

Brem-141-12.31.2014

DESCHENES & FARRELL, P.C.

Attorneys at Law  
515 Groton Road, Suite 204  
Westford, MA 01886  
Telephone: (978) 496-1177  
Facsimile: (978) 577-6462

*Douglas C. Deschenes  
Kathryn Lorah Farrell  
Melissa E. Robbins\**

*\*Admitted in MA and NH*

December 31, 2014

Lisa Davis Lewis  
Carlisle Board of Appeals  
Town Hall  
66 Westford Street  
Carlisle, MA 01741

RECEIVED  
DEC 31 2014

TOWN CLERK-CARLISLE  
CHARLENE M. HINTON

Re: "The Birches"  
100 Long Ridge Road application for Comprehensive Permit  
Hydrogeologic Study

Dear Ms. Lewis and the members of the Board of Appeals:

As you know from Mr. Brem's (Meisner Brem Corporation), letter of December 30, 2014, the waiver requests have been substantially reduced as a result of preparing the final design plans for the Project, consisting of a full set of construction drawings and detailed stormwater calculations.

Included in the waivers previously requested - but now withdrawn - were several waivers related to regulations of the Carlisle Board of Health (local). These are essentially all withdrawn. All waivers related to drilling of the new private wells are withdrawn. All waivers related to the daily sewage flow rate are withdrawn with the one exception of a use definition: 'condominium' (which is used as a "catch-all" in the regulation). Further, each of the septic systems will comply with the table of daily sewage flow rates found within the Carlisle Board of Health Supplementary Regulations for Sewage Disposal Systems, without waiver.

Under MGL Ch. 40B, the Board of Appeals is empowered to issue waivers from local rules and regulations. In that waivers were previously requested from certain regulations of the Board of Health regarding both private wells and septic systems, it was certainly within the purview of the Board of Appeals to seek data and deliberate the merits of granting those waivers. However, because these waivers have been withdrawn, the local Board of Health will be the sole authority granting permits for private wells and private sewage disposal systems in accordance with the Town regulations. Therefore, the issue relating to "water supply and protection" stays within the jurisdiction of the Carlisle Board of Health without the need for deliberation of waivers by the Carlisle Board of Appeals, with the sole exception of the septic definition waiver for the use as a condominium.

It is important to reiterate, as previously presented to the Board, that in addition to compliance with the local Board of Health Regulations, the proposed wells and septic systems meet all Commonwealth of Massachusetts (State) rules and regulations, including Title 5 of the State Sanitary Code (septic).

Thus, the applicant hereby withdraws the previous offer of performing hydrogeological studies, outside of those required by any State or local rules or regulations.

Sincerely,

Douglas C. Deschenes

Douglas C. Deschenes