

# Town of Carlisle

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Office of  
**PLANNING BOARD**

**Minutes**  
**March 13, 2023**

**Continued public hearing pursuant to Sec.7.6 of the Carlisle Zoning Bylaws on the petition of the Town of Carlisle for site plan approval of the proposed Carlisle Dog Park to be located on Banta Davis Land shown on Town Map 14 Parcel 23-0.**

**Bills**

**Minutes**

**Meeting Schedule**

**Public hearing for Adequacy of the Way in accordance with MGL Ch 41, Sec 81T and the Board's Rules and Regulations Governing the Subdivision of Land for property on Estey Road (Map 24, Parcels 22-37 and 20-15A) [Richard Annese, applicant]**

**998 Bedford Road Accessory Apartment – update on revised floor plans**

**Library renovation project update**

**Continued public hearing pursuant to Sec. 5.9 of the Carlisle Zoning Bylaws on application of DISH Wireless for a special permit and site plan approval to install, operate and maintain a personal wireless service facility at the First Religious Society, 27 School St (Map 22, Lot 5-0) within the Church Steeple**

**Housing Production Plan**

**GIS project update**

**Liaison Reports**

Co-Chair **Madeleine Blake** called the remote meeting to order at 7:00 pm. Co-Chair **Court Herschelman** and Members **Adelaide Grady, Pete Yelle, Eric Adams,** and **Town Planner Julie Mercier** were present. Members **Sara Smith** and **Joe Gushue** were absent. The remote meeting was held over a Zoom platform.

Assistant to Planner Gretchen Caywood, Kate Reid (SB, CAHT, Carleton Rd), Andrea Tavares (LandTech Inc., Westford, MA), James Dangora, Jr. (Shea, Dangora & Nelson, Billerica MA), Richard Annese (Billerica, MA), Doug Lees (Land Engineering and Environmental Services, Tyngsboro, MA, Ed and Cindy Rolfe (Maple St), Courtney Bittelari (Fiske St), Brian and Kaitlin Waterson (Aberdeen Dr), Recreation Director Holly Mansfield (Chelmsford, MA), David Fisher (Fisher Design Group, Concord, MA), Drew McMorro (Concord S), Steve Tobin (Partridge Ln), Christine Stevens (Rodgers Rd) Brian and Kaitlin Waterson (Aberdeen Dr), , Mary Zoll (School St), Maureen Cosgrove (South St), , Mark Levitan (Wolf Rock Rd), and Bob Zielinski (*Carlisle Mosquito*) were also in attendance.

**Continued public hearing pursuant to Sec.7.6 of the Carlisle Zoning Bylaws on the petition of the Town of Carlisle for site plan approval of the proposed Carlisle Dog Park to be located on Banta Davis Land shown on Town Map 14, Parcel 23-0.**

Co-Chair Blake reopened the continued hearing at which RecCom Director Holly Mansfield, project designer Dave Fisher, and members of the RecCom and Dog Park Subcommittee were present. TP Mercier summarized the outstanding items for this application, which included information on the park Rules and Regulations, signage, and certain plan notations. TP Mercier reported that information from the Police Dept has confirmed that any issues at Banta Davis during the last several years were not related to dogs. The DPW has also indicated that it has no concerns about the proposal and is prepared to handle maintenance of the site as it does for the adjacent playing fields. TP Mercier asked the engineer to summarize her review.

Peer review engineer Andrea Tavares noted that the water line and drainage are within the scope of LandTech's review, and she requested certain revisions to the plan concerning water line details, and that an operation and maintenance plan for the water line be prepared and approved by Dog Park caretakers. Tavares asked about water quality testing requirements, and whether signage would be placed at the water faucets regarding potability. Concerning drainage, Tavares explained that a NPDES permit must be submitted by the contractor since this site exceeds 1 acre in size. She proposed that given the limited scope of this project including proposed minimal disturbance, very little impervious surface, and no new vehicular access, it would be appropriate to determine that MA Stormwater Regulations be adhered to as much as practicable. Tavares recommended that instead of a full

stormwater report, a Stormwater Memo be provided which includes calculation for peak rates of runoff pre and post site construction in order to provide evidence that the retention basins are sized properly, and that there will be no flooding of downstream properties. Tavares would then review the Stormwater Memo for compliance.

Project designer David Fisher addressed the engineer's comments, noting that they have made the requested clarifications and revisions to the proposed plans, and that water testing will be done every spring when the water is turned back on, with the results provided to the BOH. A sign will be placed at each of the water faucets stating that the potable water is for animals only, per order of the BOH. A first draft of Rules and Regulations for the Park have also been developed. RecCom member Drew McMorrow explained that for recreation facilities, the RecCom determines the Rules and Regulations in a public process, with input. Co-Chair Blake asked that these be provided to the PB when finalized. Fisher explained that civil engineer Richard Harrington will provide the Stormwater Memo for Tavares' review, as well as additional detailed information requested on the water line. NPDES permit and SWPPP will be provided as part of the specifications.

Concerning the "approximate property line" notation on the plan, Fisher explained that on performing the survey, Hancock Associates found one monument at the southwest corner of the lot, then utilized recorded plans to further define the survey of the western lot line. Therefore as one moves north toward Bedford Rd, there could be a difference of a few feet for the exact lot line location. The Board requested a notation on the plan detailing this point.

Co-Chair Blake asked for Board input. Co-Chair Herschelman asked TP Mercier if a more expansive survey is needed. TP Mercier explained that while typically a more specific plan is filed when seeking a building permit, an approximate lot line is sufficient if there is plenty of setback, adding that in this case it should be fine. Co-Chair Blake confirmed to abutter Mary Zoll that the Dog Park site does meet the setback requirements.

Zoll had submitted an email today with an attached statement of her noise concerns with respect to the proposed site, and information on sound propagation and the need for a full noise barrier.

Zoll summarized that based on her additional research it is not possible to create a sound barrier large enough to be effective for blocking site noise from her property, as the barrier would have to extend over a mile in length. Co-Chair Blake asked for Board members' thoughts on this. Grady explained that she has walked the site and observed the distance between Ms. Zoll's residence and the proposed site, and noted that the abutter has stated that she currently hears noise from the playing fields, including dogs barking, and the idea that moving the proposed site of the Dog Park some minor distance will mitigate the sound is not correct. Grady pointed out that there are already dogs at the Banta Davis land, and that the Town would be providing a public good with the installation of a Dog Park. Grady furthered that if the Town held itself to a 1000 ft setback standard for every project, nothing could be constructed. PB members Adams and Yelle concurred with Grady's comments.

Co-Chair Blake explained to Zoll that the cost to mitigate possible noise cannot be so disproportionate to the project such that including it as a condition would effectively disallow the site. Blake pointed out that the funds would also be spent to address noise issues that might not arise. Co-Chair Blake explained that Zoll's concerns have been taken very seriously, and she suggested that Rec Com sponsor a Friend of the Dog park group to self-monitor the site and get ahead of any possible noise issues. Blake further suggested a monitoring protocol, with collected data reported to Town officials annually.

Grady moved and Adams seconded a motion that the Planning Board grant Site Plan Approval for the Carlisle Dog Park project, including the following conditions:

1. A notation be provided on the site plan concerning the approximate lot line area
2. A sign shall be posted requiring owners to keep their dogs under control at all times, and that incessant barking shall be curbed by dog owners to the maximum extent possible
3. Signs shall be installed at the water faucets stating: "Water Supply NOT for Human Consumption, per Board of Health."
4. Rules and Regulations for the Dog Park shall be provided to the Planning Office

5. The site will be monitored by the Dog Officer, who will establish a Site Monitoring Protocol for the Dog Park, with a report submitted to the Planning Office, Select Board and Recreation Commission, on an annual basis commencing 1-year after the Dog Park officially opens.

The motion was approved unanimously (5-0).

### **Bills**

Grady moved and Co-Chair Herschelman seconded the Board's authorization to pay an invoice in the amount of \$100.00 for renewal of the Personal Use GIS license for use by volunteers, and the motion was approved unanimously (5-0) by roll call vote.

### **Minutes**

Yelle moved and Co-Chair Blake seconded the Board's approval of the 2/13/23 meeting Minutes as drafted, and the motion was approved unanimously (5-0) by roll call vote.

### **Meeting schedule**

The PB decided to move the July meeting from 7/10 to 7/17, and discussed having a second April meeting later in the month. Possible dates will be sent to the Board for their selection.

### **Public hearing for Adequacy of the Way in accordance with MGL Ch 41, Sec 81T and the Board's Rules and Regulations Governing the Subdivision of Land for property on Estey Road (Map 24, Parcels 22-37 and 20-15A) [Richard Annese, applicant]**

Co-Chair Blake opened the public hearing at which Applicant Richard Annese, his attorney James Dangora and his engineer Doug Lees were present. Dangora explained that Annese lives at 10 Estey Road, owns the adjacent lot 24-22-37 as well as 4.3 acres of land across Estey Rd opposite this lot. He noted that the section of street which these lots abut is a "paper street" in Carlisle. He further explained that while Carlisle's Town Counsel has determined that lot 24-22-37 is a grandfathered developable lot, it has no frontage. The goal is to improve the 262 ft section of roadway for construction of frontage for and access to that lot. The proposed roadway width will be 20 ft with 2-ft wide stabilized gravel shoulders on either side. Dangora explained that the designated turnaround will be in the 20-ft wide driveway for the lot that will be developed. The driveway design will be superelevated to drain toward the retention basin, and the roadway will consist of a 12" gravel base, 2" binder and 2" topcoat, as required by the Bylaws. A retention basin is also proposed to be located across the roadway in the northwest corner of the 4.3 acres also owned by Annese. Dangora confirmed that the roadway will remain private, with the restrictive covenant provided documenting that property owners will be responsible for maintenance, plowing and repair. Concerning emergency vehicle turnaround, a sign will be installed in the driveway that 60 ft of the driveway will be used for turnaround of emergency vehicles and must be kept clear. Concerning the existing tree line, Dangora explained that the goal is to cause as little disturbance as possible, to keep as much of the existing tree line as possible. He displayed a plan showing the limits of clearing, and a minimal clearing area necessary for roadway improvements. Dangora asked that the Board determine that the proposed roadway improvements would provide adequacy of the way for the house and emergency vehicles.

Co-Chair Blake addressed the \$500 application fee that staff and Counsel have proposed as appropriate this application. Grady moved and Adams seconded the Board's approval of an application fee of \$500.00 for this application for determination of "Adequacy of the Way," and the motion was approved unanimously (5-0). Concerning peer engineering review, the PB had reviewed two proposals – from LandTech Consultants, Inc. and from Nitsch Engineering. Grady moved and Co-Chair Herschelman seconded the Board's selection of LandTech, Consultants, Inc. for peer review of this application, and the motion was approved unanimously (5-0). The Board asked that Town Counsel review the proposed private roadway covenant.

Grady asked about water and septic services for the house to be constructed. Dangora said there will be a well and a septic system installed which will each meet Carlisle's requirements, adding that there is a hydrant nearby on Jennings Rd in Billerica. Yelle confirmed that this plan has been reviewed by Carlisle's Building Commissioner. Co-Chair Blake asked if Annese has plans to develop the 4.3 acres on the opposite side of the roadway, and Annese said that he has no imminent plans for construction, but will likely do so down the line.

Co-Chair Blake asked for questions from the public. TP Mercier asked if the retention basin will need to be resized based on revising the plan to 20-ft pavement width from the originally proposed 18-ft. Lees said that his calculations have confirmed that the basin is sized sufficiently to accommodate this change.

Adams moved to continue this hearing at 8:00 pm on 4/10/23, Grady seconded the motion and it was approved unanimously (5-0).

### **998 Bedford Road Accessory Apartment – update on revised floor plans**

Property owners Dale Joachim and Myriam Fleurimond were present for this discussion. TP Mercier asked the property owners to explain the changes they have made to the proposed floor plan. Joachim explained that while there have been changes to the proposed floor plan of the AA, the total floor area and the outer footprint of the AA have not changed. The owners had provided current proposed floor plans and compared them to the floor plans that were part of their application package for the SP in 2020. The changes involve relocating the proposed kitchen to the first floor, moving the location of the proposed bedrooms on the second floor, and changing the plan from one bathroom on the second floor to two smaller bathrooms. TP Mercier confirmed that the total sq ft of floor area as well as the footprint have not changed for the proposed AA.

The Board confirmed with the owners that an internal door on the first floor will remain locked, and is to function as an emergency second point of egress for the AA. Grady said that in her opinion while the floor plan has changed, the Board's purview may not extend beyond the total floor area, the footprint and that the AA is not more than two bedrooms.

Adams moved that the Board determine that this revised floor plan does not affect the compliance of the proposed AA with the Zoning Bylaws and the Board's Rules and Regulations for Accessory Apartments, and that the revised plans remain in compliance with the conditions of the AA Special Permit. Co-Chair Herschelman seconded the motion, and it was approved unanimously (5-0).

The Board discussed the types and level of proposed changes to an approved AA floor plan that would require Board review to determine if an application for an amendment to the special permit is necessary, and whether some changes could be addressed by PB staff review only. The Board asked staff to develop appropriate language outlining a process for review of revisions to originally approved AA floor plans. Once the Board approves this language, it would then be included in the Board's Rules and Regulations for Accessory Apartments. (Yelle left the meeting at this point.)

### **Library renovation project**

Christine Stevens was present to update the Board concerning this project proposal for updating the teen and children spaces in the library as well as the meeting rooms. They are seeking \$400K of CPC funding (capital improvements for historic resources) for this renovation, and are presenting this application to various boards and committees to garner their support. Stevens added that while the bulk of the funds will be from private donations, the CPC funds will be utilized for the teen and children areas and for meeting rooms, with private funds utilized toward other areas of the Library.

Stevens gave a brief presentation including usage statistics of the teen and children areas, as well as overall Library usage statistics, and information on their capital campaign for private funding. The Board thanked Stevens for providing the update on the Library's proposal.

### **Continued public hearing pursuant to Sec. 5.9 of the Carlisle Zoning Bylaws on application of DISH Wireless for a special permit and site plan approval to install, operate and maintain a personal wireless service facility at the First Religious Society, 27 School St (Map 22, Lot 5-0) within the Church Steeple**

Co-Chair Blake reopened this continued public hearing and explained that the applicant has requested a continuation to the April 10 meeting so they can have additional time to address redesign of some external aspects of the installation, as requested by the Board. Adams moved and Grady seconded the continuation of this public hearing to Monday, April 10, at 9:00 pm, and the motion was approved unanimously (4-0) by roll call vote.

### **Housing Production Plan discussion**

Co-Chair Blake explained that tonight's discussion will focus on MBTA community zoning and LIPs. Several members of the HPP Update Committee and the CAHT were present for this discussion.

Co-Chair Blake summarized that MBTA community zoning requires that the town shall have at least one zoning district of reasonable size in which multi-family housing is permitted by right, adding that Carlisle is classified as a "small rural [MBTA] adjacent town" therefore having a required multi-family unit capacity of 95. Blake said the Board should propose a location for these units, and work toward a TM vote. She suggested forming a task force to develop a plan over the next year, and suggested Banta Davis as a possible site for housing, allowing tie-in with the WWTP. Co-Chair Blake said that this must be dealt with in order to allow the Town's access to certain state funding. TP Mercier explained that the state funding that could be affected is for MassWorks grants, which the Town has utilized and might want again, Housing Choice funding, for which Carlisle is not eligible regardless of whether they meet the MBTA community zoning requirements, and Local Capital Projects Funding – a percentage of funding that goes to a housing authority for structures. Other discretionary initiative grants from DHCD could possibly be affected.

Grady suggested that a task force is a good idea, as ignoring this requirement basically ignores our HPP, and attempts to create affordability in Carlisle. She urged an earnest attempt to see what we can do to allow housing to be built to help provide opportunity for more people, and to offset some of the tax burden. Adams spoke in support of Grady's statements and point of view.

Concerning Local Initiative Properties, Co-Chair Blake suggested that all the things the Town hopes to achieve with Inclusionary Zoning (IZ), it can get with 40B, but she expressed concerns about the properties suggested for development in the HPP. Blake asked how can a project become a friendly 40B if the HPP Committee doesn't want to do 40B? CAHT member Levitan pointed out that a particular project couldn't really be formulated until the HPP itself takes shape, adding that the parcels noted are suggested possibilities at this point. Reid reinforced this point, adding that the CAHT does not intend to take steps to put a 40B anywhere. The developer will initiate it. Grady pointed out that a potential developer may feel that notation of these sites in the HPP means they have the Town's ear for a proposal. Levitan explained we would like an LIP in context with a developer.

Co-Chair Blake suggested a discussion of IZ at the Board's April 10 meeting, and posed these questions to the HPP Committee and the CAHT:

- Can an IZ Bylaw be developed in the context of two-acre zoning?
- Is the HPP advocating changing two-acre zoning to increase density??

Reid said that they are not looking to change 2-acre zoning, noting that IZ projects have been completed in other towns with 2 acre zoning requirements. Levitan explained that IZ can be applied to subdivisions over a certain number of units in size, and referred to Concord and Groton's Zoning Bylaws, noting that there is a threshold number of units beyond which requiring IZ can work. TP Mercier noted that there are a few by-right opportunities that allow IZ, such as Ch 40R, noting that the town of Reading incorporates 25% affordable units into 40R projects and in MBTA communities zoning there is an ability to have an affordability component in by-right projects. Grady pointed out that the HPP does not require IZ, but suggests exploring its possibilities. TP Mercier suggested that IZ may be best viewed as offering a spectrum of possibilities, and that Carlisle needs to determine how it wants to define IZ.

### **GIS Project Update**

TP Mercier presented an update on her GIS project work, explaining that GIS implementation has been streamlined at the State level, with a Mater Services Agreement already in place with qualified GIS vendors. TP Mercier noted that these vendors can do some or all of the GIS work Carlisle needs, and that she will get quotes from 3 vendors. There is a model RFP available and a user group for MassGIS. Mercier suggested that we can build our GIS database off State information, and look into Planimetrics at a later point.

TP Mercier described that Carlisle has access to a lot of good GIS info, including the MassGIS-created Muni Mapper for Carlisle (2013), as well as free state-wide data layers, and much OS&R Plan GIS mapping done by volunteers. Mercier described that there are four main components of the work needed:

- Web hosting, for online public access to GIS information – free version and a \$7K (Map Geo) version.
- Parcel updating – tax parcels must be compliant with certain standards, working with Assessor
- Digitizing local data: cisterns, wells, culverts, septic – determining priorities on this
- Planimetrics – high-res data derived from flyover – acquire in future if desired (can join a buy-up)

TP Mercier described the necessary decisions to be made related to the above, and the possible approaches to be taken, including putting together an RFP with different tiers of work. the Board thanked TP Mercier for all of her work and insight into this, and asked her to follow her judgement in how to move forward.

At 10:10 pm, Grady moved and Adams seconded a motion to adjourn the meeting, and the motion was approved unanimously (4-0) by roll call vote.

Respectfully Submitted,

Gretchen Caywood  
Assistant to Planner  
Carlisle Planning Board

List of documents associated with this meeting (available via the Planning office):

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- Revised Site Plan Set for Carlisle Dog Park, dated 1/30/23, submitted by Fisher Design Group for the Carlisle Recreation Committee
- Memo from LandTech dated 3/1/23 re: “Propose dog park Banta Davis Field – Peer Review”
- Email from Julie Mercier to Gretchen Caywood et al dated 3/7/23 re: “Dog Park Peer review, Stormwater Suggestion.”
- Email from M. Zoll dated 3.13.23 re: [noise information] “for Planning Board tonight, ” with attachments on Sound Propagation and Statement from M. Zoll dated 3.11.23
- Estey Road Roadway Improvement Plan and Profile revised 3/13/23, prepared by Land Engineering and Environmental Services, Tyngsboro, MA
- Estey Road Presentation Plan [tree clearing areas] dated 3/13/23, prepared by Land Engineering and Environmental Services, Tyngsboro, MA
- Letter to Town Planner Julie Mercier from Shea, Dangora, and Nelson dated 2/9/23 re: “Estey Road, Roadway Improvement Plan”
- Original floor plans for 998 Bedford Rd Accessory Apartment, submitted by Dale Joachim and Myriam Fleurimond 2020
- Revised floor plans for 998 Bedford Rd Accessory Apartment, submitted by Dale Joachim and Myriam Fleurimond, Feb-March 2023
- Draft Housing Production Plan: [https://www.carlislema.gov/DocumentCenter/View/4547/Carlisle-HPP-Report-Final\\_1129\\_JointBoardReview?bidId=](https://www.carlislema.gov/DocumentCenter/View/4547/Carlisle-HPP-Report-Final_1129_JointBoardReview?bidId=)
- GIS Update presentation, dated 3/10/23, prepare by Town Planner Julie Mercier
- Invoice from ESRI for GIS personal use account, amount \$100.00, date 2/26/23