

**Town of Carlisle Planning Board  
MBTA Communities Subcommittee  
Minutes of 11/21/24 12:30 PM / Minutes Prepared by: Noelle Beland, Planning, Zoning & Land  
Use Assistant  
Hybrid Meeting Format: Parlin Room, 66 Westford Street, Carlisle MA & Zoom**

Voting Members Present:

- Adelaide Grady, Planning Board
- Kate Reid, Select Board
- Tony Mariano, Board of Health
- Christina Christodoulopoulos, Environmental Sustainability Committee
- Christine Johnson-Battista, Affordable Housing Trust
- Justin Harrison, Carlisle citizen

Voting Members Absent:

- Helen Jackson Young, Conservation Commission

Non-Voting Members Present:

- Julie Mercier, Town Planner

Members of The Public

- Amelia Fournier, 745 East Street
- Andrea Urban, 20 Pine Brooke Road
- Bob Fabrizio, 58 Patch Meadow Lane
- Carren Panico, Carlisle Mosquito
- Cindy Craft, 75 Patch Meadow Road
- Gerard Ostrowski, 85 Patch Meadow Lane
- Jim Hart, 766 North Road
- Kathleen Redman, 84 Patch Meadow Lane
- Kevin Piette, 95 Patch Meadow Lane
- Laura Harrison, 847 North Road
- Lauren & James Catacchio, 85 Old East Road
- Linda Fabrizio, 58 Patch Meadow Lane
- Madeleine Blake, 127 Carleton Road
- Maeve Lobo, 49 Old Quarry Drive
- Marge Berube, 784 North Road
- Mark Redman, 84 Patch Meadow Lane
- Ned Berube, 784 North Road
- Stephen LaRoche, 45 Pine Booke Road
- Valerie Thaddeus, 779 North Road

Chair Grady called the meeting to order at 12:32. She went over the agenda which included approving the minutes of 10/29/24 and 11/16/24, reviewing feedback from Open Houses, discussing response to Editorial in Mosquito, discussing proposal recommendations to Planning Board, and taking public input.

### **Minutes of 10/29/24 & 11/16/24**

Ms. Johnson-Battista made a motion to approve the minutes of 10/29 and 11/16 as written. The motion was seconded by Ms. Christodouloupoulos and approved unanimously.

### **Process Clarification**

Ms. Mercier reminded the Subcommittee of some procedural matters. She noted that she does work on behalf of a majority of the Planning Board and a majority of the Subcommittee, and that while individual Subcommittee members can meet with her, any decisions need to be made by a majority of the Subcommittee in open public meetings. She clarified that access to Town Counsel should be through her, via a majority of the Subcommittee. She also reminded the Subcommittee that the Conflict-of-Interest Law precludes Subcommittee members from discussing and voting on re-zoning for areas where they live. Mr. Harrison expressed his opinion that this law is unfair.

Chair Grady noted that the Subcommittee has been trying to accomplish a lot at once. She proposed separating the zoning language from the areas under consideration and having two Town Meeting votes: Spring Town Meeting could vote on the concept of the minimal density strategy and Fall Town Meeting could vote on the areas to implement the zoning. She expressed that the goal is to gather as much information as they can and get it right. She mentioned other strategies that have been proposed, such as rezoning low-value properties, but pointed out that there are regulations against 'spot zoning.' Mr. Harrison requested to see a legal opinion on 'spot zoning,' suggesting certain things would be permissible if they're in the public interest. Ms. Grady said that Town Counsel has advised against it.

Ms. Mercier questioned whether people would be able to vote on the concept at the first Town Meeting if they do not know the area of applicability and suggested that Town Meeting would at least need to have a general sense of where the concept might be applied. Ms. Grady replied that there will be a Planning Board process to select the locations, and to establish a rigorous set of criteria for the selection process to be presented at the first Town Meeting, enabling the location of the new zoning to be tested against the objective criteria.

Ms. Christodouloupoulos asked if it would be possible to ask the State for an extension of the deadline considering Carlisle's unique circumstances, especially if they show some progress. Ms. Mercier said she can ask. Mr. Mariano raised concerns about what would happen if the concept presented at Town Meeting did not pass, and asked how strong opposition to the proposal would be factored in.

### **Strategies**

Ms. Mercier reminded the Subcommittee that at their last meeting they had decided to present one strategy to the Planning Board. Mr. Mariano agreed the Subcommittee should pursue one strategy. Mr. Harrison said he did not recall voting on this issue. Other members expressed not remembering a vote. Ms. Mercier offered to check her notes from the last meeting. Ms. Christodouloupoulos commented that the Subcommittee discussed presenting one main strategy and then listing out other strategies that were considered, the pros and cons of each strategy, and the reasons why they were not pursued further. Mr. Harrison said he does not recall agreeing with this and opined that Town Meeting needs to know there is more than one way to do this. Ms. Mercier reminded the Subcommittee that it's the Planning Board that will decide ultimately what strategies to move

forward with at Town Meeting. Ms. Grady clarified that the Subcommittee asked Ms. Mercier to draft zoning language for the multi-family conservation cluster strategy. Mr. Harrison said he was okay with looking at the zoning language for that strategy, but not okay with that being the only proposal.

Mr. Mariano expressed support for presenting one main strategy and then listing out other strategies that were considered and the reasons why they were not pursued further. Mr. Harrison claimed the Subcommittee has not seriously considered other options. Ms. Christodoulopoulos suggested back up approaches, and if the Planning Board sees fit, they could explore them more thoroughly. Chair Grady suggested having pros and cons for each plan. Mr. Harrison said it is important for everyone to know there are other options.

Chair Grady suggested the Subcommittee bring the 'areas under consideration' and feedback to the Planning Board, with a list of objective criteria to use to narrow the areas down. Ms. Christodoulopoulos asked if they should present the narrowed down version while they have momentum. Chair Grady suggested they focus on language.

Ms. Reid made a motion that the Subcommittee make one proposal with a list of second-tier recommendations, with draft zoning language and draft maps of where the proposal could possibly go. The motion was seconded by Mr. Mariano.

Madeleine Blake of 127 Carleton Road asked if advisory votes are allowed at Town Meeting. Ms. Mercier said she will check with Town Counsel.

Mr. Mariano stated that doing things this way can buy the Subcommittee more time to gather more data on septic and well and understand the water issues better. Mr. Harrison asked him to clarify his comment. Mr. Mariano explained that the Subcommittee originally started their analysis by looking at USGS and DEP maps showing regional geologic conditions, and soil data compiled by the Board of Health's engineer, who has assisted the Town for decades and has a lot of knowledge of soil conditions and classifications from site inspections and test pits related to septic installs. He suggested that they could gather the information in an area of concern to understand it better. Mr. Mariano opined that it is perhaps more important to understand the water resources available in these locations, and he noted that most wells have a driller's report that documents water quality testing and water recharge rate. He noted that the Subcommittee could take time to understand the well report data and look through fracking permits that have been pulled for people when they've had to frack their wells. He concluded by saying that this information is currently not well understood, but with more time, the Subcommittee could consolidate the data and see where people are having water resource issues in town and understand how that relates to this zoning initiative.

Chair Grady suggested that if they cannot do an advisory vote at Town Meeting, to push this all to the Fall Town Meeting and have a back-up plan. The motion made by Ms. Reid and seconded by Mr. Mariano was approved 6-0-0 by roll call vote.

Margery Berube of 784 North Road asked why Mr. Harrison is the only citizen member of the Subcommittee. Chair Grady responded that he was the only citizen to come forward and apply.

Chair Grady summarized the choices the Subcommittee has for how to move forward in this meeting: (1) review the draft memo of strategies, (2) review revised maps, or (3) discuss draft Letter

to the Editor. The Subcommittee agreed they would prefer to have time to read the draft Letter to the Editor first.

Ms. Christodoulopoulos suggested that they discuss a few of the maps as pertains to BioMap data layers. She made a case to exclude River, Skelton and Bedford Road from the mapped areas. She stated that this is a major wildlife connector and a hugely sensitive area. Chair Grady commented that the Subcommittee has mostly been focusing on regulatory data and asked if the Subcommittee is interested in proposing something that is sensitive to non-regulatory areas as well. Mr. Mariano noted that there is protection along the river for wildlife already and suggested they look at it in the context of everything else in case they need to exclude other areas for other reasons. Ms. Johnson-Battista noted that every area has concerns.

Mr. Harrison commented that he heard from Representative Simon Cataldo's office that Chapter 90 and Chapter 70 funding would not be at risk if the Town does not comply. Ms. Mercier asked him to relay this information to her. Mr. Harrison asked for the poster and handout about "implications of non-compliance" to be corrected. Ms. Johnson-Battista asked if he received any information about discretionary grant funding. Mr. Harrison read the email from Simon Cataldo's office to the group.

The Subcommittee set their next meetings for: 11/26/24 11-12:30 PM, 12/3/24 9-11 AM, and 12/4/24 11-12:30 PM.

### **Public Input**

Steven LaRoche of 45 Pine Brook Road asked what the revised dollar amount would be for non-compliance with the law. Mr. Harrison listed the grants that the Town has recently received and might not get in the future. Mr. LaRoche said it would be helpful for residents to understand the tax impact on individual households of noncompliance. Ms. Mercier said this is something she will work on with the Town Administrator and Town Assessor. She said she will revise the poster once she can do this analysis.

Amelia Fournier of 745 East Street said she is not hearing much about the takeaways from the Open Houses and wonders how the feedback will be incorporated into the proposal. Chair Grady assured her that this will be discussed at the next meeting.

Kathleen Redman of 84 Patch Meadow Lane agreed with the feedback. She emphasized that the Town should be for everyone; people just need to understand how to get involved and have their input included in the decision-making process.

Valerie Thaddeus of 779 North Road asked what is meant by "as-is zoning". Chair Grady explained that the proposal refers to an overlay that allows for more flexibility in land use, while still adhering to the underlying zoning laws. She emphasized that the Town's existing zoning remains and the overlay provides additional options. Ms. Mercier explained that "as-of-right" means there is no discretionary Planning Board process - if what is proposed meets the zoning requirements, it will still go through the Site Plan Review process, and the Planning Board can put conditions on the project, but they cannot deny it. Ms. Grady pointed out that conditions can be added during the Site Plan Review process such as setback requirements or buffer zones to add protections for endangered species, etc. Ms. Reid noted that the Site Plan Review process in Carlisle requires notification to abutters and a public hearing, at which members of the public are welcome to come

forward. She suggested that notification for projects pursuant to MBTA Communities zoning could be sent out via certified mail.

Gerard Ostrowski of 85 Patch Meadow Lane commented that it would be beneficial to get more detail for the areas under consideration, and to understand what the vision looks like for 2-acre and 4-acre parcels via graphic representation. He also said it would be beneficial to have pros and cons from the perspective of a homeowner that will be affected by this zoning. He mentioned the need for a greater understanding of water impacts. Mr. Mariano reiterated that the new zoning would not change anything about the septic and well regulations that are already in place.

Kevin Piette of 95 Patch Meadow Lane pointed out that the State wetlands information is not fully accurate and asked that the Subcommittee get more detailed wetlands information for each property. Chair Grady responded to this concern, stating that any proposal that comes through on a site with wetlands or wetlands buffer will have to obtain a wetlands delineation and go through the Conservation Commission. Mr. Piette said the Town should get that information before the re-zoning process.

Margery Berube of 784 North Road asked for clarification on whether historical homes would be eliminated from consideration. Chair Grady mentioned that Ms. Mercier presented the proposal to the Historical Commission earlier that month. Ms. Mercier commented that she operated under the understanding that historical properties would be removed from consideration – based on information discussed by the Subcommittee and presented at the Open House – and that the Historical Commission was very favorable to the proposal at their meeting on November 20<sup>th</sup>.

Laura Harrison of 847 North Road asked if there was still room on the Subcommittee and whether the Subcommittee was still accepting new members, saying it is important to have community involvement. Chair Grady explained that the Subcommittee is handing over their proposal to the Planning Board in two weeks, and reminded everyone that a member cannot vote on zoning in the area of their own property, which means it may not be an advantage to be on the Subcommittee. Mr. Justin Harrison commented that Ms. Grady's statement is disingenuous in the extreme. Ms. Grady reiterated that if the intention is to get on Subcommittee and vote against zoning on your own property, that is not allowed.

Ms. Harrison suggested looking into the legalities of spot zoning in light of the fact that this is a state mandate. Chair Grady responded that the Subcommittee will look into it. Ms. Harrison asked what the minimum acreage was for 95 units. Chair Grady explained that the minimum is 6.5 acres if they zone for 15 units per acre and do not exclude nitrogen-sensitive land.

Madeleine Blake of 127 Carleton Road asked if the Subcommittee was now taking the position that excluding nitrogen sensitive land is not required. Chair Grady explained that it was never a requirement to exclude the nitrogen sensitive land. However, if the nitrogen sensitive land is excluded from the density calculation, the Town can do 3 or 4 units on a 2-acre parcel instead of 30 units on a 2-acre parcel. Ms. Blake commented that the posters at the Open House say the law requires the exclusion of nitrogen sensitive land. She suggested putting a disclaimer that it is not required by law to exclude nitrogen sensitive land.

Mr. LaRoche said that Carlisle could propose to the state that we only zone for 6.5 acres and kill any development that is proposed with zoning restrictions and still comply with the law. Chair

Grady said it is not possible to put enough limits in the zoning to prohibit a 95-unit project from being built. Ms. Christodouloupoulos said that the Subcommittee asked in a survey how people felt about one big building and results showed people were not in favor of this. Mr. Harrison said that the survey was only a small sample of residents, and the issue is fresher in people's minds now than it was before. Chair Grady said that another survey will be conducted.

The meeting was adjourned at 1:45 PM.

These minutes were approved on 12/17/24.

Materials reviewed at this meeting

- Agenda for 11/21/24
- Minutes of 10/29/24 & 11/16/24