

Brem - 352 - 01.19.2017

Lyn Lemaire
864 West Street
Carlisle, MA 01741

January 19, 2017

BY HAND

Zoning Board of Appeals
Clark Room
Carlisle Town Hall
66 Westford Street
Carlisle, MA 01741

RE: Partial Summary of Issues Raised Previously
Lifetime Green Homes, LLC 40B Permit Application
100 Long Ridge Road

Dear Members of the Board:

I am writing to assure that salient issues raised in the first public hearing, and in this remanded hearing, are considered in the upcoming deliberations on the changed plan submitted by the Applicant. Five issues are highlighted:

I. State law mandates stronger regulation if local conditions require it

Title 5 (310 CMR 15.003(1)) states in relevant part: "*Specific site or design conditions, however, may require that additional criteria be met in order to achieve the purpose or intent of 310 CMR 15.000.*"

The Applicant has requested certain waivers from local regulations, but according to this section of Title 5, state law requires more protective regulation, if needed, to protect health and safety. To the extent that the Comprehensive Permit analysis, under 40B, is bound by state law, this sub-section of Title 5 requires the Board to adhere to the town's local bylaws in this case.

II. The Applicant's civil engineering may be inadequately evaluated and potentially biased

There has been a constant request for complete, accurate, and updated plans. For example, the plan under consideration does not show the required 45,000 fire cistern – which is a large item that will need to be considered in the design. The stormwater issues were seemingly dismissed by the Board's peer reviewer's statement that any inadequacies or omissions could be handled by way of conditions on the permit.

More important, the record should clearly indicate that the civil engineer, the owner of the site, and the human being who owns the Applicant (Lifetime Green Homes, LLC) are all the same person. The Board should consider the civil engineering reports and plans submitted by the Applicant in light of these apparent and potentially serious conflicts of interest.

III The condominium financial structure may cause distress to low income owners, especially with so much potential for unexpected expense.

There are many potential and unexpected costs associated with the design as presented, including: the need to maintain septic systems (consider the difficulties at Benfield Farms); the changes to the stormwater drainage plan; and the need to maintain and report on the public water supply. These are just three areas of potential expense. It seems bad policy to place low income individuals in a situation where they may well face unbearable financial burdens.

IVa The proposed “tie-in” to the public water supply by abutters seems to violate the requirement of “site control” that is a prerequisite to a 40B permit application.

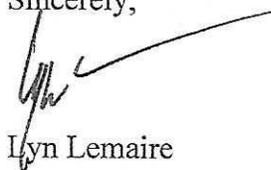
The Applicant’s notion that any abutters who experienced a contaminated well should be allowed to “tie-in” to the public water supply asks the Board to examine situations outside the parameters of the site. Does the Board need to do a peer-reviewed analysis of feasibility, costs, distances, other obstacles, along with the complicated practicalities related to the idea? It is seemingly not within the Board’s purview under a 40B analysis.

IVb. The problems of easements and other landownership issues regarding public ways were raised on January 4 – these issues may be outside the Board’s jurisdiction under 40B.

While the Board may waive local rules of the land use boards, it does not appear to be within the Board’s jurisdiction to require avoidance or nullification of private contracts, easements and property lines, or state and local rules regarding transmissions over or under public ways. The Applicant’s “tie-in” idea should be rejected.

Many thanks to the Board for carefully considering all of these issues.

Sincerely,



Lyn Lemaire

cc: Distribution at Continued Public Hearing – January 19, 2017
Board of Selectmen (by email)