

Town of Carlisle

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Office of
PLANNING BOARD

Minutes
August 14, 2023

Continued public Hearing on application for Conservation Cluster and Common Driveway Special Permits for 75 and Lot 6-X West Street, Map 18, Parcels 5 & 6-X, John Reichenbach, Reichenbach LP, applicant.

Continued 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.

Invoices / APA Dues

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Revisions to Accessory Apartment Rules & Regs w/BOH Form

Revisions to Wireless Rules & Regulations

Follow up on Priority Setting

Upcoming Schedule

Judy Farm Road Common Driveway – letter from applicant

Co-Chair **Court Herschelmann** called the hybrid meeting to order at 7:00 pm in the Clark Room and remotely. Members **Adelaide Grady, Sara Smith, Pete Yelle, Joe Gushue**, and Associate Member **Jason Walsh, Town Planner Julie Mercier** and **Assistant to Planner Gretchen Caywood** were present. Members **Eric Adams** and **Chris Geggis** were absent. The remote meeting was held over a Zoom platform.

Nathanial Cataldo (Stamski and McNary, Inc., Acton, MA), Fritz Reichenbach (Reichenbach LLC, West Newton, MA), Andrea Tavares (LandTech, Westford, MA), Alan Ankers (Pheasant Hill Ln), Stephen Tobin (Partridge Ln), Melinda Lindquist (Acton St) ?) Cheryl Fouche (?)(Westford St), Jennifer Ayres (West St)?, Maria Bush? (West St), Tim and Janis Gordon (Westford St), Madeleine Blake (Robbins Dr), Josh Mills (Acton St), Nancy Cowan (Russell St), Robert Melvin (Stamski and McNary, Inc., Acton, MA), Michael Hawkes (Deck House, Acton, MA), Pam Brown (Brown and Brown, Bedford, MA), Joachim Fiedrich (Bedford Rd), Dana Booth (River Rd), Ed Pare (Brown Rudnick, Boston, MA), Eric Darling (West St), and Bob Zielinski (Carlisle *Mosquito*) were also in attendance.

Continued public Hearing on application for Conservation Cluster and Common Driveway Special Permits for 75 and Lot 6-X West Street, Map 18, Parcels 5 & 6-X, John Reichenbach, Reichenbach LP, applicant.

Chair Herschelmann reopened this continued hearing and asked the applicant's engineer, Nathanial Cataldo, for an update. Cataldo explained that they had been provided with the peer review engineer's report on their application, and that PB staff had advised that plan revisions be held until after tonight's hearing session with the Board,

Andrea Tavares, the Board's consulting peer review engineer for this project, summarized the main areas addressed by her review, and her questions concerning each area:

- The application itself: What is the proposed trail surface and how will it be graded? Provide detail of the wetland crossing. Where does the proposed trail end? Is there any access to the northern open space that will border the project? Will there be a sign or marking to indicate that there is additional open space?
- Zoning bylaw review: While all dimensional requirements including lot size have been met, a few clarifications are needed re: setback dimensions.
- CD Regulation review: While the driveway meets dimensional requirements, there is a requirement of siting the CD entrance where the roadway grade is not greater than 5%. Existing grades on West St must be noted so that this requirement can be determined, or a waiver requested.
- Stormwater design: Peer review technical comments were noted relating to recharge and water quality calculations that were made, and these will be addressed by the Applicant's engineer. Additional test pits are needed in the infiltration basin locations.

Chair Herschelman opened the discussion to PB questions. With none immediately forthcoming, he asked Cataldo if the possibility of a loop trail had been considered. Cataldo said that it had not, and referred to the PB site walk in summer 2022 when the preliminary plan was proposed, noting that on walking the northern strip, it was felt that the southerly OS strip would be much more accessible. Cataldo pointed out that a wetland area located at the northwestern part of the site may pose a challenge, along with other possible constraints along the northern OS strip, but offered to look further into the possibility of a loop trail. It was noted that Cataldo had spoken directly with members of the Trails Committee. TrailsCom Vice Chair and CCF member Steve Tobin said that CCR's interest is to provide trail access to its currently landlocked adjacent 9-ac parcel. Tobin pointed out that right now the parcel is quite wet, but in the future with a series of boardwalks, the goal is to develop a continuous trail to Westford St. Tobin further suggested that the north side is feasible for a trail siting, up to the northeastern end, where it is wet. Cataldo noted that the currently proposed trail along the southern OS access area would likely need to end before the CCF parcel boundary due to significant wetlands. Chair Herschelman suggested that the possibility to make a loop trail in the future should be preserved.

Smith addressed the waiver request for length of the proposed CD, which is to exceed 1000 ft, and suggested that concessions should be required for such a waiver. Smith suggested requesting that one proposed housing unit be a duplex to add more affordable housing stock. Grady pointed out that possible concessions need to be integrated into revisions to the Conservation Cluster Zoning Bylaw, but suggested that the Board ask if a few AAs could be contemplated, at least in Lot 1 (the existing 75 West St structure). TP Mercier offered to contact the property owner on this, and asks the PB to propose a few specific ideas. Grady suggested that this discussion be part of the next hearing session, and also suggested that the need to design longer CDs (that exceed 1000 ft) may be somewhat a factor of the remaining land parcels available for development.

Chair Herschelman asked if the Fire Chief's comments had been addressed, and TP Mercier said that based on his input in the Land Use meetings, they have been, but offered to seek written confirmation. Chair Herschelman asked the status of BOH review, and Cataldo noted that they have received the project plans, but individual septic plans have not been submitted yet, in case the site plans require revision. Yelle asked if there is an easement with regard to stormwater system maintenance, as each lot has its own stormwater management system. Cataldo confirmed that an easement plan was submitted, and there are easements around the drainage systems. The easement surrounds the CD and the basins, and the maintenance plan is included in the Stormwater Management Report. Cataldo referred to Tavares' peer review engineering report and noted that each lot does not necessarily have its own stormwater management system, with the Lot 3 infiltration basin handling runoff from the roadway and from Lot 3, but that the Homeowners Association will be required to maintain the basins. Cataldo further explained that the site does not have high infiltration rates, and this had a large impact on the design, and he pointed out that runoff and infiltration do not necessarily correlate. Tavares asked Cataldo questions specific to these calculations, and asked him to revisit the infiltration rates used.

Cataldo confirmed to TP Mercier and the Board that the need to do further engineering work on the proposed wetland crossing before filing the NOI with ConsCom. TP Mercier pointed out that it is best to submit to ConsCom and PB at about the same time, as the Board's Regulations require a completely new submission if the plan changes.

Chair Herschelman opened the hearing to public comment. Nancy Cowan asked about the requirements for the OS. Cataldo explained that at least 30% of the parcels proposed for development must be set aside as OS, and it must be contiguous and contain less than 30% wetlands. In this case, he explained, the proposal is for exactly 30% OS, of which 13% is wetland, and the largest area of OS abuts CCF property. Resident Josh Mills said that in his opinion the project meets the letter of the bylaw but not the intent, referring to the large area of contiguous wetland in the eastern OS portion abutting the CCF parcel, and noting that in his experience, it is largely wet the entire year. Mills suggested that any trail would be mostly boardwalk and that this is not practical in the largest area of the OS, adding that he does not see the value to the Town for this OS, and with no affordable housing included, he suggested that this project takes the Town in the wrong direction.

Concerning a site walk, Tobin asked that the OS boundaries be marked so the TrailsCom could walk it to see if it is amenable to a trail. Tobin also supported the idea of stone bounds installed along the OS boundary as a condition of

any approval. Tobin noted that the proposed trail to the south of the CC will be downslope from the CD, and he expressed concern about runoff. Cataldo noted that the trail will have a berm all along the downslope site of it.

Grady said that, with respect to what Mills had stated, she feels that this proposal lacks spirit although meeting the letter of the Bylaw, as this unbuildable OS will be preserved anyway, noting that this situation is instructive toward Bylaw modification. However, Grady noted that with little trail in the area, a loop trail would provide a definite benefit to the Town. Yelle noted that a trails connection to CCF land is important.

Grady moved to continue this public hearing to Monday, September 11, 2023 at 10:00 pm. Smith seconded the motion and it was approved unanimously (6-0).

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

Chair Herschelman reopened this continued hearing at which Robert Melvin, the applicant's engineer, Pam Brown, the applicant's counsel, and Michael Hawkes (Deck House, Inc.) were present. Melvin shared a progress update regarding the applicant's efforts to address the issues of importance to the PB. Melvin displayed photo renderings of the attached AA design, with the AA exterior redesigned to resemble the Deck House design of the main residence. Hawkes pointed out that the roof structure (including pitch), windows, siding and overall style have been redesigned for cohesiveness with the main residence. He also noted that the basement, garage and short connector to the main residence will be unheated. Revised floor plans were displayed which were similar to those proposed previously, but with an attached garage reduced to 1 car parking space plus a small amount of storage area. The overall square footage of the AA remained the same. Melvin pointed out that surveyors are revisiting the site to provide an updated plot plan showing all paved areas on the lot, and that this plan will be available shortly.

Chair Herschelman asked for Board comments. Smith said that she felt these changes are in the right direction, and in line with what the Board had requested, looking more like the main residence, and more in the spirit of the Bylaws and Regulations. Smith suggested a site visit by the Board, and Melvin said that his applicant will be amenable to that. Chair Herschelman expressed concern about the size of the basement, noting that with the AA garage as well, it still feels like a second home. Grady seconded Smith's input, stating that it is much more in the spirit of a single family home appearance, and that adding a basement does not mean that this is a house. Grady pointed out that there is no storage space in Deck Houses, and the basement will not be living space. The AA will create a new housing option for people to stay in Town, and meets the spirit and letter of the Bylaw. Grady stated her agreement with this revised AA plan. Yelle noted that past applications have included several instances of unheated storage space that was not accessible to the AA, and it was not an issue. Walsh stated his support of this revised AA design proposal.

The Board reviewed specific sections of the Accessory Apartment Zoning Bylaw toward determining the inclusion of unheated areas in the AA area calculation. Melvin suggested that the access to the basement could be limited to the main residence. The Board discussed reviewing the Zoning Bylaw as it was pre-2017 approval of detached units vs the current Bylaw. A review of how basements have been addressed in prior AA applications was suggested.

Chair Herschelman opened the hearing to the public. Dana Booth (River Rd) stressed that the Board should visit the site, and expressed concern about the amount of impervious surface added to the site via this application.

Grady moved and Gushue seconded the continuation of this public hearing to 9:00 pm on Monday, 9/11/23, and the motion was approved unanimously (6-0) by roll call vote. Associate Member Walsh left the meeting at this point.

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.

Ed Pare, attorney for DISH Wireless, and Eric Darling, representing FRS, were present for this continued hearing. At Chair Herschelman's request, TP Mercier summarized that at the last hearing session there were no additional questions on this application from either the Board or from peer review, and that the hearing was continued as there

was not a sufficient number of eligible voters in attendance for this special permit application. The two members who could not attend the last hearing session have certified that they have reviewed the submission materials and the video recording of that session.

Yelle asked about the RF exposure management policy requested by the Board as part of any approval, and Pare explained that this is being put in place with T-Mobile and Verizon – the two carriers already located within the steeple, and that those carriers have signage in place at key locations. Pare confirmed to Yelle that they will be monitoring exposure levels below the steeple, and can provide that data to the Town on request. Yelle asked that these measurements be submitted to the Town annually, confirming compliance with the FCC regulations. This requirement will be added to the Conditions of the Special Permit.

Chair Herschelman opened the hearing to public comment, and there was none. The Board reviewed the draft Special Permit Decision, and the measurement submission requirement was added to Condition 3 of the document.

Grady moved that the PB approve the special permit for the proposed DISH Wireless facility to be located within the lantern portion of the Church steeple at 27 School St (First Religious Society), and the special permit decision as amended in this hearing. Gushue seconded the motion and it was approved unanimously (5-0) by roll call vote.

Yelle moved that the PB close this public hearing, Grady seconded the motion and it was approved unanimously (5-0) by roll call vote.

Invoices

Smith moved and Grady seconded the Board's authorization for payment of an invoice for \$1800.00 for peer review on the Woodward Village project, with payment from the associated peer review account, and with authorization for TP Mercier to sign. The motion was approved unanimously (5-0) by roll call vote.

Gushue moved and Grady seconded the Board's authorization for payment of the total amount of \$721.00 for APA and AICP dues, and the AICP Passport subscription to allow remote access to conference sessions. The motion was approved unanimously (5-0) by roll call vote.

Minutes

The Board reviewed the draft Minutes from the 7/17/23 meeting, and a few amendments were proposed. Smith moved and Grady seconded the approval of the Minutes as amended, and the motion was approved unanimously (5-0) by roll call vote.

Revisions to Accessory Apartment Rules & Regs w/BOH Form

The Board reviewed a draft of proposed revisions to these Regulations, and discussed and agreed upon further revisions. The document will be updated with these revisions prior to the next Board meeting.

Revisions to Wireless Rules & Regulations

The Board discussed proposed revisions to these Regulations, and Yelle said that these Regulations and the Bylaw should be reviewed and updated, noting that the Board can only regulate the physical structure. Yelle suggested a revised Wireless Bylaw to focus more on where facilities can be located, and offered to assist with this effort. With no further input provided, Gushue moved that the Board approve the current draft revised Regulations, with further in-depth revision to be addressed at a later date. Yelle seconded the motion and it was approved unanimously (5-0) by roll call vote.

Follow Up on Priority Setting

TP Mercier updated the Board re her progress on several FY24 priorities:

- GIS Project – consultant Adam Kurowski to attend a meeting this fall to discuss project with Planning Board;
- Accessory Apartment Bylaw – TP Mercier has begun coordinating a Working Group; waiting for BOH and CAHT to nominate members to participate; anticipate starting in September.

- Housing-Related Definitions – TP Mercier working with staff to bring a draft of ideas in September or October (depending on agenda availability)
- MBTA Communities/OSRD Working Group – TP Mercier has begun coordinating a Working Group; waiting for BOH and CAHT to nominate members to participate; gathering resources and information.
- MVP Action Grant Working Group – TP Mercier is compiling a list of potential consultants, and is meeting with Madeleine next week and will ask if she will participate on behalf of the Planning Board and update the Planning Board periodically.
- “Town Center as Community Center” – at its meeting on August 8th, the Select Board determined that a study of how to optimize use of existing spaces by multiple interests is a priority and should be part of a comprehensive facilities plan that combines Master Plan recommendations for long-term facilities planning with capital planning and space needs considerations. More information to follow.
- Town Center Parking Study – TP prepared a draft RFQ and a list of consultants to send it to; working to finalize with Town Counsel and TA McLane; hoping to send it out before September. Working Group to be created in upcoming months.
- Criteria for Evaluating Land for Community Purposes – Draft matrix to you in September or October (depending on agenda availability).

Meeting Schedule

The Board discussed moving up the planned October meeting to earlier in the month. TP Mercier will send a follow-up email with possible dates. The Board also planned a second meeting in September for discussion of proactive planning activities, with the possible date of September 25, and this date to be confirmed by email. The Board discussed the possibility of having 2024 meetings on other than Monday nights, and agreed to revisit this possibility.

Judy Farm Road Common Driveway – letter from applicant

TP Mercier summarized a recent letter from the applicant in which he states that the changes he has proposed to his permitted application, which include a revised fire suppression plan to pave the easement to the onsite pond, as opposed to the approved dry hydrant arrangement, and a plan to reconstruct the headwalls at the culvert, do not require a new application. Mercier reminded the Board that staff had met with the permit holder, Adam Ostrow, his project attorney and his builder in January 2023, and had requested a revised plan which they received in May 2023. At its meeting of June 12, 2023, the Board had reviewed this revised plan and determined that, without question, the changes proposed are not insignificant and require the applicant to file for an Amendment to the Special Permit, which is in accordance with the Board’s Rules and Regulations for CDs, Section XVI: Amendments to Special Permits. TP Mercier also reminded the Board of the LU meeting discussion (7/12/23) with Ostrow, on which she had reported at the 7/17/23 PB meeting, the goal of which was to determine how his Amendment application could be simplified as much as possible via appropriate waivers. This meeting had concluded without resolution, as the applicant strongly felt that he should not have to file for an amendment at all.

The Board discussed this matter. Chair Herschelmann asked if the Applicant had performed any sitework since the 2019 reinstatement of the permit, and TP Mercier said he had hired a new civil engineer to redesign the plan, and someone to view the damaged headwall, but that it is uncertain if any work has been done at the site. The Board discussed that Ostrow could proceed with constructing the site in the manner approved by the Board in 2014, using the dry hydrant but with repairs to the headwall. TP Mercier confirmed that while the dry hydrant approach is not the current Fire Chief’s first preference, he is amenable to the applicant constructing the driveway as approved using the dry hydrant. Yelle asked that the Fire Protection Easement and the SP Decision be emailed to the Board.

At 10:55 pm, Grady moved and Gushue seconded the adjournment of the PB meeting, and the motion was approved unanimously (5-0) 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):

- Town Planner memo to Planning Board re 8/14/23 meeting, dated 8/10/23
- “75 and 6_X West St Conservation Cluster Special Permit Peer Review” submitted by LandTech, Inc., dated 8/8/23.
- “Revised Materials for an Accessory Apartment Special Permit” for 846 Bedford Rd, dated 7/11/23, submitted by Stamski and McNary, Inc.
- “Accessory apartment Alternative Layout” plan for Fiedrich, dated 7/11/23, prepared by Stamski and McNary, Inc.
- Draft “Decision on Special Permit and Site Plan Approval for DISH Wireless for 27 School St”, dated 8/8/23.
- Invoice # 82625R from Nitsch Engineering for peer review engineering services in the amount of \$1800.00 for Woodward Village.
- AIPC and APA membership dues and remote teleconference subscription service in the amount of \$721.00.
- Letter from Adam Ostrow re “Common Driveway at 61 Judy Farm Rd” dated 7/31/23.