

Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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Minutes January 28, 2019

Minutes 1/14/19

Bills

Budget: FY20 budget

2018 Annual Town Report

Liaison Reports

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Review of Nitsch Engineering "Standard Terms and Conditions" for peer review and construction administration services

Master Plan Steering Committee update

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

Assistant to Planner Gretchen Caywood, Andrea Tavares (LandTech Consultants Inc., Westford, MA), David Freedman (Hutchins Rd), Suzanne and Chris Spinney (Fiske St), Richard Hisey and Joe LaFlamme (both of Stearns St), Angus Beasley (Adams + Beasley, Inc., Carlisle, MA), Dan Carr (Stamski & McNary, Inc., Acton, MA), Dan Gainsboro (NOW Communities LLC, Concord, MA), Angelo DeBenedictis (Carleton Rd), Beverly Humm (East St) and Bob Zielinski (Carlisle *Mosquito*) were also in attendance.

Minutes

The Planning Board (PB) reviewed the draft Minutes from the 1/14/19 meeting. Walsh moved that the PB approve the Minutes as drafted, Blake seconded the motion, and it was approved unanimously (4-0).

April and May PB meeting dates

The Planning Board agreed upon the dates of April 8 and 22 and May 13 for meetings (7:30 pm in the Clark Room).

Planning Board discussion of next steps on Recreational Marijuana Facility Moratorium

Vice Chair Stevens explained that Town Counsel (TC) had prepared two draft Zoning Bylaw amendments to address a complete ban of recreational marijuana facilities in Carlisle, and to address a limited restriction on types of facilities to allow only cultivators and craft co-operatives. Stevens informed those in attendance that these two alternatives were selected as preferable to town residents, based on a recent survey for residents' input on the future of recreational marijuana in Carlisle, and that the limited restriction bylaw would not allow marijuana retail establishments and several other types of marijuana facilities in Carlisle. He further explained that both proposed Zoning Bylaw amendments will need to be voted at Town Meeting (TM), as well as voted on the Town Election ballot, to better protect the Town. Otherwise, if only a ban were voted on, and it was not approved, the town would be open to siting of one of each of the 8 types of recreational marijuana facilities identified by the State.

The Board had reviewed these draft amendments. Blake had provided comments on the restriction bylaw amendment, and she discussed her input with the Board. Walsh moved that the PB accept the draft Zoning Bylaw amendments for a ban and for a restriction on recreational marijuana facilities as written by TC with

the understanding that Counsel may revise these drafts based on Blake's comments and input. Misek seconded this motion, and it was approved unanimously (4-0).

The Board discussed a possible hearing date of 2/25/19, and authorized Planning Administrator Mansfield to work with TC and ask that they provide a revised draft back to the PB office by Monday, February 4th, in order to be able to submit the required public hearing advertising.

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"
- Email from Madeleine Blake to Peter Gambino et al dated 1/15/19 re: "Comments on Proposed Zoning Bylaw to ban all except cultivators and craft cooperatives"

Certification of completion of Common Driveway for 268-270 Fiske St

Planning Administrator Mansfield had informed the PB that the applicants' engineer has recently provided an as-built plan of this common driveway (CD), sending it to the PB's consulting engineer for this project as well. He had further explained that Andrea Tavares (LandTech), the PB's peer review engineer, has reviewed the as-built plan, visited the site, and had sent an email of her findings. Mansfield then informed the applicant of her findings, and the applicant's engineers provided a revised as-built plan containing the information requested. Tavares was in attendance to discuss this CD and her findings.

Planning Administrator Mansfield referred to a 12/17/18 letter from the applicant's engineer stating that their on-site inspection has shown that all work has been satisfactorily completed and is in substantial compliance with the PB's Special Permit Decision (dated 1/10/17), with the exception of planting four 6-ft white pines along the property line between the leaching area and Fiske St. The letter also states that the finished grades and final construction details of the CD have been constructed according to the approved plans and in accordance with standard engineering practices. Regarding the trees, Mansfield explained that while the PB had required the tree planting to screen the septic system, once the woods were removed to construct the septic field, the abutter realized that she had a new view of the cranberry bog, and has therefore asked in writing that the trees not be planted.

Tavares explained that her peer review role on this project began at the start of construction, and that she had conducted numerous site visits during construction and at its completion. At the PB's request, she had visited the site a few weeks ago, and took measurements, checked driveway grading, CD signage, and inspected the site overall. She explained that she had reported to Planning Administrator Mansfield that the width of the CD was variable – from less than 12 ft. in some areas to as wide as 15 ft. She also reported that she did not observe the required 2-ft wide stabilized shoulders consistently along either side for the entire length of the CD, as required in the approved plan. Planning Administrator Mansfield confirmed that the shoulders are not shown on the as-built. Mansfield also reminded the Board that the PB's CD Rules and Regulations require a 12-ft CD width, but that the Board had waived this requirement to 10 ft. with 2 ft. shoulders at each side, since there are only 2 homes served by this CD.

Planning Administrator Mansfield asked applicants Chris and Suzanne Spinney if there is a gravel base under the shoulders. Ms. Spinney said that she had installed some ground cover plantings in a few areas of wide, flat shoulders, but that [now former] Deputy Fire Chief White has seen it and is not concerned about the width. Vice Chair Stevens noted that when he visited the site, it seemed that there were areas along the CD where there were 4-ft shoulders on one side, and seemed to be no shoulder area on the other side. Mr. Spinney said that many trucks have accessed the CD without problem.

Vice Chair Stevens asked Tavares if the CD as constructed meets the needs of the town. Mr. Spinney replied that the T-turnaround on the CD was adjusted two years ago to meet the radius requirement, and that then Deputy Fire Chief White had visited the site and said that the fire trucks would probably not use the T-turnaround, but would use the driveway near their house, and he subsequently suggested to them that the PB allow this. Vice Chair

Stevens explained that it is not part of the CD, but is on the private property for 270 Fiske St, and therefore not under the jurisdiction of the PB, making this a concern for the long-term where a future property owner could change the configuration on this private lot. Stevens confirmed from the Spinneys that White was concerned with the use of the T-turnaround by the fire trucks because of the grades of the T-turnaround. Tavares explained that there is a hump in the T-turnaround, reaching a grade of 8% at one point. .

Vice Chair Stevens asked the Spinneys if they would consider a deed restriction and easement on part of their driveway for Fire Department use, and they were not agreeable with this, Tavares said that while the dimensional requirements of the T-turnaround do match what was approved, in her opinion it would be difficult for a fire truck to use the T-turnaround due to the hump in the turnaround. She noted that the approved design plan had not included any information on grades in the T-turnaround area. Blake confirmed from Tavares that her peer review noted no other variations from the approved plan, other than the aforementioned screening trees being installed, which is not an issue, as previously noted.

On discussion, Walsh moved that the PB approve a field change to the Special Permit Decision for the 280-270 Fiske St Common Driveway to eliminate the requirement of planting four 6-ft white pines along the property line between the septic system leaching area and Fiske St., at the request of an abutter to the site. Blake seconded the motion and it was approved unanimously (4-0).

Blake asked Tavares to point out on the plan the areas where the CD narrows, and she pointed out two main areas between the septic system and the T-turnout. Both applicants pointed out that many large trucks have maneuvered the CD without a problem. However Blake expressed concern about a fire truck's ability to do the same. Planning Administrator Mansfield advised the Board to ask the Acting Fire Chief to visit the site and determine that it is adequate for the Fire Department's purposes. Vice Chair Stevens asked Planning Administrator Mansfield to speak with the acting Fire Chief and ask that he examine the site to check the width of the CD and report back to the PB as to whether the CD meets the needs of the Fire Department. Stevens asked Tavares, upon the PB's receipt of feedback from the Acting Fire Chief, to submit a letter to the PB stating her concerns about the CD width.

Vice Chair Stevens explained to the Spinneys that the Board must delay in declaring the project complete until it has received input from the Acting Fire Chief, noting that at this point, Condition #11 of the Special Permit is not fully satisfied. Stevens also asked all PB members to visit the site at their earliest convenience.

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

- Email from Suzanne Spinney to George Mansfield dated 1/23/19 re: "268-270 Fiske St common drive
- Letter from Daniel Gannon (Stanski & McNary, Inc., Acton , MA) to Carlisle Planning Board re: "Common Driveway 268-270 Fiske St" dated 12/17/18
- Letter from John Ballantine and Julie Durrell to Suzanne and Chris Spinney dated 12/16/18.
- Email from George Mansfield to Suzanne Spinney dated 1/17/19 re: "268-270 Fiske St common drive"
- As-Built Plan for 268-270 Fiske St common driveway prepared for Suzanne Spinney by Stanski & McNary, Inc., last revised 1/18/19

Continued discussion of Warrant Articles for 2019 Annual Town Meeting Warrant – Scenic Roads Bylaw

Planning Administrator Mansfield informed the PB that, as a result of the PB's vote at the last meeting to recommend that Rockland Rd be added to the list of Scenic Roads in the General Bylaws, a request for this warrant article was submitted to Town Administrator Goddard and has been confirmed. He added that the brief discussion at that meeting of the possibility of recommending Stearns St as an additional candidate for that list had been noted in the Mosquito, and that he had subsequently been contacted by Stearns St resident Richard Hisey who expressed interest in having Stearns St designated a Scenic Road. Mansfield explained to the Board that Stearns St. does seem to meet most of the criteria for this designation: multiple stone walls near both ends of the street, and many mature trees throughout the length of the street which seem to be in the Town's right of way. It also meets the historic value criterion of the Bylaw, as according to records, Stearns St was laid out in 1744 as a road to Concord.

Stearns St residents Richard Hisey and Joe LaFlamme were present for this discussion. Hisey spoke in favor of designating Stearns St as a Scenic Road, referring to the stone walls along large sections of the tree-lined roadway as well as the age of the roadway. LaFlamme spoke against designation as a Scenic Road, expressing concerns about being able to do repairs and renovations to his older home without seeking what he viewed as added approvals from the Town. He expressed concerns about seeking approvals for tree cutting on his property. LaFlamme also said that since there are many other older homes along the roadway, other residents might feel similarly.

Planning Administrator Mansfield explained to LaFlamme that the Scenic Road Bylaw (General Bylaw Article XII) only pertains to “the cutting or removal of trees or alteration of stone walls or portions thereof within or bordering a Scenic Road” (General Bylaws Sec. 12.6) – i.e. within the Town’s right-of-way of the Scenic Road – and not to any proposed changes on a privately owned lot on that roadway. Mansfield further explained that any stone walls along a roadway are generally (but not always) located on the boundary between the private lot and the Town’s right-of-way. After this explanation, LaFlamme said that he had misunderstood this Bylaw, and said he will take a neutral position on this proposal until he has restudied this General Bylaw.

Planning Administrator Mansfield explained to the Board that in order to propose Scenic Road designation for Stearns St, the PB will need to designate a member to make a presentation to this effect at Town Meeting. On discussion, Misesk moved that the PB authorize Planning Administrator Mansfield to request a warrant article for designation of Stearns St as a Scenic Road. Vice Chair Stevens seconded the motion, and it was approved unanimously (4-0).

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

- Email from Richard Hisey to George Mansfield dated 1/19/19 re: “Stearns Street scenic designation”

Discussion of Citizens’ Petition for 21-23 Bedford Rd (Map 22, Lot 44)

Planning Administrator Mansfield had explained that this property owner was initially considering seeking a zoning change for this lot, but has reconsidered that proposal. The owner has submitted to the Selectmen, and filed with the Town Clerk, a citizen’s petition seeking a “Grant of Title 5 Nitrogen Loading Restriction and Easement on Nitrogen Credit Land,” with the requested easement to be located on part of the adjacent Center Park Town-owned land.

Angus Beasley (Lowell St), co-owner of the property (via Adams and Beasley, Inc.) was present to discuss his petition, noting that Title V septic requirements are the root of the issue with redeveloping this property. He explained that the approved septic capacity of the property is grandfathered for generation of up to 7 bedrooms of flow to the septic system, Beasley further explained that this grandfathering is what has stopped their buildout of the property because it means that the total flow and the use cannot be changed, and that no additional units could be added. He said that they decided not to seek a zoning change to the lot because they could not imagine a re-use of the residence that is needed by the Town and that is also financeable. Beasley explained that if they are able to obtain a nitrogen credit easement through the designation of a portion of Center Park land, they would be able to change the use of the residence or add a unit to the property, thereby making the project financeable. He noted that the change would involve a demarcation on land plans at the Registry of Deeds for a portion of the Center Park lot, and that no changes on the ground would be required. Beasley explained that the only alternative to this approach is a State variance.

Blake pointed out that if this easement were granted, Center Park would need to remain a park, and Beasley confirmed that the park would need to remain “non-nitrogen loading.” He added that he and his co-owner would be willing to make a donation to Center Park toward its continued maintenance should the Town decide to grant the easement.

Vice Chair Stevens thanked Beasley for explaining his petition to the Board, and Planning Administrator Mansfield pointed out that, at a later meeting, when the Board reviews the Town Warrant, it could make a decision to support this article at Town Meeting. Mansfield also suggested to Beasley that he confirm that the Center Park

lot is not Article 97 land – i.e. that no CPC or State funds were utilized toward its purchase, or improvement as a park.

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

- “[Citizen’s Petition] for inclusion on 2019 Annual Town Meeting Warrant” received 1/22/19

Preliminary Plan Discussion of potential Residential Open Space Community (ROSC), Parcel 10-4-X (between 767 and 871 Bedford Road) – 44.9 ac. (NOW Communities, LLC)

Planning Administrator Mansfield noted that a conceptual plan of this development had been presented to the Board last fall (see Minutes of 10/1/18 PB meeting). He explained that the purpose of this Preliminary Review submission per the new ROSC Rules and Regulations is to allow the Board to make recommendations for changes or to request additional information regarding this application, and also to reach out informally to other Boards for their input. Mansfield explained that a Preliminary Plan submission does not require an advertised public hearing, and that the Board’s Regulations allow 60 days to complete this review, if necessary. While the applicant’s engineers had submitted more than the required information for a Preliminary Plan submission, a site plan set, an illustrative site plan, a proof plan, and certain other key content from the Preliminary Plan submission documents had been provided to the Board in advance of the meeting. A Traffic Study, Stormwater Management Plan, cut and fill calculations and draft deeds for the land were also submitted by the applicant’s engineers.

Dan Carr (Stamski & McNary, Inc.) presented this Preliminary Plan on behalf of his client, Dan Gainsboro, Founding Principal of Now Communities, LLC, who is proposing this new community for Carlisle. Carr first displayed a “context plan” for the site, showing its proximity to Foss Farm and Great Meadows National Wildlife Refuge. 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. Carr said that the proposed Woodward Village will be comprised of 18 units, one of which will be built as a duplex. The proposed site layout also includes community gardens, a screened pavilion, 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 to be located close to Bedford Rd. Applicant Dan Gainsboro pointed out that the two well locations have been approved by the MA Department of Environmental Protection (DEP), and test drilling is underway. Concerning drainage at the site, Carr described 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.

Carr further explained the proposed site layout, which will have 9 units located along a roadway and the remaining 9 units located off a walking path surrounding a common green. For the latter units, there are common parking “barns” to be located at either end of the walking path. As one enters the village, there will be one home on either side nearer Bedford Rd, followed by an area of a wetlands crossing, then the remainder of the units, with the courtyard and common areas located farthest from the Bedford Rd. entrance.

Carr explained that the number of units proposed is based on the density calculations as allowed by the ROSC Zoning Bylaw (Sec. 5.12), which requires 1.8 acres of open space (OS) per unit proposed. He also displayed the definitive subdivision “proof plan” submitted as part of this Preliminary Plan, which illustrates 9 possible lots in a conventional layout that meets all the requirements of Carlisle’s Zoning Bylaws.

A pre-application conference took place on this project in early December 2018, and Carr pointed out that to address concerns expressed by then Deputy Fire Chief White, along one side of the roadway, a five ft. grass strip will be added between the roadway and the sidewalk, on which the street trees will be planted, as shown on the Illustrative Site Plan provided. A wider reinforced area of turf near the walking path has also been added to the plan, to allow for easier access by emergency vehicles.

Gainsboro suggested to the Board that now is a good time to walk the property, which he has permission to access through use of a trail on adjacent property, and he asked the Board to please contact him first. He added that the property itself is still owned by the Woodwards, with its sale being contingent upon approval of all needed permits.

Carr asked for the Board's input on the Preliminary Plan. Vice Chair Stevens asked about use of the walkways at the Concord Riverwalk development in West Concord, also designed and developed by this applicant. Gainsboro said that the residents really seem to like the walkway and the common green area because they feel they can let their children outside without worrying about cars. Planning Administrator Mansfield asked about trails parking, and Carr said that there are currently two planned parking spots at the end of the roadway. Carr noted that mailboxes will be located at the fire turnout at the cistern, as this will help make sure it is plowed and also that it is not used for parking. He also noted that there are street lights proposed for the roadway in the development.

Planning Administrator Mansfield asked if the units will be condominiums, and Gainsboro confirmed that they will be, particularly due to the shared septic system, and that there will be a Homeowners Association (HA) to oversee and provide for maintenance for the development. Mansfield said that the full application for the special permit will need draft HA documents.

Vice Chair Stevens asked if there is likely to be sufficient water supply at the proposed well locations, and Gainsboro explained that drilling will be done in February but the hydrologist does not foresee an issue with this. Stevens asked about the proposed septic system and Carr explained 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.

Gainsboro's architects had provided elevations and floor plans for the proposed units, which will all be net zero possible and solar ready. He informed the Board and those in attendance of an information session on the project to be held 2/6/19 at 7 pm in Town Hall.

Planning Administrator Mansfield asked Gainsboro what other applications need to be filed for this project. Gainsboro explained they are about to submit an application to the Board of Health for approval of the septic system, and will return to the Conservation Commission for approval of the wetlands crossing. He noted that some trees will need to be removed, and Mansfield explained that this will require a Public Shade Tree hearing with the Tree Warden. It was noted that while some areas of stone wall will need to be removed, Bedford Rd is not a designated Scenic Road, and therefore a Scenic Road hearing with the PB is not required. Gainsboro pointed out that any removed stones will be given back to the community for use in town. Planning Administrator Mansfield also recommended that the PB obtain input from the Trails Committee.

Vice Chair Stevens asked if two spaces for trails parking is sufficient. Former PB member David Freedman (Hutchins Rd), proponent of the ROSC Bylaw amendment, suggested that there is sufficient nearby trails parking at the adjacent Foss Farm and other nearby areas, and he pointed out the site constraints limiting the amount of trails parking that can be provided. Stevens referred to access from the planned OS to the former O'Rourke land on which the Town has reserved the right to locate a public water supply if needed, and Freedman said that they are working with Town Counsel to include this language in the OS deed.

The Board discussed a possible hearing date with the applicant, and the 2/25/19 PB meeting was agreed upon for opening of this public hearing. On discussion, Walsh moved that the Board engage Nitsch Engineering for peer review engineering services on this project, Blake seconded and the motion was approved unanimously (4-0).

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" submitted by Stamski & McNary, Inc. dated 12/7/18.
- 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"
- [Preliminary Plan] Application for a Residential Open Space Community, submitted by Stamski & McNary, Inc. for Dan Gainsboro, Now Communities, LLC dated 1/22/19

Review of Nitsch Engineering “Standard Terms and Conditions” for peer review and construction administration services

The Board reviewed this agreement. Walsh moved and Blake seconded a motion that the Board accept and authorize Vice Chair Stevens to sign this agreement, and the motion was approved unanimously (4-0).

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 10:35 pm, Vice Chair Stevens 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 4-0 by roll call vote: Vice Chair Stevens – aye, Misek – aye, Walsh – aye, Blake – aye.

Respectfully Submitted,
Gretchen Caywood
Assistant to Planner
Carlisle Planning Board