



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

P.O. BOX 827
CARLISLE, MA 01741
(978) 369-9702

MINUTES
June 26, 2000

Continued 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 (Approved with conditions 5/22/00)

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

Request for endorsement of Definitive Subdivision Plan for Carriage Way, 314-346 East Riding Drive, Map 13, Parcels 21, 22 and 23, Parcel 75, and Map 23, Parcel 1, William Costello Realty Trust, applicant (Approved with conditions 5/08/00)

Continued Public Hearing: Definitive Subdivision Plan, Conservation Cluster and Common Driveway Special Permits for Hart Farm Estates, Map 28, Parcels 6, 7A, 11 and 12, adjacent to 893 Curve Street, Paul and Helen Hart, applicants (Approved with conditions 5/8/00)

Discussion of policy regarding bicycle and pedestrian footpath requirements and specifications in subdivision and common driveway plan applications (Request of Pedestrian and Bike Safety Committee)

Chair Epstein called the meeting to order at 7:30 p.m. Members Hara, Holzman, Lane, Reid and Zinicola were present. Planning Administrator George Mansfield and *Mosquito* reporter David Ives were also present. Member Abend arrived at 8:45 p.m.

Three corrections were made to the minutes of June 12, 2000 and Reid then moved to accept the minutes of 6/12/2000 as amended. Lane seconded and the minutes were approved 4-0-2 with Hara and Holzman abstaining.

Regarding the budget, Lane explained that funds encumbered from FY99 are still available until June 30, 2000 and are not subject to the spending moratorium. Lane also asked why a separate budget had been set up for professional and technical expenses, when there is an account for engineering expenses in the main budget and project review fees are required of the applicant to cover related legal and engineering expenses. Neither the PA nor senior Board members could adequately answer his question as the creation of these accounts preceded their tenure with the Planning Board. The PA was asked to schedule a meeting between Epstein, Lane, Mansfield and the Town Administrator to address this concern and other issues relating to budgeting and the use of Town Counsel.

Mansfield confirmed that Sandy Brock of Judith Nitsch Engineering, Inc. plans to submit the curbing and drainage report and a bill prior to June 30, 2000.

Continued 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 (Approved with conditions 5/22/00)

The applicants were present with their engineer Gary Shepard of David Ross and Associates. Abutters Chris and Rich Puffer of Rutland Street were also present.

Shepard showed the revisions made to the open space parcel on the plan. He explained that Open Space Parcel #2 consists of 2.05 acres and will be conveyed to the Great Brook Estates Homeowners Association, and Open Space Parcel #1 consists of 3.67 acres and will be conveyed to the Town of Carlisle. He noted that the trail easement over the Town's portion of open space would be conveyed to Great Brook Farm State Park.

Shepard then demonstrated that the lot lines on Lots 1 and 2 could be reconfigured such that the existing septic system will remain entirely on Lot 2 and still allow for a reserve area. He confirmed that both lots would still be just over two

acres. Shepard stated that this proposal would be presented to the BOH this week and, if approved, he will then submit a revised subdivision plan to the Planning Board.

Gould was then presented with comments from Deutsch Williams regarding the legal documents. He felt that Town Counsel's concerns could be readily addressed. Gould asked how the deed should be worded for the transfer of the open space parcel to the Town of Carlisle. Mansfield referred him to a copy of the deed from Buttrick Woods and recommended following its form, which states that transfer shall be "by and through its Conservation Commission.

The public hearing was continued to 7:35 p.m. on July 17, 2000.

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

Epstein advised the Board to review the 6/7/2000 draft of the Wireless Rules and Regulations and to return comments to him before the end of the week. He noted that Town Counsel has completed review of the document. The working group plans to use Town Counsel's advice and prepare a final draft to present to the Board at the July 17th meeting. Mansfield noted that if the Board would like to proceed with a public hearing on July 31st, the notice must be sent to the Mosquito by July 10th.

Request for endorsement of Definitive Subdivision Plan for Carriage Way, 314-346 East Riding Drive, Map 13, Parcels 21, 22 and 23, Parcel 75, and Map 23, Parcel 1, William Costello Realty Trust, applicant (Approved with conditions 5/08/00)

William Costello was present. Mansfield briefed the Board on discussions held between the applicant, the Fire Chief and the Selectmen. He noted that the applicant's attorney Richard Gallogly sent a letter dated June 22, 2000 in which he states that Mr. Costello agrees to increase the size of the fire protection cistern from 20,000 gallons to 40,000 gallons and that it will be in approximately the same location as shown on the Carriage Way Subdivision plans dated May 8, 2000. The PA stated that Chief Koning confirmed verbally that he agrees with this configuration, but has not reviewed the revised plans. Mansfield indicated that the plan shows two 20,000-gallon cisterns, installed side by side, connected by pipes. The Board agreed that the Fire Chief must approve of the changes before the Board can endorse the plans.

The Board then turned to the Covenant and discussed Town Counsel William Studzinski's concerns regarding Paragraph 12. Attorney Studzinski noted that the provision in this paragraph was intended to remain in effect after the release of the Covenant. He advised that this provision be placed in a separate supplemental covenant in order to avoid confusion. Epstein suggested that Town Counsel's advice should be considered in future documents, but rather than rewrite the Covenant at this point, the PA should place a note into the file to clarify this issue for future Boards.

Epstein noted that the plans could not be endorsed prior to the next meeting because Town Counsel must still review the Declaration of Roadway, and all legal documentation must be signed by the applicant and the Board of Selectmen before the Planning Board can endorse the plans.

Costello requested that the Board revise the Cistern Regulations to make them more specific and less subjective. The Board noted that the Fire Chief has designed these regulations to allow himself flexibility to address each situation appropriately. Costello suggested that a formula could be designed to give a developer more guidance and improve the process.

The PA was asked to forward the legal documents to the Town Administrator after they have been reviewed by Town Counsel.

Continued Public Hearing: Definitive Subdivision Plan, Conservation Cluster and Common Driveway Special Permits for Hart Farm Estates, Map 28, Parcels 6, 7A, 11 and 12, adjacent to 893 Curve Street, Paul and Helen Hart, applicants (Approved with conditions 5/8/00)

Paul Hart and his attorney Joseph Shanahan were present.

Comments from Town Counsel William Studzinski regarding the legal documents for Hart Farm Estates were received on Friday in a letter dated June 21, 2000. Zinicola thought that the private roadway maintenance covenant should include references to signage and parking. Shanahan noted that these items are referenced on the plan and in the decision. Mansfield stated that the final plans have been received and forwarded to the PB's engineer for review.

Regarding the deeds for Parcels X and Y, Mansfield described Parcel Y as being a part of the Conservation Cluster and advised that this be deeded to the Town under authority of the Conservation Commission. He consulted with the ConsCom administrator on this matter and she said that the Commission could then place the land under a conservation restriction. (*Abend arrived at 8:45 p.m.*) Epstein suggested that the wording on the deed state that Parcel Y shall be deeded to the Town "by and through its Conservation Commission for conservation purposes only." The Board asked that the 55 acres in Parcel X be deeded to the Town with no specified use or restrictions.

The PA was asked to match the references in the documents to the actual plans. Mansfield agreed and also stated that he would revise the subdivision decision to state that Parcel X is "in accordance with the donation offered by the applicant." Epstein then **moved to authorize the Planning Administrator to file the subdivision approval decision by 3:00 p.m. on 6/27/2000.** Reid seconded the motion and it carried 6-0-1 with Zinicola abstaining. Epstein also **moved to authorize the PA to file the Special Permit decision subject to the Chair's review of this document.** Lane seconded and the motion carried 6-0-1 with Zinicola abstaining.

The public hearing was continued to 8:30 p.m. on July 17, 2000.

Discussion of policy regarding bicycle and pedestrian footpath requirements and specifications in subdivision and common driveway plan applications (Request of Bike and Pedestrian Safety Committee)

Deb Belanger, Kristine Bergenheim and Heather Hedden of the Bicycle and Pedestrian Safety Committee and Jayne Prats of River Road were present for this discussion.

Belanger explained that the last time the BPSC met with the Planning Board, the Committee was asked to inquire of Town Counsel whether or not the proposal to fund an escrow account from developers' contributions was legal. Belanger explained that they have not approached Town Counsel because it was not entirely clear what specific question they should ask. Instead the Committee has been working on a Master Footpath plan and has been researching area communities. Belanger stated that they have not found any Towns whose regulations require funds in exchange for a waiver of the requirement for sidewalks. In each case, the town requires sidewalks or a footpath with every development. Generally, money is deposited into an account if the local planning board finds that sidewalks would not be appropriate for a particular development. The amount of money is usually based on a predetermined formula. Belanger also presented each Board member with a bound document, which contained the Committee's research on area towns.

Epstein asked the BPSC to suggest revisions to the Planning Board's existing rules and regulations and to research the cost of building sidewalks. Belanger stated that the former has already been prepared and agreed to e-mail the revisions to the Board. Regarding the cost of sidewalks, Belanger noted that it may vary from site to site depending on vegetation, slope, rock ledge, etc.

Jayne Prats asked the Board to consider the Town as a whole when discussing linkage to development projects. She noted that development also impacts other areas of the Town including open space and schools. She asked the Board to consider implementing impact fees to address areas of concern in the community that may have higher priority than pathways. Abend stated that he had recently read of another Massachusetts town that required developers to make a donation to the school budget and it was struck down in the courts. Zinicola agreed that the schools are also heavily impacted by development and felt there should be public discussion before the Planning Board takes any action. Belanger concurred, stating that one reason for establishing the "BPS Fund" is to generate a Master Footpath Plan and a Feasibility Study that can be used as a basis for public discussion.

Mansfield noted that the discussion has been focused on the Subdivision Regulations, but Common Driveways, ANRs, Conservation Clusters and SROSCs also facilitate development. Belanger agreed to begin with the Subdivision

Regulations before proceeding to the other methods of development. Heather Hedden offered to forward a preliminary draft of the Master Footpath Plan as soon as possible.

Epstein explained that the Board must be certain that it may legally ask for a "voluntary contribution." The BPSC will return on July 17th to continue discussions.

Belanger recommended that Board members view the newly installed path at the Tot Lot. She noted that the aggregate material is being tested there and it is set on a steep slope.

Wage and Classification Study meeting

Mansfield noted that the meeting with the Personnel Board and the Town Administrator, scheduled for 6:30 p.m. today, was cancelled and will be rescheduled in July. Epstein asked the Planning Administrator and Planning Secretary to prepare a prioritized list of concerns before this meeting.

Planning Board "To Do" Items

Epstein asked Board members to look over the "to do" list and begin to prioritize it. He suggested that the Board should address these items after the Wireless Regulations have been completed. Regarding as-built plans, Epstein suggested that these should be coordinated with the Building Inspector to insure compliance before a Certificate of Occupancy is issued.

Pine Meadow Subdivision

Abend expressed concern over the swales in this nearly completed subdivision and asked the PA to have the Board's engineer verify that these have been constructed as specified on the plans.

Buttrick Woods Subdivision

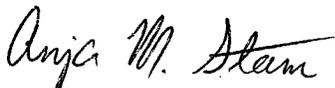
Mansfield stated that the draft document deeding the open space to the Town has just been presented. The PA was asked to speak to Bob Koning to be sure that occupancy permits are not issued until this document is approved and signed by the applicant.

Organization of the 2000-2001 Board

Board members agreed to the following appointments and liaisons: Long-term Cap. – Tom Lane; Municipal Land Comm. – Michael Abend and Kate Reid as alternate; Historical Comm. – Louise Hara and Kate Reid as alternate; MAPC/MAGIC – Tom Lane and Phyllis Zinicola as alternate; Selectmen – Michael Epstein and Michael Abend; Conservation Comm. – Louise Hara; BOH – Dan Holzman; Trails Comm. – Louise Hara; Recreation Comm. – Michael Abend; Town Counsel – Michael Epstein and Phyllis Zinicola; Housing Authority – Kate Reid; BPSC – Phyllis Zinicola.

At 10:20 p.m. Holzman moved and Abend seconded a **motion to adjourn**. The motion carried 7-0.

Respectfully submitted,



Anja M. Stam
Planning Board Secretary