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**Town of Carlisle
Planning Board**

R E C E I V E D
JAN 16 2015

TOWN CLERK-CARLISLE
CHARLENE M. HINTON

Memo

To: Zoning Board of Appeals
From: Planning Board
CC: Town Clerk, Board of Selectmen, Board of Health, Conservation Commission
David Freedman, Chair of Town Advisory Group
Date: January 15, 2015
Re: Application for Comprehensive Permit by Lifetime Green Homes – Comments on Revised Plans

Thank you for this opportunity to provide input on the revised plans (dated November 14, 2014, received by the Town on December 8, 2014) for a Comprehensive Permit for Lifetime Green Homes at 100 Long Ridge Road. The Planning Board (PB) trusts that it will have additional opportunities to provide input as additional data is provided and peer reviewed and particularly when the Zoning Board of Appeals (ZBA) begins to consider conditions of approval should it decide to grant the permit.

Introduction

The PB is concerned that the plan revisions seem to have generally exacerbated, rather than lessened, the negative impacts on the land from the density of the proposed project. Additional wells have been proposed. The roadway has been widened from 20 to 24 feet, increasing its impervious surface and the resultant impact on stormwater (more runoff and less land area to absorb it). Public health concerns related to septic system proximity to drinking water supplies are undiminished.

The PB has the following additional comments.

A. Water Quality and Quantity

The PB notes that virtually none of the concerns raised in its 08/20/14 memo to the ZBA under “Water” have been addressed by the applicant’s revised plans. Consistent with the position taken in that memo, the PB believes that it remains **“critical that the ZBA and its peer reviewer require the applicant to demonstrate with precise data to a high degree of certainty that the project’s density and design will not compromise the safety and integrity of abutters’ [and development residents’] drinking wells.”**

It is our understanding that the Board of Health (BOH) will provide a detailed response to the revised plans so we will not go into further detail with regard to issues within the purview of the BOH. **The PB urges the ZBA to insist that the clear intent of regulations not be compromised and that local regulations designed to protect public health be upheld.**

B. Stormwater Management

While it is supportive of the use of LID techniques, the PB is concerned about various red flags raised by Nitsch in their memo of 12/22/14, confirmed by testimony of Jennifer Johnson, Senior Project Engineer, at the 1/5/15 ZBA hearing, regarding the complexity of the stormwater management system proposed, missing and conflicting information in the calculations, apparent conflicts between proper functioning of the system with other aspects of the project (some of which are noted below), and the ability of a condominium association to successfully manage its operation once the development is complete and there is no municipal oversight without compromising the functioning of other systems on the property directly related to the health and safety of Carlisle residents.

Beyond the calculations which tend to address overall water balance pre- and post-construction for the entire site, the PB believes that specific areas of the project site still require careful review by Nitsch and the ZBA, including but not limited to (1) impacts on wetlands, especially at the rear of the site where development infrastructure, the construction of four dwellings off the cul de sac virtually entirely within the buffer zone, and yet-to-be-detailed retaining wall(s) along a steep drop to the intermittent stream all can be expected to extend the area of impact further into the buffer zone while limiting the Conservation Commission's (ConsCom) ability to mitigate wetland impacts through their permitting process; and (2) drainage along the proposed roadway, with 20% more impervious surface in the new plans and correspondingly less area to mitigate the runoff, especially in relation to controlling the flow of stormwater down the slope of the roadway towards Long Ridge Road. **The PB urges the ZBA to insist that the missing and conflicting information related to the entire stormwater management system be thoroughly resolved to the satisfaction of Nitsch to ensure that the system can be expected to function properly and be maintainable over time, and that plan changes be required as necessary within the ZBA hearing to ensure that whatever plans are approved do not overly restrict the ability of both the BOH and ConsCom to mitigate negative health, safety, and environmental impacts.**

C. Traffic and Safety

The PB notes that the applicant has thus far not addressed major concerns noted in the Nitsch Traffic Memorandum of 11/3/14, particularly items 1, 2, 3 and 8 under "Waiver Requests." These all relate to the stated need for a second access to the neighborhood.

The latest plans showing an increase in width of the driveway *within the development* do not in any way address safety concerns *within the neighborhood*, exacerbated by the 19 proposed additional housing units. Both the Fire Department and Police have expressed

concern about response time to this neighborhood as it currently exists due to the location of the sole access point at the far southwest of Carlisle.

While there is no absolute number of additional homes in a single-access neighborhood after which it can be definitively deemed unsafe, Carlisle has established limits the PB believes are reasonable. As noted in the PB memo of 8/20/14 (Brem 023), with the additional 19 units proposed “the development would have over 7 times the number of dwellings allowed under current regulations on a roadway over 4 times the length of single access roadway currently allowed.” If the development is approved as proposed with no mitigating measures whatsoever, the PB believes its residents will be at an unacceptable risk in an emergency. Therefore we recommend that, absent the provision of a viable second access to the neighborhood, the provision of sprinkler systems within the dwellings be considered. It is worth noting that it is not unreasonable for applicants proposing adding density to a neighborhood to be expected to address existing neighborhood concerns; for example the SROSC recently permitted by the PB includes provision for a major investment by the applicant in mitigating longstanding existing flooding conditions on Russell Street through extensive work, endorsed by the DPW and the Selectmen, to rebuild a portion of Russell Street and install a new culvert. **The PB urges the ZBA to insist that this neighborhood safety issue, greatly exacerbated by the proposed development, be addressed by the applicant, in writing and on the record.**

D. Snow Storage

The PB shares the concern about inadequate snow storage areas expressed by Nitsch in their memo of 12/22/14, as well as the testimony of Jennifer Johnson at the 1/5/15 ZBA hearing. Ms. Johnson specifically stated that snow cannot be plowed onto the rain gardens without reducing their effectiveness and potentially creating road flooding and icing hazards, which creates public safety concerns. The applicant spoke about a few locations for snow dumping from bobcats during severe weather events (some of which may be too close to the proposed leaching fields and thus the resultant groundwater mounding could impact the functioning of the septic system), but the snow storage problem is also related to normal winter snows and normal plowing of snow to roadsides. **The PB urges the ZBA to insist that the applicant revise the plans such that stormwater management systems, septic systems, and provisions for snow storage are not in conflict.**

E. Fire Protection

The PB notes that the applicant has proposed reducing the fire cistern from 45,000 to 30,000 gallons, contrary to the Fire Department request for a 40,000-gallon cistern. It is worth noting that the plans for Garrison Place, the recently permitted 16-unit, 32-bedroom SROSC on Russell Street, provide for a 40,000-gallon cistern, a relevant comparison given the applicant’s statement that his project be treated like other developments in town. (See below for additional comparisons.) **The PB urges the ZBA to insist that the applicant provide a 40,000-gallon cistern with a dedicated well.**

F. Signage

The PB concurs with the Nitsch 12/22/14 comment #23 recommending that the ZBA require details and renderings for all proposed signage. The PB notes that the project signage for the recently permitted 16-unit SROSC on 34+ acres off Russell Street was reduced, following the initial proposal and abutter feedback, to a single granite post 5' in height along Russell Street.

G. Landscaping

The PB concurs with the Nitsch 12/22/14 comment #26 recommending that additional plantings be provided to screen the development from adjacent properties, especially given the applicant's request for a waiver of side and rear setback regulations. The PB also questions the adequacy of screening along Long Ridge Road and whether the trees shown next to Septic Area 1 are realistic given septic regulations. The PB also notes that the Landscape Plan dated 10/30/14 seems to show a treeline buffer to be retained where the proposed Septic Area 2 is shown. As this is immediately adjacent to the Blood Farm Trail, this screening is critical. Similarly, the PB questions whether the retained treeline shown behind the homes off the cul de sac is realistic given the clearing that can be expected. **The PB suggests that the ZBA get clarification from the applicant and the peer reviewer as to whether the plans are realistic, whether there is in fact room for sufficient plantings to screen abutters (either as shown on plans or as promised to be considered by the applicant during the hearings), whether existing trees shown in these areas will actually be retained or will be cut during the construction of the Septic Areas and other infrastructure, and if the latter, that new plantings be provided in the plans.**

H. Condominium Documents

It has been noted within the hearing that Town Counsel is tracking comments related to items to be addressed in the condo documents. Based on its experience with condominium developments and the extraordinary amount of time taken up by review of same (all in friendly developments, complying with local bylaws and regulations, and reviewed within the open public hearings, allowing input from citizens), the PB urges the ZBA to request that the applicant provide draft condo documents for review within the hearing, or at a minimum to provide detailed outlines as to the extent and content of same. Given the complexity and interdependent functioning of the systems proposed for this project (stormwater, sewage treatment, water supply, snow removal, etc.) and the presumed lack of a management company (such as is provided for at the Benfield development), absent such provision of draft documents by the applicant for review within the hearing, **the PB believes it is essential that Town Counsel proactively provide the ZBA with a comprehensive list, in addition to items that may arise within the hearing, of all issues that must be addressed in the condo docs such that the ZBA can adopt conditions that provide clear direction to the applicant and clear guidelines to the ZBA and Counsel for review of same after a permit is issued.**

I. Comparisons to Similar Developments

As noted above, the applicant has stressed that this development be treated as other developments in Carlisle are treated. The PB believes the fairest comparisons are to recently permitted projects of similar scale, namely Benfield Farms and Garrison Place. Benfield comprises 35 bedrooms in 26 age-restricted units, is served by a PWS well with Zone 1 protection regulated by DEP plus an 8,000-gallon back-up domestic water tank, two cisterns for fire protection totaling 46,000 gallons with a fully sprinklered building, and no setback waivers from abutters. Garrison was recently permitted as an age-restricted 16-unit, 32-bedroom SROSC, is surrounded by 22 acres of open space, is served by a PWS well with Zone 1 protection which is also significantly upgradient and more than 700 feet from the soil absorption system, which is itself many hundreds of feet from any abutter wells, and as noted above was approved with a 40,000-gallon fire-protection cistern with a dedicated well.

Conclusion

It seems likely that, given the density of the project with every square foot serving some essential function such that every change to one part of the plan compromises others (and multiple waiver requests on setbacks necessary to squeeze everything in), addressing the concerns raised about the current plans, including those identified by the BOH, seem likely to require a reduction in the number of units. The PB believes that even under 40B, adequate space for the requisite PWS well, septic system, and stormwater management system is essential to public health and safety and cannot be sacrificed to the economics of the project.