

Town of Carlisle

MASSACHUSETTS 01741

66 Westford Street
Carlisle, Massachusetts 01741
Tel. (978) 369-9702
planning@carlislema.gov

Office of
PLANNING BOARD

Minutes May 15, 2023

Public Hearing on application for Accessory Apartment Special Permit for 846 Bedford Road, Map 10, Parcel 32-6, Joachim Fiedrich, applicant
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
Endorsement of Estey Rd improvement plan
Woodward Village: minor plan change
GIS update
Minutes
Route to Sustainability Day
Town Meeting update
MVP Grant Update
GIS Update
Liaison Reports

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

Assistant to Planner Gretchen Caywood, BOH Chair Tony Mariano (North Rd), Stephen Fiedrich (Bedford Rd), Robert Melvin (Stanski and McNary, Inc.), Dana Booth (River Rd), Donald Allen (Pilgrim Path), Chris Johnson (North Rd), Brian Waterson (Aberdeen Dr), Beverly Shorey (Tophet Rd), and Bob Zielinski (Carlisle *Mosquito*) were also in attendance.

Public Hearing on application for Accessory Apartment Special Permit for 846 Bedford Road, Map 10, Parcel 32-6, Joachim Fiedrich, applicant

Robert Melvin, engineer for the applicant, presented this application for a two bedroom accessory apartment (AA) in a new detached structure the applicant proposes to build. Melvin described that the existing home is to the rear of the lot, and the proposed one level new structure would be located toward the middle of the lot and would face inward, with the proposed new two car garage for the AA on the far side of the AA from the existing drive such that paved access to the garage would be constructed. He noted that the proposed AA has a total living space of 1196 sq ft, which he said is just under the Zoning Bylaw limit of 1200 sq ft. Melvin further explained that the AA would have its own sewage disposal system. The AA would be occupied by the applicant/property owner and the applicant's son, would continue to live in the main residence.

Melvin explained that while the Board of Health has put forward a recent memo expressing their concerns with the AA, it has also stated in this memo that adequate provision has been made for the disposal of sewage, waste and drainage that will be generated by the occupancy of the proposed AA, which satisfies the BOH requirement toward this application for the PB's special permit. Melvin noted that while the BOH memo also expressed concerns with water recharge capacity, initial high coliform levels have been resolved with the addition of a new water treatment system in the main house, and this system will also be supplying water for the AA. Melvin noted that BOH concerns about nitrogen loading have also been addressed, with calculations demonstrating that the allowed nitrogen loading of the site, per Title V, equates to a 9 bedroom home, and the main residence and proposed apartment will total 5 bedrooms. Melvin noted that the BOH has indicated that it is precedent setting to install a second septic system for an AA, but he asked that the Board view this as adding two bedrooms to the main house.

Melvin described that several changes were made to the original proposal presented at a December 2022 staff meeting in order to address concerns of the appearance of two residences on one lot and visibility from the roadway. He explained that

the redesign has located the AA structure further back into the lot, allowing for less tree removal which will provide better screening from street view. He also noted that the outward appearance of the detached structure was redesigned so that the any visibility from Bedford Rd resembled an accessory structure rather than a house (removal of dormers, use of bamboo siding), and that the walkout basement will now be on the side of the building rather than facing Bedford Rd. Additionally, with the topography of the site, the detached structure will be well screened.

Co-Chair Herschelman asked for question from the Board. Smith pointed out that the application uses the term “approximate” for floor area, and when the proposed area is this close to the maximum allowed, exact figures are needed. Smith also pointed out that using gross floor area, as indicated in the Zoning Bylaws, the AA area is 1296 sq ft. Co-Chair Blake said that basement space counts in the calculation of gross floor area and that dedicated garage space also counts, noting that internal dimensions can be used. Smith also pointed out that while the main house is a deck house, the detached structure does not look like a deck house, and so it does not look like an accessory structure.

Grady agreed with these points, and said that overall the proposed detached structure just looks like a second home, particularly having a proposed separate garage and paved access across the lot to that garage. Melvin asked if additional changes to make the detached structure more resemble a barn would help alleviate these concerns. Adams said that in his opinion it would be more advantageous to follow in keeping with the Deck House style for the detached structure.

Concerning water supply, Co-Chair Herschelman confirmed from Melvin that the new water treatment system installed in the main house will treat the water that will supply the AA as well, and that the water had been tested for nitrates with good results. Co-Chair Herschelman also asked about any concerns posed to abutter’s well, and Melvin explained that wells within 200 ft would be a concern, but it is not possible for the abutter to install a well within the 40-neck of their lot due to setback requirements, and so this is not a concern.

Co-Chair Blake asked why the applicant did not choose to expand the existing septic system, and Melvin explained that the existing system uses leaching pits, and so a new 5 bedroom system would need to be installed, which would be very costly.

Grady confirmed from Melvin that the applicant, Joachim Fiedrich, will occupy the AA. Co-Chair Blake noted that the applicant had recently purchased another property in town, and reiterated the Zoning Bylaw requirement that the applicant must reside on the property with the AA, in either the main house or the AA. Co-Chair Blake suggested that if this AA application is approved, a condition be included that residency is verified annually. Stephen Fiedrich, the applicant’s son and resident of the main house at this address, explained that they are both well aware of this occupancy requirement, and that the recently purchased property is for another purpose. He further explained that while his father is living in the main house, he would like to have his own place, and this led to the present application. He added that he understands that if his father no longer lives in the AA, the property cannot continue to have the AA.

Co-Chair Herschelman asked BOH Chair Tony Mariano to provide an overview of the recent BOH memo expressing concerns with this application. Mariano explained that the BOH deliberated on this over several meetings, and the sense of the BOH is that the Town does need these AA opportunities and agrees that the reasoning for this AA is in line with what the Zoning Bylaw intends. Mariano also said that the BOH had required testing of the well and existing septic, and that with the new water treatment system, all septic and well testing meets State and local BOH requirements and that the Board understands that the determination of this is the extent of its role in this PB special permit process. However, he noted that this is the first time that the proposed new detached structure has more of the characteristics of a SFH. Mariano explained that the BOH understands that the AA Bylaw amendments put forward by the PB in 2017 contained a minimum 10-year age requirement for the detached structure, and that the proposed bylaw was amended on TM floor to allow new construction for the detached structure. Mariano said that the BOH feels that this application is basically for a second SFH on the lot, and therefore a misuse of 2-acre zoning which the BOH feels is necessary for groundwater protection. He stressed that since the AA Zoning Bylaw allows for up to 25 AAs in detached structures, it would result in 50 new 1-acre homes. Mariano said that while the BOH opinion is based on science, the groundwater data is not known for every lot in town. He summarized that the BOH supports AAs in attached structures, and does want to see AA housing, but has concerns with this particular application.

Co-Chair Blake referred to Zoning Bylaw Sec. 5.6.5.2.2 regarding the means of calculation of percentage floor area for the AA, and explained that certain recent additions to the main residence may alter the calculation such that the AA is no longer

less than 35% of the combined floor area of the AA and main residence (as required by the AA Zoning Bylaw). Blake also asked that updated elevations be provided for the main residence. Co-Chair Blake said in her opinion the plot plan as proposed is the functional equivalent of a 2-lot common driveway, but with both drives on the same lot, noting the separate drive that would access the new detached garage from off the main driveway. Blake also explained that per State stormwater standards requiring water discharge/drainage to be contained on the lot where created, the grade of the hill must be noted, and a determination of whether runoff will be affecting Bedford Rd. Blake also asked that the Fire Chief be consulted on this application.

Grady summarized that the overall feedback is that this application is not in keeping with the SFH 2-acre zoning in Carlisle, and also exceeds the gross floor area limitation of 1200 sq ft, and she stressed designing the proposed new structure to look like an accessory building, perhaps located closer to the existing residence. She noted that the footprint of the proposed new dwelling is close to that of the existing home.

Adams pointed out that if this structure was attached to the existing home, it would not change the flow from that necessary for the proposed application, and the PB would not have a say in design and architecture in that case. He noted that to some extent this is about what is visible from a public way, and how much of these structures could be seen from the roadway. He agreed in terms of drainage concerns and noted that the applicant's engineer can easily provide that information. Adams spoke to the importance of consistency of application of the Zoning Bylaw.

Co-Chair Herschelman asked for public comment. Dana Booth (River Rd) said he felt the proposed grade for the new septic system is steep, and asked how many trees will be removed around that area. Melvin said that while he does not have an exact count, the setback between the proposed septic location and any trees is at least 10 feet. Booth also asked the setback from the proposed septic location to the well for 1 River Rd, noting it was less than 200 ft. Melvin said he will check this, but that a setback of less than 200 ft would not be a concern here, adding that this is simply data they show on the plan. Booth asked about the setback from wetlands for the proposed septic site, and Melvin showed that it was over 100 ft. Booth asked about the streams on the site, and Melvin noted that the project was permitted through ConsCom and so the delineations were accepted, with the 100 ft buffer zones noted on the plan. Booth then said he felt this was two homes on one lot, effectively "gutting" the Zoning Bylaw, and he asked the Board to deny this application. Melvin pointed out that the application meets the intent of the Zoning Bylaws for the use of an AA.

Grady moved and Smith seconded the continuation of this public hearing to 7:30 pm on Monday, June 12, 2023, and the motion was approved unanimously (6-0) by roll call vote.

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 June 12 meeting in order to obtain HistCom feedback on their submitted redesign of some external aspects of the installation, as requested by the Board and the HistCom. Adams moved and Grady seconded the continuation of this public hearing to Monday, June 12, at 8:00 pm, and the motion was approved unanimously (6-0) by roll call vote.

Housing Production Plan discussion

TP Mercier updated the Board on her HPP discussions with MAPC staff, and CAHT and HPP Committee members. Mercier noted they have been working on some edits to the data section, zoning section, wording of the goals and strategies, the implementation matrix, and the overall Plan organization. Mercier explained that the primary purpose of these edits is to bridge the hard work that went into the Plan with some of the concerns that have been expressed by ensuring the Plan analysis is based on synchronous datasets, correcting some errors regarding zoning, highlighting key takeaways of the Plan, and clarifying the intent of the housing goals and strategies. TP Mercier further explained that they do not anticipate that any changes to the data section will result in necessary changes to the goals and strategies.

TP Mercier explained that while the goal was to have a draft to the Board well in advance of the previously scheduled vote on May 15th, MAPC data services did need more time to update some of the data, and there are still some outstanding changes to be made. CAHT will discuss the proposed changes at its meeting on May 23, 2023. TP Mercier proposed a

Board vote to adopt the Plan at its 6/12/23 meeting, and she asked that Board members review the red-lined Housing Production Plan document provided in the meeting packet, perhaps focusing on the Constraints, Opportunities, and Goals & Strategies sections, and to email her with their revisions. As this is Co-Chair Blake's last Board meeting, she had prepared a list of her proposed revisions and comments, which the Board and TP discussed. CAHT member Brian Waterson offered input regarding a series of maps contained in the HPP, explaining that the approach was to initially show all OS, and then to narrow it down stepwise by OS subcategory, resulting in a map that shows how little OS is truly available [for housing].

Co-Chair Herschelman asked about next steps after the PB's vote. TP Mercier said that the SB and the CAHT must each then vote to adopt the HPP, then the State Department of Housing and Community Development (DHCD) generally approves the HPP within 30 days. Waterson also noted that the CAHT is working on a presentation of the HPP.

Endorsement of Estey Road Improvement Plan

TP Mercier confirmed to the Board that the Conditions of the Certificate of Approval associated with endorsement of this Plan have been completed. Gushue moved that the PB endorse the Plan and Profile for Estey Road in Carlisle, MA prepared by Land Engineering and Environmental Services for Richard Annese dated January 25, 2023, revised April 7, 2023. Smith seconded the motion and it was approved unanimously (6-0) by roll call vote. This plan is referenced in the Certificate of Approval with Conditions previously issued by the PB for this application. The Board endorsed the plan.

Woodward Village: minor plan change

TP Mercier informed the Board that the developer of this project needs to change the number of bedrooms in two of the units, in one case increasing from two to three bedrooms and in a second case decreasing from three to two bedrooms, with the overall bedroom count remaining the same at 44. The Board asked Mercier to get information on whether there will be any changes on the lots for these units, or any changes to the building slab, and provide this information at the next meeting.

GIS Update

TP Mercier reported that she sent out two RFQs April 18th for GIS Services. One is for Web-Hosting and Parcel Updates, and was sent to 10 MassGIS pre-qualified vendors, with 2 responses received. The second RFQ is for Geodatabase Design and Local Layers [Not subject to State MSA], and was sent to the same recipients plus 2 additional – 12 recipients total – and received 3 responses. TP Mercier explained that with authorization from TA McLane (Town's procurement officer) she put together a Selection Committee comprised of herself, TA McLane, Assessor Brian Macdonald, Building Commissioner Jon Metivier, Madeleine Blake of the Planning Board, Tony Mariano of the Board of Health, and Mark Lamere of the Conservation Restriction Advisory Committee. The Selection Committee met on May 9th and found that though all the quotes were very good, many of us had independently arrived at similar conclusions and thus the group was easily able to make a unanimous recommendation to TA McLane on the most appropriate consultant for each RFQ. Reference checks are underway. TP Mercier had provided the RFQs, proposals received, and a one-page summary document outlining her proposed funding strategy and timeline to the Board in advance of the meeting. Mercier explained that the next step is for the Board to vote on the recommended consultants and execution of necessary contracts, proposed use of PB funds, ARPA funding and submission of request, and she also asked the PB to authorize her to set up a GIS Task Force.

Grady moved that the Board support the following recommendations of the Selection Committee:

- Utilizing CAI Technologies for GIS Web-Hosting and Parcel Updates
- Utilizing Adam Kurowski, GISP, for Geodatabase Design and Local Layers

and the use of ARPA funding and remaining FY23 PB excess salary funding as detailed in Town Planner Julie Mercier's memo entitled "GIS Project Funding Request & Timeline" dated 5/15/23. Smith seconded the motion and it was approved unanimously (6-0) by roll call vote. It was noted that staff can form a working group as a matter of course.

Minutes

The Board reviewed the draft Minutes of the 4/10/23 meeting, and a few amendments were proposed. Adams moved the PB approved the draft Minutes of the 4/10/23 meeting as amended, Gushue, seconded the motion, and it was approved unanimously (6-0) by roll call vote.

Route to Sustainability Day Recap

TP Mercier reported that a steady stream of people came to the PB's table during the hours of this event to learn about AAs and by-right two family use of a pre-1962 residence. Mercier recommended that this information be provided again next year at this event.

Town Meeting update

TP Mercier reported that all moved articles passed, including the designation of Martin St as a Scenic Roadway. She thanked Co-Chair Herschelmann for presenting this Article at TM.

MVP Grant Update

TP Mercier reported that she submitted an MVP Action Grant application for technical assistance with incorporating climate resilience best practices into the Town's Bylaws and Regulations. Mercier explained that the grant award will be announced in August, and the grant timeframe she has requested is from September 2023 through June 30, 2025. Her request amount is \$95,000.00 with a local match of about \$35,000.00, the latter anticipated to include \$25,000 of in-kind staff hours and \$10,000 of ARPA funds. TP Mercier noted she will be submitting the ARPA request in a few days.

Liaison Reports

Smith reported that DISH Wireless has submitted their revised plan and will be attending the next Hist Com meeting, and therefore may be continuing their hearing with the PB at the next meeting.

Adams reported that the ZBA has recently approved an application under the Historic Structures Preservation Bylaw ("Uses permissible in Historic Districts," Zoning bylaw Sect 3.2.3) for use of an existing barn on Bedford Rd as habitable space.

At 9:26 pm, Grady moved and Gushue seconded a motion to adjourn the meeting, and the motion was approved unanimously (6-0) 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):

- Application for an Accessory Apartment Special Permit for 846 Bedford Road dated 4/12/23 submitted by Joachim Fiedrich
- DISH Wireless request for Extension dated 5/23/23 submitted by Ed Pare Jr, Esq
- Plan and Profile for Estey Road, last revised 4/7/23 prepared for Richard Annese by Lee Engineering
- GIS Proposal Evaluation Sheet dated 5/9/23 prepare by Town Planner Julie Mercier
- Memo to Planning Board from Town Planner Julie Mercier dated 5/15/23 entitled "Planning Board meeting cover memo"
- Memo to Planning Board from Town Planner Julie Mercier entitled "GIS Project Funding Request and Timeline" dated 5/15/23.
- Draft Housing Production Plan: https://www.carlislema.gov/DocumentCenter/View/4547/Carlisle-HPP-Report-Final_1129_JointBoardReview?bidId=