

Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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Minutes

February 25, 2019

Minutes 2/11/19

Bills

Budget

Liaison Reports

Town caucus

Public hearing on proposed Zoning Bylaw Amendments:

- a. To delete Section 5.11, Temporary Moratorium on Marijuana Establishments, in its entirety and insert language that will prohibit all types of Marijuana Establishments within the town, *contingent on a majority vote at the Town Election*
- b. To delete Section 5.11, Temporary Moratorium on Marijuana Establishments, in its entirety and insert language that will prohibit all types of Marijuana Establishments except cultivation and craft co-operative establishments, and to add a new Section 3.3.2.10 to Section 3.3.2, Permitted Uses within a Business District other than the Carlisle Center Business District, to include "Permitted Marijuana Establishment" *contingent on a majority vote at the Town Election*, and on the disapproval of item "a" above
- c. To delete and replace Section 5.10.1 of Section 5.10, Medical Marijuana Treatment Center, to amend several definitions, reference certain State requirements, and to address possible co-location of an allowed Marijuana Establishment (cultivation and craft co-operative per item "b" above, if approved).

Public hearing on application for Special Permit for a Residential Open Space Community (ROSC) Plan for development of the 44.9 ac. Parcel 10-4-X (between 767 and 871 Bedford Road) [NOW Communities, LLC, Concord, MA, applicant]

Public Hearing for Site Plan Review amendment under Sec. 7.6 of the Carlisle Zoning Bylaws for Public Safety Communication Facilities at 304 Bedford Road (Banta-Davis land, Map 14, Parcel 23-0) [petition of the Town of Carlisle]

Request for Planning Board recommendation concerning the Selectmen's option to purchase two parcels of land: one approximately 2.0 acre parcel at 0 Stearns Street and the second an approximately 8 acre parcel at 108 Stearns Street (sales price \$1.8 M)

Master Plan Steering Committee update

Chair **Peter Gambino** called the meeting to order at 7:32 pm in the Clark Room of Town Hall. Members **Jonathan Stevens, Madeleine Blake, Jason Walsh, Peter Yelle**, Associate Member **Tom Lane** and **Planning Administrator George Mansfield** were present. Members **Ed Rolfe** and **Rob Misek** were absent.

Assistant to Planner Gretchen Caywood, Dan Gainsboro (Now Communities, LLC, Concord, MA), Dan Carr (Stamski and McNary, Inc., Acton, MA), Jonathan Hedlund (Nitsch Engineering, Boston, MA), David Freedman (Hutchins Rd), Marc Lamere (Rutland St), Roy Herold (Stoney Gate), Steve Tobin (Partridge Ln), Steve Pearlman (Baldwin Rd), Police Chief John Fisher, Desiree Ball (Prospect St), David Model (Carroll Dr), Melynda Gambino (Stoney Gate), Walter Hickman (Concord St), Lee Reynolds (Rodgers Rd) and Bob Zielinski (Carlisle *Mosquito*) were also in attendance.

Minutes

The Planning Board (PB) reviewed the draft Minutes from the 2/11/19 regular session meeting and one amendment was proposed. Stevens moved that the PB approved the Minutes as amended, Blake seconded the motion, and it was approved 3-0-2 (Walsh and Yelle abstained).

Town Caucus

The Board discussed membership terms and it was noted that there are 3 Board members whose terms expire this May. Chair Gambino plans to speak with each member about possibly continuing their volunteer service on the PB.

Master Plan Steering Committee (MPSC) Update

Chair Gambino, also a member of the MPSC, reported that work continues on the RFP to contract with a consultant for Master Plan development, and that Town Administrator Goddard, acting in his role as procurement officer, will assist with formatting the RFP and administering the RFP process. Chair Gambino asked that time be allotted for an MPSC update at the 3/11/19 PB Meeting.

Chair Gambino informed the Board that MPSC Chair Janne Corneil has set up a public information session at the Carlisle School for Wednesday, 2/27/19 at 6:30 pm in which some of the students will present information on climate change. He added that there will be another public information session at the end of March on Carlisle financials and demographics as these pertain to a Master Plan (MP).

Public hearing on proposed Zoning Bylaw Amendments:

- a. To delete Section 5.11, Temporary Moratorium on Marijuana Establishments, in its entirety and insert language that will prohibit all types of Marijuana Establishments within the town, contingent on a majority vote at the Town Election**
- b. To delete Section 5.11, Temporary Moratorium on Marijuana Establishments, in its entirety and insert language that will prohibit all types of Marijuana Establishments except cultivation and craft co-operative establishments, and to add a new Section 3.3.2.10 to Section 3.3.2, Permitted Uses within a Business District other than the Carlisle Center Business District, to include “Permitted Marijuana Establishment” contingent on a majority vote at the Town Election, and on the disapproval of item “a” above**
- c. To delete and replace Section 5.10.1 of Section 5.10, Medical Marijuana Treatment Center, to amend several definitions, reference certain State requirements, and to address possible co-location of an allowed Marijuana Establishment (cultivation and craft co-operative per item “b” above, if approved).**

Chair Gambino opened the public hearing for these three proposed Zoning Bylaw amendments. He then gave a presentation outlining the two proposed recreational marijuana Zoning Bylaw amendments, explaining that the proposed amendments would not apply to personal consumption (use, distribution and cultivation of marijuana in limited amounts by persons age 21 and over), but would only pertain to the establishment and zoning of facilities related to recreational marijuana.

Chair Gambino described the 8 distinct types of marijuana establishments recognized by the State: retailers, marijuana cultivators, craft co-operatives, product manufacturers, transporters, research facilities, laboratories, and microbusinesses. He explained that while the 2018 Town Meeting had approved an extension of the recreational marijuana facilities moratorium until 6/30/19, the State Attorney General (AG) disapproved this extension, and so the moratorium had expired on 12/31/19. Chair Gambino further explained that if the Town does not adopt a permanent ban or local restrictions in its Zoning Bylaws, then State law will allow one of each of the 8 types of facilities to be located in Carlisle, subject only to State licensing and a Host Community Agreement (negotiated by the Selectmen (BOS)).

Chair Gambino explained that the PB had conducted a town-wide survey in December 2018 to gather information on the preferences of residents concerning the future of recreational marijuana in Carlisle. The survey included questions on three measures: one a complete and permanent town-wide ban on all recreational marijuana facilities; the second, establishment of a Zoning Bylaw to limit and regulate recreational marijuana facilities to less than the 8 types of facilities stipulated by the State; and the third, establishment of a Zoning Bylaw to regulate and adopt the State statutes for one of each of the State’s 8 facility types.

Chair Gambino explained the results of the survey clearly indicated that the majority of respondents preferred a town-wide ban by almost 3 to 2 (58% to 42%). Of those who were opposed to a complete ban, those respondents were in favor of limiting and regulating the recreational marijuana facilities to less than the 8 types, and clearly preferred allowing only one cultivator and one craft co-operative facility in town. Chair Gambino explained that the two proposed Zoning Bylaw amendments were therefore based on these results, and noted that the PB worked

with Town Counsel (TC) to draft the proposed Zoning Bylaw amendments. Gambino added that while these amendments will not apply to medical marijuana facilities, some revisions to that Zoning Bylaw (section 5.10) may be required to conform with any Zoning Bylaw amendments that are adopted concerning recreational marijuana facilities. Chair Gambino explained that the limitation/restriction amendment which would allow the two types of facilities would only allow them to be located in two of the three business districts that are outside of Town Center. They could not be located in the Town Center Business District.

Concerning the measures required to adopt one of these Zoning Bylaw amendments, Chair Gambino explained that it must be approved BOTH by a 2/3 majority at Town Meeting (warrant article) and by a simple majority as a ballot question at Town Election.

Melynda Gambino (Stoney Gate) asked if a resident could vote for both amendments, and Chair Gambino explained that it is absolutely key that BOTH amendments are voted at Town Meeting (TM) and at Town Election (TE). He explained that if, for example, voters preferred a complete ban and only voted on that Warrant Article and ballot question, if the ban were not approved at both TM and TE, and if the limitation article was not approved, the local laws will revert to State statutes, with up to 8 facility types allowed, and State licensing and a host agreement negotiation would be the only tools available to set terms. Chair Gambino further explained that the language of the limitation Zoning Bylaw requires that in order for it to be in effect, the total ban Zoning Bylaw must fail at either TM, TE or both. Therefore, if both Zoning Bylaws are approved, the total ban will prevail.

School Committee Chair David Model (Carroll Dr) asked what allows the Town to alter State law. Chair Gambino explained that the Town can place local restrictions on where facilities can be located and also there is a State provision that requires these actions for a potential facilities ban to be enacted, since the 2016 State ballot question concerning recreational marijuana was approved in Carlisle (52% to 48%).

Steve Pearlman (Baldwin Rd) referred to the MA Cannabis Control Commission (CCC) guidance stating that all recreational marijuana establishments are subject to strict State regulations, inspections and other requirements. He referred to the 3% local sales tax allowed by the State, and Chair Gambino pointed out that this tax is only for retail establishments, which the survey results clearly indicate Carlisle residents do not want. Gambino added that information obtained from other towns has demonstrated that small retail shops like those that could possibly be accommodated in Carlisle do not generate a large amount of revenue.

Agricultural Commission member Desiree Ball (Prospect St) noted that her Committee will take a position on this subject and will inform the PB. She asked for additional information on the State requirements for cultivators, and Planning Administrator Mansfield offered to contact TC to provide this information to Ball. Model said that the School Committee will also be taking a position on these Warrant Articles, and he asked Chair Gambino to provide a brief presentation at an upcoming School Committee meeting.

Blake asked about the renewal term in the proposed Bylaw amendment and suggested it be shortened. Planning Administrator Mansfield pointed out that this can be addressed the PB outside of the hearing in further discussion.

There was no further public input. Chair Gambino explained that the PB will be submitting its Report and Recommendations to Town Meeting concerning these proposed amendments. Stevens moved that the PB close the public hearing on these marijuana Zoning Bylaw amendments, Walsh seconded the motion, and it was approved unanimously (5-0).

Documents on record used in the discussion of this topic (on file in the PB office):

- Draft Zoning Bylaw amendment prepared by Town Counsel entitled: "Prohibition on all Adult Use Marijuana establishments Except Cultivation and Craft Cooperative Establishments"
- Draft Zoning Bylaw amendment prepared by Town Counsel entitled: "Prohibition on All Adult Use Marijuana Establishments"
- Draft "Medical Marijuana Bylaw Amendments" prepared by Town Counsel

Public hearing on application for Special Permit for a Residential Open Space Community (ROSC) Plan for development of the 44.9 ac. Parcel 10-4-X (between 767 and 871 Bedford Road) [NOW Communities, LLC, Concord, MA, applicant]

Chair Gambino opened this public hearing and recused himself from participation, stating that he is a direct abutter to the subject property. Vice Chair Stevens assumed the Chair for this hearing. Stevens appointed Associate PB member Tom Lane as a full voting member for this public hearing.

Applicant Dan Gainsboro (Now Communities, LLC) and his engineer Dan Carr (Stamski and McNary, Inc.) presented this special permit application. Gainsboro began by providing background on himself and on the development team, and noted that they had developed the Riverwalk community in West Concord, MA, which has been very well received by the property owners and by the overall community. He explained that the proposed “Woodward Village” neighborhood is based on a similar design. Gainsboro pointed out that a Conceptual Plan of this proposal was presented to the PB last fall (see Minutes of 10/1/18 PB meeting) followed by a Preliminary Plan in January (see Minutes of 1/28/19 PB meeting).

Gainsboro displayed a proposed site layout plan, and explained that the proposed “Woodward Village” would have 18 cottage homes, one of which will be built as a duplex, and he noted that they hope to provide some level of reduced price on one or both of the duplex units. He explained that the proposed ROSC would consist of 32.4 acres of open space (OS) and approximately 9.4 acres designated for the development itself. The community is designed for social interaction, with 9 of the cottage homes to be located around a shared common green, and the remaining 9 units located along the roadway into the development. The homes around the common will utilize car barns for vehicle parking – a concept which has been successful in similar communities, and the homes along the roadway will each have an attached garage. Gainsboro added that he proposed site layout also includes community gardens, a screened pavilion, an outdoor fireplace, gathering spaces, a community building, and parking spaces for trail access to the open space and proposed walking trails. As well as the proposed homes, the site layout also shows locations for two public water supply wells, the septic system area, and a fire cistern. There will also be a mail station/school bus stop area near the entrance to the development from Bedford Rd.

Gainsboro described the proposed New England farmhouse style homes having a front porch and patio, and ranging from 1600 to 2400 sq. ft., and noted that the homes will be designed “net zero possible.” He further explained that the homes will have an open plan for the first floor, have 2 or 3 bedrooms, and all will incorporate senior friendly universal design elements.

Concerning other approvals required in addition to the ROSC Special Permit, Gainsboro explained that a wetlands crossing will need Conservation Commission (ConsCom) approval, and the proposed septic system will need Board of Health (BOH) approval, while the two public water supply wells will be subject to MA Department of Environmental Protection approval. He added that a Homeowners Association (HA) will be formed for this development of condominium units, and maintenance requirements concerning the public water supply, the cistern, and the entirety of the shared septic system will be detailed in the HA documents.

Vice Chair Stevens asked the planned timeline for this project, and Gainsboro said that the goal is to have all approvals in place to enable the start of construction in the fall, with occupancy in late summer of 2020.

Dan Carr, engineer for the applicant, provided some further detail on the proposed development, noting that overall, there has been little change since the Preliminary Plan was presented at the 1/28/19 PB meeting. He displayed an illustrative site plan, and explained that the proposed 20 ft. wide roadway will have sidewalks on either side, but that along the southern edge there will be a 6 ft. grass strip in between the sidewalk and the roadway along which trees will be planted, noting that this is in response to a request from the Fire Department. Carr explained that he had met with acting Fire Chief Rubenstein, and he has indicated that he has no issues with the plan, but suggested more parking spaces be added. Carr said the goal is to have 28 open parking spaces, per the Fire Department’s request. Carr displayed a site Context Plan showing the proximity to Foss Farm and Great Meadows National Wildlife Refuge, noting the trails and parking

at these locations. Carr further explained that the proposed 5 ft. walking path around the common area will have adjacent, additional 5-ft reinforced area to accommodate fire and safety vehicles.

Carr described the proposed shared septic system, explaining that working with the topography of the land, the septic tank will be gravity fed from the units, and the tank itself will utilize the FAST (fixed activated sludge treatment) system which aids in nitrogen reduction. Effluent will then be pumped to a Perc-Rite drip dispersment leach field, which requires less fill than conventional leach fields. Gainsboro noted that this system was utilized successfully in the Concord Riverwalk development. Planning Administrator Mansfield asked about backup power provisions for the septic system when outages occur. Gainsboro said that there will be a generator for this purpose, and they may install solar panels on the car barns to power the pumps and septic

Carr described the drainage system and treatment proposed for the site. He explained that there will be catch basins along the roadway, and that some of the units will have roof drain dry wells. Carr said that an open bottom box culvert is proposed for the wetlands crossing. He pointed out that all stormwater controls are greater than 50 ft. away from wetlands, and that a Notice of Intent will be filed with ConsCom concerning those located in the buffer zone.

Pathways Committee member Melynda Gambino (Stoney Gate) asked about accommodations for pedestrian access. Carr said that the roadway sidewalks will access the trail within the site, and that in addition the applicant wants to extend the Bedford Rd pathway along the frontage of the site to the west of the access roadway. Gambino responded that the Pathways Committee has determined that the south side of Bedford Rd will need to be utilized for extension of the Bedford Rd pathway from Town Center, with a crosswalk to the proposed development.

Planning Administrator Mansfield reported that Nitsch Engineering, the PB's review engineering firm for this project, had submitted its Scope of Services estimating \$13,500.00 for project review expenses. Walsh moved that the PB set the project review fee deposit at \$13,500 for this application, Blake seconded the motion and it was approved unanimously (5-0).

The PB's review engineer, Jonathan Hedlund (Nitsch Engineering) obtained some information from Carr on the stormwater management system and the soils at the site. He asked if there would be any blasting at the site and Carr said that it would be used as a last resort, with rock hammering being the preferred approach. Hedlund asked Carr to provide turning movements on the roadway, as well as a stamped drawing of the open culvert design. Hedlund also asked for a tree count (cut vs replace), and Gainsboro agreed to provide this information as well as a list of proposed trees from the landscape architect (Ryan Associates). Planning Administrator Mansfield reminded the applicant that any trees to be removed in order to put in the roadway entrance will require a Public Shade Tree hearing, and asked him to coordinate that with the DPW Superintendent, further suggesting that it be held during a session of the PB hearing.

Trails Committee member Marc Lamere asked how the public access for the trail will be documented, pointing out that people may need to walk on the roadway if there is snow on the sidewalks. Gainsboro said the HA documents will include these parameters, but may limit trail access to daylight hours. Lamere further explained that if the trail is a documented public access trail, then the Trails Committee has the right to access it to for maintenance and trail sign installation. Lamere said that there must be a documented easement in perpetuity, covering an area range beyond the exact trail itself, and he asked the PB's assistance in orchestrating this. Gainsboro agreed to this, and Lamere and Gainsboro agreed to meet to further discuss this matter. Planning Administrator Mansfield informed Gainsboro that the PB will need to review all draft condo maintenance documentation, as will Town Counsel.

The PB and the applicant further discussed a possible site meeting date, and it was set for Thursday, March 7 at 9:00 am.

Blake moved that the PB continue this public hearing to Monday, 3/25/19 at 8:30 pm, Walsh seconded the motion, and it was approved unanimously (6-0). Lane left the meeting at this point.

Documents on record used in the discussion of this topic (on file in the PB office):

- Site Plan set and Landscape Plan entitled “Woodward Village: A Residential Open Space Community, Bedford Road, Parcel 10-4-X, Carlisle, MA” prepared by Stamski and McNary, Inc. dated 2/6/18.
- Illustrative Site Plan set entitled “Woodward Village, Carlisle, MA, Architectural Design Concepts” prepared by Union Studio Architecture & Community Design, dated 1/22/19
- Proof Plan entitled “Woodward Village Residential Open Space Community in Carlisle, MA” prepared by Stamski and McNary, Inc., dated 2/6/19.
- Application for a Residential Open Space Community, submitted by Stamski & McNary, Inc. for Dan Gainsboro, Now Communities, LLC dated 2/6/19

Public Hearing for Site Plan Review amendment under Sec. 7.6 of the Carlisle Zoning Bylaws for Public Safety Communication Facilities at 304 Bedford Road (Banta-Davis land, Map 14, Parcel 23-0) [petition of the Town of Carlisle]

Chair Gambino resumed the chair and opened this public hearing. Planning Administrator Mansfield had explained to the Board that as the site preparation began for the construction of the 190 ft. tower at Banta Davis, the contractors found that the access driveway location in the approved site plan was too close to the WWTF and its underground facilities. He further explained that the applicant is proposing to move the driveway further to the northeast, but that there are no proposed changes to the tower location or design.

David Freedman (Hutchins Rd), member of the Public Safety Communications Committee, was present to discuss this proposed amendment, and he referred to a letter from the Building Commissioner stating his opinion that the relocated access way would be more desirable and will result in better access and snow removal. In that letter he had noted that specific grade drop issues along with ledge outcropping would pose significant construction challenges if the originally approved access way location were to be utilized, and would result in a “less than desirable” access way. Freedman also noted that DPW Superintendent Gary Davis has provided a letter indicating his approval of this change, as has the Interim Fire Chief.

Freedman did point out that the proposed new access way location will require that a few additional trees be removed than previously approved. Chair Gambino asked if there will be any ledge removal issues for the revised access way installation, and Freedman said that there would not, and noted that the new location also allows for more efficient drainage. Freedman did ask that the PB include a condition in the Certificate of Approval that the PB reserves the right to amend this approval without a public hearing.

Chair Gambino reported that for this Town application, the Selectmen have requested a waiver of the filing fee and project review fee. On discussion, Yelle moved that the PB waive the \$1000.00 application fee and the \$2000.00 project review fee for this application, Blake seconded the motion and it was approved unanimously (5-0).

Blake moved that the PB amend its Site Plan Approval for public communications facilities at 304 Bedford Rd to shift the access way as discussed, and to include a condition that the PB reserves the right to modify its approval, per Section 7.6.8 of the Zoning Bylaws. Walsh seconded the motion, and it was approved unanimously (5-0). Stevens moved that the PB close this public hearing, Walsh seconded, and the motion was approved unanimously (5-0).

Documents on record used in the discussion of this topic (on file in the PB office):

- Site Plan Review application submitted by Green Mountain Communications, Inc. (Pembroke, NH) on behalf of the Town of Carlisle dated 21/8/19.
- Partial site plan entitled “Town of Carlisle, Banta Davis (190 ft. monopole) prepared by Green Mountain Communications and dated 1/29/19
- Letter from Building Commissioner N. Jon Metivier to Town of Carlisle Planning board dated 2/25/19 re: Banta Davis.

- Letter from DPW Superintendent Gary Davis to Peter Gambino, Chairman, Carlisle Planning Board dated 1/6/19 re: “Site Plan Amendment – Banta-Davis Telecommunications Project – New site driveway”
- Email from David Freedman to George Mansfield re: “Banta Davis proposed change”

Request for Planning Board recommendation concerning the Selectmen’s option to purchase two parcels of land: one approximately 2.0 acre parcel at 0 Stearns Street and the second an approximately 8 acre parcel at 108 Stearns Street (sales price \$1.8 M)

At 10:15 pm, Chair Gambino moved that the PB enter into Executive Session, not to reconvene in regular session, to consider the purchase, exchange, lease or value of real property, as an open meeting may have a detrimental effect on the negotiating position of the Town. The motion was approved 5-0 by roll call vote: Chair Gambino – aye, Stevens – aye, Walsh – aye, Yelle – aye, Blake – aye.

Respectfully Submitted,

Gretchen Caywood
Assistant to Planner
Carlisle Planning Board