

Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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Minutes January 14, 2019

Minutes 12/10/18

Bills

Budget: FY20 budget

Online ethics training

2018 Annual Town Report

New Community Events Calendar

Liaison Reports

Discussion of Warrant Articles for 2019 Annual Town Meeting Warrant (closing deadline for Warrant Article requests is 1/22/19)

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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)

Request for Planning Board review of Board of Health Regulations pertaining to Residential Open Space Communities and to Sewage Disposal Systems (Request of Board of Health)

Chair **Pete Gambino** called the meeting to order at 7:30 pm in the Clark Room of Town Hall. Members **Jonathan Stevens, Ed Rolfe, Madeleine Blake, Jason Walsh, and Rob Misek** and **Planning Administrator George Mansfield** were present. Member **Peter Yelle** was absent.

Assistant to Planner Gretchen Caywood, David Freedman (Hutchins Rd), Jonathan DeKock (Oak Knoll Rd), Rob Jackson, Luis Alegria, Devina Thakur, and Shanthani Sivaharan (all of Ameresco, Framingham, MA), Janne Corneil (Acton St), Melynda Gambino (Stoney Gate), Marjorie Findlay and Geoff Freeman (Rockland Rd), and Bob Zielinski (Carlisle *Mosquito*) were also in attendance.

Minutes

The Planning Board (PB) reviewed the draft Minutes from the 12/10/18 meeting, and a few revisions were noted. Blake moved that the PB approve the Minutes as amended, Stevens seconded the motion, and it was approved 5-0-1 (Misek abstained).

Online ethics training

Planning Administrator Mansfield reminded the Board that State Conflict of Interest Law requires every municipal employee – including Board members – to keep up to date on this topic by completing an online training session every two years, and obtaining a ‘Certificate of Completion’ to be provided to the Town Clerk. He asked that all members visit the site link provided by the Town Clerk and complete the online program, and to notify Assistant Caywood when they have done so.

2018 Annual Town Report

Planning Administrator Mansfield informed the Board that the 2018 Annual Report is due to the Selectmen's office by 2/28/19. The Board directed Mansfield to prepare the 2018 Annual Report for the PB utilizing the same format as that of the 2017 Report.

Discussion of Warrant Articles for 2019 Annual Town Meeting Warrant (closing deadline for Warrant Article requests is 1/22/19)

Proposed Amendment to Residential Open Space Community (ROSC) Zoning Bylaw

David Freedman (Hutchins Rd) was present to describe this proposal. He explained that the need for this amendment came to light at last week's Selectmen's (BOS) meeting, and that since he was directly involved with drafting the ROSC Bylaw, he offered to oversee this amendment process.

Freedman provided background on the request, explaining that years ago the Town had reserved the water rights to place a public water supply on the former O'Rourke land, which is located beyond the two (former Woodward) lots recently purchased by the Town. He added that the final Conservation Restriction (CR) document for this Town land does not allow a water pipeline on the property, thereby making it impossible to access the O'Rourke land by that route. Freedman further explained that it has been realized that the area to be designated as open space in the upcoming ROSC proposal for land adjacent to these properties would be a better route for installation of a water pipeline to the O'Rourke land. He therefore proposed amending the ROSC Bylaw to allow for the open space parcel to contain piping for a public water supply for the Town, noting that when the deed is presented to the Town for the open space associated with the proposed ROSC, it will need to include language to allow a water pipeline.

Freedman explained that the BOS Chair has authorized him to work with Town Counsel to draft this proposed ROSC Zoning Bylaw amendment, and that there will be a "placeholder" article on the Town Warrant while this work is underway. Additionally, Freedman noted that any references to the Housing Authority in the existing ROSC bylaw should be changed to the Housing Trust, per the BOS. Chair Gambino asked if an easement on the OS would be necessary, and Freedman agreed to check into this.

Discussion of potential Zoning Bylaw Amendment to Solar Overlay District (request of Solar Lease Team)

Jonathan DeKock, member of the Solar Lease Team, was present to provide an update on proposed municipal solar photovoltaic facilities. He explained that the local renewable energy design firm Ameresco (Framingham, MA) had been chosen to design these facilities, and that there have been several meetings with the Selectmen (BOS) during the process of determining what facilities will be proposed for the Town.

DeKock explained that there are two sites proposed for municipal solar energy generation facilities: the Transfer Station and the Carlisle Public School parking lot. He had provided a layout plan for the Carlisle School site depicting six canopy arrays over the Church St. parking lot and a seventh possible canopy array over the School St. lot next to the Spalding building. Chair Gambino pointed out that the proposed seventh array is in proximity to several abutters, which could pose an issue, and Ameresco representative Rob Jackson said that for certain technical reasons, this array will likely not be part of an application. DeKock provided a layout of the Transfer Station site depicting one large array over the parking area, and depicting an area of proposed tree clearing mostly circumventing the parking area and totaling 1.25 acres. DeKock explained that the BOS voted for canopy solar facilities only – no ground mounted facilities. He said they had also met with the School Committee on the proposal and that Committee seems to be in agreement with the overall proposal. School Committee member Melynda Gambino (Stoney Gate) said that some repair and repaving work is planned for the Church St. parking lot, and asked that the timing of any installation in the school parking lot be coordinated with the school

Chair Gambino asked about the support column placement of the large canopy array proposed for the transfer station, noting that according to the layout plan, some of the support posts may be in the middle of the parking lot. Luis Alegria, engineer from Ameresco, explained that the maximum distance allowed between support columns is 65 ft., and that the size of the proposed array therefore demands three rows of support columns. Chair Gambino asked the Ameresco engineers to visit the transfer station at a peak traffic time (e.g. 10-11 am and 4-5 pm on Saturdays) to view the "traffic chaos" at the site first-hand. Blake suggested that a traffic flow pattern may need to be instituted at the transfer station, thereby possibly

alleviating concerns with the location of the support posts. Jackson said he would also speak with the DPW Superintendent for feedback on the traffic.

Stevens asked about the height of the proposed canopies. Alegria said that the minimum height is between 12.5 and 14 ft., and noted that this will likely be insufficient for fire truck access. Alegria said he will need specifications on Carlisle's emergency response and DPW vehicles. Planning Administrator Mansfield advised the Ameresco representatives to speak with the Fire Chief, and he pointed out that the current Solar Photovoltaic (PV) Zoning Bylaw establishes a 12-ft height limit for solar facilities, as it was intended to cover ground mounted facilities. Chair Gambino said that this limit can also be changed as part of the proposed bylaw amendment, pointing out that the draft proposed amendment will need to be reviewed by Town Counsel (TC). DeKock explained that he has been in discussions with TC on this proposed amendment, and TC is considering whether the current solar overlay district should be expanded to include the school, or whether the school should be a separate solar overlay district.

Concerning the proposed school site, DeKock asked if there were other areas of the site (beyond the school parking lot) that should be included in a solar overlay district amendment. Chair Gambino pointed out that the playing fields for the school should not be included in the district, as the School Committee voted at its recent meeting to retain the full use of the Spalding Field area for sports. On discussion, the PB suggested including certain wooded areas at the school and the school itself (re possible roof use in future) as part of the amended solar overlay district, but added that the tennis court area, along with the playing fields, must be excluded from the overlay district. Chair Gambino asked why a roof mounted facility had not been considered for the school and DeKock explained that at the time this concept was initiated, the roofs of the buildings were not structurally viable for solar siting. Jackson added that it could be a future possibility.

School Committee member Gambino explained that for these solar sites there would be a lease agreement with the Town, and that a Zoning Bylaw amendment, a lease agreement and a PILOT (payment in lieu of taxes) will be put to vote at Town Meeting (TM). She asked how soon a Site Plan Review application could be filed, and DeKock explained that with the State's SMART Program, to which this application applies, the sooner the application is filed and the Bylaw amendment approved, the better the potential financial benefit (rate lock) for the Town. Chair Gambino offered to check with TC as to whether a Site Plan Review application can be filed before the amended Bylaw is voted at TM, noting that applying before TM poses a risk, should the Bylaw amendment not be approved. Planning Administrator Mansfield also pointed out that the Building Commissioner may have to issue an "at risk" construction permit until the Attorney General's (AG) office approves the bylaw amendment.

DeKock asked whether other aspects of the site such as array orientation, size, traffic flow and certain other aesthetics will be reviewed by the PB, and Chair Gambino explained that they will be, as they are all aspects of the Site Plan Review Zoning Bylaw (Sec 7.6), and he also referred the applicant to the PB's Rules and Regulations for Site Plan Review. Stevens reminded the applicant that public safety is also a key element of the review process.

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

- Site Layout Plan for "Town of Carlisle Solar PV Transfer Station Morse Rd, Carlisle, MA" dated 1/14/19, submitted by Ameresco.
- Site Layout Plan for "Town of Carlisle Solar PV – School, 83 School St, Carlisle, MA" dated 9/1/18, submitted by Ameresco.

Discussion of citizens petition to amend the Town Center business district to include the entirety of the lot for 21-23 Bedford Rd

Planning Administrator Mansfield explained that property co-owner Eric Adams has contacted the Planning office stating his intent to submit a citizen's petition for an amendment to the Zoning Map to include the entire lot for 21-23 Bedford Rd in the Town Center Business District. Currently, only the rear portion of the lot is zoned for business use, while the front portion containing the house is zoned for residential use. Mansfield reminded the Board that at their hearing on this proposed amendment in 2017 (warrant article later withdrawn by the petitioner),

the PB had suggested looking into alternatives to a zoning change, including use of the historic barn (to be reconstructed) for certain accessory commercial uses as allowed by the Zoning Bylaws.

Janne Corneil (Acton St), Chair of the Master Plan Steering Committee (MPSC), said that in her opinion it is too soon to factor this proposed zoning change (for only a portion of one lot) into a Master Plan, noting that we need to develop a plan for all of Town Center.

Chair Gambino asked the PB staff to make sure that Adams is aware that he must submit his citizens' petition to the Selectmen's office by 1/22/19 for it to be included on the Town Warrant. On discussion, Rolfe moved and Walsh seconded that the PB request of the Selectmen's office a placeholder warrant article for this item, and request that Adams attend the 1/28/19 PB meeting to describe his request to the Board and to discuss what types of possible business uses he is now proposing for the property. The motion was approved 5-0-1 (Stevens abstained).

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

- Email from Eric Adams to George Mansfield dated 12/6/18 re: "21-23 Bedford Rd"

Petition for Planning Board recommendation to Board of Selectmen on Scenic Road designation for Rockland Rd (Petition of Rockland Road residents)

Planning Administrator Mansfield explained that the residents of Rockland Rd have contacted the PB office and requested that this item be "restarted" – the original request having been for TM 2017. Enclosed in the packet is their request, along with a 2017 email from Mansfield to the residents explaining that while the PB had requested this Agenda item of the Selectmen via the Town Administrator, as required well before the Selectmen closed the 2017 warrant, the request was unfortunately overlooked by that office. Also enclosed is the section of the 3/13/17 PB minutes detailing the PB's discussion and support of the 2017 scenic road request. The Board must again determine whether it recommends this request be included on the Town Warrant, and again provide this information to the Selectmen's office.

Stevens noted that the PB had voted unanimously in support of this request in 2017. Stevens moved that the PB recommend to Town Meeting that Rockland Rd be designated a scenic road under Article 12, Sec. 3 of the Carlisle General Bylaws. Blake seconded the motion, and it was approved unanimously (6-0).

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

- Email from Rick Ochess to Planning Dept dated 1/2/19 re: "Rockland Rd. Scenic Road petition"
- Email from George Mansfield to Geoff Freeman and Rick Ochess dated 4/12/17 re "Rockland Rd Scenic Rd Designation"
- Minutes of Carlisle Planning Board meeting of 3/13/17

Planning Board discussion of next steps on Recreational Marijuana Facility Moratorium

Planning Administrator Mansfield had informed the Board that the Attorney General's (AG's) office has disapproved the 2018 Town Meeting Warrant Article to amend the Zoning Bylaws to extend the temporary moratorium on recreational marijuana facilities until 6/30/19, as has been the case for several other towns that had proposed a similar moratorium extension. Stevens asked if this disapproval puts the town at risk for siting of a retail marijuana facility in Carlisle. Chair Gambino explained that any risk is very low, for practical reasons, and that with the placement of the planned warrant articles on the Town Meeting Warrant, this low risk is for a brief time period.

Blake suggested that the PB ask Town Counsel to forward a letter to the AG requesting that they reconsider their disapproval, and pointing out that in 2018 the PB held two public meeting discussions about this subject, conducted a survey of Town residents' opinions, and, two weeks later, approved draft Bylaws for consideration at the next Town Meeting. Chair Gambino agreed with this idea, and will ask TC to send a letter to the AG.

Chair Gambino explained that TC has prepared draft Zoning Bylaw amendments addressing the two approaches to these facilities which were deemed preferable to town residents, based on their responses to

the survey on determining the future of recreational marijuana facilities in Carlisle: a complete ban of such facilities, and a restriction on types of facilities to allow only cultivators and craft co-operatives. Gambino asked Board members to review these proposed Zoning Bylaw amendments and to provide their comments and revisions to him by email, in order that a revised draft can be prepared for the Board review at the next meeting. Stevens said that he had reviewed the proposed drafts and was in agreement with their content, but noted the omission of the definition for RMD as registered marijuana dispensary – the term having been used in one of the draft Bylaw amendments.. Blake said that she had specific suggestions which she would email. She also suggested that that a bond should be required to assure cleanup of a facility site when it is no longer in operation.

The Board agreed that these two draft Zoning Bylaw amendments be submitted as placeholders for the Town Meeting Warrant, to be replaced with revised drafts before the close of the Warrant.

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

- Letter from Attorney General to Mary DeAlderete, Town Clerk dated 12/17/18 re: “Carlisle Annual Town Meeting of 4/30/18 – Warrant Article #21 (Zoning)”
- Email from Kathryn Boudreau to George Mansfield dated 1/5/19 re: “Planning Board and Recreational Marijuana Facilities –please vote NO”, and attached New York Time Article:” Don’t Ignore the Risks of Pot” dated 1/5/19
- 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”

Master Plan Steering Committee (MPSC) update (warrant article)

Chair Gambino reported that TC had provided verbiage for the warrant article requesting funds to be expended by the MPSC for costs associated with the preparation of a MP, including consultant services and ancillary Town costs associated with the preparation of the MP. He noted that the PB had already voted to put this article on the warrant, and that the verbiage for the associated Town Election ballot questions will be available once the Zoning Bylaw amendment language is final.

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

- Draft “warrant article – Master Plan Funding” received 1/11/19.

Other Business

Metropolitan Area Planning Council (MAPC) call for project concepts for its Technical Assistance Program

Planning Administrator Mansfield explained that this MAPC program provides staff assistance to individual towns. He asked if the Board felt there are any aspects of the Master Plan effort that could benefit from this assistance, and noted that the deadline for proposal submissions is February 1, 2019. Chair Gambino suggested that it may be possible to get funding for a GIS technical assistant, and he offered to look into this.

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)

Planning Administrator Mansfield explained that the Notice to the Town of Intent to Sell and Convert this property to another use (other than 61B – recreational land) was received by the Selectmen’s office on 11/21/18, and therefore the option expires on 3/21/19 (120 days). He also noted that some of the Board members attended a site walk of this property in December. Mansfield explained that on 1/11/19 the Town Administrator emailed asking for the PB’s and the Conservation Commission’s recommendations on this option by 1/18/19 – before the next PB meeting. Planning Administrator Mansfield added that he has

received a draft ANR plan for the 8 acre parcel, showing 3 house lots, but that this cannot be submitted to the PB until the right of first refusal is decided upon.

Planning Administrator Mansfield explained to the Board that he has just learned that the notice to the Town was likely defective, as according to the Conservation Administrator, only 6.5 acres of the 8-acre parcel is held in Ch. 61B, and this acreage was not defined in the Purchase and Sale agreement. Mansfield further explained that if the notice is indeed defective, the Town may not be able to act on this option.

Given the deadline for Board input, the PB discussed whether the Town should exercise an option to purchase this property, in the event the option is exercisable. Several members expressed that without a specific plan in mind for Town use of the land, it may not be in its best interest to purchase the property. One member suggested the Town purchase and re-sale of the property, and it was noted that three new homes would generate approximately \$60,000 in new tax revenue annually. However, the Board rapidly concluded that in the absence of information on the specific location of the acreage under CH 61B, to which the purchase option pertains, it is not possible to provide a definitive recommendation to the Town concerning the purchase option. Chair Gambino asked Planning Administrator Mansfield to discuss this matter with Town Administrator Goddard as soon as possible, and make the property seller and TC aware of this issue.

Concerning Stearns St in general, Planning Administrator Mansfield proposed that the Board may wish to seek its designation as a Scenic Road, particularly given the historic stone walls along Stearns St., and it having been an ancient way to Concord. Chair Gambino asked Mansfield to obtain some input from Stearns St residents as to whether they would be interested in this.

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

- Email from Tim Goddard dated 12/3/18 re: “61B – 108 Stearns Street” and attached “Notice under MGL ch. 61B sec. 9 of Intent to sell and Convert Use” dated 11/21/18 from Dane, Brady & Haydon to Carlisle Board of Selectmen et al

Request for Planning Board review of Board of Health Regulations pertaining to Residential Open Space Communities and to Sewage Disposal Systems (Request of Board of Health)

Planning Administrator Mansfield explained that the Health Agent has requested that the PB review and comment on proposed changes to their regulations, in part to address the new ROSC Zoning Bylaw. The Board reviewed the proposed changes, and Chair Gambino asked Planning Administrator Mansfield to check the PB’s Rules and Regulations for Subdivision of Land to see if they are consistent with these revisions.

Stevens moved and Walsh seconded a motion that the PB convey its agreement with the BOH’s proposed revisions to its Subdivision Regulations to address the ROSC Bylaw, and that the PB amend its Subdivision Regulations, if necessary, to assure consistency. The motion was approved unanimously (6-0).

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

- Draft revised “Board of Health Regulations for the review of Subdivision Plans, Conservation Clusters and senior Residential and Residential Open Space Community Special Permits” dated 12/11/18
- Draft revised “Board of Health Regulations for sewage Disposal Systems” dated 12/11/18

FY20 budget

Treasurer Blake reported on the FY20 budget, explaining the line-item breakdown of the PB’s budget proposal for FY2020, which she has prepared in consultation with former Treasurer Stevens and Planning Administrator Mansfield. Blake pointed out that, in line with FinCom’s suggestion when the PB representatives met with them in October, the draft budget includes an additional one-time amount to anticipate Mansfield’s possible retirement in FY20 and allow for one month of overlap of the incumbent Planning Administrator with his successor for a smooth transition.

Stevens moved and Walsh seconded a motion that this draft FY20 line-item budget for the Planning Department be provided to FinCom, and the motion was approved unanimously (6-0).

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

- Draft FY20 Planning Board General Budget, dated 1/3/19

At 10:05 pm, Blake moved and Stevens seconded the adjournment of the PB meeting, and the motion was approved unanimously (6-0).

Respectfully Submitted,
Gretchen Caywood
Assistant to Planner
Carlisle Planning Board