

Brem-157-01.23.2015

to: Lisa Davis Lewis, Chair, Carlisle Zoning Board of Appeals
from: David Freedman, Chair, Town Advisory Group for 100 Long Ridge Rd 40B
date: 23 January 2015
re: Input to the ZBA on Process



Although the various boards and departments represented on the TAG will continue to provide input to the ZBA on their particular areas of expertise, at yesterday's TAG meeting committee members discussed a number of process issues that they agreed should be communicated on behalf of the TAG to you and your board.

TOWN CLERK CARLISLE
CHRISTINE M. HANTON

All the suggestions below were expressed during our meeting with a clear appreciation of the efforts you, your board and your support staff have made over the past 6 months, an understanding of how difficult and thankless your roles can be, and how complex this particular application has been in many respects. We thank you and present this input to you with specific suggestions in an effort to make it as constructive as possible. If you would like any clarification of any of the following, please do not hesitate to contact me.

1. Access to documents remains an issue. Early in the hearing the request from many for a wider email distribution list was addressed by the establishment of a system for posting of documents on the Town's website. Unfortunately the ability of ZBA staff to post them in a timely manner has not always kept pace with the flow of documents.

The website seems to have just been brought up to date which is appreciated, but since the first of the year there have been a number of instances where staff and board members have had to ask one another for copies of documents they weren't aware existed until they were referenced by someone else who happened to be on the distribution list. TAG members appreciate the efforts Peggy Wang puts into this especially given her limited hours, but we wonder whether additional administrative staff might be necessary to keep up with a project such as this one.

2. Similarly, timely drafting, review, and approval of minutes is critical as a record of the hearing, both for ZBA members and counsel (particularly as a useful reference in the drafting of a decision) and for those who can't attend every session of the hearing. TAG members who regularly deal with minutes understand that it is very difficult to catch up once one falls behind. Again, we ask that the ZBA consider getting additional support staff to deal with minutes on a timely basis. (An up-to-date set of minutes would certainly be useful for the Special Town Counsel recently engaged by the Selectmen.)
3. TAG members were heartened by Town Counsel's comment that he is maintaining a running list of issues that have arisen in the hearing as ones that may need to be addressed in conditions or, for example, in the condominium documents. We wonder if this list can be made public and then periodically updated to create a clearer sense that key issues may not be falling through the cracks.

4. Similarly, issues seem to arise and get discussed but not resolved, and are sometimes not followed with clear statements or documentation that they remain open issues. Timely minutes would help with this, but members of the TAG questioned whether some additional regular process of publicly documenting open issues might be beneficial — as a critical baseline as the hearing proceeds — to all involved, including ZBA members, counsel, town staff and board members, abutters, and even the applicant.
5. TAG members also believe it would be helpful if clear, detailed statements as to what is expected to be reviewed and accomplished at each session of the hearing were made to open each hearing session, were then reviewed at the end of the session relative to how the expectations were met (and where open issues may remain or whether the board feels any issues were resolved), followed by a clear statement as to what is expected to be discussed at the subsequent hearing or hearings (including a clear statement as to what is expected from the applicant, and by when, relative to the above).
6. A final specific request is that you reach out to Nitsch Engineering to see if they have someone on staff who is an expert on Title V and the plumbing code beyond what is normal for single family homes on individual lots, and if not, that within the hearing you address with your board and then with the applicant the need for such an expert to assist you with your review of the application. There are some aspects of Title V— specifically in relation to systems above 2000 GPD — that are not normally dealt with by Carlisle’s Board of Health (BOH) and their review engineer. These issues become more acute with a project applicant who proposes to use so many technologies not normally encountered by our local BOH (such as grinder pumps) and who seems to be parsing the regulations (both state and local) in ways that challenge their intent.

It has been stated repeatedly that the underlying hydrogeology of this site is key and we appreciate the degree to which the ZBA is aggressively pursuing the necessary data in this regard, but there are other significant aspects of water and wastewater that are equally important to public health and safety and have thus far been minimally addressed. We suggest that a clear understanding of the intent — and possibly the limits — of Title V, especially vis a vis local regulations, is critical to the ZBA’s ability to assess this project prior to it being put before the Board of Health for permitting.