

Town of Carlisle

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Office of
PLANNING BOARD

Minutes May 10, 2021

Minutes 4/26/21

Bills

Public hearing for proposed amendments to Carlisle Zoning Bylaws:

- (A) To amend all sections of the Zoning Bylaws by striking the terms “Board of Selectmen” and “Selectmen” wherever they appear in said Bylaws, and replacing with the term “Select Board”
- (B) To amend Section 5.11 of the Zoning Bylaws by deleting in its entirety the current Temporary Moratorium on Marijuana Establishments (now expired) and inserting in its place a revised definition of “Marijuana Establishment,” and adopting a prohibition on all types of Marijuana Establishments in the Town of Carlisle.

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]

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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]

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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]

Discussion of 2021 applications to the Community Preservation Committee (CPC) for CPA funding

Notice of receipt of request for Scenic Road alteration concerning 1215 Curve Street

Presentation of application for Community Preservation Act funding for repair of Greenough Dam (Conservation Administrator Sylvia Willard)

Discussion of Warrant Article for formation of a Town Governance Committee

Master Plan Steering Committee update

Co-Chair **Madeleine Blake** called the virtual meeting to order at 7:02 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, Greg Peterson (Indian Hill), Conservation Administrator Sylvia Willard (Bellows Hill Rd), Angie Verge (Indian Hill), Bob Zielinski (Acton St), Dan Carr (Stamski and McNary, Inc., Acton, MA) and Betsy Fell (*Carlisle Mosquito*) were also in attendance.

Public hearing for proposed amendments to Carlisle Zoning Bylaws:

To amend all sections of the Zoning Bylaws by striking the terms “Board of Selectmen” and “Selectmen” wherever they appear in said Bylaws, and replacing with the term “Select Board”

Co-Chair Blake opened this public hearing and explained that this amendment had been made to the General Bylaws in 2020, and that the SB has proposed this amendment to the Zoning Bylaws. Blake asked for questions from the Board and there were none. She then asked for questions from the public, and Planning Administrator Mansfield confirmed that none were in attendance.

Grady moved that the PB recommend to Town Meeting that this amendment to the Zoning Bylaws be supported, Rolfe seconded the motion and it was approved 5-2 (Walsh and Yelle opposed) by roll call vote. Rolfe moved that this public hearing be closed, Co-Chair Yelle seconded the motion and it was approved

unanimously (7-0) by roll call vote. Planning Administrator Mansfield will prepare a Report and Recommendations to TM summarizing this hearing and the Board's vote.

**Public hearing for proposed amendments to Carlisle Zoning Bylaws:
To amend Section 5.11 of the Zoning Bylaws by deleting in its entirety the current Temporary
Moratorium on Marijuana Establishments (now expired) and inserting in its place a revised
definition of "Marijuana Establishment," and adopting a prohibition on all types of Marijuana
Establishments in the Town of Carlisle.**

Co-Chair Blake opened this public hearing and explained the Board's two main reasons for proposing a ban on marijuana (MJ) facilities in Carlisle. The first is that the Town does not have any appropriate locations to site these kind of facilities, making this a zoning-based decision. The second is that the current state of our Zoning Bylaws in combination with the current status of the State's regulations leaves the Town in a state of uncertainty and some risk, allowing the possibility of some unforeseen consequences. While Co-Chair Blake felt that it is unlikely any of these businesses will try to locate here, the Board feels the Town should take the step of making our Zoning Bylaws consistent with this real but small possibility. Co-Chair Blake explained that voters should not look at this as a philosophical question, but should keep in mind it is a zoning question.

Co-Chair Blake pointed out that while much has changed on the MJ facilities landscape since Carlisle's 2019 TM at which a ban was initially proposed, much information is still lacking. She noted that the State's Cannabis Control Commission (CCC) is collecting data and issuing reports, but they are early in that process, and therefore the PB feels that the conservative approach of banning all MJ facilities is best for the town at this time.

With 10 different types of MJ facilities possible, Co-Chair Blake explained that currently, the Town has the center business district, which is fragmented, three very small business districts on Bedford Rd, and the residential district.

The PB had discussed this at length in the spring and summer of 2020, and had focused on 2 main possibilities that would have the best chance of benefiting Carlisle and obtaining approval at TM: a retail facility in the business district and having cultivators and growers in residential districts.

Co-Chair Blake noted that of all of the 10 types of facilities, only retail would provide a benefit to the Town, with up to a 3% local tax allowed on the revenues. She summarized the main reasons that it would be very difficult to locate a retail facility in one of Carlisle's business districts:

- The business districts are small and non-contiguous, being drawn for historical (existing business) reasons,
- All are in close proximity to residences, with three in Town center actually attached to residences,
- All allow for very limited parking and no room for expansion,
- The Town Center business districts are all located close to the school and/or areas where children congregate,
- The existing sites are all fully occupied, mostly by very longstanding businesses, and
- It is very unlikely that an MJ business would be able to locate at these sites.

Co-Chair Blake noted that there are 90 existing retail MJ facilities and 70 in the pipeline, although stores comparable to what could be sited in Carlisle do not exist. She explained that with the rapid rate of growth in the number of facilities a significant unknown, revenue is very difficult to predict. Walsh pointed out that the costs to the Town are significant in terms of added security necessary for these facilities. Co-Chair Blake added that the illicit market for MJ is still strong, with some data indicating up to 50% of transactions are illicit, compared to the purchase of legal MJ which carries a total 20% tax rate. Blake added that with MJ delivery recently authorized by the State, retailers feel that delivery from other towns will cut into their retail numbers. With an estimated 10 hours per day, 7 days a week operation of a retail facility, given the small amount of parking in Carlisle's business districts, and 11-19 transactions (est. value \$45.00 to \$75.00 each) per hour, Co-Chair Blake estimated approximately \$3 M in total retail sales, leading to approximately \$90,000 maximum revenue for the Town. She pointed out that the limited parking at any possible sites would result in considerable traffic. Misk and Walsh noted that the average transaction cost may be higher than Blake's estimate, but agreed with the overall point concerning revenue.

Co-Chair Blake explained that the Board had discussed the potential location of cultivation facilities in residential neighborhoods, but agreed that this is not a good idea. The town realizes no benefit from cultivators and they require significant water consumption. She noted an application for a facility in Sheffield on a 2-acre site with an estimated water requirement of 750,000 gallons per year, whereas the average water use of a Carlisle home for a year is 25,000 gallons. Co-Chair Blake also pointed out the unsightly appearance of these facilities for a residential district, as they require high security fencing, and significant external ductwork for ventilation. Blake asked for feedback from the Board concerning presenting this information at TM.

Misek suggested stressing three points of information to the residents: will retail facilities make financial sense for the town, are they feasible given the current zoning, and could cultivators be sited in residential districts. Members agreed that the town does need to protect itself by amending the Zoning Bylaws to include a ban on MJ facilities. Co-Chair Blake pointed out that if the Town received a specific proposal for a facility that it felt worthwhile, amendments to Zoning Bylaws could be revisited at that time. Misek suggested that the non-contiguous nature of the business districts, even in Town Center should be addressed going forward.

Co-Chair Blake asked for input from the public, but no members of the public were in attendance at the meeting.

Misek moved that the Board approve a recommendation to Town Meeting to substitute the existing Sec. 5.11 of the Zoning Bylaws with a revised definition of Marijuana Establishments and a ban on such establishments in the Town of Carlisle. Rolfe seconded the motion and it was approved unanimously (7-0) by roll call vote. Rolfe moved that this public hearing be closed, Walsh seconded the motion and it was approved unanimously (7-0) by roll call vote.

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]

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Co-Chair Blake reopened these continued hearings and the Board reviewed a proposed schedule for them going forward. Blake noted that the PB's review engineer, Planning Administrator Mansfield and both Co-Chairs had conferred on this schedule summarized briefly below:

- Stillmeadow North CD application to be further considered at the May 24 and June 14 PB meetings,
- Stillmeadow NE and Stillmeadow E applications to be further considered at the July 12 and August 9 PB meetings,
- Stillmeadow S application to be further considered at the September 13 and 27 PB meetings.

Both Dan Carr, engineer for the applicant, and Greg Peterson, Counsel for the applicant stated their agreement with this proposed schedule. Peterson asked at what point a draft Special Permit Decision could be reviewed, and

Co-Chair Blake explained that we must see how far the next few hearings advance the process. On behalf of his client, Peterson expressed interest in having a final Decision completed in July. Peterson asked Carr if there were any outstanding issues on these applications with respect to the Fire Department requirements, and Carr said that there was not. Planning Administrator Mansfield suggested that the Fire Chief be invited to attend the 5/24/21 hearing.

Grady moved and Rolfe seconded the continuation of these public hearings to 7:30 pm on Monday, May 24, and the motion was approved unanimously (7-0) by roll call vote.

Presentation of application for Community Preservation Act funding for repair of Greenough Dam (Conservation Administrator Sylvia Willard)

Conservation Administrator Sylvia Willard and Conservation Commission (ConsCom) Vice Chair Angie Verge were present to discuss this application. Before discussion began, Co-Chair Yelle pointed out that while there has been further discussion of this application by the CPC, the Committee has not voted on this application, and will not do so without PB input.

Verge explained that the Greenough Dam is in very poor condition, and that costs for repair are steadily increasing. She further explained that at the last TM, the residents determined that while it may be appropriate to apply for partial funding from CPA funds, a grant should be sought for the main portion of the cost. However, Verge explained that since no personal property would be directly affected from a failure of this dam, its repair is not a priority to the State, and so the SB had directed that they prepare an application to the CPC for full funding. Verge explained that this current application is for the entire \$750,000 cost, and that if it were to be approved, the \$250,000 approved at last year's TM would be returned to the CPC account.

Co-Chair Blake noted that the emerging science of the last few decades seems to point to getting rid of dams as the better environmental approach, allowing for increased oxygenation and decreased water temperatures, with the distributed sediment being beneficial to marine life. Fragmentation of rivers by dams is now known to be detrimental. Blake added that there is a State office whose function is to address sediment removal from dam sites. Co-Chair Blake advised that the ConsCom should withdraw their application for this year, and research the cost and process for removing the dam.

Verge explained that the dam's use is still applicable today, particularly with the wood duck study continuing, and that dams that are being removed had been constructed for industrial reasons, while this dam was constructed for conservation reasons. She described that many steps would be involved to eliminate the dam, requiring the Army Corp of Engineers, and getting the Town's agreement to eliminate the dam.

Misek emphasized that the cost to remove the dam needs to be known, to allow the Town to be able to make the decision based on both options. Verge said that since ConsCom's goal is conservation, they feel that they should not put forward an application to remove the dam. Misek understood, but noted that the citizens will want to have information on both options. Conservation Administrator Willard pointed to earlier votes by the Town to repair the dam, with some funding approved at TM, but noted that the work was delayed due to the economic downturn. She added that at this time they have all permits in place for the work and the project would be ready to go once funding were approved.

Co-Chair Blake pointed out that it is now realized that there are significant ecological benefits to removing a dam, and that it may be possible to get a grant toward its removal. Blake added that the Division of Ecological Restoration ranks this particular dam's ecological benefit for removal at 75% which is quite good. Conservation Administrator Willard pointed out that going through the process for dam removal would mean starting over, and that it is a very large, multiphase process to remove the dam. Co-Chair Blake again asked that ConsCom please consider whether it is worth pulling back the application for a year to have the information for both sides of the question. Co-Chair Yelle agreed that information on the cost of removal of the dam would be important.

Co-Chair Blake asked for questions from the Board. Smith asked if the dam repair would be considered maintenance and whether the use of CPC funds would therefore be appropriate. Verge explained that it would be

a reengineering of the dam, and therefore not considered maintenance. Grady said that in her opinion it would be appropriate to bring this application to TM for consideration.

On further discussion, the Board chose not to vote on this application. A straw pole of the Board showed that a majority of members, while not necessarily in agreement with the application itself, agreed that this application should be put before TM. Co-Chairs Blake and Yelle thanked Verge and Conservation Administrator Willard for the discussion.

Town Caucus

Planning Administrator Mansfield explained that there are PB seats for two full terms (3-year) and one 2-year term on the local election ballot. Co-Chair Yelle confirmed that he does intend to run for a full term. All members whose terms are concluding – Co-Chair Yelle, Smith and Grady – planned to attend the Caucus on Thursday, May 13, 2021.

Discussion of Warrant Article for formation of a Town Governance Committee

Co-Chair Blake explained that she will be helping present this Warrant Article at TM, and that if the article is approved, Town Moderator Wayne Davis will be appointing this Committee which should have a representative member from the PB. Blake explained that the Committee will spend one year looking at efficiencies and structural issues and report to TM in 2022. She asked PB members to consider participating on this Committee.

Master Plan Steering Committee update

Co-Chair Blake reported that Heald Rd resident Deborah Bentley has expressed interest in joining this Committee, and the MPSC has asked that the PB appoint her. Grady moved to appoint Deb Bentley to the Master Plan Steering Committee, Smith seconded the motion and it was approved unanimously (7-0) by roll call vote.

Minutes

The Board reviewed the draft Minutes from the 4/26/21 PB meeting. Walsh moved that the PB approve the Minutes as drafted, Rolfe seconded the motion, and it was approved unanimously (7-0) by roll call vote.

Bills

The Board reviewed and approved two bills: one for general office supplies, and one for a 1-year subscription renewal of the Personal Use GIS account which the MPSC has requested be renewed. The Board authorized Co-Chair Blake to sign these bills on its behalf.

At 8:42 pm, Walsh moved and Grady seconded the adjournment of the PB 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 from the Planning Office:

- Zoning Bylaw Amendment text for proposed Complete Ban on Marijuana Establishments
- Marijuana FAQs February 2021
- Town Counsel letter re Marijuana bylaw dated 2/3/21
- Town Governance Task Force draft Warrant Article
- Zoning Bylaw Amendment text for proposed change to Select Board
- Proposed public hearing schedule for review of Stillmeadow Farm Common Driveway applications