

# Town of Carlisle

MASSACHUSETTS 01741

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Office of  
**PLANNING BOARD**

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## **Minutes February 24, 2020**

### **Minutes 2/10/20**

#### **Bills**

#### **Budget/FY21 budget**

#### **2019 Annual Town Report**

#### **Town Caucus 3/23/20**

#### **April, May, June meeting dates**

#### **Liaison Reports**

**Discussion of possible Warrant Articles for consideration at Town Meeting, including those for regulation of Adult Use Marijuana**

**Request for update of Planning Board goals for 2020 OS&R Plan [Request of David Freedman, Chair]**

**Request for reduction in amount secured by the existing Tri-Party Lender's Agreement re: 81 Russell Street, between Brendon Properties Garrison Place, LLC, Norwood Bank and the Town of Carlisle [Request of Brendon Giblin]**

**Master Plan Steering Committee update**

**ANR Plan: 106 Koning Farm Rd, Map 17, Parcel 17A-1, Debra and Mark Hankey, applicants**

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

Mark Hankey (Koning Farm Rd) and Bob Zielinski (Carlisle *Mosquito*) were also in attendance.

### **Minutes**

The Planning Board (PB) reviewed the draft Minutes from the 2/24/20 meeting, and a few amendments were proposed. Grady moved that the PB approve the Minutes as amended, Misek seconded the motion, and it was approved 4-0 (Misek abstained).

### **2019 Annual Town Report**

Planning Administrator Mansfield explained that he is preparing the draft report, which needs to require a significant amount of detail required by the Finance Committee.

### **Town Caucus**

Planning Administrator Mansfield explained that Chair Blake's 3-year seat is up for reelection, and Grady and DeKock were appointed to former Members Peter Gambino (whose term would end this year) and Jonathan Stevens (whose term would have one more year) seats, and those appointments were until the next election. Therefore, there is a one-year term and two 3-year terms up for re-election. Grady asked to run for the one-year term. Yelle and Misek planned to attend the caucus on March 23 at 7 pm to nominate the new members.

### **April, May, June meeting schedule**

On discussion, the Board agreed upon the following meeting dates (all Mondays at 7:30 pm):

April 13, 2020

May 4 and May 18, 2020

June 8, with the second June meeting TBD

The Board also agreed to start the 3/30/20 meeting at 7:00 pm due to the number of items on the Agenda.

### **ANR Plan: 106 Koning Farm Rd, Map 17, Parcel 17A-1, Debra and Mark Hankey, applicants**

Planning Administrator Mansfield explained that the purpose of this ANR plan is to divide the 4.34-acre lot for 106 Koning Farm Rd into a 3.68-acre parcel containing the residence and an empty 0.65-acre parcel which would be adjacent parcel X-1 which is a 1.35-acre parcel. Mansfield further explained that due to a condition of the subdivision approval associated with this lot (and the Koning Farm Rd subdivision roadway) requiring that the

land not be further subdivided, he spoke with Town Counsel Chris Heep about whether this ANR plan can be endorsed by the Board. Planning Administrator Mansfield also noted that the Certificate of Approval for this subdivision also has a condition that there can be no more than 5 building lots on Koning Farm Rd, which is the number that currently exists, but he pointed out that the ANR illustrates that if the existing parcel X-1 and the parcel that this ANR would split off of the lot for 106 Koning Farm Rd were combined, the result would be a 6<sup>th</sup> buildable lot along the roadway.

Planning Administrator Mansfield explained that Heep recommended that this ANR should be accepted for filing (since it does meet all the requirements for an ANR plan), but denied in terms of endorsement until an application for a modification of the subdivision is filed, and approved, either removing or modifying these conditions of the subdivision. Alternatively, Heep had suggested that Planning Administrator Mansfield should explain this situation to the applicant's engineer and see if they still want to go forward with filing the plan at this time. Mansfield explained that he did speak with the engineer, and he asked to hold on the Board's consideration of the plan at this time, until he confers with his client.

Applicant Mark Hankey was present for this discussion to explain his intentions with this ANR plan. Hankey explained that he has no interest or intention in having a buildable lot and does not want to see further development on the roadway. He explained that a neighbor is interested in ensuring the lot remains empty, and so wishes to purchase the parcel that would be split off from his property, along with existing Parcel X-1 to assure they remain as an open field.

Planning Administrator Mansfield read from the Certificate of subdivision approval and confirmed that the first condition is that there be "no further subdivision of the parcels involved by any means." Mansfield pointed out that both this condition and the one limiting the roadway to five building lots were requested by the subdivision applicant at that time.

Grady asked if the total area of existing parcel X-1 and the parcel this ANR would form being 2 acres is coincidental, and Hankey said no, adding that they designed the plan that way.

Mansfield explained that the Board itself can propose a modification to a previously approved subdivision plan, adding that it requires a public hearing with full noticing as well as the consent of all property owners within the subdivision. Hankey said that he felt consent of the property owners would not be a problem.

Board members discussed this situation further. Grady suggested putting a Conservation Restriction (CR) on one or the other of the two parcels that could be combined to create a 2-acre lot. Planning Administrator Mansfield said that if an application were filed to modify the subdivision approval by removing the two conditions, a definitive subdivision plan would need to be prepared, however he offered to speak with Town Counsel to see if the ANR plan involving the lots that are changing would be sufficient. He added that the entire application process with required legal advertising timeframes, notices and public hearing would require at least 60 days. Hankey said he would be considering whether to proceed with such an application.

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

- Plan of land in Carlisle, MA for 106 Koning Farm Rd prepared by Stamsky and McNary, Inc. for Debra and Mark Hankey, dated 1/28/20.

#### **Request for update of Planning Board goals for 2020 OS&R Plan [Request of David Freedman, Chair]**

Chair Blake and Planning Administrator Mansfield had written an updated section on the PB's goals for the next several years, for inclusion in the 2020 Open Space and Recreation (OS&R) plan. The Board reviewed the final draft of this document and a few amendments were discussed. The Board also agreed that a statement be included that the PB plans to renew discussion with the Selectmen about LIP project guidelines. Planning Administrator Mansfield will revise this document for submission by the end of the week.

#### **Master Plan Steering Committee (MPSC) update**

Chair Blake reminded the Board about the next Community Master Plan Meeting on Wednesday, 3/4/20 at 6:30 pm in the Carlisle School cafeteria, and she encouraged all members to attend. Blake also noted that an MPSC meeting has been added for this Wednesday, 2/26/20 at 7:00 pm at Town Hall.

**Request for reduction in amount secured by the existing Tri-Party Lender's Agreement re: 81 Russell Street, between Brendon Properties Garrison Place, LLC, Norwood Bank and the Town of Carlisle**

**[Request of Brendon Giblin]**

Planning Administrator Mansfield explained that when the most recent list of remaining work at this site was submitted by Brendon Properties, the restoration of a previously existing wetland was not on the list, and therefore an estimated cost for this restoration was not included in the total cost of remaining work. Mansfield explained that the plan set that the PB approved contains notes about the restoration of this wetland, and the ConsCom requires that restoration as part of their OOC. He added that on January 8 he had requested from Brendon Properties an estimated cost for this restoration, partly because it is ongoing, and changing by the week, but also the scope of work was never submitted to the ConsCom for its approval. Mansfield explained that Brendon Properties had informed him of this last week, and that this item will be addressed at this Thursday's ConsCom Agenda. Therefore, this will need to be addressed at the 3/9/20 PB meeting.

**Discussion of possible Warrant Articles for consideration at Town Meeting, including those for regulation of Adult Use Marijuana**

Chair Blake summarized the last meeting discussion on this topic based on the three choices: a total ban, allowing facilities in the Bedford Rd business districts, and allowing cultivation only by cultivators and craft cooperatives throughout town. For the third possibility, two options were considered: allowing cultivation on any lot, or allowing on parcels 5 acres or more. Blake added that these sites would require the special permit process via the PB.

Misek, who was not in attendance at the last meeting, asked how these options were determined. Chair Blake summarized that there are three places to put things: Town Center (Residence A zone), Bedford Rd Business Districts (non-Town Center Business Districts), and the large Residence B district encompassing the remainder of the Town. Chair Blake explained that the Board had discussed not allowing facilities in Town Center. A next step was to determine what to allow in the Bedford Rd Business Districts. Blake added that since agricultural use is already allowed by right in the Town, while MJ cultivation is not defined as agriculture, it can be seen as similar and therefore the Board discussed allowing it throughout Town. Misek expressed concern that, similar to the last Town Meeting, the residents may have difficulties sorting out the three options. Yelle said that in his opinion, the options proposed are reasonable, and pointed out that the PB will hold a public hearing on any proposed Zoning bylaw amendments, although no one attended the PB hearing for the MJ Bylaw amendments proposed last year.

Chair Blake said that if there is enough PB agreement on cultivation in residential areas such that it is presented at Town Meeting (TM), the bylaw amendments should be presented sequentially at TM, and if the Town does vote it down, it is their choice. But she felt strongly that is the PB's role and responsibility to research the options for MJ, and propose what they feel is most appropriate for Carlisle. The options are also based on the results of a resident survey put forward by the PB in 2018. Planning Administrator Mansfield said that there have been inquiries from businesses concerning recreational marijuana siting in Carlisle, and what the Town allows.

Grady said that in her opinion, the voters seem to be uncomfortable with an outright ban, perhaps mainly because they see it as a value judgement that MJ should not be in our Town, when the majority of people voted to legalize it in the November 2016 election. Chair Blake pointed out that there are several types of businesses not allowed in Town Center, such as a dry cleaner, for example. Misek said that he is in favor of putting together a sensible proposal of MJ articles, but expressed concern that the Bylaws could again be voted down at TM. Yelle pointed out that at last year's TM, it was realized that the setback for siting of facilities in the Bedford Rd Business Districts was seen to be too great, and therefore effectively also being a ban. It was noted that this would not be the case with these proposals. Yelle also said that from his sense of the Town, he does feel that the residents would consider the option allowing cultivation on any lot, although he would favor a minimum 5 acres lot size requirement.

Chair Blake suggested that the Board obtain information on specific sites that can be visited to get first-hand information. She asked Planning Administrator Mansfield to provide a list of the 3 business parcels on Bedford Rd, the size of the lot, and the area of the lot that is zoned for business. Blake noted that she emailed Walsh, who has knowledge of some facilities in the area.

Chair Blake reminded the Board that at the last meeting, Planning Administrator Mansfield reported that the Selectmen are strongly considering a fall TM mainly for Bylaw amendments, in addition to the Spring TM for the municipal budget and for other Town business. On discussion, the Board agreed that the MJ Zoning Bylaw amendments should be addressed at fall TM. They discussed a June PB public hearing to allow for advertising in the Mosquito and to assure it happens before residents are away on summer vacations.

Chair Blake said that the goal for the next meeting is to be able to decide on exactly which options to put forward. The Board discussed placing a series of articles in the Mosquito to educate the public on the recreational MJ issues and the different types of facilities.

At 9:05 pm, Grady moved and Misek seconded the adjournment of the PB meeting, and the motion was approved unanimously (4-0).

Respectfully Submitted,

Gretchen Caywood  
Assistant to Planner  
Carlisle Planning Board