

Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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Minutes March 14, 2022

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Circulation of request from Historical Society for Scenic Road designation for Martin Street

Co-Chair **Madeleine Blake** called the virtual meeting to order at 8:00 pm. Co-Chair **Pete Yelle** and Members **Ed Rolfe**, **Rob Misek**, **Adelaide Grady** and **Jason Walsh** were present. Member **Sara Smith** was absent. Co-Chair Blake hosted the meeting on a Zoom platform.

Interim Planning Administrator Jon Metivier, Assistant to Planner Gretchen Caywood, Conservation Administrator Sylvia Willard (Bellows Hill Rd), Alex Parra (Bellows Hill Rd), Steve Hinton (East St), Jill Defoe (Acton, MA), Melissa Robbins (Farrell & Robbins, PC, Westford, MA), Derek Zanga (Lion's Gate Rd), Christiane Hamilton (Lion's Gate Rd), and Bob Zielinski (Carlisle *Mosquito*) were also in attendance.

Discussion of potential Town acceptance of Lion's Gate Road (Request of Stephen and Jill Defoe)

Melissa Robbins, attorney for the Defoes, summarized what she felt is the situation regarding her client's request for Town acceptance of this roadway at Spring Town Meeting. Robbins stated that they have followed Town procedure and submitted all required materials to the Select Board (SB), and that the SB has referred this matter to the PB for its recommendation concerning Town acceptance. Robbins acknowledged that both the roadway and its infrastructure would need to be accepted by the Town, and further acknowledged that she is aware that there are issues to be discussed with respect to the drainage infrastructure.

Co-Chair Blake summarized that the Board is lacking information that it needs to be able to make a recommendation tonight concerning roadway acceptance by the Town, adding that there are two main categories of this information, as well as follow up with Town Counsel. One is a peer review engineering inspection and report on the current condition of the roadway and infrastructure – about which she emailed the Defoes on 2/17/22 and 3/1/22 and asked for their agreement to fund the cost of this necessary peer review work (with estimated cost provided by Nitsch Engineering). The Defoes declined to do this. The second category is determination of the responsibility for maintenance of the unique plant-based drainage facility along the subdivision roadway – an outstanding issue which was made known in 2016 when the subdivision approval was granted. At that time, both the ConsCom and the DPW provided written statements to the PB expressing their concerns about the Town's ability to maintain this facility. This matter still needs resolution. Co-Chair Blake explained that she had scheduled a site walk with DPW and ConsCom on March 3, to discuss this second point, but on March 2, the Defoe's contacted her and Interim Planning Administrator Metivier and stated in writing that they did not wish to proceed with their request for Town acceptance of the roadway. On this basis, the site walk was cancelled, and further discussion of the matter with Town Counsel was discontinued. Co-Chairs Blake and Yelle agreed that it would not be at all prudent for the PB to give a recommendation on roadway acceptance without this key information.

Robbins said the Defoes did not understand why the peer review engineer needed to conduct a site inspection, as the peer review engineer had reviewed and approved the as-built plan last year. She said that she never saw a

quote for the peer review inspection and that she would not want her clients to pay for the cost of examining the drainage infrastructure if the Town had no intention of accepting responsibility for it.

Co-Chair Blake said that the quote for peer review engineering costs had been provided to the Defoes by email well prior to their withdrawal of their roadway acceptance request on March 2. The next communication from the Defoes was on March 9 when they emailed to confirm that their matter was still on the PB agenda, without any acknowledgement of their prior email withdrawing this request. Blake further explained that she had previously informed the Defoes that after March 7 there would be insufficient time to gather the inspection information and report needed for the March 14 PB meeting. She added that if agreement can be reached as to what aspects of the infrastructure can be accepted by the Town, involving a site walk and discussion attended by all parties, it must then be documented before the PB can make any recommendation to the SB on roadway acceptance.

Jill Defoe said that she did not understand why the site needs to be inspected at this time. Co-Chair Yelle explained that the infrastructure has now gone through a winter season which can change the condition of a road and its infrastructure, and that the PB needs to have the current condition of the roadway and infrastructure confirmed, as is always the case before a Town considers accepting a roadway. Co-Chair Blake explained that the peer review engineer has not been to the site since June 2021. She asked other Board members for comment.

Rolfé said he supports the position of both Co-Chairs. Misesk supported getting answers to these questions. Walsh said that this has been the most poorly managed development he has seen in his tenure on the PB, and he stated his support for getting answers to these questions through inspections and further input from ConsCom and DPW. Grady asked about ConsCom's position concerning the drainage facility. Co-Chair Blake summarized that ConsCom recommended in 2016 that the responsibility for the roadway and infrastructure be split up, with the Homeowner's Association having responsibility for the drainage facility, but added that Town Counsel recommends against separating the responsibilities. Blake asked ConsCom Chair Alex Parra for input re ConsCom's position.

Parra confirmed that ConsCom is of the position that the Town cannot maintain the unique drainage facility, as confirmed by the Conservation Administrator's conversation from the DPW Superintendent. ConsCom wants to see a mechanism going forward for maintenance of the stormwater management system. The Town could take the roadway and the more conventional aspects of the drainage system and the HA could be responsible for the stormwater management system. ConsCom needs to see a binding commitment for maintenance of the stormwater management system.

Interim Planning Administrator Metivier pointed out that it was in fact the Defoe's engineer who had included in the Stormwater Management O and M document the requirement for peer engineering review of the stormwater maintenance system. Metivier added that he sees the issues as solvable, but not in the brief timeframe now available to be addressed at this Town Meeting.

Rolfé moved and Misesk seconded a motion that the PB recommend to the Select Board and the Town that Lion's Gate Road not be accepted as a public way at this time, as the Planning Board has insufficient information on which to base a recommendation at this time. The motion was approved unanimously (6-0) by roll call vote.

Co-Chair Blake explained to Defoe that the Board will work with them, and recommended a first step of meeting with all stakeholders.

Town Caucus March 14, 2022

Co-Chair Blake reported that Cross St. resident Joe Gushue was nominated for one of the three seats that will be open on the Board in May, and that there are other possible candidates who are still considering Board membership. Blake explained that a write-in campaign will be the likely route for filling the other two seats. Blake thanked Co-Chair Yelle for finding and garnering the interest of this new PB member candidate.

GIS Discussion

Interim Planning Administrator Metivier reported that he has been discussing the Town's GIS needs with the new Assessor, Brian MacDonald, who is well versed in the use of GIS software, and that they are in agreement that the Town must have in-house GIS capabilities. Updates can then be done in-house, but the right licensing capabilities are required. Metivier explained that licensing costs will go from the current approximate \$600 to \$1500 annually. Metivier added that the GIS base map data needs updating to current, and suggested that this be done through a consulting firm to move it along quickly. Then general updating can be done internally once we have the software, and he noted that the time requirement for this would be minimal (a few days total annually). Interim Planning Administrator Metivier suggested that the Assessor handle updating the data layers that are only privy to that department, and that the new Planner hire could update the other layers, requiring two licenses which may not need to be of the same cost. Metivier also proposed that \$5200 of the Board's Planning and Professional funds be utilized for a one-time cost license allowing for creation of our own GIS database, this then followed by the \$1500/year license cost. Co-Chair Yelle asked Metivier to prepare a summary of what GIS will do for Carlisle, and Metivier planned to invite the Assessor to the next meeting.

Co-Chair Blake explained that OS&R Committee member Steve Hinton has been utilizing the GIS volunteer license (\$100), and Hinton asked the Board to consider continuing this license, as it is important to provide transition services into the new data system. On discussion, Misk moved that the PB renew the GIS 'Personal Use' license in the amount of \$100, Grady seconded the motion, and it was approved unanimously (6-0) by roll call vote. The Board decided not to renew the current Creator and Viewer licenses in the amount of \$600, looking to the future arrangement proposed by Interim Planning Administrator Metivier.

Interim Planning Administrator Report

Interim Planning Administrator Metivier reported that we have received an invoice from Morgan Records Management toward scanning and archiving a first portion of the PB's files and plans, and that the ARPA Committee has indicated to him that this has a good chance of being funded. The submission of materials for scanning will be held until the invoice funding is finalized.

Circulation of request from Historical Society for Scenic Road designation for Martin Street

Co-Chair Blake reported that the Carlisle Historical Society (CHS) has submitted a request for scenic road designation for Martin St, but that this submission was too late to be considered for the April 25 TM. This has been explained to CHS, with a suggestion that this can be taken up at Fall TM. Blake suggested inviting a CHS representative to present their request at a summer PB meeting.

Master Plan

Co-Chair Blake reported that she and Co-Chair Yelle have provided detailed MP comments and input to the Master Plan Steering Committee, and she proposed an interim continued discussion of the MP at the 4/11/22 PB meeting, with a vote regarding the MP to be held at the 5/9/22 PB meeting.

Minutes

The Board reviewed the draft Minutes from the 2/28/22 PB meeting. Rolfé moved that the PB approve the Minutes as drafted, Co-Chair Yelle seconded the motion, and it was approved unanimously (6-0) by roll call vote.

Planning Board staffing

Co-Chair Blake summarized the status of these discussion, noting that last fall the Staffing Subcommittee had provided a draft job description for a Town Planner, followed by a Board discussion as to whether this should be a FT or PT position. Blake further explained that this work was put on hold until further advancement of the MP work and the Town Governance Committee to learn what recommendations from those sources might be. The draft MP recommends a Town Planner who can also support an environmental

planner and housing planner, however Blake suggested that this would be too burdensome for the Town Planner. She suggested instead that the Town Planner job description be modified to include certain tasks related to environmental planning and housing. Co-Chair Blake offered to prepare and provide a writeup of these tasks for discussion at the next meeting.

Grady added that concerning environment planning, the MP includes many references to the Path to Zero Emissions document developed by the Energy Task Force as the basis for their recommendations in this area. Also the Housing Production Plan (HPP), and update of which is now under development, with a public forum on 4/7/22, would provide guiding principles for housing.

Co-Chair Blake pointed out the importance of determining as much as possible in what way and to what extent a new Town Planner would be tasked with environmental and housing planning activities in addition to the land planning role.

At 9:17 pm, Walsh moved and Misek seconded the adjournment of the PB meeting, and the motion was approved unanimously (6-0) by roll call vote.

Respectfully Submitted,

Gretchen Caywood
Assistant to Planner
Carlisle Planning Board

List of documents associated with this meeting (available via the Planning office):

- Lion's Gate Operation and Maintenance Plan revised 9/2021
- Post development Operation and Maintenances notes from Jill Defoe dated 2/23/2022
- Letter from DPW Superintendent re Lion's Gate dated 3/9/2016
- Memo from Conservation Commission to Planning Board re: '570 West St Stormwater Management' dated 2/26/2016
- Lion's Gate Road Acceptance Submission dated 1/20/2022 from Melissa Robbins, attorney for the Defoes
- Email from Steve Defoe to Madeleine Blake dated 3/1/2022 re Lion's Gate Site Visit
- Email from Steve Defore to Madeleine Blake dated 3/2/2022 re: withdrawal of road acceptance request
- Email from Madeleine Blake to Steve Defoe dated 3/2/2022 re: confirmation of his email of withdrawal
- Email exchange between Jill Defoe and Madeleine Blake dated 3/9/2022 re: Planning Bd meeting Agenda
- Request for Scenic Rd Designation of Martin St dated 3/2/2022 from Carlisle Historical Society