

# Town of Carlisle

MASSACHUSETTS 01741

Office of

## PLANNING BOARD

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### Minutes March 25, 2019

Minutes 3/11/19

Bills

Budget

Town Caucus

CPTC Conference – 3/16/19

Liaison Reports

Public hearing on proposed Zoning Bylaw Amendment to Sec. 5.12, Residential Open Space Community (ROSC):

- To allow the Open Space to include infrastructure related to a public water supply of the Town of Carlisle,
- To require that all instruments of conveyance or conservation restriction specify the above
- To amend a section to refer to the Carlisle Affordable Housing Trust

Public hearing on proposed Zoning Bylaw Amendment to Sec. 5.8, Solar Photovoltaic (PV) Facilities:

- To add Assessors' Map 14, Parcels 28, 29, 30, and 31 to the Solar PV Facilities Overlay District on which large Scale Ground-Mounted Solar PV Facilities can be sited,
- To include a 25 ft. height limitation on canopy-style facilities located within the Solar Facilities Overlay District,
- To include a provision that facility setbacks can be less than 40 ft. to the nearest lot line if the abutting lot is in common ownership with that on which the facility is located.

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

Planning Board discussion of next steps on Recreational Marijuana Facility Moratorium

Master Plan Steering Committee Update

Request for extension of time to exercise the Lions Gate Definitive Subdivision Certificate of Approval for property at 570 West Street, (Map 6, Parcels 66-1 through 66-4 and Lions Gate Road), consisting of 10.84 acres) [Request of John Pearson]

ANR Plan: 108 Stearns street, Map 14, Parcel 17-21, Pliny Jewell III, applicant

Chair **Peter Gambino** called the meeting to order at 7:30 pm in the Clark Room of Town Hall. Members **Jonathan Stevens, Jason Walsh, Madeleine Blake, Peter Yelle**, Associate Member **Tom Lane** and **Planning Administrator George Mansfield** were present. Member **Ed Rolfe** joined the meeting at 7:50 pm. Member **Rob Misek** was absent.

Assistant to Planner Gretchen Caywood, Selectwoman Kate Reid (Carleton Rd), Conservation Administrator Sylvia Willard (Bellows Hill Rd), Janne Corneil (Acton St), David Freedman (Hutchins Rd), Jonathan DeKock (Oak Knoll Rd), Dan Gainsboro and Robert Easton (both of NOW Communities, LLC, Concord, MA), Tom Ryan (Ryan Associates, Waltham, MA), Christina Carlson (Union Studio Architecture, Providence, RI), George Dimakarakos (Stamski & McNary, Inc., Acton MA), John Pearson, Jr. (Gateway Center Corp, Lowell, MA), John Faria (Wakefield, MA) and Bob Zielinski (Carlisle *Mosquito*) were also in attendance.

#### Minutes

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

#### Town Caucus

Chair Gambino reminded the Board that the Town Caucus is this Friday, March 29, and that he has spoken with Rolfe, Walsh and Misek, all of whose terms expire this May. He reported that all have agreed to run for re-election to another term on the PB. Vice Chair Stevens and Blake planned to attend the Town Caucus to nominate these PB members for election.

### **CPTC Conference – 3/16/19**

Planning Administrator Mansfield reported that he and Stevens had attended this conference, which had a record number of participants this year. Stevens noted that he had attended seminars on Open Space and Low Impact Design, Hiring a Private Planning Consultant, and Tools to Visualize your Community's Future, and found all sessions to be very informative. Stevens also reported that members of the Cannabis Control Commission were in attendance, and reported that there are now 11 licensed recreational marijuana retailers in the State, with 77 applications in queue. Planning Administrator Mansfield reported that all presentation materials from the conference will be available shortly at masscptc.org.

### **Liaison Reports**

Stevens reported on the recent Affordable Housing Trust (AHT) meeting, noting that all responsibility of the Housing Authority (HA) is being transferred to the AHT, and that a warrant article is to be voted at Town Meeting (TM) regarding dissolution of the HA. Stevens noted that the AHT is composed of all 5 Selectmen, along with himself and resident Maureen Cosgrove-Derry.

Chair Gambino reported on the recent Selectmen's (BOS) meeting, explaining that at that meeting he had presented all Warrant Articles being sponsored by the PB. He noted that he has received positive feedback on the recreational marijuana (MJ) presentation explaining the Warrant Articles for a complete ban and for a restriction on recreational MJ facilities, and the ballot questions related to these articles. Chair Gambino noted that of the 6 towns bordering Carlisle, only Billerica allows retail MJ facilities. Chair Gambino also reported that at the same meeting, the BOS voted not to purchase the 108 Stearns St property.

### **Public hearing on proposed Zoning Bylaw Amendment to Sec. 5.12, Residential Open Space Community (ROSC):**

- **To allow the Open Space to include infrastructure related to a public water supply of the Town of Carlisle,**
- **To require that all instruments of conveyance or conservation restriction specify the above**
- **To amend a section to refer to the Carlisle Affordable Housing Trust**

Chair Gambino opened this public hearing and explained that this proposed amendment would involve minor changes to 3 subsections of Carlisle Zoning Bylaw Section 5.12, Residential Open Space Community (ROSC). Section 5.12.4.8 would be amended to allow the Open Space area of the ROSC to include piping, electrical service, access, and/or other infrastructure related to a public water supply of the Town of Carlisle, the source of which may be located on another lot or lots and may serve other property within the town. Section 5.12.4.9 would be amended to require that all instruments of conveyance or conservation restriction shall specifically authorize said utilities and infrastructure within the Open Space. Section 5.12.6.3 would be amended to refer to the Carlisle AHT rather than the HA, as the HA is being dissolved and its responsibilities transferred to the AHT.

Chair Gambino reported that he had presented this proposed amendment to the BOS, and that they had no questions or concerns. He opened this hearing to questions from the public, and there were none. Rolfe arrived at this point.

Stevens moved that the PB report to Town Meeting that the hearing for this proposed Zoning Bylaw amendment was held on 3/25/19 and that the PB recommends support of this amendment. Blake seconded the motion, and it was approved unanimously (6-0). Stevens moved that the PB close this public hearing, Blake seconded, and the motion was approved unanimously (6-0).

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

- Notice of Public Hearing for amendments to the Residential Open Space Community (ROSC) Zoning Bylaw
- Zoning Bylaw amendment (redline) for Sections 5.12.4.8, 5.12.4.9, and 5.12.6.3 (prepared by Town Counsel)

**ANR Plan: 108 Stearns street, Map 14, Parcel 17-21, Pliny Jewell III, applicant**

The PB had accepted this plan for filing at its last meeting on 3/11/19. The plan divides one 8 acre lot into two 2.0 acre lots nearest Stearns St., one of which contains the existing house, and one 4.0 acre lot at the rear of the parcel.

The PB reviewed the plan, which had also been previously reviewed by Planning Administrator Mansfield and was found to meet the requirements of the PB's Rules and Regulations for ANR plans. Stevens moved that the PB endorse the plan of land in Carlisle, MA for 108 Stearns St, prepared by Stamski & McNary, Inc. for Pliny Jewell, dated 12/4/18. Blake seconded the motion and it was approved unanimously (6-0).

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

- ANR plan prepared by Stamski and McNary, Inc. (Acton, MA) for 108 Stearns St, Carlisle, MA dated 12/4/18.

**Public hearing on proposed Zoning Bylaw Amendment to Sec. 5.8, Solar Photovoltaic (PV) Facilities:**

- **To add Assessors' Map 14, Parcels 28, 29, 30, and 31 to the Solar PV Facilities Overlay District on which large Scale Ground-Mounted Solar PV Facilities can be sited,**
- **To include a 25 ft. height limitation on canopy-style facilities located within the Solar Facilities Overlay District,**
- **To include a provision that facility setbacks can be less than 40 ft. to the nearest lot line if the abutting lot is in common ownership with that on which the facility is located.**

Chair Gambino opened this public hearing, and explained that this proposed amendment would involve changes to 4 subsections of Zoning Bylaw Section 5.8, Solar Photovoltaic Facilities. Municipal Solar Facilities Committee member Jonathan DeKock (Oak Knoll Rd) was in attendance, and Chair Gambino asked him to present the proposed amendments to those in attendance.

DeKock explained that Section 5.8.7, Large scale Ground-Mounted Solar Photovoltaic (PV) Facilities, would be amended to add Assessor's Map 14, Parcels 29, 30 and 31 and the portion of Parcel 28 that is within 800 ft. of School St. to the Solar Photovoltaic Facility Overlay District. He explained that this would exclude the wooded area and Spalding Field parts of Parcel 28. DeKock further explained that Section 5.8.10, Dimensional and Other Requirements, would be amended to include a provision that the height of a canopy-style Large-Scale Ground-Mounted Solar PV Facility located within the Solar PV Overlay District may be up to 25 ft. in height. Also, Section 5.8.10.1 concerning Accessory or Intermediate Ground-Mounted Solar PV Facilities, and Section 5.8.10.2 concerning Large-Scale Ground-Mounted Solar PV Facilities would be amended to include a provision that facility setbacks may be less than 40 ft. from the nearest lot line of an abutting lot if that lot is owned by the same entity as that on which the facility is to be located.

Vice Chair Stevens asked DeKock to explain the 25 ft. height limit rationale for a canopy-style facility. DeKock also explained that this height is necessary due to the required geometry of the proposed canopy facility for the Carlisle School parking lot, noting that the proposed 75 ft. panel array will have an initial height of 13.5 ft., but with the necessary 1% slope of the array, the opposite end of the panel will reach 24.5 ft. Stevens also asked why the proposed amendments would allow for less than a 40 ft. setback on adjacent parcels of common ownership. DeKock explained that for the Carlisle School parking lot site, all adjacent school parcels are owned by the Town, and there is therefore no need to restrict the usable area to maintain these setbacks from adjacent Town parcels. Planning Administrator Mansfield confirmed from DeKock that all other setbacks, including from the streets and from neighbors, will be at least 40 ft.

The PB discussed the presentation of this amendment at TM, and DeKock explained that the Municipal Solar Working Group plans to present these proposed amendments.

Chair Gambino opened this hearing to questions from the public. Mosquito reporter Bob Zielinski (Acton St) had no questions about the proposed amendments, but asked about the proposed canopy facility for the school, and how many parking stalls might be lost due to its installation. DeKock explained that none would be lost, but that

stalls where the support poles would be located will be slightly reduced in available space. There were no other questions from the public.

Stevens moved that the PB report to Town Meeting that the public hearing for this proposed Zoning Bylaw amendment was held on 3/25/19 and that the PB recommends support of this amendment. Blake seconded the motion and it was approved unanimously (6-0). Stevens moved that the PB close this public hearing, 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):

- Notice of Public Hearing for proposed amendments to Section 5.8 of the Carlisle Zoning Bylaws for Solar Photovoltaic Facilities.
- Zoning Bylaw amendment for Sections 5.8.7, 5.8.10, 5.8.10.1 and 5.8.10.2 (prepared by Town Counsel)

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

MPSC Chair Janne Corneil provided a brief update on the activities of the Committee. She explained that the draft Request for Proposals (RFP) for planning consultant services is now finished, and that the Town Administrator and Town Counsel are reviewing it. The MPSC will meet on Thursday, and will vote to approve the RFP, which will then be presented to the PB at its 4/8/19 meeting. Subsequently, the RFP will be presented to the BOS and to the Finance Committee (FinCom) Corneil also asked for Agenda time to present an MPSC update and information on the proposed warrant article to support the MP process.

Chair Gambino, also a member of the MPSC, pointed out that in November 2018 the MPSC had presented to the PB the information on how they arrived at the dollar amount for this warrant article. Gambino explained that the amount requested for a consultant contract is \$135,000, with an additional \$25,000 being requested for Town-associated expenses, including possible additional PB staff time which would not be built into recurring staff resources. Corneil explained that the MPSC had researched the MP process of 5 similar towns in detail. All had incurred MP expenses other than for the consultant, and all had utilized staff hours. Corneil reported that MPSC members have presented an update and information on the warrant article to about 15 different boards and committees at this point. Yelle asked for support information regarding the \$25,000, including an estimate of needed staff time.

Corneil also informed the PB that resident and financial educator John Ballantine (Fiske St) has compiled a very informative presentation on Carlisle financials and demographics which will be given at Wednesday night's Master Plan Information Session for the residents. Yelle asked that this presentation be circulated to the Board electronically. Lane arrived at this point.

#### **Continued public hearing on application for Special Permit for a Residential Open Space Community (ROSC) 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 re-opened this continued public hearing and again 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 reminded those in attendance that Associate PB member Tom Lane was previously appointed as a full voting member for this public hearing.

Applicant Dan Gainsboro (Now Communities LLC, Concord, MA) briefly summarized the main aspects of this proposed development, and reviewed the route of the recent site walks attended by PB members and staff and by interested abutters. Gainsboro displayed an overall landscape plan and pointed out the areas of the site that are to be cleared, also pointing out the main features of the site. He noted that he would be meeting with the Board of Health (BOH) on 3/28/19 to begin the review of the proposed septic system and wells for this ROSC, and that he has filed an application with the Conservation Commission (ConsCom) concerning the wetlands crossing. Gainsboro also noted that while the PB's peer review engineer for this project has recently submitted his initial review of this application, his engineers are currently working through the review items, and so tonight's hearing session will focus on the architectural and landscape aspects of this ROSC.

Landscape Architect Tom Ryan (Ryan Associates, Waltham, MA) described that this site will have two distinct types of landscape once complete: a streetscape with street trees and sidewalks, and a “community green” rimmed by homes that front the green. He described the plantings that one will see as they walk through the site. A red maple “spine” of street trees will be planted along the street, and other plantings within the site will include a cluster of oaks, some birch trees, cherry trees and some flowering trees. Yellowwood trees will be planted around the common green. He noted that while the yard in front of each unit will be planted by the site contractor in order to have some continuity of landscapes on the street, the residents will be able to add their individual plantings as well. In the “exclusive areas” of the lots, generally toward the back and/or side of the residence, the owners can plant entirely as they wish. Ryan explained that there will be some small scale lights along the street and on the green in fixtures that have a sharp cutoff and are night-sky approved. Ryan asked for questions from the Board.

Stevens asked who would be responsible for maintaining the common green, and Ryan said that this and other landscape maintenance issues will be delineated in Homeowners Association documents. Yelle asked why street lighting is being planned, and Gainsboro explained that it is for safety reasons, as this ROSC is more spread out than other “village communities” he has created. Dimakarakos also noted that lighting is important to encourage use of the outdoor amenities such as the common green and the community building. Stevens agreed that the lighting will give residents added peace of mind. Ryan noted that the lighting would shut off at a pre-set time, but offered that they can reexamine their lighting plans to assure appropriateness.

David Freedman (Hutchins Rd) noted that the plan indicates that the wetlands crossing structure will contain maple trees. Ryan explained that the structure itself has a “pocket” the length of it which can be filled with soil for planting purposes, and he presented a detailed drawing of the proposed structure.

Stevens noted that the application indicates that 11,000 cu ft. of fill will be required at the site, mainly for the wetlands crossing and for septic fill, and he asked how much would need to be brought in. George Dimakarakos (Stamski & McNary, Inc.) explained that all 11,000 cu ft. will need to be trucked in, and Gainsboro estimated that this could mean 400 truckloads. The PB, the applicant and Dimakarakos agreed that this needs to be detailed in the Construction Management Plan (CMP). Dimakarakos confirmed that when a contractor is selected, these details will be developed and included in a final CMP, which will be presented to PB, BOH and ConsCom staff and Chairs in a pre-construction meeting. When truck and contractor parking concerns were expressed, Dimakarakos confirmed that there will be no parking on Bedford Rd resulting from this construction process.

Christina Carlson (Union Studio Architecture, Providence, RI), representing the design firm for the ROSC, then described the 5 different house types and the common facilities.

- House “A” at 2465 sq. ft., 2-3 bedrooms, with the most yard space, an attached 2-car garage, with most views toward the back or side of the residence (viewing the “exclusive area”).
- House “B” at 2460 sq. ft., also 2-3 bedrooms, and with a garage to the side and tucked under the main level, with most views toward the back.
- Cottage “C” (located off the common green) is 2200 sq. ft., 2 bedrooms, with the living area toward the front, nearest the green, using a car barn for parking.
- Cottage “D” (located at the street end of the green), is 1970 sq. ft., 2 bedrooms, with the living area again toward the front, and having a wraparound front porch. Uses car barn for parking.
- Duplex “E” – located along the street, 1850 sq. ft. per unit, 2 bedrooms, each with an attached garage.

Carlson noted that there has been interest in screening in the porches, which can be arranged, and that the goal is to include features to allow aging in place. Gainsboro noted that all house types have basements, but they will not be finished living space.

Carlson described the sustainability features of the homes, including south facing siting to best allow for solar installation, continuous foam installation on the exterior of the foundation wall, triple pane windows, and an insulated attic and basement, with preheated fresh air drawn into the basement from outside. Each residence will utilize an air source heat pump, and have low maintenance poly/ash composite siding for low maintenance. Carlson explained that the energy consumption for these homes is expected to be about half of a standard new

home of the same size and floor plan, and that if the resident chooses to install solar PV panels, for which the residences will already be wired, these homes are net zero possible.

Carlson also reviewed the proposed community building design, as well as that of the proposed mail/bus stop pavilion and the two car barns. Gainsboro noted that the proposed community building design is for 3 season use, but that the PB may want to consider a 4-season design which would include a bathroom, noting the feedback he has received from those using a 3-season building at other developments. He also suggested that the PB might consider having a slightly larger community building, as there is a tendency for residents to use it when they want somewhere else to gather, but to remain on the property. Planning Administrator Mansfield suggested that one of the two porches located at opposite sides of the community building be screened.

Vice Chair Stevens asked for input from the public. Freedman asked about the proposed exterior colors for the residences and common buildings. Gainsboro said that the proposed color palette includes 4 to 6 options, and added that a design review board will be formed among the homeowners to review future proposed changes.

The Board discussed the continuation of this public hearing, and explained to the applicant that Misek is no longer eligible to participate in the hearing, having now missed two hearing sessions. Dimakarakos asked for a continuation to the 4/22/19 PB meeting in order to allow time for input from the BOH and the ConsCom on the plans. Blake moved and Walsh seconded the continuation of this public hearing to 8:30 pm on 4/22/19, and the motion was approved unanimously (6-0).

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

- “Overall Landscape Plan for Woodward Village, Bedford Rd, Carlisle, MA” dated 2/6/19, prepared by Ryan Associates (Waltham, MA)
- “Landscape Plan for Woodward Village, Bedford Rd, Carlisle, MA” dated 2/6/19, prepared by Ryan Associates (Waltham, MA)
- “Woodward Village Architectural Design Concepts” dated 1/22/19, prepared by Union Studio Architecture, Providence RI
- “Sustainability Features, Woodward Village” dated 3/2 5/19 prepared by Union Studio Architecture, Providence RI

**Request for extension of time to exercise the Lions Gate Definitive Subdivision Certificate of Approval for property at 570 West Street, (Map 6, Parcels 66-1 through 66-4 and Lions Gate Road), consisting of 10.84 acres) [Request of John Pearson]**

Developer John Pearson and his attorney John Faria were present to discuss this request for an 18 month extension for completion of this subdivision, as the Certificate of Approval expires on 3/31/19. Faria explained that litigation with the owners of 542 West St. delayed the subdivision construction process, as no further work had been allowed on the roadway until the matter was resolved. Faria also spoke of issues concerning the prior general contractor for this project, and explained that a new general contractor, Steven Doherty, is in place. Faria also referred to economic distress that these matters, and the resulting delays, have caused.

Pearson explained that the request is for 18 months in order that roadway and infrastructure construction can be completed and a final coat of pavement be installed and weathered through one season, as required by the PB’s Rules and Regulations. [Note: the PB’s Regulations require exposure for one winter season (11/15 to 4/30) for the binder course only.] Chair Gambino said that he is hesitant to allow such a lengthy extension, proposing a 6 month extension with the presentation of a detailed status report, inventory of what remains to be completed, and a timeline of the completion plan. The applicant can then request an additional extension. Conservation Administrator Sylvia Willard explained that the developer had addressed the issues that she had pointed out last fall, and that the site is in better condition now than it was in the fall, but with roadway plowing over the winter months, there has been some damage to the erosion control measures that were in place, and that check dams need to be installed to slow down water runoff. Stevens reported that he had visited the site today, and that in his opinion, the water runoff is the only issue at this time, adding that the site conditions point to an improved situation with the new general contractor. Conservation Administrator Willard explained that the stormwater wetland and

the detention basin are not complete, and the issue with the cistern [not holding water] remains. Pearson said that the cistern issue is being addressed currently.

The Board discussed the length of the extension. Yelle said that he is not opposed to an 18 month extension, and Rolfe agreed, but suggested that detailed updates be required at the 6 and 12 month points. Chair Gambino suggested adhering to a 6 month extension with presentation of a status report and completion plan, and with the understanding that the applicant could then extend for up to another year, if satisfactory information is supplied at the completion of the 6 month extension. Pearson confirmed to the Board that he intends to complete the subdivision this summer, to the point of final paving. He asked that the PB's peer review engineer visit the site with him, and review the status of the "punch list" of remaining items. Chair Gambino agreed that this would be arranged.

Blake moved that the PB extend the Certificate of Approval for Completion of the Lion's Gate Definitive Subdivision at 570 West St. to October 1, 2019. Blake seconded the motion and it was approved 4-2 (Rolfe and Yelle opposed).

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

- Email from John Pearson, Jr., to George Mansfield re: "Lion's Gate" dated 3/6/19.

**Planning Board discussion of next steps on Recreational Marijuana Facility Moratorium**

The Board reviewed the text prepared by Town Counsel for Town Election ballot questions supporting a complete ban on recreational marijuana facilities, and an alternative supporting a restriction to cultivator and craft co-operative facilities only. These two ballot questions are both to be voted as a second requirement of passing the proposed Zoning Bylaw amendments, the first requirement being approval of the Warrant Articles at the 4/29/19 Town Meeting.

Stevens moved that the PB approve the text of the two Town Election ballot questions supporting a complete ban on recreational marijuana facilities and a restriction to cultivator and craft co-operative facilities as drafted by Town Counsel. Blake seconded the motion and it was approved unanimously (6-0). The Board directed Planning Administrator Mansfield to so inform the Selectmen's office and the Town Clerk.

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

- Email from Tim Goddard to Peter Gambino et al dated 3/19/19 re: "2016 ballot question on legalizing recreational marijuana, and vote data"

At 10:35pm, Blake moved to adjourn the PB meeting, Yelle seconded the motion and it was approved unanimously (6-0).

Respectfully Submitted,

Gretchen Caywood  
Assistant to Planner  
Carlisle Planning Board