

Memo

To: Zoning Board of Appeals
From: Planning Board
CC: Board of Health, Conservation Commission, Board of Selectmen
Date: 6/15/2015
Re: 100 Long Ridge Road Comprehensive Permit - Recommendations on Requested Waivers

At its meeting of June 8, 2015, the Planning Board reviewed and discussed the applicant's request to the ZBA for waivers of portions of the Carlisle Zoning Bylaws, the Planning Board's Subdivision Rules and Regulations, the Board of Health's Supplemental Septic Regulations and Water Supply Regulations, the Conservation Commission-sponsored Non-Zoning Wetlands Protection Bylaw, the Board of Appeals' Comprehensive Permit Rules, and a "General Waiver." The Board voted unanimously, 7-0, to make the following recommendations:

1. The Planning Board **does not support** the granting of a **general waiver**, and believes it should be the responsibility of the applicant to define in detail all the waivers that he believes the Project will require. If any additional waivers beyond those requested by the applicant were to result "from the Zoning Board of Appeals' review of the Project," then the applicant should make the Board aware of those and submit a specific revised request.
2. The Planning Board concluded that the proposed Project has characteristics more similar to a Definitive Subdivision Plan, where individual single family houses are accessed by a new roadway with dimensions similar to Carlisle's public roadways, than to a Common Driveway with reduced width and fewer infrastructure requirements serving a limited number of homes (6 maximum). Thus they focused on the requests for waivers from the Subdivision Rules and Regulations, and **made no comment** on the waiver requested from **Sec. 5.4.4 of the Zoning Bylaws, Common Driveways**.
3. With regard to the waivers requested from the **Subdivision Rules and Regulations**, the Planning Board voted that they **do not oppose** the granting of waivers from the following sections of the Regulations:
 - a. Article III, Section 2.B(1) regarding sightlines for the proposed roadway intersection with Long Ridge Road. The applicant has proposed less than 125 feet.
 - b. Article III, Section 2.B(4) regarding minimum centerline radius. The applicant proposed 80 feet rather than 125 feet.

- c. Article III, Section 2.D(2) regarding the details of the cul-de-sac design. The applicant's proposal is acceptable to the Fire Department.
 - d. Article III, Section 2.D(4) regarding the number of lots that can be accessed from a cul-de-sac. The applicant has proposed driveways serving four dwellings rather than three.
 - e. Article III, Section 5.G(3)(i) regarding sediment removal of 80% of total suspended solids from stormwater runoff from impervious surfaces. This is a stringent standard favored by some engineers, which has been waived by the Board in many cases and is expected to be reevaluated during a subsequent review of the Rules and Regulations. The Board recommends that the Board of Appeals follow the peer review engineer's recommendations on this matter.
4. The Planning Board recommends that the Board of Appeals **deny the requested waivers** from **Sec. 4.3.2 of the Zoning Bylaws, Side and Rear Setbacks in the Residence B District**. They also recommend that a similar waiver from the **Board of Appeals Comprehensive Permit Rules, Attachment A—Performance Standards, be denied**. They noted that these same standards are incorporated in the Planning Board's Subdivision Regulations (and most other special permit regulations) and that the Long Ridge Road Project meets the definition of "non-traditional developments, developments of *other than single family homes on individual building lots*" where density does not follow the requirements of Section 4.1.1 of the Zoning Bylaws. In these cases, the Performance Standards require all residential buildings to be located at least 100 feet from the boundary of the property subject to development and at least 30 feet from other residential buildings. These standards are not limited only to attached dwellings. The Board noted that if the Board of Appeals should decide to grant any setback waivers, they should be in reference to these standards, stricter than those in Sec. 4.3.2 of the Zoning Bylaws, which were adopted by multiple Town Boards, including the Board of Appeals, to protect public safety and environmental quality.
 5. The Planning Board **made no comment** on other aspects of **the Board of Appeals Comprehensive Permit Rules**.
 6. The Planning Board recommends **denial** of the requested waiver of **Section 3, District Use Regulations, of the Zoning Bylaws**. This section does not allow more than one principal residential use per lot, except under Section 3.2.1.2, where a two family use is allowed by right, but only for dwellings existing as of 1962. The Board made this recommendation fully aware that the denial of this waiver would not allow the Long Ridge Road Project to be approved as it is currently designed or at its proposed density.
 7. With concern for public safety, the Planning Board recommends **denial** of the waiver of the **Subdivision Rules and Regulations Article III, Section 2.A(1)**, which requires provision of at least two noncontiguous accesses with existing Town roads if there are more than ten dwellings proposed. Similarly the Board recommends **denial** of the waiver of the **Subdivision Regulations Article III, Section 2.A(2)** that prohibits roadway configurations such that closure of any single road denies access to more than ten dwellings, and of **Article III, Section 2.D(1)** that limits the number of dwellings on a dead-end street to ten.
 8. The Planning Board **supports** the **Board of Health's** recommendations on all requested waivers from local regulations regarding water supply and wastewater treatment.

9. The Planning Board also supports the Conservation Commission's recommendations regarding waivers from **Carlisle's Non-Zoning Wetlands Protection Bylaw**. .