

Town of Carlisle

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Office of
PLANNING BOARD

Minutes April 10, 2023

Housing Production Plan

Public Hearing on request for potential Scenic Road alterations along the right-of-way related to construction of bridge improvements on Town-owned land on Curve Street at River Meadow Brook (adjacent to Map 30, Parcel 2-0 and Map 31, Parcel 14-0) and on Town-owned land on Maple Street at Pages Brook Bridge (adjacent to Map 24, Parcel 3-0 and Map 12, parcel 2-0). [Request of the Town of Carlisle] Approval Not Required (ANR) Plan: 371 East Street (Map 21, Parcel 47-10) [David and Maxine Barber, applicants]

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GIS Update

Elliott Farms Way common drive update

Judy Farm Rd common drive (Isaac's Way) update

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GIS project update

Liaison Reports

Co-Chair **Madeleine Blake** called the hybrid meeting to order at 6:00 pm. Co-Chair **Court Herschelman** and Members **Adelaide Grady, Pete Yelle, Eric Adams, Sara Smith** and **Joe Gushue** and **Town Planner Julie Mercier** were present. The remote meeting was held over a Zoom platform and in the Clark Room of Town Hall.

Assistant to Planner Gretchen Caywood, SB Chair Barney Arnold (Lowell St), Kate Reid (SB, CAHT, Carleton Rd), Tony Mariano (BOH, North Rd), Jody Trunfio (TEC, Inc., Andover, MA), James Dangora, Jr. (Shea, Dangora & Nelson, Billerica MA), Richard Annese (Billerica, MA), Doug Lees (Land Engineering and Environmental Services, Tyngsboro, MA, Ed Rolfe (Maple St), Steve Tobin (Trails Com Chair and Partridge Ln), Marian Simons (Billerica, MA), Mary Cavanaugh (Billerica, MA), Susan Jankowski (Billerica, MA), Mark Levitan (Wolf Rock Rd), Chris Johnson (North Rd), Maureen Cosgrove-Deery (South St), Beverly Shorey (Tophet Rd), and Bob Zielinski (Carlisle *Mosquito*) were also in attendance.

Housing Production Plan discussion

Co-Chair Blake summarized that the Board has previously discussed certain aspects of the HPP including affordability requirements (inclusionary zoning), MBTA Community Zoning, properties for potential Local Initiative Programs, and tonight will discuss Recommendation 3 of the Plan: Creating a vision to define the Town Center. Blake also asked that the Board return to discussion of affordability requirements and goals and strategies after this, to give the PB members additional opportunity for suggestions. Co-Chair Blake introduced BOH Chair Tony Mariano, also in attendance for this discussion, and it was agreed that BOH and PB should have a joint meeting for discussion of housing-related zoning bylaws.

The HPP recommends that the Town should create a community-driven vision for the Town Center that can be implemented through new zoning. Co-Chair Blake said that while this is a good idea, there is no resident consensus yet on whether or not to do commercial development in Town Center. Blake added that there are many groups' interests to consider including the Historical Commission and DPW, and suggested that the SB should put together a group for discussion of this, with TP Mercier leading that group. CAHT Chair Reid suggested first voting to adopt the HPP as is, and

then investigate the issues further. Co-Chair Blake noted that there are some items in the HPP that it is important to correct, and TP Mercier pointed out that she would like to further review the goals and strategies in the report, with the MAPC consultant for the HPP available shortly to review report data. Co-Chair Herschelman summarized that the final markup of the HPP will be made available to the PB for review, with a vote at the May meeting.

Grady pointed out that to some who were involved in the development of the HPP update, even one additional meeting may feel like an obstruction to moving forward. Grady emphasized that even joint discussions with the BOH cannot decide the feasibility of the strategies in the report, noting that it is the job of the [housing] market to decide feasibility, the results of which can be documented so we know what strategies were tried and why they may not have worked. Grady pointed out that part of the PB's role is to put forward specific strategies to TM. BOH Chair Mariano agreed, and noted that there are many possible strategies for going forward, and many factors at play in these strategies. Co-Chair Blake informed Mariano that the PB will be appointing a Task Force to investigate MBTA Zoning for by-right affordable housing, and would like the BOH to be part of that group.

The Board returned to discussing affordability requirements (aka Inclusionary Zoning) for housing. The Board discussed whether affordability requirements can be incorporated into Subdivision Zoning, which is not by special permit. BOH Chair Mariano explained that while his understanding is that the spirit of 2-acre zoning was based on septic and well concerns, with geological studies many years back supporting the decision, 2-acre zoning is not the limit of the possibilities in Carlisle. He offered to provide references for local geological studies that have been documented. Grady concurred, noting that the special permits allowed under 40A, such as AAs and Conservation Clusters, provide for very specific localized zoning flexibility via the special permit process as authorized by MGL Ch 40A. Grady referred to the large 8-bedroom SFH recently built in her area, noting that a few smaller homes could have been constructed, but for the 2-acre zoning. She stated her opinion that Carlisle's 2-acre zoning is exclusionary.

Adams pointed out that the parcel/lot size does not itself determine the number of bedrooms or limit of safe septic flow rate. Soil type and quality actually determine that. The Board and BOH Chair Mariano discussed the possibility of looking at parcels separately in terms of possible septic and well capacity based on core samples, and BOH Chair Mariano agreed that this is a possibility. He contrasted that the Page's Brook area could accommodate many more units than the Conant land, for example, due to the amount of rock and ledge on the Conant Land. Mariano said that while it would be complex, there are definite possibilities for looking at more affordable housing. He added that it is a known that some properties in Town cannot meet Title V requirements due to the amount of ledge, requiring a variance from the BOH.

Grady pointed out that when we use "rules of thumb" for everything, and there are lots where you have excess, you have missed housing opportunity – a missed opportunity that is institutionalized based on the 2-acre zoning. Grady added that the primacy of the SFH in her opinion is what makes it hard for people to afford to live in this State and in this country. She asked if it could be solely a change of use if a lot meets septic and well requirements. Co-Chair Blake pointed out that Zoning is use and dimensions, and our zoning is 2-acres with a use of SFH.

Co-Chair Blake asked BOH Chair Mariano for an update on the BOH's concerns in terms of septic systems in Town. He explained that the Board is concerned with large capacity septic systems, as the technology does not necessarily function the same way on scaleup. He added that the BOH Agent has convened a group to discuss these concerns and report to his Board. Co-Chair Blake said she would like to remove affordability requirements from the HPP as she feels there is no way to do this work in Carlisle, or alternatively narrow the proposed approach to create an incentive system for 2 family housing, and document some of the constraints the town faces (legal constraints, 2-acre zoning) in creating affordable housing. Co-Chair Blake suggested forming a task force of PB and CAHT members to investigate this.

Co-Chair Blake asked Smith and Gushue for their input on the HPP. Smith said it is good that the latest iteration of the HPP prioritizes cottage cluster zoning and IZ/affordability requirements, as all possibilities need to be investigated. However she sees more possibilities with cottage cluster zoning. Smith said the Task Force should include PB, BOH and CAHT members, noting that there are a number of ways to garner funds for affordable housing, and that the PB must work with the BOH to develop a zoning bylaw for housing that will be approved at TM.

Gushue agreed with the earlier discussion of evaluating septic capacity of sites on a site-by-site basis if necessary, noting that if two units on 2 acres generates the same flow as one larger home, two units should be allowed. The across the board 2-acre zoning approach of the 1950s can no longer be applied.

Concerning sources of funds for affordable housing, Adams noted that some towns have a 2% real estate transfer fee to fund their housing trusts, and while some towns use the funds for land conservation, it may also be possible to utilize funds for affordable housing.

Levitan said it is great to hear the BOH Chair's opinion that we are not in a "one size fits all" situation, and that there are possibilities to increase the amount of affordable housing, from a BOH perspective. He noted that there has been no well depletion at either of the town's two age-restricted housing developments. He noted that the HPP Committee is not asking to change 2-acre zoning, adding that different towns take different approaches to attain affordable units. The Board will continue this discussion at its next meeting.

Approval Not Required (ANR) Plan: 371 East Street (Map 21, Parcel 47-10) [David and Maxine Barber, applicants]

Assistant Caywood explained that this [Subdivision] Approval Not Required plan seeks to divide the 4-acre parcel at 371 East St, shown on Assessors Map 21, Parcel 47-10, into two 2-acre parcels. The lot designated as 11A on the plan contains the existing residence and structures, and will continue to derive its access from East St (maintaining the same address). The lot designated as 10A on the plan will derive its access from Woodbine Rd, along which the new lot will have more than the required 250 ft of frontage. Caywood noted that this plan conforms to the Board's Rules and Regulations for ANR plans, and the proposed new lots each meet the acreage and frontage requirements.

Grady moved that the PB endorse the plan of land for 371 East St dated 2/2/23 prepared for David Barber by Stamski and McNary, Inc., Acton, MA as approval not required. Smith seconded the motion and it was approved unanimously (7-0) by roll call vote.

Public Hearing on request for potential Scenic Road alterations along the right-of-way related to construction of bridge improvements on Town-owned land on Curve Street at River Meadow Brook (adjacent to Map 30, Parcel 2-0 and Map 31, Parcel 14-0) and on Town-owned land on Maple Street at Pages Brook Bridge (adjacent to Map 24, Parcel 3-0 and Map 12, parcel 2-0). [Request of the Town of Carlisle]

Co-Chair Blake opened this public hearing and explained that the Town wanted to make the public aware of these upcoming projects on scenic roads through this hearing process. Project engineer Jody Trunfio was present to discuss the proposed work, and stated for the record that there are no plans to remove trees or historic stone walls at either of the two worksites. He also noted that the scope of the grant funded work is limited to traffic safety improvement.

For the proposed work in the area of Pages Brook bridge on Maple St, Trunfio explained that the existing old concrete posts are damaged and the support cables between the posts are gone, posing a true hazard for the area. Also the existing wooded guardrail does not meet crash standards. The project involves installing compliant guardrail systems which will transition to the three-rail system at the bridge itself. The new steel guardrail will extend 150 ft to either side of the bridge, and will be finished with a brown powder coat. Trunfio noted that the team had met with the SB to discuss and agree upon the material and finish for the guardrails. Trunfio explained that the proposed work at River Meadow Brook on Curve St is similar, and that they were mindful in the design of providing access to the existing Otter Slide Trail. Again, brown powder coated steel guardrails will be installed. Trunfio explained that the Town received a construction grant in January for this work, and local permits for this work (Orders of Conditions from ConsCom) were issued in 2021, and the Town would like to put out bid documents for construction this year.

Co-Chair Herschelman asked if the need for a staging area has been discussed. Trunfio explained that the construction work will be phased, with one lane of traffic flow maintained at all times, and that the materials and equipment can mostly be contained within the work zone half of the roadway. The project would take about six weeks to complete.

Co-Chair Blake asked for questions. Trails Comm Chair Alan Ankers thanked Trunfio for designing a safe access to the Otter Slide Trail, and proposed a suggestion for the early portion of the trail in that area. Ankers suggested angling the trail away from the road and across to meet the existing trail via some kind of ramp, as its current proposed location just behind

the guardrail will likely get filled with snow by roadway plowing during the winter. Ankers will provide an annotated plan prepared by the Trails Comm to Trunfio in this regard. Ankers noted that he had spoken with the ConsCom Administrator regarding this possible change, and she noted that it could possibly be considered a field change to the plan, although this point will need to be confirmed with the ConsCom.

Adams move that the Board support these proposed bridge rehabilitation projects in that they are a betterment to the Town and will greatly enhance safety at these areas, and noted that there are no proposed changes within the jurisdiction of the Carlisle Scenic Roads Bylaw (Art. XII) and the State's Scenic Road statute (M.G.L. Ch. 40, Sec. 15C), related to the proposed construction of bridge area improvements on Town-owned land located along the right-of-way on Curve Street adjacent Map 30, Parcel 2-0 and Map 31, Parcel 14-0, and along the right-of-way on Maple Street adjacent Map 24, Parcel 3-0, and Map 12, Parcel 2-0. Grady seconded the motion and it was approved unanimously (7-0). A letter of support will be provided to the SB accordingly.

[hearing not closed]

Bills

Smith moved and Grady seconded the Board's authorization to pay an invoice in the amount of \$100.00 for payment of an invoice in the amount of \$118.75 for the second legal notice publication for the municipal application for Site Plan Review of the Dog Park, and an invoice in the amount of \$350.00 for both legal notice publications for the Scenic Road hearing related to the Small Bridge Projects, and the motion was approved unanimously (7-0) by roll call vote.

Minutes

The Board reviewed the draft Minutes of the 3/13/23 meeting. Co-Chair Herschelman asked that certain language in the Accessory Apartment section of the draft be revised to better reflect the Board's direction on a matter. Grady moved the PB approved the draft Minutes of the 3/13/23 meeting as to be amended per Co-Chair Herschelman's request, Adams seconded the motion, and it was approved unanimously (7-0) by roll call vote.

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 this public hearing and explained that the Site Plan Approval has been filed with the Town Clerk and provided to RecCom and the Town Administrator's office. Grady moved and Yelle seconded the closing of this public hearing, and the motion was approved unanimously (7-0) by roll call vote.

Meeting Schedule

The Board decided to add a tentative additional meeting date of Monday, June 26, 2023 at 7:00 pm.

Route to Sustainability Day (RTSD)

Town Planner Mercier displayed two information posters she is preparing for RTSD for the topics of "Density is Sustainability," highlighting accessory apartments and two-family by-right conversions for pre-1962 housing, and for Municipal Vulnerability Preparedness, and actions the Town is taking toward this goal. Both posters will have a QR code to link to an information page that TP Mercier is creating on the Town website for these items, resulting in no paper being handed out at the PB table for this event.

CPA Project Update and Vote to Recommend to TM

CPC appointee Grady summarized the two applications for CPC funding that have been supported by the Committee and will be considered at Town Meeting.

One application is for dam reconstruction at the Cranberry Bog. Grady explained that this request for \$300,000.00 of CPA funds from either the Undesignated Reserve Fund or the OS&R Fund has the purpose of maintaining access to the bog for recreational purposes by continuing to allow access to pathways once this dam is reconstructed. Grady noted that the CPA would prefer the use of Undesignated funds to the extent possible, as this category has a larger reserve.

The second application is for renovation of the library with a request of \$400,000.00 from either the Historic Reserve Fund or the Undesignated fund. Grady pointed out that the way the library is currently laid out no longer works for the way it is used today. The proposed redesign will ‘open up’ the library to allow staff to readily view all areas of the library. It will also create welcoming work areas for library users. Grady added that there has been a large fundraising campaign for this project, with the requested CPA funds to supplement the amount required. Grady noted that the CPA also would like the funds to come from the Undesignated reserve fund to the extent possible.

On discussion, Adams moved and Grady seconded the PB’s support of the use of CPA funds in the amount of \$300,000.00 for reconstruction of the Cranberry Bog dam, and \$400,000.00 for renovation of Gleason Public Library, and the motion was approved unanimously (7-0) by roll call vote.

Continued 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 reopened this public hearing and TP Mercier summarized that the PB’s peer review engineer has provided her review of this application, and has requested certain updates including to the HydroCad calculations. Mercier noted that Town Counsel has confirmed that Annese owns the roadway and recommended that a deeded easement be provided to the Town to allow public access to the Greenough Land. TP Mercier also noted that the applicant is amenable to this, and that the provision of an executed easement would be a requirement of obtaining an occupancy permit for the Town. The applicant confirmed that he is also amenable to this requirement. The applicant’s engineer confirmed that their revised plan addresses all points of the PB’s review engineer. Trails Com Chair Steve Tobin confirmed that his committee supports this easement. Trails Com member Jonathan DeKock thanked the applicant for being willing to provide an easement to the Town, and asked if that easement could include some specific language to allow a vehicle to park at the end of the road temporarily regarding trails work, and the applicant agreed to this as well. The easement language will be reviewed by the TrailsCom and TC.

Co-Chair Blake asked for comments from the public. Billerica resident Marian Simons said that she is concerned with trucks going back and forth, and also school buses, and asked if the Town of Billerica had been consulted on this, noting that some of the roadways in that area of Billerica are not in good condition. Co-Chair Blake said that the school bus stop will be on Treble Cove Road, and added that the PB must view this application on its own merits and cannot condition it based on Billerica’s improvement of certain roadways. Simons also asked about which school the children in any constructed homes will attend, and how fire protection will be handled. Co-Chair Blake explained that the children will be attending the Carlisle School, and that Billerica will be the first responders in fire protection and emergency.

Billerica resident Mary Cavanaugh expressed concern that more and more residences will be built by this applicant, pointing back to the history of a proposed 40B development years ago. Co-Chair Blake explained that the applicant has the property right to build a house on this lot.

Ed Rolfe asked if there is a plan to build a house on the lot the applicant owns on the opposite side of Estey Road, and Co-Chair Blake said that the frontage created will allow for construction on this lot as well.

On discussion, the Board decided to add a Condition to the draft document of this approval indicating that the applicant will provide a construction management plan including a communication plan with abutters.

Grady moved that the PB approve that the Roadway Improvement Plan and Profile for Estey Road dated January 23, 2023, revised April 7, 2023, for Richard Annese, provides adequacy of the way and adequate public safety access to Lots 24-22-37, a grandfathered lot, and 24-20-15A, subject to the Conditions discussed and documented in the draft Certificate of Approval. Adams seconded the motion and it was approved unanimously (7-0) by roll call vote. Grady moved that the Board close this public hearing, Adams seconded the motion and it was approved unanimously (7-0) by roll call vote.

MVP Grant Update

TP Mercier reminded the Board that she had submitted an expression of interest in February to review the PB's land use regulations and policies in terms of climate resilience, and has received positive feedback from the MVP regional coordinator. Mercier added that the grant round is now open, with a due date of May 4, 2023, and that applying for a grant amount of \$80,000 will result – if granted – in \$60,000 in funds with the remainder possibly in a combination of staff hours and ARPA funding. TP Mercier said she is seeking letters of support from various groups and that the MVP Core Team will consist of the same members as before to the extent possible. There will be another grant round next year.

Grady moved and Gushue seconded the PB's support of a Town of Carlisle MVP Grant application as described, and the motion was approved unanimously (7-0).

GIS Update

TP Mercier reported that she has drafted an RFQ with Town Counsel, and hopes to get it out next week, with a turnaround time of 2 or 3 weeks. The RFQ is with the TA, who must create a selection committee. TP Mercier said that she hopes to bring a funding request to the Board in May, so funding can be allocated before the end of June.

Elliott Farms Way common driveway update

Assistant Caywood provided an update on this issued CD permit for the Board. Originally permitted in 1984 as a CD to serve up to 4 lots, this SP was amended in 2011 to serve up to 6 lots, and in 2015 (new owner) to serve up to 4 lots. Subsequent to the last amendment the owner filed an ANR merging two lots, meaning that any CD could serve only 3 lots.

In 2022, the new owner [of 383 River Rd] installed a private driveway to his 383 River Rd residence. This drive does not intersect with the existing drive to 121 Skelton Rd (which was to have been part of the Elliott Farms Way CD), and it does not follow the approved CD easement. The Building Commissioner expects to receive an existing conditions plan from Stamski and McNary shortly – necessary to determine the next steps for this situation.

Judy Farm Road common driveway (Isaac's Way) update

TP Mercier updated the Board on this project for an approved 3-lot CD originally approved by the PB in 2014, with four 1-year extensions approved by the Board. TP Mercier further explained that due to the lack of progress on the project, the permit was rescinded in 2019, but reinstated that year after pushback from the permit holder. The OOC has also been extended for 2-year periods, with the current Order expiring April 30.

On January 18th, 2023, staff met with the applicant, Adam Ostrow, and his project attorney and builder, and requested the following information:

1. Structural analysis/reconstruction plan for the headwall and culvert;
2. Revised plan showing fire hole providing access to an onsite pond (versus dry hydrant to pond or wetland crossing to cistern);
3. Request for extension of current Order of Conditions

TP Mercier noted that the ConsCom is currently reviewing the latest OOC extension request. Depending on what the permit holder plans to do regarding reconstruction of the headwalls/culvert, and a revised plan for fire suppression, the existing Order may suffice, or an Amendment or new Notice of Intent filing may be required. TP Mercier has requested that all new information be submitted by this June, or that the applicant come back to the Planning Board to give an update on progress.

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 May 15 meeting so they can have additional time to address redesign of some external aspects of the installation, as requested by the Board and the Historical Commission. Adams moved and Grady seconded the

continuation of this public hearing to Monday, May 15, at 8:00 pm, and the motion was approved unanimously (7-0) by roll call vote.

At 9:15 pm, Grady moved and Yelle seconded a motion to adjourn the meeting, and the motion was approved unanimously (7-0) 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):

- Estey Road Roadway Improvement Plan and Profile revised 4/7/23, prepared by Land Engineering and Environmental Services, Tyngsboro, MA
- Estey Road Presentation Plan [tree clearing areas] revised 4/7/23, prepared by Land Engineering and Environmental Services, Tyngsboro, MA
- Letter to Town Planner Julie Mercier from Shea, Dangora, and Nelson dated re: "Estey Road, Roadway Improvement Plan"
- Draft Housing Production Plan: https://www.carlislema.gov/DocumentCenter/View/4547/Carlisle-HPP-Report-Final_1129_JointBoardReview?bidId=
- Plan of land for 371 East St dated 2/2/23 prepared for David Barber by Stamski and McNary, Inc., Acton, MA.
- Curve Street Resource Area Impact Plan dated 6/2/2021, prepared by TEC, Inc. (Andover, MA)
- Maple Street Resource Area Impact Plan dated 6/2/2021, prepared by TEC, Inc. (Andover, MA)