

Brem\_025-09.03.2014

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Cc: Peggy Wang <peggywn@aol.com>

Subject: Application issues

Date: Tue, Sep 2, 2014 10:39 pm

Attachments: ZBA\_Brem\_application\_response\_9-1-14.docx (31K)

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TOWN CLERK-CARLISLE  
CHARLENE M. HINTON

I've attached a document showing the incomplete areas I see in the Lifetime 40B application. I'm not sure if others of you have noticed things I missed.

Lisa, can you forward this on to Mike Jacobs, our consultant, so he can fold this into the list he's preparing? I think we have to give Lifetime only one comprehensive list of shortcomings.

-Marty Galligan, [m\\_galligan@comcast.net](mailto:m_galligan@comcast.net)

SEP 03 2014

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TOWN CLERK CARLISLE  
CHARLENE HINTON

The Lifetime Green Homes 40 B application is incomplete or incorrect for the following reasons.

1. The Mass Housing application indicates that the project will be 20 fee simple properties. The project is actually for condominiums. Mass Housing should be notified of this change.
2. The Mass Housing application states that the road is to be constructed to the general standards of the town. The current plan is for a private driveway to be constructed. Mass Housing should be notified of this change.
3. All the appendices must be labelled with tabs so they can be found, since the application references them for most of the requirements.
4. The letter to the Board of Appeals calls them appendices, but the references call them attachments. Choose one term or the other (appendix/attachment) and use it consistently throughout the application.

The core of the application needs to fulfill the Carlisle ZBA Rules and Regs, section VIII, 3.01, items a) through v). Referencing these items:

- a) The site plan at a scale of 1"= 40' is missing. One has been provided at a greater scale, but the smaller scale is required. The site plan must show the items in the Rules and Regs item. Among other things, it is missing the flood hazard zones.
- b) The narrative report on the conditions has been provided, but the required plan is missing. There is no detail, even in the report, on conditions in the 200' border outside the property. Correct the sentence referencing the Endangered Species to include Rare Species, if that is accurate.
- c) In appendix B (attachment B) number the pages. In appendix B, third page – what is this list? Are these items supplied in every unit, or is this a buyer selection list / order form? In appendix B we need more detail on foundations, construction type, exterior finish (everything in the Rules and Regs requirement)
- d) The dwelling tabulation is missing the wetlands coverage description.
- e) Good.
- f) The utility plan does not show the surrounding 200'. It is also missing the information on impacts on drinking water, and the testing data. That testing and information needed to be completed and included on or before the application submittal date (July 3, 2014).
- g) The 2013 annual report of Lifetime Green Homes, LLC is missing paragraph 6 (poor copying job). The proof of incorporation is missing.
- h) The application references appendix / attachment E, which in turn references another document. Re-submit the application organized so that we only have one level of indirect reference. On the individual waiver requests:
  1. Many of the waivers contain words to the effect of "Any number of units less than the 20 proposed will make the project uneconomic". This doesn't give the ZBA a basis for granting a waiver. During the 7/28/14 meeting Lifetime promised for the 8/11/14 meeting a more detailed breakdown of costs that would back up this assertion with data. At the 8/11/14 meeting no breakdown was provided. The ZBA needs to know what the labor, site preparation, materials, and fixed costs components are. We need to know what the

- revenue per unit is, and how increasing or decreasing the unit count affects the costs and revenue.
2. section 4.3.2. The intent of the bylaw is to provide setback between houses and travelling cars, and separation between houses. Unit 19 is 18' from the driveway, and most of the units are 24' – 28' feet from the private driveway. The waiver request does not explain how this intent, within the project, will be satisfied.
  3. Section 5.4. Refer to it as a private driveway everywhere, or refer to it as a road everywhere. Will Lifetime meet the requirements of 5.3.7 (22' wide for two way traffic? Is it only section 5.4.4 that a waiver is requested for? Please make sure this waiver request is complete, and specific.
  4. Sections II 6.A and 6.B1, definitive plan. Lifetime has already agreed in the previous paragraph that we'll endeavor to meet the subdivision standards. Why does it say "project is not a subdivision"? This contradicts the previous paragraph, right? The reasoning here implies that the state 40B regulations and the Subdivision regulations are redundant. This isn't true. The state 40B regs specify how waivers can be granted provided low income housing is included. The Subdivision regs specify how roads and driveways are to be built, maximum driveway lengths, minimum turning radii, etc. The two sets of regs are complementary, not redundant. In fact, through the ZBA rules and regs, the Carlisle Subdivision regs are effectively included by reference in the state 40B regs. The redundant argument is incorrect.
  5. Section II 6.B2(a), landscape plan. The site plan in item a) did not include a landscape plan. This sentence is incorrect. Please specify how much a redesign of the landscape plan will cost, and at exactly what point the project becomes uneconomic.
  6. Section 6.B2(d), street and right of way plan. Lifetime repeats the subdivision/not a subdivision contradiction. Lifetime repeats the incorrect redundant argument. Other than that there is no other reason presented here for the waiver to be addressed.
  7. Section II 7, performance guarantee. Lifetime repeats the subdivision/not a subdivision contradiction. Lifetime repeats the incorrect redundant argument. If the performance guarantee will make the project uneconomic, please show Lifetime's cost of funds, the amount and duration of the bond, and explain at what point the project is uneconomic.
  8. Section III 1.A basic requirements. Lifetime repeats the subdivision/not a subdivision contradiction. Lifetime repeats the incorrect redundant argument. There is no other reason presented here for the waiver to be addressed.
  9. Section III 2.A, streets/roads/footpaths. Lifetime repeats the subdivision/not a subdivision contradiction. Lifetime repeats the incorrect redundant argument. There is no other reason presented here for the waiver to be addressed.
  10. Section III 2.B, alignment and width. Lifetime repeats the subdivision/not a subdivision contradiction. Lifetime repeats the incorrect redundant argument. There is no other reason presented here for the waiver to be addressed.
  11. Section III 2.C, grade. Lifetime repeats the subdivision/not a subdivision contradiction. Lifetime repeats the incorrect redundant argument. There is no other reason presented here for the waiver to be addressed.

12. Section III 2.D, dead end streets. Lifetime repeats the subdivision/not a subdivision contradiction. Lifetime repeats the incorrect redundant argument. There is no other reason presented here for the waiver to be addressed.
13. Section III 3, easements. Lifetime repeats the subdivision/not a subdivision contradiction. Lifetime repeats the incorrect redundant argument. There is no other reason presented here for the waiver to be addressed.
14. Section III 5.A, street grading. Lifetime repeats the subdivision/not a subdivision contradiction. Lifetime repeats the incorrect redundant argument. There is no other reason presented here for the waiver to be addressed.
15. Section II 5.B, roadways. Lifetime repeats the subdivision/not a subdivision contradiction. Lifetime repeats the incorrect redundant argument. There is no other reason presented here for the waiver to be addressed.
16. Section III 5.C, footpaths. Lifetime repeats the subdivision/not a subdivision contradiction. Lifetime repeats the incorrect redundant argument. There is no other reason presented here for the waiver to be addressed.
17. Section III 5.D, shoulders. Lifetime repeats the subdivision/not a subdivision contradiction. Lifetime repeats the incorrect redundant argument. There is no other reason presented here for the waiver to be addressed.
18. Section III 5.E, side slopes. Lifetime repeats the subdivision/not a subdivision contradiction. Lifetime repeats the incorrect redundant argument. There is no other reason presented here for the waiver to be addressed.
19. Section III 5.F, trees and other vegetation. Lifetime repeats the subdivision/not a subdivision contradiction. Lifetime repeats the incorrect redundant argument. There is no other reason presented here for the waiver to be addressed.
20. Section III 5.H, driveway entrances. Lifetime repeats the subdivision/not a subdivision contradiction. Lifetime repeats the incorrect redundant argument. There is no other reason presented here for the waiver to be addressed.
21. Section III 5.I, monuments. Lifetime repeats the subdivision/not a subdivision contradiction. Lifetime repeats the incorrect redundant argument. There is no other reason presented here for the waiver to be addressed.
22. Section III 5.L, engineering plan. Lifetime repeats the subdivision/not a subdivision contradiction. Lifetime repeats the incorrect redundant argument. There is no other reason presented here for the waiver to be addressed.
23. Section A, development standards. Lifetime repeats the subdivision/not a subdivision contradiction. Lifetime repeats the incorrect redundant argument. There is no other reason presented here for the waiver to be addressed.
24. Section B, Town Advisory Group. Lifetime does not repeat the subdivision/not a subdivision contradiction, but they do repeat the incorrect redundant argument. There is no other reason presented here for the waiver to be addressed.
25. Section D, development impact report. Lifetime repeats the subdivision/not a subdivision contradiction. Lifetime repeats the incorrect redundant argument. There is no other reason presented here for the waiver to be addressed.

26. Section E, street construction standards. Lifetime repeats the subdivision/not a subdivision contradiction. Lifetime repeats the incorrect redundant argument. There is no other reason presented here for the waiver to be addressed.
27. Carlisle Nonzoning Wetland Bylaw. Lifetime adjusts the incorrect redundant argument and applies it to the wetland bylaw. Paragraph VIII, 3.01 (h) applies to the wetland bylaw. There is no other reason presented here for the waiver to be addressed.
28. On the Board of Health waivers, Lifetime is specific in what they ask for, however they do not provide a rationale or reason for why the project, utilizing the proposed waiver, satisfies the intent of the BOH rules.
  - i) The abutter's list is not referenced. (and spelling)
  - j) Good.
  - k) Provide documentation that the project is not in either of the mentioned habitats.
  - l) Good, or could provide documentation that the thresholds are not met.
  - m) References appendix/attachment F, but that's the Mass. Historical information. I expect to see a cost breakdown for the 4 bedroom unit, and separate breakdowns for the market rate and affordable 3 bedroom units. I expect site development cost breakdowns, and a total development roll up (this last one has a single sheet in the Mass Housing application). I want to be able to see where the development money is coming from, and how and when it is getting spent. I also expect a condo association pro forma covering the first ten years of operation.
  - n) Good / may need further review.
  - o) Good / may need further review.
  - p) Good / may need further review.
  - q) References appendix / attachment G, but none of the information is filled in! It needs to be filled in.
  - r) The explanation: "The New England Fund" is too brief. What is the amount and timing of the funding. Is it synchronized with the information provided in m), above?
  - s) Good.
  - t) Good.
  - u) Good / may need further review.
  - v) Good.

-Marty Galligan,

Carlisle Zoning Board of Appeals

September 1, 2014