

**Notice of receipt of applications for Conservation Cluster and Common Driveway Special Permits for Great Brook Estates, Map 26, Lot 18 & Map 35, Lot 22Y, 195 Rutland Street, and assignment to review engineer**

**Presentation of alternative stormwater management and subdivision roadway drainage designs, Judith Nitsch Engineering, Inc.**

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

**Continued Public Hearing: Amendment to Common Driveway Special Permit, Swanson Lane (Kimball Road), Map 29, Parcels 19, 19A and 6-19, David and Kristy Erickson, applicants**

**ANR Plan: Kimball Road (47 Swanson Lane), Map 29, Lots 6-19, 19 & 19A, David and Kristy Erickson, (237 Fiske St.), applicants**

**Request for comments from Board of Selectmen on application for site plan review to use 7 School Street for business purposes (Public hearing scheduled for February 22, 2000)**

**Notice from Board of Selectmen of warrant for Annual Town meeting and request for articles to close on February 22, 2000**

Chair Tice called the meeting to order at 7:34 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 24, 2000 were reviewed and Epstein moved to accept the minutes as drafted. Lane seconded the motion and it carried 7-0. The minutes of the executive session of January 10, 2000 were then reviewed and Abend moved to accept them as drafted. Lane seconded the motion and it carried 5-0-2 with Holzman and Reid abstaining.

### Budget

Lane reported on his meeting with FinCom regarding the FY01 budget. FinCom did not challenge any portions of the budget and asked if the PB needed more funding to handle the review of wireless applications. FinCom was interested in the possibility of the Town receiving lease income from wireless facilities, but Lane explained that the PB has no control over such arrangements.

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Mansfield stated that he has received a 9-lot definitive subdivision plan for Great Brook Estates and had expected to receive the plans for the conservation cluster and common driveway today. He noted that the subdivision submission is not complete because they are awaiting an updated abutters list from the assessors. The PA explained

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that Hart Farm Estates would also be submitting plans in the near future. He asked the Board if it wished to open both public hearings at the same meeting, or if it would prefer to stagger them. After some discussion, the Board decided that it would gain little by staggering the hearings and agreed to open both at the same time. The Board also asked the PA to get input from Town Counsel regarding the correct legal process for reviewing and acting on a simultaneous submission of a subdivision and special permit applications. The Board agreed to retain LandTech as review engineers since they had reviewed the preliminary plan.

**Presentation of alternative stormwater management and subdivision roadway drainage designs, Judith Nitsch Engineering, Inc.**

Stephen M. Benz and Sandra Brock of Judith Nitsch Engineering, Inc., and Dan Redondo of the Bioengineering Group, Inc. gave this presentation.

Benz distributed copies of his slide presentation, which gave an overview of “greener,” less intrusive stormwater drainage. He noted that the goals of such stormwater management include promoting natural processes and minimizing “built” systems.

Redondo then explained some of the state recognized “greener” Best Management Practices (BMPs). These included green roof systems, porous pavement, vegetated swales and bioengineered systems. He explained that the latter system was recently constructed in Devens, and has been very successful. The bioengineered system uses a series of three wet ponds connected by streams to recharge the water via infiltration, evaporation and transpiration. The first pond is generally a sediment pond designed for easy maintenance, while the third pond is built as a vegetated wetland. The vegetation serves to break down oil and grease and to immobilize metals in the water.

Redondo explained that Phase II of the National Pollutant Discharge Elimination System (NPDES) was approved on February 7, 2000. Phase II applies to properties less than five acres. These new systems address water quality as well as the hydrology of storm drainage.

Tice asked if the structural fabric with gravel creates a plowable surface. Redondo said yes. He also noted that there are other affluent communities where the use of gravel is being encouraged. Epstein asked about the cost of installing such a surface. Brock stated that these are initially more expensive than pavement, but noted that many more alternative paving products are becoming available, and the demand for these products is bringing prices down.

Hara asked how much space is required for a bioengineered system. Benz said that it does not require much more than a conventional piped system. It may require using existing terrain and low points more effectively.

Abend asked how beneficial these systems actually are. Benz said that depending on the combination of BMP's used, the C-factor may be reduced from 100 for asphalt to 60 or 80. Over a large area, the cumulative effect could be substantial. Abend also asked how bioengineered systems are implemented with various roadway grades. Brock offered to send the Board documentation explaining this in detail.

Epstein asked if the wet pond system works best in smaller or larger subdivisions. Benz said that this type of system works well in pockets as decentralized drainage, but larger subdivisions could use it as a centralized system if carefully planned.

Reid asked how the local conservation commissions treat these created or extended wetland areas. Brock explained that the DEP has regulations in which the state recognizes these as drainage structures.

Tice asked Judith Nitsch Engineering to review Carlisle's current drainage regulations and recommend improvements. Brock asked what the PB's goals are concerning drainage. The Board was specifically interested in providing alternatives to the current regulations, which require curbing and do not allow open drainage.

Mansfield asked for a written summary of the presentation so that he could present the information to the Board of Health and ConsCom. The presenters agreed to do so.

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

Rick Blum, Chair and Paul Gill of the Wireless Applications Advisory Committee (WAAC) were present for this discussion. Holzman stated that he had revised sections one through five of the wireless regulations to include comments received from members of the PB and WAAC. He did not feel he had the expertise to draft the portion of the regulations regarding "proof of need" and "RF monitoring." He suggested consulting with a Radio Frequency (RF) expert for these items.

Epstein asked the PA and secretary to prepare a checklist for the applicant to follow during the application process. He then suggested that the following sections of the Sherborn wireless regulations be considered for inclusion in the Carlisle regulations: 2.3.1.b; 2.3.1.c; 2.3.2.b; 2.3.2.c; 2.3.3.b; 2.3.3.c; 2.3.4; 2.4 and 2.6. Epstein felt that the regulations could be broader and also cross-reference the bylaw.

The Board realized that there will be different requirements for new towers, existing towers and repeaters and agreed that an RF engineer is needed to help write and evaluate the regulations.

Mansfield then asked the Board to review the draft Request for Qualifications (RFQ). The Board asked to add a statement noting that the consultant may be required to attend public hearings and to evaluate the applicant's need for a facility.

Abend noted that there is nothing in the bylaw that prevents the land on which a tower is sited from being subsequently subdivided. He was concerned that homes could be built within the required setback area after a wireless facility is sited.

The secretary was asked to compile the revised wireless regulations and the suggestions made this evening by Epstein, and to forward these to all PB and WAAC members. The PA was asked to send the RFQ to possible consultants, requesting a reply by March 3<sup>rd</sup>. The Board hoped to schedule interviews with consultants for the March 14<sup>th</sup> meeting.

Mansfield mentioned that two telecommunications providers have plans to challenge a section of Carlisle's wireless bylaw, but he had no further information this evening.

Rick Blum explained that the Massachusetts Municipal Association (MMA) has proposed legislation that would allow telecommunications providers to bypass local wireless bylaws for facilities located on existing structures. These applications would simply require approval by the building inspector. It was unclear if and when this legislation would be passed.

The Chairman read a 2/2/00 memo from the Town Administrator stating that the Board of Selectmen has determined "1) That it would consider all applications regarding the use of town land for the siting of wireless communications facilities; and 2) that the Board of Selectmen would not encourage or discourage the development of any specific site within the community."

Discussion of the wireless rules and regulations will be taken up again on February 28, 2000 at 7:45 p.m.

**Continued Public Hearing: Amendment to Common Driveway Special Permit, Swanson Lane (Kimball Road), Map 29, Parcels 19, 19A and 6-19, David and Kristy Erickson, applicants**

David Erickson, his lawyer Alex Parra and his engineer Joe March of Stamski and McNary were present. Also in attendance were Karen and Bill Glazier of Kimball Road and Marty Galligan of South Street.

Mansfield listed the following documents received since the last meeting: 1) a letter from Alex Parra to Town Counsel Kathryn Palmer dated 1/31/2000, 2) a letter from Town Counsel to Alex Parra dated 2/11/2000, 3) a review letter from LandTech dated 2/7/2000, 4) a letter of response from Stamski and McNary dated 2/10/2000, and 5) a second letter of review from LandTech dated 2/11/2000 stating that the revised plans address all issues raised in the 2/7/2000 letter.

Epstein then explained that he has had discussions with Town Counsel and has been advised that the Board has the legal right to amend the common driveway special permit to allow two additional lots. If such an amendment were approved, the Board could then endorse the ANR plan. Town Counsel was still researching the question of whether or not an amendment to the Tall Pines subdivision would also be required. Epstein suggested that the Board focus on a decision regarding the common driveway special permit amendment.

Mansfield noted that if the Board approves the common driveway amendment, it would have to waive the regulation requiring a demonstration that lots can be served by individual driveways. He also noted that Section 81W of the subdivision control law states that if a subdivision is amended after the lots are sold, the owners must consent if their lots are affected.

Abend questioned whether the Board should grant the common driveway, given that the lots would not exist unless the PB grants access to them. He felt that the Town in general would prefer to discourage development of marginal land and he did not think the PB should facilitate such development. Parra stated that the Board should not be concerned about two additional lots causing traffic congestion on the subdivision roadways.

Karen Glasier stated that as an affected lot owner, she would oppose a subdivision road, and she felt the Rainvilles and the Kovacks, abutters who were not present this evening, would also be opposed. Bill Glasier spoke to the issue of the narrow bridge. He said that when his neighbors, the Kovacks, moved into their home, it took the moving van half an hour to cross the bridge. He thought fire trucks might encounter similar difficulties.

Marty Galligan thought that the Erickson's request was modest given the amount of land to be developed. He also felt that the contribution of conservation land was a valuable benefit to the Town and noted that Mr. Erickson has been an active volunteer in the community for many years.

March presented a revised cistern plan based on the new cistern regulations. The cistern is now located 18 ft. off the pavement as specified in the regulations, and the easement is now partially on Lot 1.

Hara referred to Town Counsel's 2/11/2000 letter to Parra noting that the right of easement to the common driveway is conveyed with the land, not the owner of the land. Therefore Erickson does not have the right to extend use of the common driveway to lots one and two, even though he owns those lots and has a right of easement over the common driveway. Hara then referred to the 1994 decision to grant the common driveway, which found that three lots served by a common driveway would be preferable to four lots served by a subdivision road. Parra noted that this decision was based upon a given area that did not include the Erickson land at the time.

Parra asked that the Board only consider whether or not the common driveway is adequate to serve two additional lots. Erickson reminded the Board that the lots in question are 5 and 5.4 acres, and that a 3.79-acre parcel and a cistern would both be donated to the Town. He felt this is not excessive development and provides a benefit to the Town.

Holzman felt that the wetland crossing is adequate and then **moved to approve the amended Plan of Land in Carlisle, MA dated 7/14/1994, revised 2/10/2000 and the detail plan dated 12/27/1999 as set forth, with the following conditions: 1) that the cistern plans be approved by the fire chief, 2) that no additional lots may be accessed from this common driveway and 3) that 3.79 acres be donated to the Carlisle Conservation Foundation, finding that the additional fire cistern enhances public safety; and further moved that the Board waive Section II.D of the Common Driveway Special Permit regulations.** Epstein seconded the motion.

Epstein asked the Board to consider whether it would approve a new common driveway with such a bridge to serve five lots. He noted that the common driveway regulations currently allow a maximum of six lots to be served by one common driveway. In light of this, Epstein felt uncomfortable granting extended access of this common driveway.

Abend was still concerned about the legality of creating access for these two lots. Hara thought the Board should concentrate on the safety of the common driveway. Erickson noted that despite concerns, the proposed cistern provides additional safety, even for the existing houses.

The above motion failed 2-4-1 with Holzman and Lane in favor; Abend, Epstein, Hara and Tice against and Reid abstaining.

Erickson asked if the Board would feel more comfortable approving the common driveway amendment if the driveway were widened. Abend felt that the problem actually lies in the granting of two lots with no alternative access.

The public hearing was continued to February 28, 2000 at 8:30 p.m., since the Board wanted to check with Town Counsel whether a motion to deny would be preferable to a vote failing to approve the permit.

**ANR Plan: Kimball Road (47 Swanson Lane), Map 29, Lots 6-19, 19 & 19A, David and Kristy Erickson, (237 Fiske St.), applicants**

Reid moved not to endorse the Plan of Land in Carlisle, MA, prepared by Stamski and McNary for David and Kristy Erickson dated 2/26/99. Abend seconded the motion and it carried 6-0-1 with Holzman abstaining.

**Request for comments from Board of Selectmen on application for site plan review to use 7 School Street for business purposes (Public hearing scheduled for February 22, 2000)**

Laurie Cadegin of Carlson Real Estate was present with Attorney Howard Speicher. Speicher represented Mary Tinchler, owner of 7 School Street and the tenant, Carlson Real Estate. Brigitte and George Senkler of Curve Street were also present.

Speicher explained that the applicant is submitting a site plan at the request of the building inspector, but feels that site plan review should not be required. He argued that the applicant is proposing no changes to the property other than a change of tenants and that there is no increase in use.

Speicher explained that the building is approximately 200 years old and has a long history of commercial use documented as far back as 1809. He noted that the business district intersects this building and that the business portion, consisting of approximately 700-sq. ft., would be used as a satellite office for Carlson Real Estate. He stated that there would be one employee there during office hours from 10:00 a.m. to 2:00 p.m., with occasional visits from brokers and clients. He anticipated a maximum of four people visiting the office at any one time. Speicher stated that there are no proposed changes to the building or property. He explained that cars may park in the driveway, on the street or in a spot near the barn. Cadigan was unsure of the last tenant, but thought that a Polar Fleece distributor had occupied the office within the last two years.

Board members expressed concern over parking and access to the office. Mansfield pointed out several deficiencies in the site plan as submitted: 1) use and location of existing buildings on adjacent land is not indicated, 2) surface and subsurface drainage is not identified, 3) sewage and refuse disposal could not be located on the plan. Mansfield also recommended that the Board advise the Selectmen to review the following items: 1) Adequacy of signage. 2) Parking issues. Mansfield noted that the site plan shows a total of five parking spaces; one in the barn, three stacked spaces in the driveway and one on a brick patio. He calculated 1042 sq. ft. of floor space, which requires seven

spaces. 3) The entrance for pedestrians requires them to use the residential sidewalk. 4) The structure has a non-conforming setback of two feet.

George Senkler, who owns abutting property, thought that the past history of commercial use has generally been for home business. He noted that his property has some of the relatively scarce off-street parking in the town center and he has had problems with other business customers using his parking spaces. He is also concerned about the septic and well taxing this already sensitive area.

Abend thought that the issues of signage and parking should be addressed while acknowledging that there are problems, which can't be addressed, such as setback.

Speicher reminded the Board that they do not expect heavy use of this property. Tice asked Mansfield to draft a memo to the Selectmen stating that the PB will not have its comments ready by Friday February 18<sup>th</sup> as requested. The discussion was continued to 2/28/2000 at 8:45 p.m. Abend offered to prepare a list of discussion items for the next meeting.

**Notice from Board of Selectmen of warrant for Annual Town meeting and request for articles to close on February 22, 2000**

Mansfield had prepared a list of items for possible inclusion on the Town Meeting warrant. The Board reviewed the items as follows:

- 1) SROSC amendments – The Board agreed to place this item on the warrant and Reid will assist the PA in drafting the article.
- 2) Open Space Neighborhoods – Hara reported that she had obtained little support when discussing this item with other Boards and committees. The Board agreed not to move forward with this article at this time.
- 3) Conservation Cluster amendments – The Board asked the PA to submit a placeholder for this article. Epstein will call Vivian Chaput and Bill McNary to obtain their recommendations.
- 4) Site Plan approval – The Board agreed to submit a placeholder for this article. Epstein agreed to speak with the Selectmen regarding their interest in this.
- 5) Lot regularity – Abend, Reid and Hara agreed to look into this item as a possible warrant article. Several Board members thought this article might be too complicated to draft for Spring TM, but the PA was asked to hold a place on the warrant. Mansfield agreed to get input from Town Counsel since they recommended this change.
- 6) Wetlands/Flood Hazard district – The Board agreed that it did not have the time to coordinate updating this bylaw.
- 7) Demolition Delay bylaw – Again, Board members felt they did not have the time to pursue this bylaw.
- 8) Wireless Facilities bylaw – This is a simple change of numbering and the Board agreed to move ahead with this bylaw. The PA will draft the article.

At 11:36 p.m. Tice moved and Holzman seconded a motion to adjourn. It was unanimously approved.

Respectfully submitted,

  
Anja M. Stam  
Recording Secretary