

Town of Carlisle

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Office of
PLANNING BOARD

Minutes
February 8, 2021

Minutes 1/25/21

Budget

Continued public hearing on application for Accessory Apartment Special Permit for 54 Judy Farm Road, Map 16, Parcel 81-65, Justin Fishlin, applicant

Continued public hearing on application for Accessory Apartment Special Permit for 998 Bedford Road, Map 11, Parcel 14-A, Dale Joachim and Myriam Fleurimond, applicants

Discussion of Zoning Bylaw amendments for Recreational Marijuana

Public Hearing on application for Common Driveway Special Permit under Section

5.4.4 of the Carlisle Zoning Bylaws for Lots 2, 3, 4, & 5 Acton Street (Map 17, parcels 24-2, 24-3, 24-4, & 24-5). These 4 lots are on the north side of Acton Street, adjacent to the Acton town line. [Alison V. Pascarelli & Elizabeth Hudson Valentine, 566 Acton Street Nominee Trust, applicant]

Public Hearing on application for Common Driveway Special Permit under Section

5.4.4 of the Carlisle Zoning Bylaws for Lots 6 & 7 West Street (Map 18, parcels 23-6, & 23-7) These 2 lots are on the west side of West Street, north of Acton Street, opposite 123 West Street [Alison V. Pascarelli & Elizabeth Hudson Valentine, 566 Acton Street Nominee Trust, applicant]

Public Hearing on application for Common Driveway Special Permit under Section

5.4.4 of the Carlisle Zoning Bylaws for Lots 10, 11 & 13 West Street (Map 17, parcels 21-13, 22-10, & 22-11) These 3 lots are on the west side of West Street, south of Acton Street, and north of 488 West Street. [Alison V. Pascarelli & Elizabeth Hudson Valentine, 566 Acton Street Nominee Trust, applicant]

Public Hearing on application for Common Driveway Special Permit under Section

5.4.4 of the Carlisle Zoning Bylaws for Lots 16 & 17 Acton Street (Map 17, parcels 18-16, & 18-17) These 2 lots are on the south side of Acton Street, east of West Street, opposite 382 Acton Street. [Alison V. Pascarelli & Elizabeth Hudson Valentine, 566 Acton Street Nominee Trust, applicant]

Master Plan Steering Committee update and request for funding for Master Plan Mapping Proposal (Jack Troast and Janne Corneil)

Overview presentation of Regional Bike Path Project (Chris Chiapella and Gary Lacroix)

Liaison Reports

Co-Chair **Madeleine Blake** called the virtual meeting to order at 7:00 pm. Co-Chair **Pete Yelle** and members **Ed Rolfe**, **Jason Walsh**, **Adelaide Grady**, **Sara Smith** and Planning Administrator **George Mansfield** were present. Member **Rob Misek** was absent. Planning Administrator Mansfield hosted the meeting on a Zoom platform.

Assistant to Planner Gretchen Caywood, Anne Valentine (West Windsor, VT), Alison Pascarelli (Holderness, NH), Lisa Bennett (New York, New York), Sandy Olney and Ruth Kennedy Suddeth (both of LandVest, Boston, MA), Dan Carr (Stamski and McNary, Inc., Acton, MA), Greg Peterson (Indian Hill), Conservation Administrator Sylvia Willard (Bellows Hill Rd), Steve Tobin (TBD), Greg and Andrea Kean (Koning Farm Rd), John Chirban (West St), Alain and Elisabeth Bojarski (Acton St), Laura Lunig (West St), Emily Smith (none provided Master Plan Steering Committee (MPSC) Chair Jack Troast (Concord St) and members Stacy Lennon (Stearns St), Selectwoman Barney Arnold (Lowell St) and Janne Corneil (Acton St), Dale Joachim (Bedford Rd), Chris Chiapella (Log Hill Rd), Gary Lacroix (Littleton, MA), Bob Zielinski (Acton St) and Betsy Fell (Carlisle *Mosquito*) were also in attendance.

Continued public hearing on application for Accessory Apartment Special Permit for 54 Judy Farm Road, Map 16, Parcel 81-65, Justin Fishlin, applicant

Co-Chair Blake opened this continued public hearing and explained to the Board that the draft Special Permit Decision is not yet ready for the Board's review, and that the hearing will need to be continued to the 2/22/21 PB meeting at which time the document will be available. The applicant had been made aware of this and confirmed his agreement. Rolfe moved and Smith seconded the continuation of this public hearing to 7:15 pm on 2/22/21, and the motion was approved unanimously (6-0) by roll call vote.

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Minutes

The Board reviewed the draft Minutes from the 1/25/21 PB meeting and one amendment was proposed. Grady moved that the PB approve the Minutes as amended, Rolfe seconded the motion, and it was approved unanimously (6-0) by roll call vote.

Liaison Report

Co-Chair Blake reminded the Board that public presentation on the Municipal Vulnerability Preparedness/Hazard Mitigation Plan (MVP/HMP) work will take place at the Select Board (SB) meeting tomorrow night (2/9/21).

Discussion of Zoning Bylaw amendments for Recreational Marijuana

Co-Chair Blake had provided a revised Frequently Asked Questions (FAQs) on this topic along with some information from Town Counsel explaining that although there have been recent amendments to the MA Zoning Act, a 2/3 majority vote is still required for passage of amendments to zoning bylaws. Blake reported that she is beginning to schedule discussions with other Boards and Committees concerning the PB putting forward a proposal for a ban on recreational marijuana facilities in Carlisle.

Continued public hearing on application for Accessory Apartment Special Permit for 998 Bedford Road, Map 11, Parcel 14-A, Dale Joachim and Myriam Fleurimond, applicants

Co-Chair Yelle opened this continued public hearing and explained that the applicant had provided the requested amended application materials which include revised floor plans with corrected dimensions. Yelle explained that the area of these floor plans now agrees with the area calculations certified by the contractor.

Planning Administrator Mansfield had provided a draft of the Special Permit Decision for this application, and the Board approved the draft, which can now be signed and filed with the Town Clerk, beginning the 20-day appeal period. Co-Chair Blake moved and Grady seconded the closing of this public hearing, and the motion was approved unanimously (6-0) by roll call vote.

Public Hearing on application for Common Driveway Special Permit under Section

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Sandy Olney and Ruth Kennedy Suddeth were present from LandVest, Greg Peterson as legal counsel for the Valentines and Dan Carr (Stamski and McNary, Inc.), engineer for the applicant. Valentine family members Anne Valentine, Alison Pascarelli and Lisa Bennett were also present on behalf of this application. Several abutters to this proposed project were also in attendance.

Olney presented background information on the Valentine's longtime ownership of this land in Carlisle, and the late John Valentine's history of close involvement with the Town, including co-authoring 2-acre zoning and

founding the Carlisle Conservation Foundation (CCF), and serving on the Planning Board. Elizabeth Valentine led the formation of the Stillmeadow Farm Master Plan and Conservation Restriction (CR). Olney explained that Valentine, Pascarelli and Bennett all grew up at 566 Acton St on the 156-acre Stillmeadow Farm. Olney reminded those in attendance that in 2008, a portion of the land had been divided into 17 large lots, with ANRs endorsed by the Acton and Carlisle PBs, and there have been no changes to any of the lot lines. He presented an overview map showing the lots and the four proposed common driveways (CDs), referred to as Stillmeadow North, East, Northeast and South, and explained that 129 acres (82%) of the farm will be permanently protected as open space, with the layouts of the proposed CDs allowing for building envelopes that are screened from view and well set back off the road, with existing stone walls and cart paths having been used as guidance for the layout to the greatest extent possible, all by design in order to preserve the landscapes. Olney also pointed out that with an average lot size of 9 acres and the donation of the CR, the Valentine's voluntarily limited this project to 17 lots rather than the 30 lots possible per the Zoning Bylaws. He noted that the CCF has submitted a letter of support for this project, as have Steve Spang, Heidi Harring, and Scott Simpson. Olney pointed out that the project will include a public trail easement from Acton St to the Bruce Freeman Rail Trail, and that the CR permanently protects endangered species habitat.

Pascarelli, Bennett and Valentine each provided some background and insight on what it was like growing up on the property, and emphasized how important it was to their late parents that the historical and natural habitat of the property be maintained, explaining that their mother Elizabeth Valentine who had hoped to make this presentation with them, had just passed away in December 2020. Valentine explained that her mother was the driving force behind the Stillmeadow Farm Master Plan.

At this point, Carr presented an overview map illustrating the four proposed CDs and the lots they would serve, with the Stillmeadow NE and E CDs each serving two lots, the Stillmeadow S CD serving 3 lots and the Stillmeadow N CD serving 4 lots. He reviewed the entry and layout of each proposed CD, noting that existing openings will be used for creation of CD access in all cases, and the layout of the CDs was designed to preserve vistas as much as possible. Carr added that the CR allows access through the restricted areas via a 40-ft wide access corridor, and this can be utilized for CD access including necessary grading and stormwater management. Carr explained that Lots 1, 8 and 12 of the land each will be served by private driveways, and have been permitted and sold.

Carr pointed out the locations of wetlands and intermittent streams, and approximately 200 ft of riverfront area along a perennial stream. He explained that Notices of Intent (NOI) have been filed with the ConsCom for work that will be within the wetland buffer zone and that the public hearing is scheduled for 2/18/21. He explained that an Order of Resource Area Delineation (ORAD) was issued by the ConsCom in 2020, with the land containing about 3 miles of wetlands flagging. Carr noted that wetlands crossings are proposed for the N and S CDs.

Carr explained the applicant's request for two waivers from the Board's Rules and Regulations for CDs. One is for the use of T-turnarounds rather than cul-de-sacs for all CDs. Carr explained that T-turnarounds require less pavement and are consistent in design with those that have been utilized for other CDs approved by the PB. The second waiver request is to maximum CD length, as the two branches of the Stillmeadow N CD are proposed to be 1200 ft (serving lots 4 and 5) and 1041 ft (serving lots 2 and 3), and the Board's Regulations require that CDs be less than 1000 ft long. Carr explained that keeping the CD under 1000 ft in length would require separate driveways due to the presence of wetlands, and that the proposed approach minimizes pavement.

Co-Chair Yelle asked for questions from the Board. Grady asked how the CR fields will be maintained and Olney explained that there is a Filed Maintenance Agreement between CCF and the landowners. He added that the farm itself has been sold, and that its fields will be maintained as well. Olney explained that the remaining lots have been sold to a single buyer.

Carr next described the layout of each proposed CD, explaining the layout, proposed construction details, and stormwater management measures. Each CD is proposed to be 12 ft wide with 2 ft gravel shoulders, and will have turnouts every 300 ft. Roof drywells are proposed for each home. He explained that the construction of the Stillmeadow North CD serving four lots will not require much earthwork as it will closely follow existing grades.

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He described the layout of the CD and the stormwater management design measures. This CD will have a turnaround for emergency vehicles at the end of the common portion of each branch of the drive. Carr added that the Fire Chief has seen these plans and is in agreement with the proposed turnouts. A 40,000-gallon fire cistern is proposed to be located at the first turnout off Acton St, as is its associated well. Smith asked if the Fire Chief is satisfied with the distance from the cistern to the houses. Carr said that he believed so and will be meeting with the Fire Chief to discuss this, but noted that the Fire Chief may request a second cistern for the project. Grady asked about this driveway passing through the riverfront buffer area in order to avoid the field in the CR. Peterson explained that the inner 100 ft is the critical area that must be avoided, and that ConsCom will be reviewing this plan on 2/18/21, adding that the driveway can be moved if absolutely necessary. Carr added that the existing cart path is actually within the wetland, and so by moving the proposed CD location to the east, as it has been, we have an opportunity to restore the wetland. Grady also asked about the 10% grade for part of the CD, and if there were any limitations or restrictions on grade. Carr said that 10% is generally an accepted maximum. Rolfe asked if a fire truck could travel the proposed grades safely, and Carr said it could, due to the intentional slope transitions. Walsh asked if the applicant had looked into materials other than bituminous concrete for the driveway surfaces. Carr explained that they had considered gravel drives, but that over time it becomes so hard packed that it is basically as impervious as pavement. Smith asked about tree cover on lots 2 and 3. Carr estimated it at 50%, with the area outside the building envelopes remaining wooded.

Carr described the proposed 2-lot CD Stillmeadow NE, noting that no major earth work will be required, as this CD also follows existing grades closely, and that the common portion of the drive will be all within Lot 7, with an access and utility easement to allow access to Lot 6. He described the design and stormwater runoff measures, noting that an infiltration basin will be used on Lot 7. This 600-ft CD will end in a T-turnaround, with private drives off each arm of the T. For all of the CDs, "No Parking" signs will be installed at the T-turnarounds.

Carr next described the proposed 3-lot CD Stillmeadow S which will be located just south of the field across from the 566 Acton St residence. This CD will utilize the existing gate location as its access point. He described the stormwater management measures for this CD as well, including the planned use of an open bottom box culvert at the intermittent stream for passage of water under the proposed CD. He described the proposed wetlands crossing design in detail, including a proposed wetland replication area to compensate for the bridge abutments, which would result in an increase in wetland area. West St resident Laura Lunig stated her concern that many accommodations are required to construct this CD, such as more fill and a wetlands crossing, due to the amount of wetlands. She questioned the intermittent stream designation, and said it seems to run all year round. Carr pointed out that all designations and wetlands locations were confirmed with ConsCom, including the one area where the stream is perennial.

Carr explained that the proposed 2-lot CD Stillmeadow E will have an infiltration basin and infiltration trench for stormwater management. He reviewed the layout and grades of the CD and noted that this is the more straightforward of the proposed drives.

Co-Chair Yelle asked for questions from the Board. Rolfe confirmed from Carr that there is currently one 40,000-gallon cistern planned for the property overall, but that the Fire Chief may want a second one, possibly at Stillmeadow E. Carr pointed out that Koning Farm Rd and Highwoods Ln, both nearby, have cisterns.

At this point, it was agreed that the discussion be continued at the next hearing session. On discussion, the Board selected Nitsch Engineering as best suited for peer review of this project. Co-Chair Blake moved and Rolfe seconded the continuation of this public hearing to 7:30 pm on 2/22/21, and the motion was approved unanimously (6-0) by roll call vote.

Overview presentation of Regional Bike Path Project (Chris Chiapella and Gary Lacroix)

Co-Chair Blake explained that she had attended a recent MAGIC (Minuteman Advisory Group for Interlocal Coordination) meeting, at which there was a presentation on an initiative to create a bike corridor interconnecting local bike paths, and that she had invited Chiapella and Lacroix, Carlisle's and Littleton's representatives on this initiative (now called the Greenways Project), to summarize it for the Board.

Chiapella explained that as an avid cyclist, he became interested in this project. He introduced Lacroix who is a member of the Transportation Commission in Littleton, and who began discussions with other towns on this initiative some time ago. He explained that there are 14 communities (Nashoba Greenways Communities) involved in this project so far, and that they have technical assistance from the Montachusett Regional Planning Commission (MRPC). Chiapella said they are conducting outreach to get information and input from local PBs, public works departments and public safety. He reviewed their outreach work to-date and noted that they have identified first steps for action on the ground.

Lacroix explained that the MAPC (Metropolitan Area Planning Council) created this concept of designated routes on safe roads for biking. The goal is to create a designated route connection of town centers and rail trails. Lacroix further explained they are looking for wider roads that are more quiet traffic-wise, and that will not necessitate a heavy infrastructure cost for the project. The main cost will be road signage and lane markings. He added that they are seeking technical and professional assistance in the MAGIC region of 13 towns, and are looking for town representatives to coordinate with the local DPW and public safety personnel. Lacroix explained that some public outreach will be needed in advance of the installation of the signage and lanes, and added use by bikers. Grady pointed out that this project ties in well with the Master Plan with respect to transportation.

Co-Chair Blake thanked Lacroix and Chiapella for their presentation and asked them to keep the PB updated on the project.

Master Plan Steering Committee (MPSC) update

Janne Corneil and Stacy Lennon of the MPSC had provided a GIS mapping proposal to the Board in advance of this meeting in which the needs for GIS for the MP work were described. Co-Chair Blake had provided a writeup of her questions and concerns about the proposal prior to the meeting, and it had also been provided to the Board.

Lennon gave an overview of GIS software and GIS mapping and analysis. She explained that the MPSC needs accurate GIS maps for the Existing Conditions (EC) reports, GIS maps that help explore options and alternatives (for development, for example) internally and with the public, and final MP document GIS maps illustrating Carlisle's preferred future. Lennon described an example of how spatial analysis can be used in the MP, stressing that maps are the best way to illustrate possibilities to the public.

Lennon reviewed the MPSC's budget proposal for GIS work utilizing two interns and a GIS specialist. She explained that they already have two interns who can compile the data. The proposed budget included \$2,400.00 and \$4,000.00 for interns and for a GIS specialist respectively, for a total of \$6,400.00. An estimated budget utilizing the Planner/Project Manager (P/PM) for GIS work was shown for comparison purposes, illustrating very significant cost and time savings by utilizing the suggested approach of interns and a GIS specialist. Lennon explained that the P/PM would not have the Carlisle-specific knowledge for stepping into the Carlisle GIS work quickly, and that this combined with starting with new interns would require 30 to 45 days to do the necessary work. Utilizing a GIS specialist and experienced interns was estimated to require 14 days of work. Lennon had presented four slides detailing this information (see attached).

In summary, Lennon explained that GIS is indispensable to the MP effort to produce a quantifiable plan, a GIS budget had been planned as part of the original budget, and that doing GIS work for the MP will not bind the Town to further GIS expenses in the future. She expressed the MPSC's hope that the PB could make a decision on this request tonight.

Co-Chair Blake asked if the GIS volunteer license allows maps to be shared with the community, and Lennon explained that it does. Corneil also pointed out that the GIS specialist will have their own licenses, but confirmed that the volunteer license does allow one to look at the data and review maps. Co-Chair Blake also asked if they had spoken with any GIS specialists regarding the \$4,000.00 budget, and Corneil said they have spoken with two people, both of whom are interested.

Co-Chair Yelle asked for an example of a GIS map that would be helpful to the MP work. Corneil explained that where the town has parcels of various sizes available for future development, it would be very helpful in

discussing options with the public to show where those are located, and show different scenarios such as: status quo, a middle ground of development, and a maximum possible development approach. Comeil further explained that former MP consulting firm Civic Moxie used vacant parcel data to create a potential development map which was very helpful, however this map is in Illustrator 2-dimensional software, and not in GIS.

The PB discussed the proposed GIS budget, with use of interns and a GIS specialist. Rolfe asked where this budget fits into the overall budget. Co-Chair Blake said that it is part of the \$11,900.00 line item for final plan maps, required GIS, graphics and editing. Rolfe expressed concern about a long-term plan for GIS maintenance, contribution and support from all of the Land Use Boards, adding that the Town needs to commit to GIS.

Grady asked if there has been any coordination between the MPSC and the MVP work. Comeil said that MSPC member Bob Zogg is involved with this. Co-Chair Blake commented on how productive, timely and seamless it has been for the MVP Core Committee utilizing the MAPC as their consultant who creates the needed GIS maps and screen shares them with the Committee, and she suggested that the MPSC consider this approach.

Grady saw it as impossible to conduct an MP process that will result in a utilizable plan without the use of GIS, as the visuals are critical. She stated her support of the need for GIS for the MP, as did Smith and Walsh. Co-Chair Blake expressed some uncertainty, and co-Chair Yelle was not in support of the GIS budget, suggesting that more public input be sought before developing possible scenarios for Carlisle's future. Smith utilized the application presented to the PB this evening for the four CDs on the Valentine property as an example of the value that maps added to the discussion, noting that GIS work for the MP will provide valuable maps the Town can use going forward.

Grady moved that the PB approve the GIS budget as proposed, Walsh seconded the motion, and it was approved 4-2 (Co-Chairs Yelle and Blake opposed) by roll call vote.

At 10:00 pm, Walsh moved to adjourn the meeting, Smith seconded the motion and it was approved 4-1 (Rolfe opposed, co-Chair Yelle had left the meeting) by roll call vote.

Respectfully Submitted,

Gretchen Caywood
Assistant to Planner
Carlisle Planning Board

Planning Board Proposal – Ban on Marijuana Establishments – February 8, 2021

The Planning Board has made a preliminary decision to recommend a ban on all types of adult use (recreational) marijuana establishments in Carlisle. This decision applies to the siting of establishments in Town. Such a ban would not prevent residents from personally consuming marijuana, or from growing a limited number of marijuana plants for personal use, as allowed by state law.

The Planning Board seeks comment from residents. Please send us an email at planning@carlislema.gov or attend one of our meetings to provide your views. After providing an opportunity for resident feedback, the Planning Board will draft a bylaw and warrant article for Spring 2021 Town Meeting.

Frequently Asked Questions about the Planning Board's Proposed Marijuana Ban

What types of Marijuana Establishments did the Planning Board consider?

The Planning Board considered most of the ten types of licenses for adult use marijuana establishments allowed under state law, including transporter, cultivator, craft cooperative, independent testing laboratory, standards testing laboratory, product manufacturer, marijuana retailer, and microbusiness. The Planning Board devoted the greatest amount of consideration to marijuana retailers and cultivators (both regular and craft cooperative cultivators). Retailers are one of only two types of establishments on whose business the town can impose an excise tax. Recently under new regulations, delivery operators are also required to collect the local excise tax. Regular marijuana cultivators and craft cooperative cultivators could be viewed as being aligned with the town's rural nature and support for agriculture. Because these three types of marijuana establishments seemed the most likely to provide benefits or to fit into Carlisle's existing character, we spent the most time discussing these three types of establishments.

Why are you recommending a ban?

The Planning Board has carefully considered possible locations for marijuana establishments and determined that, due to our existing land use patterns and zoning, there are no appropriate locations. Because there are no appropriate locations, we are recommending a ban on all marijuana adult use establishments for our town.

Carlisle has three types of existing zones: residential (1 acre minimum in town center; 2 acres elsewhere), several scattered business districts in the town center, and three business districts located along Bedford Road. With respect to these zones, the Planning Board considered feasibility, the possible benefits from a marijuana establishment, and possible negative impacts to neighbors and to the town. Each area will be discussed in turn.

- The Center Business District

First, the Planning Board does not recommend allowing marijuana establishments in the Center Business District. The Planning Board discussed the possibility of allowing a marijuana retailer and/or a marijuana laboratory in the town center, devoting the most attention to the possibility of a marijuana retailer, as this type of business would allow the Town to collect the 3% sales tax. Upon consideration of the possible benefits, including the tax revenue, weighed against the possible costs or negative impacts, the Planning Board has determined to recommend banning marijuana establishments in the town center.

Second, several of the town center business district locations are within 500 feet of the Carlisle Public

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School. Other business district locations are close to places children congregate, such as Fern's Country Store and the Gleason Library. The Planning Board agrees with the public policy behind the 500-foot buffer zone around K-12 schools and accordingly, believes that there are sound reasons for prohibiting marijuana establishments from locating near the Carlisle school, Gleason Library and other popular locations in the town center.

We recognize that residents have voiced the opinion that Fern's Country Store sells alcohol, and that alcohol and marijuana are in many respects equivalent. In response, the Planning Board notes that it does not express an opinion regarding the health effects of alcohol versus marijuana. The Planning Board also notes that the safety concerns arising from marijuana and alcohol sales may not be equivalent. A legal market for marijuana is still relatively new, and there still may exist a black market for marijuana. Marijuana remains illegal under federal law. Marijuana products, in the form of vapes and/or candy-like products, may be more readily disguised and attractive to children. Accordingly, the perceived risks to public and child safety from marijuana establishments are not at present time equivalent to those for alcohol sales.

Other possible impacts from a marijuana establishment in town center include increased traffic and the need for increased parking. We recognize that these impacts are difficult to assess without knowing the size and range of operations of any potential establishment.

Finally, many of the business district areas in the town center are small, irregularly shaped and comprise only part of a property, with the other portions of the property being zoned residential. For these reasons, it is likely not practical to develop a new business within the confines of many of the existing business districts. To really attract a new business, Carlisle would likely need to rezone additional adjacent areas and increase the size of the business districts. We could end up with zoning that allows for marijuana establishments in theory in the Center Business District, while no actual lot is suitable for such development.

We have posted a zoning map to our website that shows the outlines of the business districts in the town center.

- The Bedford Road Business Districts

The partial lots along Bedford Road are also likely not suitable for development as marijuana establishments. Like the business districts in the town center, the Bedford Road business districts are small and several of them comprise only a portion of the property on which they are situated. These business districts appear to have been designated based on historical uses for business establishments that were not perceived as inconsistent with the surrounding residential neighborhoods. One business district is now in residential use with a recently constructed house on it. Another use in that district, the Kimball's ice cream stand, is subject to a Preservation Restriction that would likely prohibit siting a marijuana establishment there. The other business areas are fully developed with an office building and an auto body shop, a workshop, and another office building.

In response to the question, why not allow marijuana establishments on these small business lots, on the chance that someone would find it feasible to locate their business there, the Planning Board does not recommend allowing additional uses for these districts that are inconsistent with the limitations of the sites, including small lot sizes relative to parking requirements and the surrounding residential uses.

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Similar to the town center business districts, locating a marijuana establishment along Bedford Road might increase traffic congestion and would likely require additional parking.

- Carlisle's Residential Zones

The vast majority of Carlisle's non-restricted and open space land is zoned residential and most of it is developed with single-family homes. The Planning Board does not believe it would be consistent with this residential zoning to allow retailers or laboratories in residential areas and accordingly, did not consider this course of action. However, the Planning Board did seriously consider allowing marijuana cultivators and craft cultivators to locate in residential areas. As part of this discussion, the Planning Board also considered whether cultivators could be limited to parcels of land larger than five acres.

On the one hand, the Planning Board recognizes that agriculture is an important part of Carlisle's history and current identity, and some consider marijuana cultivation as a form of agriculture. On the other hand, the current methods of cultivating marijuana bear closer resemblance to an industrial activity than to traditional agriculture. Although the Cannabis Commission's regulations permit outdoor cultivation, at present, marijuana is not grown outdoors in Massachusetts. [There is currently an operator in Sheffield that is going through the permitting process for outdoor cultivation]. Rather, it is grown indoors in warehouse type structures. These structures use generators, mechanical ventilation, and lots of water, and they can generate odors. The town would likely not benefit from a growing facility through increased taxes or otherwise. Upon consideration of these potential impacts upon residential neighborhoods, the Planning Board does not recommend allowing commercial marijuana cultivation in residential zones.

Why not create a Marijuana Overlay Zone?

Apart from the three zones discussed above, the Town could create a so-called marijuana overlay district. In effect, we would draw lines around a particular area of town and decide to allow marijuana establishments within this newly drawn area, in addition to preserving the existing allowed uses. The Planning Board does not believe there is an area of town, distinct from other areas, that would be a suitable marijuana overlay location. We encourage any resident who believes there is such a suitable district to please email us and provide your thoughts.

Could the Town earn revenue from a Marijuana Establishment?

Under state law, the Town could impose a 3% sales tax on the sale or transfer of marijuana or marijuana products by a marijuana retailer or a marijuana delivery operator. The Town would not earn any significant increased revenue from any of the other types of establishments.

State law also provides for the Town to assess a community impact payment on any marijuana establishment that locates here. However, this payment is limited to compensating the Town for identifiable costs it incurs due to the establishment, such as for police overtime. The community impact payment is not a means for the town to earn new net revenue or to profit from a marijuana establishment.

What about property tax revenue? Wouldn't we get increased property taxes from a marijuana establishment?

The Town would probably not collect increased property taxes from a marijuana establishment, no matter how profitable it might become. The Town is required to use a residential method of property valuation that looks to the value of the land and building; this method does not capture the revenues and profits of

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the business. Because most marijuana establishments currently are housed in low-value warehouse types of buildings, it is unlikely that the value per square foot for such a building would approach the value of residential construction.

If a resident were to construct a barn or similar growing facility on their residential property, in addition to their home, that barn would be taxed as an improvement and could result in a modest additional amount of tax revenue. Further, the town is entitled to tax business equipment as personal property, and therefore equipment such as growing lights in a marijuana business could be taxed.

There is a risk that allowing marijuana establishments in residential neighborhoods would negatively affect property valuations and thus town tax receipts. No other towns in the metropolitan Boston area with comparable residential real estate markets, income levels, or property values have allowed marijuana establishments into their residential areas, so there are no case studies to look to.

What are the other benefits of allowing Marijuana Establishments?

Except for retail stores and marijuana delivery operators, there are no benefits to the Town. As noted above, the Town could earn a 3% sales tax based on the sales of such establishments.

However, allowing marijuana establishments might provide benefits to the individuals and landowners who wish to engage in these activities. Individuals and landowners, unlike the Town, might be able to earn revenues and profits from marijuana establishments. In addition, residents who wish to purchase marijuana products could do so in a convenient location, if a retail store were to open in town.

What About Delivery of Marijuana into Carlisle?

If the Town bans all forms of marijuana establishments, delivery companies located elsewhere will not be permitted to deliver to homes in Town, unless the Town affirmatively notifies the Commission that home delivery shall be allowed. The Select Board could approve home delivery into Carlisle, even if no establishments are permitted to locate here.

What are the costs or disadvantages of allowing Marijuana Establishments?

There are potential impacts to neighbors, abutters and to the town. It is impossible to know exactly how great these impacts would be, until the precise size, location and operations of a marijuana establishment are known for certain. Accordingly, the discussion of possible costs or disadvantages should be viewed as an assessment of the town's tolerance for the risk of negative impacts.

Marijuana growers overwhelmingly conduct their operations in indoor growing facilities. Most of the current examples are large and unattractive warehouse style buildings with outdoor ventilation shafts and generators. Current examples of these facilities in other towns generate odors. They are prolific users of water and protecting our drinking water supply has always been of paramount importance to Carlisle. These facilities might generate increased traffic and a need for parking; how significant the impact of increased traffic and parking is partially dependent on the type and location of the establishment.

What steps has Carlisle previously taken to regulate Marijuana?

In the 2016 statewide referendum vote, Carlisle residents voted 1720 to 1556 (52.5%) in favor of legalizing marijuana. Thereafter, at the 2017 Town Meeting, Carlisle enacted a temporary moratorium on

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the establishment of marijuana businesses in town. This moratorium lasted from 5/02/2017 to 12/31/2018.

In 2018, Carlisle Town Meeting voted in favor of a third moratorium, extending the term of the 2017 temporary ban from 12/31/18 to 6/30/19. However, the Attorney General's office did not allow this extension to go into effect, viewing it as inconsistent with the provisions of the state marijuana law. By the time of this third moratorium vote, the state Cannabis Control Commission had promulgated regulations, thus removing what had been a source of uncertainty for towns considering whether to allow establishments. Given that this uncertainty had been removed, Carlisle (and other similarly situated towns) are required to follow the procedures in the state law before banning marijuana establishments, including holding a ballot box vote.

At spring 2019 Annual Town Meeting, voters defeated two proposed bylaws sponsored by the Planning Board regarding marijuana establishments. One was a total ban on all types of marijuana establishments. Although a majority voted in favor of this ban, it failed to garner the necessary two-thirds approval to enact a Zoning Bylaw change. The other proposed bylaw would also have banned marijuana establishments, except it would have allowed growers and craft cooperatives in the Bedford Road business districts. This bylaw also garnered a majority at Town Meeting, but it too did not achieve the necessary two-thirds approval. Both bylaws passed at the subsequent Town (ballot) election, with 550 voters in favor of the total ban, with 310 opposed, and 115 blank votes. The ballot box vote for the partial ban was 529 in favor, 301 opposed and 145 blanks.

Is it necessary to do anything? Why not just leave things as they are?

Although it is far from assured that, in the absence of regulation, a marijuana establishment would attempt to locate here, or that existing local zoning would necessarily permit all establishments in all locations, the Planning Board nonetheless recommends adopting a bylaw to regulate this land use. In the absence of a definitive regulation, uncertainty would exist, and the siting of a potential marijuana establishment would likely be controlled by the Town's most analogous use regulations. In the absence of regulation, potential marijuana establishments would likely be allowed somewhere in town. Such uncertainty could potentially allow an unscrupulous entity seeking to locate a marijuana establishment here to exploit the uncertainty and strengthen their bargaining position vis-à-vis the Town. An argument could be raised that the Town's current zoning is too restrictive to actually allow an establishment, and that this violates state law because the town did not go through the required procedures to enact a ban, thus handing an additional legal argument to an operator seeking to take advantage of the lack of clarity. Further, over time, certainty as to permitted uses is beneficial for long-term planning, including by the Town, as well as by individuals considering the purchase of real estate. On the flip side, having an uncertain legal climate is also likely not an incentive for reputable businesses that might be considering locating here. Thus, there is no logical reason or benefit for the Town to allow uncertainty to exist.

If the total ban on marijuana establishments proposed by the Planning Board does not pass Town Meeting, the Planning Board will need to continue its work to craft a bylaw acceptable to a two-thirds majority of Town Meeting voters, and the uncertainty will continue until that time.

Finally, the state-mandated requirement to enter into a host community agreement between an applicant and the Town for marijuana establishments is not a substitute for clear zoning regulations. The Select Board could not arbitrarily refuse to enter into a host community agreement. In the absence of standards

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set forth ahead of time, the Select Board would be left to address potential applications on a case-by-case basis. Because they would not have pre-existing community standards in the form of zoning to refer to, the BOS's job would be very difficult. Further, the areas covered by the host community agreement would not be equivalent to the areas covered by zoning regulations.

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J. Raymond Miyares Thomas J. Harrington Christopher H. Heep Donna M. Brewer Jennie M. Merrill
Rebekah Lacey Bryan Bertram Ivria Glass Fried Alexandra B. Rubin Ethan B. Dively Maurica D. Miller Rian Rossetti

February 3, 2021

Planning Board
Town of Carlisle
66 Westford Street
Carlisle, MA 01741

Re: *Considerations for Adopting Zoning Regulations of Marijuana*

Dear Planning Board Members,

We were asked to review the Town of Carlisle’s Zoning Bylaws in the context of the State’s adult-use marijuana laws, to provide an assessment of the applicability of the current Zoning Bylaws to potential adult-use marijuana establishments, and to identify any risks presented by the current form of the Zoning Bylaws. Our response specifically addresses adult-use marijuana retailers, adult-use marijuana cultivators, and emerging adult-use delivery services.

In November 2016 with the passage Question 4, recreational adult-use marijuana became legal in the Commonwealth. During the subsequent years the relevant statute *M.G.L. c. 94G*, and regulations promulgated by the Cannabis Control Commission, 935 C.M.R. 500.0001 et seq., have governed the expansion of the adult-use marijuana industry including local retailers, cultivators, and most recently delivery operators.

I. Adult Use Marijuana Establishments in Carlisle

M.G.L. c. 94G, §3, provides generally that a “city or town may adopt ordinances and by-laws that impose reasonable safeguards on the operation of marijuana establishments, provided they are not unreasonably impracticable and are not in conflict with this chapter or with regulations made pursuant to this chapter.” *Id.* at §3(a). Such bylaws may (1) “govern the time, place and manner of marijuana establishment operations and of any business dealing in marijuana accessories;” and (2) may “limit the number of marijuana establishments in the city or town;” but may not “prohibit the operation of 1 or more types of marijuana establishments” or place certain other limits on the number of establishments without approval by Town Meeting¹ and the majority vote on a ballot question. *Id.* at §§3(a)(2); 3(e).

¹ The recent amendments to the *Zoning Act*, have reduced the required Town Meeting approval for zoning bylaws to a simple majority vote, but only for those housing related amendments specifically listed in *M.G.L. c. 40A*, §5, as amended by Chapter 358 of the Acts of 2020. Zoning bylaw amendments affecting marijuana establishments will still require a two-thirds vote of Town Meeting.

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The effect of *M.G.L. c. 94G, §3*, is such that unless a town affirmatively adopts a prohibition on adult-use marijuana establishments by the procedure outlined in §3(e), the sale of adult-use marijuana is an allowed use subject to the town's existing zoning regime. The absence of zoning regulations which expressly define the locations in which adult-use marijuana establishments may be located will not ensure that they may not be sited anywhere in the town. In such a situation the sale of adult-use marijuana would *likely* be controlled by the most analogous use regulations in the local zoning bylaw.

In the case of Carlisle, the Town has not adopted zoning regulations that prescribe the siting of adult-use marijuana establishments. The Town did adopt a temporary moratorium, Section 5.11 of the Zoning Bylaws, which expired at the end of 2018. The Commission currently licenses the following types of Marijuana Establishments: Marijuana Cultivator, Craft Cooperative, Marijuana Product Manufacturer, Marijuana Microbusiness, Independent Testing Laboratory and Standards Laboratory, Marijuana Retailer, Marijuana Transporter, Marijuana Research Facility, and Marijuana Delivery Licensee. In the absence of regulations, if pressed by a prospective marijuana establishment, the Town would likely be required to permit them in the most analogous zoning district.

For an adult-use marijuana retailer, this would be within the Town's Business Districts. This is not to say that there is a location which would be likely to attract an adult-use marijuana retailer, however, it remains a possibility, nonetheless.

Similar to retailers, the siting of adult-use marijuana cultivators and processors would be controlled by the most analogous use regulations in the Zoning Bylaws. As you are likely familiar, *M.G.L. c. 40A, §3*, exempts most agricultural uses from local zoning regulations, however, expressly does not exempt the "growing, cultivation, distribution or dispensation of marijuana." While adult-use marijuana cultivation and related processing may not be eligible for the zoning exemptions found in *M.G.L. c. 40A, §3*, it is not unreasonable to characterize such activities as agricultural as that word is commonly understood. See e.g. *Valley Green Grow v. Town of Charlton*, Land Ct., No. 19 MISC 000226 (Aug. 14, 2019) ("the growth or cultivation of marijuana is, within the plain meaning of the word, an agricultural use. Thus, where the bylaw does not offer a definition of agriculture, the growth or cultivation of marijuana fits into the bylaw's subset of agricultural uses of either the raising of crops or indoor commercial horticulture/floriculture, depending on the nature of the particular proposed use"). As a result, unless agriculture is specifically defined to exclude the growing or cultivation of marijuana, it is arguable that adult-use marijuana cultivation could be allowed in any zoning district where agriculture is permitted.

The Zoning Bylaws presently do not define agriculture and permit agricultural uses in each of the Town's zoning districts. Under the current set of regulations, it is possible that the Town would be required to permit an adult-use marijuana cultivator on any site which the proposed use meets the generally applicable dimensional zoning requirements. This ambiguity could be resolved, for example, by adopting a definition of agriculture that excepts marijuana uses, in concert with provisions that expressly define the permitted locations for such a use.

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II. Marijuana Delivery

The Cannabis Control Commission (“CCC”) has promulgated and revised regulations for the delivery of adult-use marijuana. Recent revisions to the CCC’s regulations may have the effect of expanding the number of adult-use marijuana establishments that offer delivery services, either in the community which they serve or elsewhere.² A Marijuana Establishment with a Delivery Endorsement or a Delivery Licensee may only deliver marijuana in the following geographic areas:

- a. The municipality identified as the Marijuana Establishment Licensee’s place of business;
- b. Any municipality which allows for retail sales of marijuana within its borders whether or not one is operational; or
- c. Any municipality that has notified the Commission that delivery may operate within its borders. (emphasis added)

As discussed above, because the Town has not adopted a ban on the sale of adult-use marijuana it will be treated as one which allows retail marijuana sales. For the Town, this means that even if an adult-use marijuana retailer is not licensed within the Town’s borders, other operators may still make deliveries in the Town.

935 C.M.R. §500.145(i) provides that deliveries must comply with municipal bylaws in the Town where the delivery is to be made:

(i) Limitations on the time for delivery shall comply with all municipal bylaws and ordinances, provided however, that all deliveries of Marijuana or Marijuana Products must be completed before 9:00 P.M. local time or the time determined by municipal bylaw or ordinance, whichever occurs first, and deliveries of Marijuana or Marijuana Products shall not occur between the hours of 9:00 P.M. and 8:00 A.M., unless otherwise explicitly authorized by municipal bylaw or ordinance.³

As with adult-use use marijuana generally, the adoption of bylaws which address delivery specifically would provide greater clarity and control over marijuana retailers operations within the Town.

² The CCC’s press release is available here: <https://mass-cannabis-control.com/ccs-approves-final-adult-use-medical-use-of-marijuana-regulations-rescinds-colocated-regulations/>.

³ Note that the first phrase of this paragraph conflicts with the second phrase. The first part states that communities may alter the hours of delivery, but that in no case shall deliveries extend past 9pm. The second part asserts that deliveries may occur after 9pm, if the Town expressly authorizes the later delivery. The Massachusetts Municipal Lawyers Association and the Massachusetts Municipal Association are in the process of seeking clarification on this provision. While there may be ambiguity on the Town’s ability to extend the hours of delivery past 9pm, the Town can require all deliveries to be completed before 9pm through a general bylaw, if it so desires.

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III. Conclusions

As the CCC expands the scope of licensing available to marijuana establishments, retail, cultivation, and delivery operations will have a commensurate ability to expand their business throughout Massachusetts. The Town of Carlisle is presently without local regulations which specifically regulate adult-use marijuana, and, as discussed, could be required to accommodate all types of Marijuana Establishments, including brick and mortar retailers, cultivators, or delivery operations, as a result. We would advise the Town to pursue regulation in some form to create a clear regulatory environment to avoid potential conflicts resulting from the current ambiguity. If the Town does proceed with a complete ban of Marijuana Establishments, it would not be necessary to specifically define agriculture or place time restrictions on marijuana delivery as discussed above. Whether the Town pursues a ban on adult-use marijuana establishments or adopts a bylaw which limits the time, place, and manner, of those sales is ultimately policy question. In our view, some specific regulation—in either direction—that assists the Town's boards in predictably administering the General and Zoning Bylaws would be valuable.

We are of course happy to assist with additional guidance and document preparation to advance any of the Planning Board's goals with respect to the issues discussed above.

Please let me know if you have any questions.

Sincerely,



Thomas J. Harrington

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Gretchen Caywood

From: Daniel Carr <djc@stamskiandmcnary.com>
Sent: Thursday, January 21, 2021 8:29 AM
To: Gretchen Caywood
Cc: George Mansfield
Subject: RE: Valentine CD applications for filing

Hi Gretchen and George, below is a link to a Google drive folder which has the following:

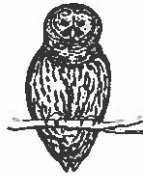
1. Stillmeadow Farm Plans (4 total: North, Northeast, South, East)
2. Stillmeadow Farm Common Driveway Application Packages (4 total: North, Northeast, South, East)
3. Stillmeadow Farm Stormwater Report (just one)

<https://drive.google.com/drive/folders/1xhzo8dtfDYPY8FcJKELna889SPCADU3v?usp=sharing>

Thanks,

Daniel Carr, P.E.
Stamski and McNary, Inc.
1000 Main Street
Acton, MA 01720
978-263-8585 EXT 214

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CARLISLE
CONSERVATION
FOUNDATION

January 27, 2021

Carlisle Planning Board
66 Westford Street
Carlisle, MA 01741

To whom it may concern:

At our regular board meeting on January 20, 2021, the Carlisle Conservation Foundation (CCF) welcomed two of Jack and Betty Valentine's daughters, Alison V. Pascarelli and Lisa Bennett, and also Sandy Olney and Ruth Sudduth of LandVest, and their attorney Greg Peterson for a presentation on the latest plans for the development of the lots on Stillmeadow Farm. CCF is the holder of Conservation Restriction #63, which encompasses Stillmeadow Farm.

This letter is to express our full support for the Common Driveway plans that we understand will be filed with your board in the near future. Jack Valentine was a founding member of CCF. Through this relationship, CCF was heavily involved with the Valentine family in the development of the initial plans—the subject of an ANR plan over a decade ago—that established the framework for the development of house lots sited to permanently protect as open space the vast majority of the property and to preserve the farmland and forested vistas along Acton and West Streets.

In 2009, Betty stated the family's vision for their land: "We hope that it will continue looking very much the same as it does now.... To keep the rural feeling of Carlisle continuing was basically our aim."

Achieving that aim meant establishing in the CR building envelopes that were set back quite far from the roadways. The plans we saw at our recent meeting show that the common driveways for which permits will be sought follow amazingly closely to what was memorialized in the CR plans. These original plans, vetted by the Planning Board and accepted by the Selectmen when they approved the CR, anticipated one of the two waivers the developers will be seeking: exceeding the length limit for a common driveway. The second waiver is for substituting T-turnarounds instead of cul de sacs at their end points.

A grant of the first of these waivers is the only way the purpose of generous gift the Valentine gave the Town of Carlisle can be achieved. The second will minimize hardscape and disturbance of the land, consistent both with CCF's core mission (to preserve the natural beauty and rural character of Carlisle) and with the Planning Board's own Development Standards.

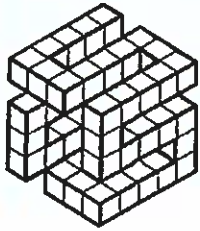
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For the reasons above, and as the holder of CR #63 on the land that is the subject of the applications that will be before you, CCF strongly supports the granting of these waivers.

Sincerely,

Kelly J. Guarino, President
Carlisle Conservation Foundation
P. O. Box 300
Carlisle, MA 01741
president@carlisleconservationfoundation.org

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Scott Simpson, FAIA, LEED AP
Architecture, Planning & Design Strategy

117 Judy Farm Road
Carlisle, MA 01741
(617) 875-1895
scott.mitchell.simpson@gmail.com



28 January 2021

to: Carlisle Planning Board
from: Scott Simpson
re: Letter of support for the proposed conservation plan for Stillmeadow Farm

Dear Members of the Planning Board:

As a long-time resident of Carlisle (since 1976), an abutter to Stillmeadow Farm, and a former long-term board member of both the Carlisle Conservation Foundation and the Carlisle Land Trust (20 years each), I am writing to offer my strongest possible support for the proposed conservation plan for Stillmeadow Farm.

Even though Jack and Betty Valentine have passed on, their legacy of leadership for the cause of conservation in Carlisle lives on as strongly as ever. Jack's influence stretches back to the 1950's, when he was a leading voice in crafting the town's 2-acre zoning regulations. He served on the Planning Board, was a founding member of the Carlisle Conservation Foundation, was named Conservationist of the year in 2001, and he and Betty were Carlisle's Honored Citizens in 2015.

Always forward thinkers, Jack and Betty invested a great deal of careful thought (and no small amount of money) to craft a development plan for Stillmeadow Farm that would enable responsible development of the property after they were gone. As proposed, the primary vistas and open spaces will be protected and the residential lots (each averaging about 9 acres) are served by common driveways, which will minimize impact on both Acton Street and West Street, thus helping to preserve the farm's rural character. Speaking as an architect and planner, I can say that it's a very intelligent and sensitive design.

No one has done more to advance the cause of conservation in Carlisle than Jack and Betty Valentine. Those who care about protecting the rural character of the town owe them a great deal. Approval of the proposed development plan for Stillmeadow Farm cements this legacy; it is the right decision for the town.

Sincerely,

Scott Simpson

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RECEIVED BY

Mr. George Mansfield
Carlisle Planning Board
66 Westford Street
Carlisle, MA 01741

FEB 01 2021

27 January, 2021

Carlisle Planning Board

Dear George,

As a longtime resident of Carlisle, a former Carlisle Conservation Commissioner, a current Carlisle Conservation Foundation Board member, and friend of Jack and Betty Valentine, I enthusiastically endorse the development plans as submitted for Stillmeadow Farm. I have been privy to the conceptual plan for several years and recognize the exceptional effort that was invested by Jack and Betty in their effort to preserve in perpetuity the loveliness of their beloved vistas as a rural gateway to our beautiful town for residents and visitors. The development plans more than meet that goal.

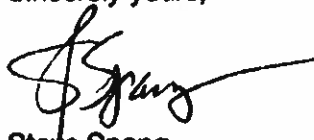
I met Jack years ago when he harvested hay on the now Hutchins Conservation Land across the street from my home. Alerted by his frantic cries of frustration when his mower broke down (again!), what began as a cool drink delivery to assuage his impatience developed into a long friendship. After retiring from school teaching, I worked with Jack on the farm as a voluntary farmhand, enjoying the steep learning curve that hands-on work with beef cattle and the attendant land management skills require. I'm well acquainted with the property and its long history as a working farm.

By now you are well acquainted with the special attributes of the development plans, which feature preventing development on 82 percent of the 156 acre property, limited building envelopes, large lot sizes, and the overall reduced development potential. The vistas, preserved as such by a CR maintenance requirement of the future land owners, and limited intrusion by carefully placed Common Driveways along a one-mile stretch of West and Acton Streets frontage ensure that the overall aspect of the farm as it exists today remains. The plan as devised has received wide praise as exemplary of forward-looking development and management design for large properties interested in preserving a rural impression.

Moving the project forward will not only honor this special property, but will recognize the memories of Jack and Betty as generous contributors to our town. Jack was instrumental in establishing 2-acre zoning that defines the special nature of our community with its abundant open space, and was among the founders of the Carlisle Conservation Foundation. Betty was an active birder and generous supporter of the Massachusetts Audubon Society. She frequently walked the property's trails, and knew every inch of Stillmeadow's fields and woods. Jack and Betty have been acknowledged as Conservationist of the Year (2001), and Most Honored Citizen Award (2015) in recognition of their special place in Carlisle's history. Both Jack and Betty were enthusiastic designers of this special gift of the highlights of their property to their beloved town.

I urge you to accept their special gift as designed.

Sincerely yours,



Steve Spang
59 Fiske Street
Carlisle, MA 01741

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Gretchen Caywood

From: Heidi Haring <heidiharring@yahoo.com>
Sent: Tuesday, February 2, 2021 10:20 AM
To: George Mansfield; Gretchen Caywood
Subject: Letter for February 8th Planning Board Meeting

Can you please distribute this to the Planning Board members.

To the Planning Board

I am writing this letter as a direct abutter (322 West St.) to the planned development of the Valentine property/Still Meadow Farm. Although my preference would be to see the land stay in its current natural beauty, I recognize that is not economically reasonable. I have been aware of the development plans for many years as I serve on the board of the Carlisle Conservation Foundation. The Valentines put in many hours and at great personal expense to create what is the current, approved development plan. Many, many more houses could have been built without the current well-thought-out plan that was completed in consultation with CCF.

As a Planning Board you are considering wetland crossings and common driveways that may be longer than the regulations. These extended driveways are needed because the approved building envelopes are back in wooded areas so as to protect the field vistas that exist along West and Acton Streets. The common drives could be shorter, but then houses would be in the fields that many of us enjoy as we bike, walk, or drive by.

I grew up walking and enjoying this property, and have known the Valentine's as long as I've been alive, growing up as a childhood friend of their children. I submitted the Valentine's as Honored Citizens for Old Home Day in 2015. I am sad to see the land developed but this is the best outcome given reality.

Heidi Haring
322 West St.

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Carlisle Master Plan Mapping Proposal

January 21, 2021

Challenge: To successfully complete the master plan for the town of Carlisle, it is essential to have a data driven platform for developing maps of existing conditions, areas of potential growth and improvement, and other base-line conditions. To undertake master plan analyses and identify land for future conservation, housing options, and other community uses the master plan team requires an updated and customized parcel data base. CivicMoxie used ArcGIS to export layers of data from the Carlisle 2019 Assessors data, however, all modifications and updates to the parcel information was only prepared using graphic mapping done in Adobe Illustrator. Updating the GIS data was not part of CivicMoxie's scope of work and therefore remains to be undertaken. The master plan parcel database is well underway, but requires a fair amount of input, cross checking, and cleaning up before we can develop a quantitative spatial analysis and produce master plan maps using Arc GIS.

Objective: The objective is to first develop a master plan parcel data base derived from the assessor's file to include "use codes" that can then be mapped using ArcGIS. The goal is to create a base layer with assessors' information, roads, wetlands, etc. From there, the team can create various layers to map development potential, conservation/natural resources, historic landmarks, etc. These different categories will serve as an essential resource for the Master Plan Steering Committee to analyze a broad array of land use and housing alternatives and strategies for community discussion and the development of master plan recommendations.

PHASE I- Compile and clean the parcel database with all data necessary to do master plan analyses

Data includes land use, ownership, acreage, tax status, regulatory, development potential, age/size/heat system of structures, historic status, etc.

Land Use - Evaluate current uses of properties such as business, single family, farms, etc.

Ownership - Establish the owner of record for all parcels in Carlisle. This will distinguish town owned land as well as land held by state and federal agencies. This is important because the static maps in some instances failed to distinguish town owned and state-owned land. Further we will denote parcels held by charitable and other tax-exempt organizations.

Regulatory - list any restrictions on a property such as conservation restrictions, agricultural preservation restrictions, historic preservation restrictions, private deed covenants, easements, or rights-of-way.

Development Potential - consider which properties are underdeveloped, have potential for conventional subdivisions, two family conversions, conservation clusters, 40Bs, elderly housing or future municipal uses. This will also highlight existing deed restrictions, use covenants, and easements.

Age/Size/Heat Type of Structures - Understand properties which qualify as two family by right, the distribution of smaller middle-income housing, and the existing condition of utilities distribution (ie. natural gas lines in town) as well as our community's carbon footprint.

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PHASE II- Set up the ArcGIS map with base layers, parcel shapes, street shapes, etc.

This phase will involve transferring the data collected in the previous phase into a GIS portal that can be used for spatial analysis.

PHASE III- Master Plan analysis- quantifying impact of existing and possible zoning tools and developing potential options

The analysis methodology is under development by the MPSC currently. An example of what may be included in the GIS analysis is how many pre-1962 structures located on conforming lots qualify for the By Right Two-family Bylaw.

PHASE IV- Export layers from ArcGIS so the MPSC volunteers can prepare the final master plan maps in Adobe Illustrator and Photoshop

It is critical for the master plan final report to have the capability to generate maps from the accurate and up to date ArcGIS database mapping platform.

BUDGET PROPOSAL

Estimated Budget is \$6,400 total based on an estimate of hours and billing rates ranging from \$15-45/hour. A breakdown by phase is included below.

PHASE	Work Task	Estimated Budget
I	Compile Database	\$1,800
II	Set up Base Map	\$1,400
III	Plan Analysis	\$1,400
IV	Create Final Maps	\$1,800
Total		\$6,400

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Gretchen Caywood

Subject: FW: Details on questions and concerns about master plan GIS proposal

From: Madeleine Blake <madeleine.blake@comcast.net>

Sent: Friday, February 5, 2021 2:31 PM

To: 'Barney Arnold' <barney4carlisle@gmail.com>; 'Jack Troast' <jtroastjr@gmail.com>; 'Janne Corneil' <jannecorneil@gmail.com>; 'Stacy Lennon' <stacy.heen@gmail.com>

Cc: 'Peter Yelle' <peteryelle@me.com>

Subject: Details on questions and concerns about master plan GIS proposal

Hi Jack, Stacy, Barney and Janne,

I'm writing about the GIS mapping proposal that is on the Planning Board's agenda for Monday night, February 8. Janne previously sent me an email asking if I have questions or concerns, and I wrote back that I am preliminarily not in favor of it. Barney and I talked about the proposal some more this morning on the phone, and Barney suggested that I send you my specific questions/concerns so that you can be ready to address them at the meeting. I am happy to do that and have had a chance to read the proposal a few more times. I plan to forward this email to the Planning Board members so that they can be up on the discussion we are having over email, particularly as this relates to an item on an upcoming agenda. As I'm sure you have all seen and experienced, the Planning Board members very much think for themselves, and may very well approach this from a very different angle than I do. Don't assume that just because I have concerns, they all will, or that it won't pass.

Questions/Things that are not clear from the proposal

- What does it entail to "transfer data into a GIS portal that can be used for spatial analysis?" [I am not enough of a techie to follow this]. Does this require a GIS license? Or are you planning to use the volunteer GIS license that the Planning Board holds? If a new license, how much does it cost and who is going to hold it? Does spatial analysis mean you are going to view data on a computer screen, and conduct analysis as you view it, rather than make maps? Who is going to own or hold the GIS data created?
- Who is going to do what? It just says people making \$15 to \$45 per hour. Does this include a GIS consultant or adult expert? Does it refer to high school and/or college students? It would be helpful to have a break down of which parts will involve an expert/consultant.

Concerns

- You guys said in the consultant work statement (circulated in December and January) that you have "a complete set of maps in draft form, including land use, zoning, housing,

regulatory framework, natural resources, transportation, scenic roads and town center detail.” This GIS proposal says that the end result is to transfer the GIS data back into two dimensional maps. Isn’t this what you already have a complete set of, from Civic Moxie? Is it really worth the additional cost just to make an improved version of what Civic Moxie already did?

- Administrative costs – I think what you are proposing is to pay several/numerous (not sure how many) individuals an hourly rate to do this. This places an administrative burden on the town. The town hasn’t/doesn’t routinely pay people this way, so someone (Tim Goddard? Priscilla Dumka? Procurement counsel?) is going to have to figure it out and then there will be administrative costs to process the payments. I believe that having these people covered by the appropriate insurance would also be a challenge. By contrast, if you obtain the required GIS expertise from the consultant you are already looking for, they will have insurance and may have staff to carry out some of the tasks. It would be administratively much simpler and cleaner just to require the consultant to do this, and have the town make one payment to the consultant.
- I am not in favor of paying high school and college students until we have exhausted efforts to find volunteers to do it. I think a lot of students would welcome the opportunity to work as volunteer interns for the work experience. We could put a letter in the Mosquito, contact the high school earth science teacher, contact college career offices, etc.
- Data analysis – the proposal says that you are still developing your methods of analysis in the MPSC. Plus, you don’t have input from the new consultant yet about what areas they think you should analyze. Shouldn’t you wait to have this figured out before you do data-gathering? You might waste time/money gathering data on things that ultimately aren’t important. Some of the examples you have in the proposal highlight this concern. You mention gathering data/mapping pre-1962 structures on conforming lots, for which there is by-right zoning to turn them into two-family homes. I don’t follow why you need to make a map or spatial analysis of these properties. What proposal are you working on that will require you to know the locations? In the postcard you mailed out a while ago, it says, should the town “encourage” more conversions to two-family homes? I have been trying to think about what “encourage” could mean, that would require a map. Wouldn’t “encourage” be something like having a program to provide information about it? Would it be worthwhile to spend this money for data analysis when the range of possible recommendations is fairly modest? Maybe that’s not accurate, and the range of possible recommendations is large – if so, it would be helpful to flesh that out. I have similar questions about mapping historic items – I totally and completely agree that it would be wonderful to have such a map – but what exactly is the data analysis that you anticipate? And is there a way to gather and analyze data for some of the fairly narrow

areas (like what parcels are town-owned) in an (admittedly more low tech) but less expensive way?

- Why isn't the easiest and best way to do this, to seek an overall consultant (I am talking about the project manager/planner) that has this expertise? It would be administratively easier, and would be more likely to be consistent with their focus?

Madeleine