



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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MINUTES

March 13, 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 Selectmen Chaput]

Review of articles for annual Town meeting warrant

Public Hearing: Definitive Subdivision Plan, Conservation Cluster and Common Driveway Special Permits for Great Brook Estates, Map 26, Lot 18 & Map 35, Lot 22Y, 195 Rutland Street, Albert I. Gould and Betsy E. Goldenberg, applicants

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

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

Request for comments from Board of Selectmen on application for site plan review to use 7 School Street for business purposes

Notice of receipt of application for Definitive Subdivision Plan for Carriage Way, Map 13, Parcels 21, 22, Parcel 75, and map 23, Parcel 1 (at 314-346 East Riding Drive), and assignment to review engineer

Chair Tice called the meeting to order at 7:30 p.m. Members Abend, Epstein, Hara, Lane and Reid were present. Planning Administrator George Mansfield and *Mosquito* reporter David Ives were also present. Holzman arrived at 7:32 p.m. and was not present for approval of the minutes.

The Board reviewed the minutes of February 28, 2000 and Epstein moved to accept the minutes as drafted. Hara seconded the motion and it carried 6-0.

Bills and budget items

Bills were circulated. Lane reported that he had reviewed the March 5 memo from FinCom regarding the FY01 revised budgetary guidelines and found that the PB budget agrees with what was originally proposed.

In a memo to the Board dated 3/13/00, the PA requested that the mileage reimbursement rate for staff travel expenses be increased from \$0.295 to \$0.325. He noted that the current rate was set in 1995 based on the IRS business travel rate. Abend thought the IRS rate has recently been reduced from \$.325 to \$0.305. He then moved to set the mileage reimbursement rate for Board approved staff travel at the current IRS business travel rate. Hara seconded the motion and it carried 7-0. Mansfield was asked to determine the current IRS rate.

Future meeting dates

It was noted that Town Meeting will be held on May 2nd and elections will be held on May 9th. These dates do not conflict with the usual meeting schedule, therefore meetings in April and May will be held as follows: April 10th and 24th and May 8th and 22nd.

Carlisle Planning Board Minutes

3/13/2000

Page 1 of 6

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 Selectmen Chaput]

Reid stated that she will attend a Housing Authority meeting on Wednesday 3/15 to explain the current SROSC bylaw and ask for input regarding possible amendments. On Thursday 3/16, Abend and Reid will meet to prepare a draft amendment to this bylaw.

Review of "Lot Regularity" article for annual Town meeting warrant

Hara explained that she reviewed similar bylaws in Westford and Groton which use the following formula: $16A$ divided by $P(P) > 0.4$, where A = the lot area in square feet and P = the lot perimeter in feet. She found that this formula does not allow for porkchop lots, even if a portion of the "neck" is excluded from the calculation. She stated that one town excludes porkchop lots from the formula requirement. Reid had prepared a spreadsheet, which showed the effects of this formula on several existing lots. Hara asked if the PB has the authority to waive the lot regularity formula for some lots. The PA was not sure this would be possible. Hara said that she and Reid would also look into LandTech's suggestion to prohibit any portion of the lot from being less than 20 feet in width.

Public Hearing: Definitive Subdivision Plan, Conservation Cluster and Common Driveway Special Permits for Great Brook Estates, Map 26, Lot 18 & Map 35, Lot 22Y, 195 Rutland Street, Albert L. Gould and Betsy E. Goldenberg, applicants

The applicants were present with their engineer, Gary Shepard of David Ross Associates. The following members of the public were also present: Dick Blanchard and Chris and Rich Puffer of Rutland Street and Gary and Nancy Stadlander of Pine Brook Road.

Shepard began by showing the plan for a 1000-ft. subdivision roadway to serve nine homes, including the existing house at 195 Rutland Street. He noted that three of the nine subdivision lots would become part of the conservation cluster. This will allow an additional lot with a total of ten lots served by the new subdivision road. Epstein asked how this plan differs from the preliminary plan approved by the Board. Shepard said that the preliminary plan included a tenth subdivision lot on adjoining land. This land has been sold to an abutter and access from Rutland Street to this tenth lot is no longer required. Thus, the remaining nine lots were reconfigured.

Shepard then explained that he had received a copy of LandTech's 3/8/00 letter to the Board on Friday. He proceeded to respond to items in this letter. Regarding LandTech's comment that a landscape plan was missing from the Definitive Subdivision, Shepard noted that the plans included landscaping of the cul-de-sac island. He asked if the Board required further landscaping. Tice asked for screening for adjacent homes on Rutland Street and Abend asked for landscaping at the entrance to the roadway off Rutland Street. Reid asked if a buffer would be provided for abutters in the existing house on Rutland Street. Shepard stated that a buffer will be provided, but he will first consult with these abutters, the Puffers. Shepard proposed that the Puffers meet with landscaping engineers at David Ross and Associates to design a buffer. He agreed to include these landscaping details on the plan after reaching agreement with the Puffers.

Shepard noted that sight distances on Rutland Street have been calculated and will be forwarded to LandTech. He asked if the Board required further traffic study. Abend felt that sight distance to the south of the proposed entrance is adequate. He asked that a 24-hour tube count be conducted north of the entrance to determine the average speed of southbound traffic and to show that sight distance is adequate based on ASHTO specifications.

Shepard asked for clarification regarding item LandTech's note that if four lots gain access from the cul-de-sac via two common driveways a waiver may be required. The Board noted that the regulations allow a maximum of three lots to be accessed from the cul-de-sac and would require a waiver for the fourth lot regardless of the number of driveways.

Regarding waiver request #3, providing Cape Cod berm in lieu of sloped granite, Shepard stated that he and the applicant feel that Cape Cod berm is less visually obtrusive and therefore prefer this type of berm. He stated that the applicant is willing to provide granite if required. Abend noted that granite might be more visible at night. The PA was asked to consult with Gary Davis of DPW to determine his preference.

Shepard then showed the conservation cluster plan and addressed items #1, 2 and 6 of LandTech's comments regarding the conservation cluster. Shepard explained that Lots 4, 5 and 7 of the subdivision plan will become part of the cluster, but Lot 6 will not be included. Shepard also displayed an alternate plan that removed the buffer strip around Lot 6 in order to create more "useable" open space to the rear of the parcel. He stated that they have met the requirement for 30% of open space, and felt that LandTech may have miscalculated this percentage by including Lot 6 in the cluster. It was noted that the alternate "proof" plan includes three side-by-side porkchop lots, but the bylaw allows no more than two. After some discussion of possible solutions it was agreed that this topic would be discussed further at subsequent meetings. The Board noted that driveway access to Lot 9 would cross a portion of the open space in the cluster. Abend asked why this lot is not included in the cluster instead of Lot 7. Shepard explained that because of soil testing for septic locations, the lots must be configured as shown. Epstein asked if Shepard could present the subdivision plan with an overlay of the proposed conservation cluster. Shepard agreed to prepare this for the next meeting.

Chris Puffer asked how the roadway would cross the wetland at Rutland Street. Shepard explained that they would construct retaining walls using Versa-Lok® blocks as recommended by LandTech. Guard rails and a sidewalk on the south side will also be installed. He anticipated the retaining walls to be approximately 3 ft. high to the South and a maximum of 8 ft. high to the North. Holzman noted that a 20-ft. high Versa-Lok® wall had recently collapsed and he recommended more research before using the Versa-Lok® system. Shepard felt this system would be appropriate for the proposed use in this application.

Chris Puffer asked if wetland fill would be required. Shepard stated that some fill will be required, and he showed where this 2685 sq. ft. area would be replicated as 3575 sq. ft. of wetland. Rich Puffer asked if the proposed subdivision roadway would be constructed at the same location as the existing driveway. Shepard explained that the road would be wider and therefore extend further north than the existing driveway.

Mansfield asked if the easement shown on Lot 1 was a buffer easement. Shepard confirmed this noting that the existing driveway will be replanted as a buffer. He said that providing this buffer area within an easement would prevent the lot owner from cutting down these trees in the future.

Dick Blanchard stated that he lives across from the proposed subdivision and was concerned about runoff and wetland overflow. He noted that the detention pond on his property often fills approximately 2 ft. above the outlet pipe, before flowing under Rutland St. into the existing wetland. The Board noted that the applicant is downstream of this detention pond and can only mitigate runoff in his own development. Albert Gould noted that the culvert from Blanchard's property runs under Rutland St. onto the Blanchette property, which is not part of this proposed development.

Tice asked for the location of proposed and existing trails. Shepard said he did not include these on the plan because they are within the conservation land. Tice asked that they be shown on the plan.

Abend moved to continue the public hearing to March 27 at 8:45 p.m. Reid seconded the motion and it carried 7-0.

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 was present with his lawyer Alex Parra. The following members of the public were also present: Patricia and John Kovach of Swanson Lane and Ken Harte of Estabrook Road.

Parra explained that the applicant has not been able to discuss cistern location with the fire chief, because Bob Koning has been on vacation. Mansfield also noted that he has not received a deed for Parcel A. Abend therefore moved to continue the public hearing to March 27 at 7:35 p.m. Lane seconded the motion and it carried 7-0. John Kovach asked if he could provide input as to the location of the cistern. Mansfield advised him to contact the fire chief Tuesday morning.

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

Parra noted that this ANR is effectively a revision of the previous ANR, which was not endorsed. Therefore, he asked that the \$300 filing fee for this new ANR be waived. The Board recommended that the previous ANR and form A for this same property, filed on 1/24/00 be withdrawn. The applicant did so. Epstein then moved to endorse the ANR for a plan of land in Carlisle, MA for Erickson dated 2/26/99, revised on 2/28/00. Abend seconded the motion and it carried 7-0. Epstein also moved to waive the ANR application fee in connection with this submittal. Abend seconded and the motion carried 7-0.

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

Rick Blum and Paul Gill of the Wireless Applications Advisory Committee were present as well as the following members of the public: Andy Voyatzakis, Marilyn and Thomas Saunders, Mary Ellen Doyle, Colie O'Donnell, Wesley Stimpson and Mike Symonds of Canterbury Court.

Epstein asked Holzman and WAAC to review the bylaw and make notations as to which sections refer to towers, existing structures or both. He requested a copy of these notations as soon as possible. Epstein explained that he referred to rules and regulations from Sherborn and Dover when drafting the most recent version of wireless rules and regulations for Carlisle. Gill had a few suggestions, but he had been working from an older draft. His concerns were addressed in the more recent draft. Gill asked if the newer draft addresses RF monitoring protocol. Epstein explained that he is looking for input in this area. Based on his experience with wireless facilities, Holzman said that most towns do not have RF requirements. They simply require the applicant to meet FCC regulations. Gill noted that the bylaw requires RF protocol to be established in the rules and regulations. Holzman explained that some towns ask for a study of background emissions plus the new proposed RF emissions, but he felt these tests are generally inconclusive. Holzman said that the Planning Board has the authority to hire an RF consultant to review applications, and he felt this might be sufficient.

Epstein asked members of the Board and WAAC to mark up the draft of the rules and regulations and return it to the PA as soon as possible. Epstein will then compile all the comments and prepare a blackline copy for review at the next meeting. He also asked everyone to respond to specific questions in his cover memo.

Mary Ellen Doyle asked when the proposed rules and regulations would be available to the public. Epstein explained that the Board must give two weeks notice prior to a public hearing on the rules and regulations, and they would be available for review at that time.

Gill reminded the public that Representative Carol Klevin will speak at the Selectmen's meeting tomorrow to update the Town on proposed legislation regarding cell towers. Blum informed the PB that the MMA has scheduled a meeting with the state's planning boards and selectmen regarding this same issue. The Board was not aware of this meeting and asked Blum to forward information to the PA.

Gill stated that there would be several changes to the wireless bylaw proposed at Town Meeting. Changes include correcting a minor typographical error, adding acoustical requirements and making other changes proposed by Town Counsel. The Planning Board was not aware that Town Counsel had reviewed the bylaw and was recommending

changes. Mansfield reminded the committee that final wording of proposed changes must be available for public review in the Town Clerk's office by 4/7/00.

Epstein advised the WAAC that the bylaw was very poorly drafted and should not have included administrative requirements. He stated that incorporating these details in the rules and regulations would have made the bylaw less cumbersome. He asked WAAC to clearly note those changes recommended by Town Counsel and those proposed by the committee.

Mary Ellen Doyle asked if substantive changes to the bylaw must again be reviewed by the Attorney General. The PA confirmed this.

Tice asked the PA to mail the Request for Qualifications for a Radio Frequency consultant to the additional names received this evening. The Chair also asked Mansfield to notify him immediately of any responses to the RFQ.

The discussion was continued to March 27 at 9:30 p.m.

Request for comments from Board of Selectmen on application for site plan review to use 7 School Street for business purposes

Applicant Laurie Cadigan was present with her attorney Howard Speicher. Abutters Brigitte and George Senkler were also present.

Mansfield referred the Board to a memo from the Board of Health to the Selectmen dated 3/3/00 and a draft memo to the Selectmen prepared by Abend. Abend explained that the draft provides comments as discussed at the previous meeting along with references to the bylaw. Epstein suggested adding a statement to note that additional parking would affect drainage issues.

Speicher felt that the reference to section 7.6.3.4 incorrectly stated that the building inspector should determine the number of parking spaces required. He noted that the Selectmen are responsible for final determinations. Speicher also felt that Section 7.6.4 does not require grading information on the plan. Mansfield felt that the statement "other landscape features" includes grading. Speicher noted that existing lighting has been added to the plan, and asked that this deficiency be removed from the memo. In conclusion, Speicher requested that given the historical sensitivity of the area, the PB should not recommend widening the street to provide additional parking and/or a sidewalk. He argued that on street parking could not be reserved for private use and might not benefit the applicant. He also felt that the Town could not require off-site improvements. Abend said that the PB will present the facts and the final decision will be up to the Selectmen.

George Senkler asked if the use of the easement was considered. Speicher explained that this easement is on abutting property and therefore was not researched. Cadigan said she has spoken with the Historical Commission and they are not open to any changes on the property.

Abend agreed to finalize the draft and forward it to the PA for distribution to the Selectmen. The Board agreed by a consensus vote.

Notice of receipt of application for Definitive Subdivision Plan for Carriage Way, Map 13, Parcels 21, 22, Parcel 75, and map 23, Parcel 1 (at 314-346 East Riding Drive), and assignment to review engineer

The PA advised the Board of the receipt of this application and Judith Nitsch Engineering, Inc. was assigned as review engineer. A public hearing will be scheduled for April 10.

Review of articles for annual Town meeting warrant

Regarding the proposed amendments to the Conservation Cluster bylaw, Epstein stated that he has not received input from Bill McNary. Given that there are other more pressing warrant articles, he asked that this article be withdrawn.

Epstein said he would prepare a draft article regarding site plan review for the next meeting. Mansfield referred the Board to a 3/13/00 fax he sent in response to a request from Sherri DePietro regarding site plan review.

Epstein noted that the Board needs input from Town Counsel regarding wireless facilities and he asked the PA to forward a memo to Town Counsel posing the following questions: 1) How should the Board proceed if it receives an application before the rules and regulations are in place? 2) If a variance is required, should the applicant seek this variance from the ZBA before applying to the PB? 3) Can the PB require the applicant to seek the variance first? 4) What specific changes to the bylaw are required to administer wireless facilities? 5) Note that the wireless rules and regulations will be forwarded to Town Counsel for review, and a quick turn around time will be required.

Buttrick Woods

Tice noted that the utility connection from Concord Street to the utility poles is in place and it appears that the applicant has decided not to place the utilities underground. The PA was asked to contact the applicant again and remind them that they must apply for an amendment if they wish to proceed.

Pine Meadow

Abend noted that the foundation has been dug for the house closest to Maple Street and debris has been piled on the slope to the adjacent vernal pool. He was advised to contact ConsCom regarding this issue.

At 10:48 p.m. Reid moved and Hara seconded a **motion to adjourn**. The motion carried 7-0.

Respectfully submitted,



Anja M/Stam
Planning Secretary