

Town of Carlisle

MASSACHUSETTS 01741

Office of
PLANNING BOARD

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Carlisle, Massachusetts 01741
Tel. (978) 369-9702
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Minutes March 22, 2021

Minutes 3/8/21

Budget

Meeting schedule

2020 Annual Report

Continued 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]

Continued 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]

Continued 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]

Continued 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]

Request for modification of Condition #42 of the Garrison Place SROSC Special Permit at 81 Russell St. (Map 8, Parcel 16-c) to allow the sixteenth unit to be occupied, with full project completion to be assured per the terms of the Tri-Party Lender's Agreement, as last amended 7/14/20

Potential scenic road violation at 1215 Curve Street

Executive Session pursuant to M.G.L. c.30A sec. 21(a)(1) for the purpose of discussing the reputation, character, physical condition or mental health, rather than professional competence of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member, or individual (George Mansfield)

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

Assistant to Planner **Gretchen Caywood**, **Sandy Olney** (LandVest, Boston, MA), **Dan Carr** (Stamski and McNary, Inc., Acton, MA), **Steven Ventresca** (Nitsch Engineering, Boston, MA), **Greg Peterson** (Indian Hill), Carlisle Deputy Fire Chief **Matt Svatek** (Sunset Rd), **Laura Lunig** (West St), **Greg Peterson** (Indian Hill), **Bob Zielinski** (Acton St), **Joey LaPointe** (Brendon Construction, Southborough, MA) and **Mark Brittle** (Carlisle *Mosquito*) were also in attendance.

Minutes

The Board reviewed the draft Minutes from the 3/8/21 PB meeting, and a few amendments were proposed. Rolfe moved that the PB approve the Minutes as amended, Co-Chair Yelle seconded the motion, and it was approved unanimously (7-0) by roll call vote.

Meeting Schedule

Co-Chair Blake explained that the PB's required hearing for proposed zoning bylaw amendments is planned for the May 10 meeting, and that there will also be a meeting on May 24. Blake proposed only one meeting in June for June 14.

Planning Bd (1/20)
meeting materials
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Co-Chair Blake reopened these continued public hearings and reported on the PB's site visit on March 17, which was also attended by Planning Administrator Mansfield, Dan Carr (engineer for the applicant) and Deputy Fire Chief Matt Svatek. Blake asked Carr to provide a brief update. Carr explained that he and the Deputy Fire Chief came to an agreement on a potential location for a second fire cistern, which Carr described as south of the Acton St/West St intersection on the east side at point where the stone wall is set well back from West St itself. Carr explained that this location would accommodate a 40,000-gallon fire cistern, and the cistern to be sited at the North CD would have a capacity of 30,000 gallons. Carr said that we now await the peer review report so we can respond to it. Deputy Fire Chief Svatek confirmed that the Fire Department is in agreement with these two proposed cisterns, their capacity and proposed locations.

Co-Chair Blake explained that an additional site visit will be needed, as there are two CD sites that have not yet been examined in the field. The Board discussed a few possible dates for a site visit, and it was agreed that a site visit date, when determined will be posted on the PB's webpage.

Co-Chair Blake confirmed from Carr that he will not need time on the Agenda on the April 12 meeting. Blake also confirmed with the applicant's counsel, Greg Peterson, that as long as the process keeps moving forward, he is amenable to the Board continuing the hearing to the April 26 meeting. Walsh moved and Smith seconded the continuation of this public hearing to 4/26/21 at 7:00 pm, and the motion was approved unanimously (7-0) by roll call vote.

Request for modification of Condition #42 of the Garrison Place SROSC Special Permit at 81 Russell St. (Map 8, Parcel 16-c) to allow the sixteenth unit to be occupied, with full project completion to be assured per the terms of the Tri-Party Lender's Agreement, as last amended 7/14/20

Project construction manager Joey LaPointe presented this request to the Board. He explained that Brendon Properties is in the process of closing on the last unit of Garrison Place and requests that the Planning Board wave condition #42 of the Special Permit which prohibits issuance of an occupancy permit for the last unit until all work is complete. LaPointe further explained that this request is necessary for two reasons: 1. the two pending items of work are the restoration of the wetland and removing silt from the retention pond, and these items cannot be completed until May or June due to the weather, and 2. there are sufficient funds held under the Tri-Party Agreement to cover the cost of these two pending items.

When asked for more information on the remaining work, LaPointe explained that the silt had been removed from the retention pond prior to the peer review engineer's site inspection last July but that it needed to be reseeded, and there is now grass in the bottom of the retention pond. The remaining work for the Wetland Restoration Area

consists of a final herbicide application to the knotweed that will not take place until late May or early June. LaPointe added that they would also need to replace any of the wetland plants that do not survive the winter.

Planning Administrator Mansfield confirmed to the Board that these are the only items of work remaining, and that the peer review engineer has confirmed that there are sufficient funds remaining under the Tri-Party Agreement to cover this work which cannot be completed until the spring.

On discussion, Grady moved that the PB modify the Amended and Restated Special Permit for the Senior Residential Open Space Community Garrison Place dated 11/28/2016 to amend Condition 42 to allow that the Certificate of Occupancy for the last unit (10 Garrison Way) can be issued by the Building Commissioner at this time, based on the findings discussed in this meeting. Rolfe seconded the motion, and it was approved unanimously (7-0) by roll call vote.

Liaison Report

Smith reported that the MP Consultant Selection Committee of which she is a member is meeting with Barrett Planning Group, LLC this week for a second interview of that firm. Walsh and Co-Chair Blake offered to speak with Smith to propose some questions to be posed in that interview.

Potential Scenic Road violation at 1215 Curve Street

Co-Chair Blake reported that she had learned of tree removal work taking place at 1215 Curve St, and she had visited the site and shared photos with the Board. Curve St is designated as a Scenic Road, and some concern was expressed as to whether any of the trees that were cut might have been within the right-of-way area, in which case the work requires prior consent of the Board. Planning Administrator Mansfield explained that Conservation Administrator Willard has issued a stop work order, as this work was done without first determining the limits of work at a site involving significant wetlands. Mansfield indicated that there have also been alterations to the stone wall along the roadway at that location, and he suggested that there should be a non-criminal disposition measure, involving a fine, in the Scenic Road General Bylaw to help discourage such violations. Planning Administrator Mansfield will visit the site to examine the situation.

2020 Annual Report

The Board reviewed a draft PB 2020 Annual Report prepared by Planning Administrator Mansfield. Co-Chair Blake asked that the report be revised to be more concise, and focus more on 2020 activities only, with less carry-over information. She suggested that the report is an opportunity to discuss the PB workload, and that we should reconsider in some cases what we are tracking, and why. Blake also suggested adding more information on the Municipal Vulnerability Preparedness (MVP) work which began in 2020.

Board members made additional suggestions on what information should be expanded, and what could be eliminated. Concerning a brief description of the year ahead, Co-Chair Blake suggested including the then incoming applications for the four common driveways proposed for Stillmeadow Farm, the plans for a recreational marijuana zoning bylaw amendment, and anticipated completion of the MVP project. She suggested that the MPSC will prepare its own report.

At 8:15 pm, Walsh moved that the PB enter into Executive Session, not to return to regular session, for the purpose stated on the meeting Agenda. Misek seconded the motion and it was approved unanimously (7-0) by roll call vote.

Respectfully Submitted,

Gretchen Caywood
Assistant to Planner
Carlisle Planning Board

George Mansfield

From: Joey Lapointe <joe@brendonhomes.com>
Sent: Thursday, March 18, 2021 10:01 AM
To: George Mansfield
Cc: Jon Metivier; Leslie Carey
Subject: 10 Garrison Way

Good morning George. Brendon Properties is in the process of closing 10 Garrison Way and would like to ask the Planning Board to wave condition #42 of the Tri-Party Agreement because there are still funds to cover the two pending items. The two pending items are the restoration of the wetland and removing silt from the retention pond. The silt had been removed prior to Nitsche's site inspection last July but it needed to be reseeded. It now has grass in the bottom of the retention pond. The remaining work for the Wetland Restoration Area consists of a final herbicide application to the knotweed that will not take place until late May or early June. We would also need to replace any of the wetland plants that do not survive.

The closing for 10 Garrison should not have to wait for these two items to be complete since there are sufficient funds remaining in the Tri-Party Agreement to cover the work.

I understand the Board of Health has also raised some questions about funding a reserve account and test results for the inspection wells at the septic system. We are in the process of getting this information for the Board of Health with the expectation of get a Certificate of Compliance for the Septic System.

I do not believe the final Certificate of Occupancy is contingent on the Certificate of Compliance for the Septic System and the Planning Board and BOH should be able to grant the Building Department permission to release the Certificate of Occupancy for 10 Garrison Way.

Please let me know if you have any questions or need any additional information.

Thank you,

Joey LaPointe
Project Manager
Brendon Properties
508-726-2474
joe@brendonhomes.com

Excerpt:
Garrison Place SRASC
Special Permit Decision

39. No above-grade construction of residential structures may be initiated or framing lumber brought to the site until the proposed fire cistern, including all controls, is installed and operational, as certified by the Carlisle Fire Department.
40. No occupancy permit shall be granted for any unit until the reconstructed culvert under Russell Street and the regrading and paving of Russell St. have been completed in accordance with the approved plans and reviewed and approved by the Superintendent of the Department of Public Works. Any modification to the timing of this condition must be approved by the Planning Board.
41. No occupancy permit shall be granted for any unit until there shall have been filed with the Town Clerk, the Building Commissioner and the Planning Board a statement by the design engineer, and reviewed and approved by the Board's consulting engineer, certifying to the satisfaction of said design engineer that the finished grades and final construction details of the roadway and other paved areas, and the drainage systems, including the roof drains and drywell(s) for said buildings, but exclusive of final grading, loaming, seeding, and landscape plantings, have been constructed in accordance with the Plans and with standard engineering practices.
42. Occupancy permits for the fifteenth and sixteenth units to be occupied shall not be granted until the completion of all work under the Special Permit. At that time, the applicant shall submit to the Planning Board As-Built Plan(s) of all Infrastructure in accordance with the Planning Board's Rules and Regulations and of all structures, including interior layouts in all units, demonstrating compliance with the approved special permit. When said final compliance is certified by the Board's consulting engineer, the Board shall release all remaining funds then being withheld by the applicant's lender pursuant to the Tripartite Agreement, or any subsequent bond or other surety offered that has been agreed to by the Board and the Board's consulting engineer.
43. The special permit will lapse if substantial use of the permit has not commenced within two (2) years from the expiration of the appeal period of this amendment and restatement of this special permit, except for good cause.