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Long Ridge Road Neighbors
Carlisle, MA 01741

November 29, 2014

Board of Selectmen
Carlisle, MA 01741



TOWN CLERK-CARLISLE
CHARLENE M. HAYMON

Dear Board Members,

We, the neighbors and abutters to the Lifetime Green Homes proposed 40B project, would like to offer the following comments concerning the discussion at the November 25th meeting of the Carlisle Board of Selectmen (BOS).

We believe there are two areas where the BOS should become more involved and provide resources to the ZBA. Based on the review process to-date, we feel strongly that the ZBA needs (1) additional sources of technical expertise to adequately conduct its reviews and (2) an advocate to aggressively protect the interests of Carlisle residents.

As we stated at the meeting on the 25th, we are becoming increasingly concerned that the ZBA review process is not on track to thoroughly vet the complex issues surrounding this project: water safety, public safety and the "catch all" criteria put forth by the developer that changes to this project would yield it "uneconomic."

We concur with much of the ZBA Chair's assessment of where the review process is currently as to timeline; however, we did not hear anything in the Chair's comments that would reassure us that this process will soon deal with these issues in a thorough, systematic, and technically adequate manner. We say this based on the two peer review reports submitted to-date.

A case in point is the water testing protocol. There was an extensive discussion at the November 3rd ZBA meeting among three hydrogeologists – the ZBA peer reviewer, the applicant's hydrogeologist, and Scott Horsley – focusing on the nature of the ground water situation in

Carlisle. Mr. Horsley has been retained by our group of abutters and neighbors at our expense based on his expertise and familiarity with Carlisle. At the conclusion of this meeting, the ZBA directed their peer review hydrogeologist to meet with the applicant's hydrogeologist to determine if they could come to an agreement on the testing protocol to be performed. We believe this was contrary to the ZBA's responsibility which is to determine the testing protocol necessary to ensure a safe water supply for Carlisle residents if the proposed development is permitted. These two hydrogeologists met privately; our hydrogeologist was not permitted to attend the meeting. We do not know if the applicant and his attorney were present at the meeting.

The peer reviewer analysis submitted to the ZBA and discussed at the November 17th meeting totally ignored the complexities of the November 3rd discussions, and offered no assurances that the proposed testing protocol would require that the applicant's development not endanger the neighborhood water supply, including the water supply for the proposed 19 new homes. The proposal submitted falls well short of the thorough water testing protocol that the ZBA required several years ago in the proposed Coventry Woods 40B. Dan Hill, the attorney retained at our expense, recommended this Coventry Woods protocol be adopted for the Long Ridge Road 40B, but the ZBA essentially ignored his recommendation, not even to ask the peer review hydrogeologist's opinion of it.

Mr. Horsley, our hydrogeologist, has stated that a trace or dye test is the only way to definitively determine whether the proposed project poses a threat to our water supply. The peer reviewer retained by the ZBA does not dispute this, but he stated that he has no experience with such testing so apparently feels he is not qualified to specify such a test.

While the ZBA may eventually require this more rigorous test, the peer review analysis submitted raises serious questions about the way in which the ZBA is utilizing its peer reviewers. At the conclusion of the November 17th ZBA meeting, after another lengthy discussion about water testing protocol, it was unclear what the peer reviewer was supposed to do other than meet with the developer's hydrogeologist at some point in the future. Also, it is unclear how the peer review criteria and tests will be arrived at given that the meetings between the ZBA's peer reviewer and developer's representatives are not open to the public. Many of the citizens who attended the November 17th meeting were astonished that the ZBA did not

provide specific direction to the peer reviewer, requesting a revised plan and a specific timeframe for providing it. This is an example of why we feel that the ZBA needs assistance and their process needs oversight.

We therefore request that the BOS engage Mr. Horsley, who has the necessary experience in this most critical aspect of the proposed development, to advocate on behalf of the Town. Furthermore, we specifically want the ZBA to include the trace or dye testing to ensure the safety of our water supply. We also believe that if Mr. Horsley were engaged by the Town, it could change the dynamic of the hearing, something we believe is sorely needed.

Although we, the neighbors and abutters, have engaged our own experts, including Mr. Horsley, to represent and protect our interests, we believe that defending citizens' health and safety should be the responsibility of the Town. The ZBA has properly engaged a peer review team, but in her responses to you, the Chair seems unconcerned about their peer review hydrogeologist's lack of experience in this critical testing protocol. We also believe the Carlisle Board of Selectmen should monitor the process going forward to assure us citizens that our health and safety are protected.

Another example of an unclear process and a lack of clear direction from the ZBA is the traffic analysis. The traffic analysis and peer review of traffic and safety have been submitted to the ZBA with specific recommendations concerning waiver requests, but although the ZBA expressed concerns with the review submitted to them, these waiver requests have not been discussed by the board nor have specific clarifications and justifications (nor a timetable for submission) been requested of the applicant.

We agree with the ZBA Chair's suggestion that a professional staff addition be considered for 40B applications. The ZBA review process to-date has been confusing. Specific deliverables, action items, and due dates for both the applicant and the peer reviewers would go a long way toward increasing our confidence that the ZBA review will be thorough and systematic.

We also ask that Town Counsel become more of an advocate for the Town, meaning us the citizens, not just an advisor to the ZBA. If Town Counsel would be uncomfortable in this role, we ask that you consider engaging someone to advocate forcefully on the Town's behalf. Carlisle's

bylaws have been adopted over the years by citizens to control development and protect residents. The applicant is requesting many waivers from these bylaws; we believe it is the Town's responsibility, not that of the neighbors and abutters, to vigorously defend these bylaws.

When the process eventually progresses to the waiver and condition phase, we are concerned, based on what we've seen thus far, about how the ZBA will evaluate the analyses presented in order to reach a sound decision in the best interests of the citizens of Carlisle. At this point, the hearing will focus on the pro forma and the developer's assertion that denial of any waiver request – in other words, adherence to Carlisle's bylaws – will make the project "uneconomic." Our understanding is that Mr. Michael Jacobs, the consultant engaged by the ZBA under a state grant, will perform the analysis of waiver requests. We would refer you to a discussion about a 40B proposal where the Needham ZBA approved a reduced size project (Greendale Mews condominium, Needham). In this instance Mr. Jacobs argued a smaller project would make it "uneconomic" while a second consultant concluded that it could be economic. Again, we are skeptical about how rigorous the analysis will be with only a single consultant providing the review of such critical issues. We ask that when the time comes, the BOS engage an additional expert to perform the necessary rigorous pro forma analysis.

We strongly urge the BOS to commit to engaging a team of experts to offer additional expertise and advice to the ZBA as they evaluate all the critical aspects of this 40B proposal in the best interests of the citizens of Carlisle.

Thank you for your continued consideration of these requests.

Sincerely,

Thornton and Kathy Ash, Nowell Farme Road
Thomas Letteri, Garnet Rock Lane
Robert Wiggins, Nowell Farme Road
Dana Booth, River Road
Stephen and Dori Davis, Prospect Street
Dave and Judy Willard, Long Ridge Road
Mike Hanauer, Long Ridge Road
Dick and Kathy Chick, Suffolk Lane
Judy Asarkof, River Road

Glen and Deborah Morrow, Suffolk Lane
Sonal and Gaurang Shah, Nowell Farme Road
Colin and Carolyn Higgins, Suffolk Lane
Dorothy Harris, Nowell Farme Road
Jack Gryniewicz, Suffolk Lane
Ann Woodard, Garnet Rock Lane
Kim and Edgar Stewart, Nowell Farme Road
Reed and Zahava Savory, Fern Lane
Rebecca and Chris Bromark, Fern Lane

cc: Carlisle, ZBA