

Town of Carlisle

MASSACHUSETTS 01741

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Office of
PLANNING BOARD

Minutes July 13, 2020

Minutes 6/22/20

Discussion of Zoning Bylaw Amendments for Recreational Use Marijuana

Informal discussion of proposed plans for Common Driveways on a portion of land associated with 566 Acton Street
[Request of LandVest]

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]

Request for reduction in amount secured by the existing bond to assure performance of completion of Lion's Gate
Subdivision (570 West Street) [Request of Stephen Defoe]

Review of Municipal Vulnerability Preparedness (MVP) grant application

Master Plan Steering Committee update

Discussion of Officer, Appointee and Liaison roles for 2020-20201

Chair Madeleine Blake called the virtual meeting to order at 7:06 pm. Members Peter Yelle, Ed Rolfe, Rob Misek, Jonathan DeKock, Adelaide Grady and Planning Administrator George Mansfield were present. Member Jason Walsh was absent. Planning Administrator Mansfield hosted the virtual meeting on a Zoom platform.

Assistant to Planner Gretchen Caywood, George Dimakarakos and Dan Carr (Stanski and McNary, Acton, MA), Sandy Olney and Ruth Kennedy Sudduth (LandVest, Boston, MA), Joey LaPointe (Brendon Properties LLC, Southborough, MA), Jonathan Hedlund (Nitsch Engineering, Boston, MA), Ian Ainslie (Meisner Brem Corp, Westford, MA), Jill and Stephen Defoe (Acton, MA), Bob Zielinski and Carren Panico (both for Carlisle *Mosquito*) were also in attendance.

Discussion of Zoning Bylaw Amendments for Recreational Use Marijuana

Chair Blake explained that her goal for this discussion is for the Board to agree on a preliminary recommendation whether to allow recreational marijuana (Rec MJ) growing facilities in residential areas. Once that is achieved the preliminary recommendation can be discussed with other Boards/Committees and information posted on the website for residents before any bylaw amendment is drafted. Chair Blake asked if Concord has such an allowance, and Planning Administrator Mansfield explained that 5 of the 6 towns surrounding Carlisle have a complete ban on all recreational marijuana facilities, with Billerica being the only exception. Chair Blake asked Planning Administrator Mansfield to look into whether there are other towns that allow Rec MJ growing facilities in residential areas.

The Board discussed potential tax revenue generation if Rec MJ facilities were to be allowed in Carlisle, and Chair Blake explained that since the Town is 98% residential in tax base, according to the Assessor, this requires that commercial facilities be taxed at the residential rate. Blake further explained that MP consultants Civic Moxie (CM) did an analysis of potential revenue generation on vacant land but determined that the value of commercial structures would be less than that of Carlisle's residential structures, therefore generating less tax revenue than single family homes.

Board members gave their views on the pros and cons of allowing Rec MJ facilities on residential land. DeKock said that if a facility can be designed with the appearance of a rural agricultural facility, he may agree with allowing them. Rolfe and Yelle both spoke against Rec MJ growing facilities in residential districts, pointing out that meeting the State requirements for security, lighting, ventilation and other items will require a design that is commercial in appearance and will not blend into a residential area. Yelle also expressed concerns about the large water requirement of a Rec MJ growing facility, pointing out septic and well concerns for the Town, and the large size of a commercial structure. Grady said that while her thinking is more in line with DeKock's, her concern is that if we enact a ban on Rec MJ growing facilities now based on current State regulations, that ban will likely be

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permanent. She suggested that if we can craft a bylaw amendment addressing the impacts of an agricultural operation, agriculture is something we as a town have a “social contract” for, and to the extent that the Rec MJ growing activity could be made consistent in appearance with a more standard agricultural facility, a bylaw could allow that. It may not be possible at this time with the State’s current requirements, security and otherwise, for Rec MJ growing facilities to have the appearance of a traditional agricultural facility, but in the future, State regulations could change, and make it possible.

The Board further discussed the State Regulations on Rec MJ facilities, with members expressing concern that requirements for facility security will likely change over time, and that any bylaw amendment would need to be revised accordingly. Misek agreed that while the State regulations may change over time, with the current requirements for security, lighting, etc., he felt that these facilities are not in alignment with the look and feel of Carlisle.

Chair Blake questioned whether the Town can allow these facilities while simultaneously putting appearance requirements for the structures themselves, asking whether it would be better to simply wait until State requirements loosen before allowing these facilities. Grady suggested that any ban on these facilities should have a time limit at which the bylaw amendment can be revisited, with respect to the status of the State regulations at that time. Otherwise, without a time limit, she said the issue will never be revisited unless the Town is approached about siting a growing facility – a reactionary approach. DeKock made an analogy to the Solar Bylaw which was developed to amend the Zoning Bylaws to make it attractive for someone to approach the Town with a project. DeKock said that he could envision a craft cultivator type of facility in a greenhouse of reasonable size and able to meet the requirements of the State regulations. Yelle pointed out that we do realize that the majority of people will not want a Rec MJ growing facility in their backyard and reminded the Board members that they should not feel it necessary to allow these facilities.

Rolfe reminded the Board that the smallest sized growing facility (Tier 1) is up to 5000 sq. ft. in canopy size, with the largest (Tier II) being 90,000 to 100,000 sq. ft. in canopy size. Grady referred to Sec. 3.2.1.7 of the Zoning Bylaws which lists several types of agricultural businesses and requires a minimum 5-acre lot size for a commercial building of not more than 2000 sq. ft, and she suggested that any requirements concerning Rec MJ facilities should be consistent with that. The Board discussed various requirements that could be contained in a special permit process if these types of facilities were allowed in Carlisle. Grady further suggested that although at the present time, the State does not define Rec MJ growers as agriculture, a Rec MJ bylaw similar to Sec. 3.2.1.7 should be developed for Rec MJ if the Board decides to recommend these facilities be allowed in Carlisle, in order to have it covered in the Bylaws.

After further discussion, several Board members expressed that allowing Rec MJ growers in residential districts would not preserve residential zoning. Yelle pointed out that Rec MJ is still federally outlawed, and he suggested that the Board should either propose a ban or determine a new district in which these facilities can be sited. Misek suggested that the Board put forward a bylaw amendment that is both a ban on commercial growing of Rec MJ in residential districts and a ban on retail facilities in business districts. Chair Blake expressed her preference for a ban also, noting that she does not agree with a special permit requirement with many restrictions. She also reminded the Board that PB member Walsh has clearly stated many times that he is in favor of a complete ban on Rec MJ facilities of all types in Carlisle.

In conclusion, the Board agreed that its preliminary recommendation will be for a complete ban of all Rec MJ facilities in Carlisle. It was also agreed that there will need to be two separate warrant articles: one for a ban on retail facilities and one for a ban on commercial growing. The Board planned to revisit this recommendation in September, after presentations to Town Boards and Committees and obtaining resident input via the website.

Informal discussion of proposed plans for Common Driveways on a portion of land associated with 566 Acton Street (Request of LandVest)

Sandy Olney and Ruth Kennedy Sudduth were in attendance from LandVest to present this proposal, with design engineers George Dimakarakos and Dan Carr present from Stamski and McNary, Inc. as well. Olney described that the proposal involves 156 acres of property that is part of Stillmeadow Farm and contains over 1 mile of

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roadway frontage on both sides of Acton St and West St., with two Conservation Restrictions (CRs) as part of the property. Olney explained that this land was divided into 17 ANR lots, each over 9 acres in size by plans endorsed in 2008 by the Acton and Carlisle Planning Boards, and that 84% of the property is permanently protected. He added that the main farmhouse and barn had sold in April 2020, with 136 acres now remaining on 15 ANR lots. Sandy explained that they seek to complete the wetlands delineation process before applying for special permits with the PB.

Olney displayed the proposed plan depicting 4 common driveways (CDs) on the land: a 2 lot CD to the north on the property, a 4 lot CD to the west, a 2-lot CD to the east and a 3-lot CD to the south of the property. Olney explained that this project will also require 4 scenic road alteration requests to the PB, these being in different locations from the proposed CDs.

Sudduth described the unique aspects of this land plan which was designed to allow for some development value while respecting the land, rare species and vistas on the property. She described the Valentine family's commitment to the Town through the years and explained that considerable thought was put into crafting the CRs for this property so that the field will remain open and the homes constructed will not be visible. Sudduth explained that this extremely sensitive land plan is a legacy of value for the family.

George Dimakarakos, design engineer for this plan, emphasized that it is a very modest development scheme as compared to what would be possible on the land per the Town's Zoning Bylaws. He described the layout of each of the 4 proposed CDs in some detail, pointing out that the proposed 4 lot CD will curve in such a way as to screen the view of homes, to minimize necessary clearing, and to keep wetlands crossing to a minimum. He noted that this proposed layout would create a CD more than 1000 ft in length, thereby requiring a waiver request to the Board's Subdivision Rules and Regulations concerning this point, but that a shorter CD would require two wetlands crossings rather than one. Similarly, for the layout of the proposed 3 lot CD, Dimakarakos explained that the common portion of the drive could be designed shorter, but the result would be much greater land disturbance for construction of the CD. Dimakarakos also noted that the wetlands crossings for the entire project are modest, and in some cases pre-existing. He added that they will be presenting these plans to the Carlisle Conservation Foundation (CCF).

Planning Administrator Mansfield asked if there had been any discussions with the Fire Chief on this project, and Dimakarakos said that there had not, adding that once the plans are finalized that will happen. Dimakarakos added that they hope to submit applications for 4 CD special permits within about a month, realizing that the permitting of a project this size will take several months. Chair Blake suggested meeting as soon as the plans are in final design form to set up an application and permitting schedule and timeline. On discussion, it was agreed that the CD applications would be filed simultaneously for concurrent hearings.

DeKock said that he thinks this land use plan is excellent. He asked if the Bruce Freeman Rail Trail predates these CRs, and Olney said that a connection to the rail trail will be part of one of the CRs.

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)

Project Manager Joey Lapointe was present on behalf of Brendon Properties. PB review engineer Jonathan Hedlund was present as well. The Board reviewed the current list of items to be completed at Garrison Place. LaPointe explained that other than the upcoming scheduled herbicide treatments pertaining to the wetlands restoration, all else has been done, including the clearing of the retention pond. Hedlund reported that he and Planning Administrator Mansfield had visited the site and confirmed that the berm along Russell St. was installed at an elevation that he had previously deemed appropriate, and he does believe the berm will have structural integrity. Hedlund added that the retention pond must have been cleared out after the site visit. LaPointe was unsure of the exact date but explained that they will need to come back in the spring regarding the wetlands restoration and can check on the retention pond at that time. Hedlund added that at the detention basin, there is an area that should be hydroseeded and needs to be 75% established. He suggested that the \$3000 being retained for completion of wetlands restoration work will also cover this item. Planning Administrator Mansfield advised that

\$9266.00 be retained in the Tri-Party Agreement for completion of all remaining items. Chair Blake informed LaPointe that Trails Committee Chair Marc Lamere had visited the site and examined the new berm along the Russell St frontage, and he thought it was nicely done and constructed in a manner that will be helpful for constructing a trails access starting from the berm.

On discussion, Misek moved and Rolfe seconded a motion that the PB approve a reduction in the amount of funds retained per the Tri-Party Agreement pertaining to Garrison Place to \$9266.00 for completion of remaining work. The motion was approved 5-0-1 (Grady abstained) by roll call vote.

Request for reduction in amount secured by the existing bond to assure performance of completion of Lion's Gate Subdivision (570 West Street) [Request of Stephen Defoe]

Jill and Stephen Defoe and their engineer Ian Ainslie were present to discuss this request. Ainslie reviewed the list of remaining work items for which the bond was held, noting what has been completed. Hedlund agreed with his assessment overall but pointed out that the headwall from the wetland seems to be deteriorating and suggested that the amount for this item be retained in the bond.

Chair Blake said there is an issue with respect to the fire cistern. She explained that we have had confusion arise about whether or not the fire cistern is complete and has been accepted by the Town. We received a letter last fall from the Fire Chief saying that it was functional, however there is another step to the process which requires the Fire Chief to approve/accept the cistern. Chair Blake further explained that the Fire Chief has noticed some potential problems with the cistern, and that the Board is therefore going to retain the amount of money in the fund to replace the fire cistern until it has sufficient information to make a decision.

Steve Defoe said that the Fire Chief has signed off on the cistern and said that the cistern is not on the list of remaining items to which the bond pertains. Chair Blake said that she had consulted with Town Counsel on this matter and that Counsel has advised that the amount for the cistern be held in the bond as part of the security for completion of this project.

On discussion, Chair Blake suggested that the \$3000 being held as a contingency percentage could be returned at this point, which would leave a remaining amount of \$98,158 held in the bond, with \$10,842 released from the bond.

The Defoes argued that the cistern has been completed and therefore the \$30,000 should not be retained in the bond amount. Planning Administrator Mansfield read from the PB's Subdivision Rules and Regulations (Art. 3 Sec 4A) which requires "adequate provision for fire protection including access to an adequate water source, as determined by the PB in consult with the Fire Chief. All fire protection shall be installed and functioning prior to issuance of any building permits." Mansfield noted that building permits had been issued for all 4 lots some time ago. He asked the Defoes who had assumed that the cistern was fully functional. There was no response.

Ainslie suggested that the entire \$30,000 for the cistern need not be held in the bond, and he asked what had changed regarding the cistern since the posting of the bond. Chair Blake said that since an estimate of the cost to render the cistern fully functional has not been provided, the entire cistern amount must be held, on the advice of Counsel. Blake also explained that the earlier letter from the Fire Chief was with regards to cistern installation, and at the time it was not realized that the letter was not final approval of the cistern.

The Defoes asked why the other funds (besides those for the cistern) were being held, and Chair Blake referred them to the list of items to be completed, explaining that the most significant portion of these funds is for roadway finish paving. The Defoes continued to argue about the cistern cost, and Chair Blake suggested that they have their attorney contact Town Counsel.

Rolfe moved and Misek seconded the Board's release of \$10,842.00 from the cash bond being held to assure completion of Lion's Gate Subdivision, and the motion was approved 5-0-1 (Grady abstained) by roll call vote.

Chair Blake said to the Defoes that she does hope that this matter can get resolved well before the next PB meeting [with the provision of additional information regarding the cistern] to get as much money back to them as possible. She offered that the PB could arrange a late August meeting if more time was needed to finalize the cistern and obtain the necessary information.

Planning Administrator Mansfield referred to the recent site visit and pointed out that the trail easement to the CCF land needs to be marked on the ground, per the Board's Subdivision Rules and Regulations. Ainslie agreed that this will be done.

Review of Municipal Vulnerability Preparedness (MVP) grant application

Chair Blake reported that this MVP grant application for funds to assess climate change vulnerability will be submitted to the State shortly. She explained that if Carlisle obtains the grant it will allow us to do the vulnerability assessment and be eligible to apply for a grant for funds to conduct the work to address the vulnerabilities. Chair Blake explained that Lisa Davis Lewis has volunteered to manage the project, and that the state has a list of companies specializing in vulnerability preparedness work, with some specializing in natural solutions and others in hardscape solutions (culverts, flooding prevention). She suggested that Carlisle might enlist the more hardscape-oriented firm, as we feel Carlisle is rather well covered in the natural approach area. Chair Blake said that she, Janne Corneil and Selectwoman Arnold have been interested in getting this going simultaneously with Master Plan work. The PB office has committed to 30 hours of assistant time toward this project, and the Conservation Commission staff will provide some time, but the project will not be owned by any one group.

DeKock expressed his enthusiasm for the project, suggesting some issues that could be addressed. He agreed that with Carlisle's large amount of wetlands, the natural approach to water management is largely addressed. DeKock moved that the PB support this Municipal Vulnerability Preparedness application and proposed project, Rolfe seconded the motion, and it was approved 4-0-2 (Grady and Yelle abstained). Yelle left the meeting at this point.

Master Plan Steering Committee (MSPC) update

Chair Blake informed the Board that the Master Plan (MP) consulting firm Civic Moxie has resigned from the project but has agreed to provide the Phase II deliverables. Their letter was just received 7/10/20 and it noted that they are unable to complete the scope and demands of the work. Blake added that the MPSC does regret their resignation, but noted that the parting is amicable, and explained that it has been evident for several months that the partnership has not been a good fit.

The Board briefly discussed CM's resignation. Chair Blake explained that the MPSC will be assessing several options for moving forward and will update the PB on this after they have discussed the options. She added that CM has a broader approach for developing a MP and some aspects really did not fit for Carlisle. Planning Administrator Mansfield pointed out that the Covid-19 emergency prevented CM from carrying out the public engagement part of the process.

Discussion of Officer, Appointee and Liaison roles for 2020-20201

Chair Blake explained that she and Yelle had discussed the possibility of him co-Chairing the Board with her, and Yelle has agreed, with the purpose of sharing the workload. Rolfe moved and Misek seconded the appointment of Peter Yelle as co-Chair of the PB, and the motion was approved 4-0-1 (Grady abstained) by roll call vote.

DeKock moved and Misek seconded the appointment of Rolfe as Vice Chair, and the motion was approved 4-0-1 (Grady abstained) by roll call vote.

Rolfe moved and DeKock seconded the appointment of Misek as Treasurer, and the motion was approved 4-0-1 (Grady abstained) by roll call vote.

DeKock moved and Rolfe seconded the appointment of Grady as Clerk, and the motion was approved 4-0-1 (Grady abstained) by roll call vote.

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The Board members agreed to keep the same Liaison and Appointee assignments as the previous year.

Minutes

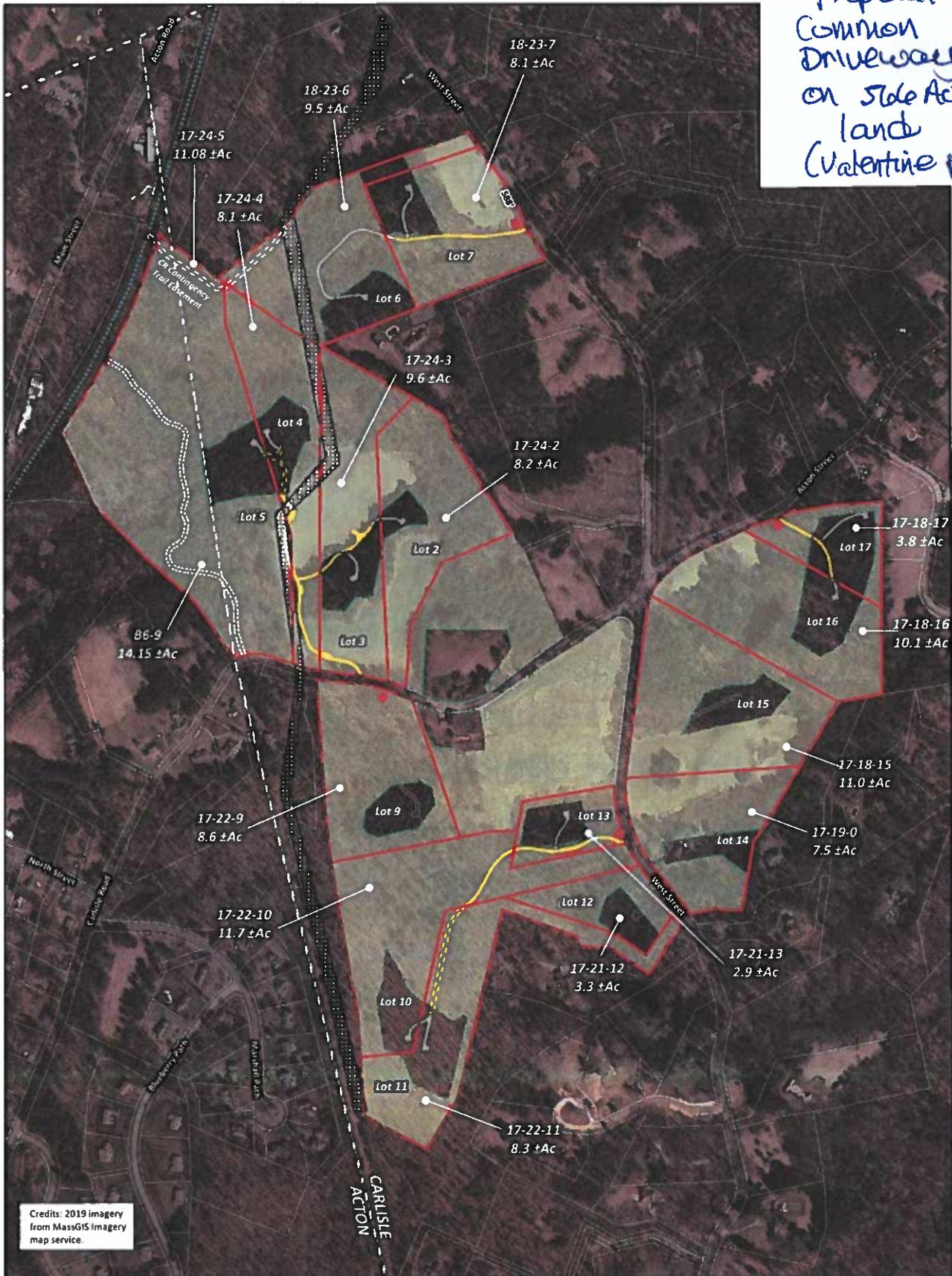
The Board reviewed the draft Minutes from the 6/22/20 PB meeting. DeKock moved that the PB approve the Minutes as drafted, Misek seconded the motion, and it was approved 4-0-1 (Grady abstained) by roll call vote.

At 9:55 pm, Rolfe moved to adjourn the meeting, DeKock seconded, and the motion was approved 4-0-1 (Grady abstained) by roll call vote.

Respectfully Submitted,

Gretchen Caywood
Assistant to Planner
Carlisle Planning Board

Proposal for
Common
Driveways
on side Acton St
land
(Valentine prop.)



Credits: 2019 imagery from MassGIS Imagery map service.

Legend

- Subject Property - 136.0 ±Ac
- Protected Land 114.2 ±Ac (84%)
- Building Envelopes
- Bruce Freeman Trail
- CR Trail Easement
- Common Drives
- Common or Individual Drives
- Individual Drives
- Scenic Road Permit
- 50' Tennessee Easement
- Adjacent Properties
- Open Water
- ~ Perennial Streams
- - - Intermittent Streams

Base Plan Orthophotograph

Project Number: 10533

Date: 07/10/20



Scale: 1" = 400'



This plan is conceptual only and is not represented as an engineered plan.

Valentine Properties
Carlisle & Acton, MA

LandVest

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Garrison Pl
reduction in amt.
held in
Tri party agreement

May 12, 2020

Via email: gmansfield@carlislema.gov (with copy to: gcaywood@carlislema.gov)

George Mansfield
Planning Administrator
Town of Carlisle
66 Westford Street
Carlisle, Massachusetts 01741

RE: Brendon Properties Garrison Place, LLC
Tri- Party Lender's Agreement

Dear George:

This letter is written to formally request a reduction to our existing Tri-Party Lender's Agreement between Brendon Properties Garrison Place, LLC, Norwood Bank and the Town of Carlisle. You will find attached a summary of the Scope of Work that shows the work in place and reflects a reduction for those items which have been completed in the project. Kindly provide this information to your third party consultant, Nitsch Engineering, so that we can prepare the Tri-Party Lender's Agreement in advance of being placed on the next agenda.

I look forward to hearing from you and working through finalizing the documentation necessary to effectuate these changes.

Sincerely,

Brendon P. Giblin

BPG/lsc

Enclosure: New Summary of Scope
Tri-Party Lender's Agreement

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BRENDON PROPERTIES GARRISON PLACE, LLC
 TRI-PARTY LENDER'S AGREEMENT
 REDUCTION REQUEST

All American Assisted Living		Existing unit cost values	Work Completed	New unit cost values	Work Completed	Balance to Complete
Bituminous Concrete						
1	a). 1 1/2" Roadway top Course	\$ 36,757.50		\$ 36,757.50	\$ 36,757.50	
2	b). 2 1/2" Roadway base course	\$ 55,264.00	\$ 55,264.00	\$ -		
3	1.5"-2.5" Stone-Infiltration Trench	\$ 16,968.00	\$ 13,188.00	\$ 3,780.00	\$ 3,780.00	
4	Filter Fabric - Infiltration Trench	\$ 372.00	\$ 289.20	\$ 82.80	\$ 82.80	
5	Erosion Control			\$ -		
6	Rip Rap	\$ 25,000.00	\$ 25,000.00	\$ -		
7	Cape Cod Berm	\$ 421.08		\$ 421.08	\$ 421.08	
8	Loam and Seed	\$ 3,492.04	\$ -	\$ 3,492.04	\$ 3,492.04	
9	Retaining Wall	\$ 4,780.00	\$ -	\$ 4,780.00	\$ 4,780.00	
10	12" Flared End Section	\$ 1,890.00	\$ 1,260.00	\$ 630.00	\$ 630.00	
11	12" Drain	\$ 6,439.95	\$ 2,081.60	\$ 4,358.35	\$ 4,358.35	
12	Trench/Backfill for Drain Pipe			\$ -		
13	Electric Trench	\$ 13,612.50	\$ 13,612.50	\$ -		
14	Electric Duct Bank	\$ 30,937.50	\$ 30,937.50	\$ -		
15	Grassed Swale			\$ -		
16	Grading	\$ 1,620.49		\$ 1,620.49	\$ 1,620.49	
17	Loam and Seed	\$ 4,161.14		\$ 4,161.14	\$ 4,161.14	
18	Detention Basin			\$ -	\$ -	
19	(a) Loam & Seed	\$ 18,831.99	\$ -	\$ 18,831.99	\$ 18,831.99	
20	(b) Emergency Spillway	\$ 551.17	\$ 551.17	\$ -		
21	(c) Basin Maintenance (remove sediment)	\$ 2,073.39	\$ -	\$ 2,073.39		\$ 2,073.39
22	Box Culvert	\$ -	\$ -	\$ -		
23	Gas Pipe	\$ 62,790.00	\$ 62,790.00	\$ -		
24	Wooden Guardrail	\$ 4,969.20		\$ 4,969.20	\$ 4,969.20	
25	Street Sign	\$ 746.00		\$ 746.00	\$ 746.00	
26	Clean Drainage System	\$ 1,326.60		\$ 1,326.60	\$ 1,326.60	\$ -
27	48" RCP Culvert	\$ 15,146.25	\$ 15,146.25	\$ -		
28	As-Built and Acceptance Plan	\$ 30,140.00		\$ 30,140.00	\$ 30,140.00	
29	Roadway Maintenance and Clean up	\$ 29,760.00		\$ 29,760.00	\$ 29,760.00	
30	Area Drain	\$ 2,600.00		\$ 2,600.00	\$ 2,600.00	
31	Weir Structure/Box	\$ 12,000.00	\$ 12,000.00	\$ -		
32	Headwall	\$ 3,220.00	\$ 3,220.00	\$ -		
33	Fire Cistem	\$ -		\$ -		
NEW	Conservation - Wetland Restoration Area					\$ 6,350.00
NEW	Rip Rap		\$ (3,125.00)	\$ 3,125.00	\$ 3,125.00	
NEW	Trench/Backfill for Drain Pipe		\$ (4,589.50)	\$ 4,589.50	\$ 4,589.50	
		\$ 385,870.80	\$ 227,625.72	\$ 158,245.08	\$ 156,171.09	\$ 8,423.39
	10% Contingency	\$ 38,587.00	\$ 22,762.57	\$ 15,824.51	\$ 15,617.11	\$ 842.34
	Bond Total	\$ 424,457.80	\$ 250,388.29	\$ 174,069.59	\$ 171,788.20	\$ 9,265.73

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TRI-PARTY LENDER'S AGREEMENT

SECOND AMENDMENT

This First Amendment to Tri-Party Lender's Agreement is entered into as of this ____ day of May, 2020 by and among the **Town of Carlisle**, a Massachusetts municipal corporation, acting through its Planning Board, [hereinafter "Board"], with an address of 66 Westford Road, Carlisle, MA 01741, **Brendon Properties Garrison Place, LLC**, a Massachusetts limited liability company, with an address of 259 Turnpike Road, Southborough, MA [hereinafter "Owner"]; and **Norwood Cooperative Bank**, a corporation duly organized and existing under the laws of the Commonwealth of Massachusetts, and licensed and registered to do business in the Commonwealth of Massachusetts, and with a usual place of business and address of 11 Central Street, Norwood, MA 02062 [hereinafter "Lender"].

PREAMBLE

WHEREAS, by agreement dated November 7, 2017, all of the parties hereto entered into a Tri-Party Lenders Agreement [hereinafter "Agreement"] concerning the construction of a certain project known as Garrison Place located off of 81 Russell St., Carlisle, MA [hereinafter "Project"];

WHEREAS, said Agreement provided that the Lender would retain \$424,458.00 from the principal sum of a first mortgage given by the Owner to the Lender, to secure the construction of the road and installation of all infrastructure related to the Project;

WHEREAS, the Owner has completed a portion of the construction of the road and infrastructure of the Project and wishes to have the sum to be withheld under the Agreement reduced;

WHEREAS, the Owner has submitted to the Board documentation to justify the owner's request for the reduction and the Board has voted to grant the Owner's requested reduction;

Now, therefore, all the parties hereto join in this amendment to amend the Agreement by reducing the amount to be withheld by the Lender from \$174,070.00 to \$9,265.73 in accordance with the attached Reduction Request.

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OWNER:
Brendon Properties Garrison Place, LLC

By:

Brendon P. Giblin, Manager

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss

Then personally appeared before me the above-named Brendon P. Giblin, Manager as aforesaid, personally known to me to be the person who signed the above document and acknowledged to me the execution of the foregoing instrument to be his free act and deed on behalf of Brendon Properties Garrison Place, LLC.

Leslie S. Carey, Notary Public
My Commission Expires: 03/23/23

[Affix Seal]

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LENDER:
Norwood Cooperative Bank

By: Julie A. McDermott, Vice President

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

Then personally appeared before me the above-named Julie A. McDermott as aforesaid, personally known to me to be the person who signed the above document and acknowledged to me the execution of the foregoing instrument to be his free act and deed on behalf of Norwood Cooperative Bank.

Notary Public
My Commission expires:

[Affix Seal]

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CARLISE PLANNING BOARD

By:

Board Member Date

COMMONWEALTH OF MASSACHUSETTS

Then personally appeared before me the above-named _____ as aforesaid, personally known to me to be the person who signed the above document and acknowledged to me the execution of the foregoing instrument to be his free act and deed on behalf of Town of Carlisle Planning Board

Notary Public

My Commission expires:

[Affix Seal]

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ASSENT OF MORTGAGEE

Norwood Cooperative Bank of Norwood, Massachusetts, the mortgagee of the parcel of land, or a portion thereof, constituting this Subdivision at the time of execution of this agreement, hereby consents to execution of this agreement by the Owner, who is the mortgagor of the parcel of land subject to a certain mortgage deed dated February 22, 2017 and recorded at the Middlesex North District Registration Book 30923, Page 31. The mortgagee also agrees to hold the mortgage subject to this agreement and agrees that the mortgage shall be subordinate to the agreement, which agreement shall have the same status, force, and effect as through executed and recorded prior to the conveyance of the mortgage deed by the mortgagor-Owner to the mortgagee.

MORTGAGEE
Norwood Cooperative Bank

By: Julie A. McDermott

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

Then personally appeared before me the above-named Julie A. McDermott as aforesaid, personally known to me to be the person who signed the above document and acknowledged to me the execution of the foregoing instrument to be his free act and deed on behalf of Norwood Cooperative Bank.

Notary Public

My Commission expires:

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BRENDON PROPERTIES GARRISON PLACE, LLC
 TRI-PARTY LENDER'S AGREEMENT
 REDUCTION REQUEST

All American Assisted Living		Existing unit cost values	Work Completed	New unit cost values	Work Completed	Balance to Complete
Bituminous Concrete						
1	a). 1 1/2" Roadway top Course	\$ 36,757.50		\$ 36,757.50	\$ 36,757.50	
2	b). 2 1/2" Roadway base course	\$ 55,264.00	\$ 55,264.00	\$ -		
3	1.5"-2.5" Stone-Infiltration Trench	\$ 16,968.00	\$ 13,188.00	\$ 3,780.00	\$ 3,780.00	
4	Filter Fabric - Infiltration Trench	\$ 372.00	\$ 289.20	\$ 82.80	\$ 82.80	
5	Erosion Control			\$ -		
6	Rip Rap	\$ 25,000.00	\$ 25,000.00	\$ -		
7	Cape Cod Berm	\$ 421.08		\$ 421.08	\$ 421.08	
8	Loam and Seed	\$ 3,492.04	\$ -	\$ 3,492.04	\$ 3,492.04	
9	Retaining Wall	\$ 4,780.00	\$ -	\$ 4,780.00	\$ 4,780.00	
10	12" Flared End Section	\$ 1,890.00	\$ 1,260.00	\$ 630.00	\$ 630.00	
11	12" Drain	\$ 6,439.95	\$ 2,081.60	\$ 4,358.35	\$ 4,358.35	
12	Trench/Backfill for Drain Pipe			\$ -		
13	Electric Trench	\$ 13,612.50	\$ 13,612.50	\$ -		
14	Electric Duct Bank	\$ 30,937.50	\$ 30,937.50	\$ -		
15	Grassed Swale			\$ -		
16	Grading	\$ 1,620.49		\$ 1,620.49	\$ 1,620.49	
17	Loam and Seed	\$ 4,161.14		\$ 4,161.14	\$ 4,161.14	
18	Detention Basin			\$ -	\$ -	
19	(a) Loam & Seed	\$ 18,831.99	\$ -	\$ 18,831.99	\$ 18,831.99	
20	(b) Emergency Spillway	\$ 551.17	\$ 551.17	\$ -		
21	(c) Basin Maintenance (remove sediment)	\$ 2,073.39	\$ -	\$ 2,073.39		\$ 2,073.39
22	Box Culvert	\$ -	\$ -	\$ -		
23	Gas Pipe	\$ 62,790.00	\$ 62,790.00	\$ -		
24	Wooden Guardrail	\$ 4,969.20		\$ 4,969.20	\$ 4,969.20	
25	Street Sign	\$ 746.00		\$ 746.00	\$ 746.00	
26	Clean Drainage System	\$ 1,326.60		\$ 1,326.60	\$ 1,326.60	\$ -
27	48" RCP Culvert	\$ 15,146.25	\$ 15,146.25	\$ -		
28	As-Built and Acceptance Plan	\$ 30,140.00		\$ 30,140.00	\$ 30,140.00	
29	Roadway Maintenance and Clean up	\$ 29,760.00		\$ 29,760.00	\$ 29,760.00	
30	Area Drain	\$ 2,600.00		\$ 2,600.00	\$ 2,600.00	
31	Weir Structure/Box	\$ 12,000.00	\$ 12,000.00	\$ -		
32	Headwall	\$ 3,220.00	\$ 3,220.00	\$ -		
33	Fire Cistern	\$ -		\$ -		
NEW	Conservation - Wetland Restoration Area					\$ 6,350.00
NEW	Rip Rap		\$ (3,125.00)	\$ 3,125.00	\$ 3,125.00	
NEW	Trench/Backfill for Drain Pipe		\$ (4,589.50)	\$ 4,589.50	\$ 4,589.50	
		\$ 385,870.80	\$ 227,625.72	\$ 158,245.08	\$ 156,171.09	\$ 8,423.39
	10% Contingency	\$ 38,587.00	\$ 22,762.57	\$ 15,824.51	\$ 15,617.11	\$ 842.34
	Bond Total	\$ 424,457.80	\$ 250,388.29	\$ 174,069.59	\$ 171,788.20	\$ 9,265.73

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2 Center Plaza, Suite 430
Boston, MA 02108-1928
T: 617-338-0063
F: 617-338-6472
www.nitscheng.com

July 10, 2020

Carlisle Planning Board
c/o Mr. George Mansfield
Town Planning Administrator
62 Westford Street
Carlisle, MA 01741

RE: Nitsch Project #10191
Garrison Place off Russell St
Construction Cost Estimate
Carlisle, Massachusetts

Dear Planning Board Members:

As requested, Nitsch Engineering prepared the revised estimate of probable construction costs associated with the Garrison Place project located off Russell Street in Carlisle, Massachusetts. Jonathan Hedlund, PE, conducted a site visit on July 8, 2020 to observe the current construction status.

Nitsch Engineering used the MEANS SITE WORK AND LANDSCAPE COST DATA, 2017 catalog prices to complete most of the estimate for this work.

Nitsch Engineering recommends that an estimate be established for \$3,740 which includes a 10% contingency.

If the Planning Board has any questions, please call.

Very truly yours,

NITSCH ENGINEERING



Jonathan Hedlund, PE
Project Manager

JH

Enclosures: 2020-07-10 Estimate

Q:\10191 Russell St\Civil\Project Data\Cost Estimate\10191 Cost Estimate Letter 2020-07-10.docx

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CLIENT: Carlisle Planning Board

SHEET NO: 1 of 1

PROJECT: 10191 Russell Street

COMPUTED BY: Jonathan Hedlund, PE

LOCATION: Carlisle, MA

JOB NO.: 10191

DATE: 7/10/2020

Unit Cost Values: Carlisle Master Estimate

Item Description	Quantity	Unit	Unit Cost	Total Cost	Qty of Comp. Work	Value of Complete Work	Value Remaining Work
All American Assisted Living							
Bituminous Concrete							
1 a) 1 1/2" Roadway top course	377	tons	\$97.50	\$36,757.50	377	\$36,757.50	\$0.00
2 b) 2 1/2" Roadway base course	628	tons	\$88.00	\$55,264.00	628	\$55,264.00	\$0.00
3 1.5"-2.5" Stone- Infiltration Trench	404	tons	\$42.00	\$16,968.00	404	\$16,968.00	\$0.00
4 Filter Fabric- Infiltration Trench	310	sy	\$1.20	\$372.00	310	\$372.00	\$0.00
5 Erosion control	3820	lf	\$10.20	\$38,964.00	3820	\$38,964.00	\$0.00
6 Rip Rap	225	sy	\$125.00	\$28,125.00	225	\$28,125.00	\$0.00
7 Cape Cod Berm	132	lf	\$3.19	\$421.08	132	\$421.08	\$0.00
8 Loam and Seed	2,547	msf	\$1,371.04	\$3,492.04	2,547	\$3,492.04	\$0.00
9 Retaining Wall	239	sf	\$20.00	\$4,780.00	239	\$4,780.00	\$0.00
10 12" Flared End Section	6	ea	\$315.00	\$1,890.00	6	\$1,890.00	\$0.00
11 12" Drain	495	lf	\$13.01	\$6,439.95	495	\$6,439.95	\$0.00
12 Trench/Backfill for Drain Pipe	495	lf	\$13.70	\$6,781.50	495	\$6,781.50	\$0.00
13 Electric Trench	1375	lf	\$9.90	\$13,612.50	1375	\$13,612.50	\$0.00
14 Electric Duct Bank	1375	lf	\$22.50	\$30,937.50	1375	\$30,937.50	\$0.00
15 Grassed Swale							
16 Grading	347	sy	\$4.67	\$1,620.49	347	\$1,620.49	\$0.00
17 Loam and Seed	3,126	msf	\$1,331.14	\$4,161.14	3,126	\$4,161.14	\$0.00
18 Detention Basin							
19 (a) Loam & Seed	14,311	msf	\$1,315.91	\$18,831.99	14,311	\$18,831.99	\$0.00
20 (b) Emergency Spillway	1	ea	\$551.17	\$551.17	1	\$551.17	\$0.00
21 (c) Basin Maintenance (remove sediment)	1	ea	\$2,073.39	\$2,073.39	0	\$0.00	\$2,073.39
22 Box Culvert	30	lf	\$461.00	\$13,830.00	30	\$13,830.00	\$0.00
23 Gas Pipe	0	lf	\$46.00	\$0.00	0	\$0.00	\$0.00
24 Wooden Guardrail	303	lf	\$16.40	\$4,969.20	303	\$4,969.20	\$0.00
25 Street Sign	4	ea	\$186.50	\$746.00	4	\$746.00	\$0.00
26 Clean Drainage System	495	lf	\$2.68	\$1,326.60	0	\$0.00	\$1,326.60
27 48" RCP Culvert	75	lf	\$201.95	\$15,146.25	75	\$15,146.25	\$0.00
28 As-Built and Acceptance Plan	2000	lf	\$15.07	\$30,140.00	2000	\$30,140.00	\$0.00
29 Roadway Maintenance and Clean up	2000	lf	\$14.88	\$29,760.00	2000	\$29,760.00	\$0.00
30 Area Drain	1	ea	\$2,600.00	\$2,600.00	1	\$2,600.00	\$0.00
31 Weir Structure/Box	2	ea	\$6,000.00	\$12,000.00	2	\$12,000.00	\$0.00
32 Headwall	1	ea	\$3,220.00	\$3,220.00	1	\$3,220.00	\$0.00
33 Fire Cistern	1	ea	\$75,000.00	\$75,000.00	1	\$75,000.00	\$0.00
Balances				\$385,781.30		\$382,381	\$3,400
				10% Contingency			\$340
				Cost to Complete:			\$3,740

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Nitsch Engineering

570 West St
Bond
reduction
request

July 10, 2020

Mr. George Mansfield
Planning Administrator
Carlisle Planning Board
66 Westford Street
Carlisle, MA 01742

RE: Nitsch Project #10936
Lion's Gate
Cost Estimate
Carlisle, MA

Dear Mr. Mansfield:

As requested, Nitsch Engineering prepared the attached updated construction cost estimate for the work associated with the Lion's Gate four-lot (4-lot) sub-division on approximately 10.5 acres off 570 West Street in Carlisle, Massachusetts.

Nitsch Engineering's cost estimate is based on a site visit at the Lion's Gate sub-division on July 8, 2020, and a plan entitled, "Plan and Profile Lion's Gate, Interim As-Built Plan," dated February 28, 2018;

Nitsch Engineering used the *MEANS SITE WORK AND LANDSCAPE COST DATA, 2018* catalog prices to complete most of the estimate for this work.

Nitsch Engineering's construction cost estimate for completion of the Lion's Gate subdivision has been updated based on the work completed as observed and/or reported as of the above-referenced dates to be **\$68,158** (which includes the 10% contingency).

If you have any questions, please call.

Very truly yours,

Nitsch Engineering, Inc.

Jonathan Hedlund, PE
Project Manager

JRH

Enclosures: Construction Cost Estimate

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CLIENT: Carlisle Planning Board

SHEET NO: 1 of 1

PROJECT: Lion's Gate

COMPUTED BY: Jonathan Hedlund, PE

LOCATION: Carlisle, MA

JOB NO: 10936

DATE: 7/8/2020

Excludes Water and Septic Installations

Item Description	Quantity	Unit	Unit Cost	Total Cost	Qty of Comp. Work	Value of Complete Work	Value Remaining Work
Lions Gate							
- Bituminous Concrete							
1) 2" Roadway top course	305	tons	\$95.36	\$29,074	0	\$0.00	\$29,074
2) 2" Roadway base course	305	tons	\$87.31	\$26,620	305	\$26,619.85	\$0
- Loam and Seed	30	msf	\$300.00	\$8,920	25	\$7,500.00	\$1,420
- Gravel - 12 inch Roadway Base	1604	tons	\$30.30	\$48,603	1604	\$48,603.35	\$0
- Sloped Granite Curb	1170	lf	\$20.51	\$24,000	1170	\$24,000.00	\$0
- Erosion Control (silt fence)	785	lf	\$1.90	\$1,492	785	\$1,491.50	\$0
Detention Basin							
a) Grading	773	sy	\$4.70	\$3,634	773	\$3,633.62	\$0
c) Outlet Control Structure	1	ea	\$4,133.87	\$4,134	1	\$4,133.87	\$0
d) Loam & Seed	7	msf	\$300.00	\$2,100	7	\$2,100.00	\$0
e) Rip-Rap	22	sy	\$125.00	\$2,750	22	\$2,750.00	\$0
f) Emergency Spillway	1	ea	\$551.17	\$551	1	\$551.17	\$0
g) Basin Maintenance	1	ea	\$1,000.00	\$1,000	0	\$0.00	\$1,000
h) Headwall	1	ea	\$3,220.00	\$3,220	1	\$3,220.00	\$0
Wetland Basin							
a) Grading	555	sy	\$4.70	\$2,609	555	\$2,608.50	\$0
c) Outlet Control Structure	1	ea	\$4,133.87	\$4,134	1	\$4,133.87	\$0
d) Loam & Seed	5	msf	\$300.00	\$1,500	3	\$900.00	\$600
f) Emergency Spillway	1	ea	\$551.17	\$551	1	\$551.17	\$0
g) Basin Maintenance	1	ea	\$1,500.00	\$1,500	0.3	\$500.00	\$1,000
h) Headwall	1	ea	\$3,220.00	\$3,220	1	\$3,220.00	\$0
i) Outlet Pipe	21	lf	\$99.00	\$2,079	21	\$2,079.00	\$0
- Catch Basin w/ stormwater insert	2	ea	\$7,000.00	\$14,000	2	\$14,000.00	\$0
- Catch Basin	3	ea	\$3,125.00	\$9,375	3	\$9,375.00	\$0
- Catch Basin Frame & Grate	5	ea	\$625.00	\$3,125	5	\$3,125.00	\$0
- Adjust F&G/C to Finish Grade	5	ea	\$158.00	\$790	0	\$0.00	\$790
- Outlet Hood from Catch Basin	5	ea	\$401.34	\$2,007	5	\$2,006.70	\$0
- Drain Manhole	3	ea	\$3,125.00	\$9,375	3	\$9,375.00	\$0
- Drain Manhole Frame & Cover	3	ea	\$625.00	\$1,875	3	\$1,875.00	\$0
- 12" HDPE drain	169	lf	\$11.39	\$1,925	169	\$1,924.91	\$0
- 15" HDPE drain	95	lf	\$13.24	\$1,258	95	\$1,257.80	\$0
- 12" RCP drain, class V	65	lf	\$30.17	\$1,961	65	\$1,961.05	\$0
- 15" RCP drain, class V	65	lf	\$37.36	\$2,428	65	\$2,428.40	\$0
- Rip-Rap	12	sy	\$125.00	\$1,500	12	\$1,500.00	\$0
- Headwall	2	ea	\$3,220.00	\$6,440	1	\$3,220.00	\$3,220
- Trench/Backfill for Drain Pipe	394	lf	\$13.70	\$5,398	394	\$5,397.80	\$0
- 20,000 Gallon Fire Cistern	1	ea	\$30,000.00	\$30,000	1	\$30,000.00	\$0
- Electrical Duck Bank	965	lf	\$45.87	\$44,265	965	\$44,264.55	\$0
- Trenching for Duct Bank/Backfill	965	lf	\$10.02	\$9,669	965	\$9,669.30	\$0
- Clean Drainage System	394	lf	\$2.68	\$1,056	0	\$0.00	\$1,056
- Street Signs & Post	2	ea	\$186.50	\$373	2	\$373.00	\$0
- Post & Rail Fence	114	lf	\$15.00	\$1,710	114	\$1,710.00	\$0
- Roadway Maintenance & cleanup	1	ls	\$10,000.00	\$10,000	0.0	\$0.00	\$10,000
- As-Built & Acceptance Plan	1	ls	\$12,000.00	\$12,000	0.0	\$0.00	\$12,000
- Survey Layout Control	1	ls	\$7,210.00	\$7,210	0.8	\$5,407.50	\$1,803
Balances				\$349,429.15		\$287,467	\$61,962
							10% Contingency
							\$6,196
							Cost to Complete:
							\$68,158

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