



# Town of Carlisle

MASSACHUSETTS 01741

Office of  
**PLANNING BOARD**

MINUTES

March 27, 1978

Present: Zielinski, Raftery, Kulmala, Bridges, Sauer, Hannaford

The last sentence should be struck from the Minutes of the March 13 meeting. The Minutes were accepted as amended.

The Hearing on the proposed Driveway Bylaw was called to order. Bob Zielinski read the text of the Bylaw as it appeared in the Public Notice. Ne explained that the intent is to permit the Planning Board to handle a porblem which has presented itself as a particularly sticky one. The intent and meaning of the porkchop lot bylaw and how such a lot is to function has been lost. Legal frontage does not have to be the legal access and it would be arbitrary to require that it be the access. This Bylaw would give the Board the ability to review plans for multiple use driveways on an individual basis. It does not detract from an individual's right to place a driveway on his lot wherever he wants. Zielinski recounted other approaches considered by the Board, such as limiting the length of the driveway or limiting the number of porkchop lots along it, etc.

Charles Evans spoke to say that he had great difficulty distinguishing a private driveway (common driveway) from a private way as defined in some parts of the statute. He compared this proposed Bylaw to the Small Subdivision Bylaw which has sence been rescinded.

Evans - We have found in at least two situations where ways intended for private ways and built according to the regulations for Small Subdivisions existing at the time, the property owners have come to Town Meeting asking for acceptance of the way as a public way. The "Private Way" stipulation at that time was recorded only on the plan.

Tom Raftery pointed out that if an abuttor or group of abuttors petitioned the Town for acceptance of the private driveway as a public way and the Town accepted such petition, the Town has a mandate to make such alterations to bring the way up to Town standards and to bill the abuttor or abuttors for this work.

Evans pointed out that this Bylaw does not contain a provision which enables the Board to refuse a poorly designed driveway and proposed to add a further condition (3) "and if it in the Board's opinion is adequately designed." For example, he said, if the provision for underground placement of utilities was valid for subdivisions, the Board should have the power to require same for a private driveway serving up to six lots.

Rafferty - We could have taken the position of setting up a police state which would have protected all buyers by requiring all driveways serving more than one lot to be built according to Town standards. We wanted to stay away from getting ourselves into engineering every driveway serving more than one lot.

The Board felt generally that it should make minimum restrictions for private land and even minimum restrictions should be carried in the Rules and Regulations and not in the Bylaw. Rafferty said that having such R&R's will allow people to know ahead of time what the standards are generally. Frank Hannaford felt strongly that such standards should not contain depth of gravel subsurface, type of surface to be used, etc.

After discussion, the final wording was unanimously approved. "In furtherance of this Bylaw, the Planning Board may adopt reasonable Rules and Regulations governing driveway construction." This will be offered at Town Meeting as an amendment from the floor.

In answer to questions raised by Frank Berry it was pointed out that the only lots affected would be those that enter on the common driveway. If a developer proposed a driveway serving more than one lot, he must record a deed with the appropriate covenant for each lot before getting the special permit. If he doesn't want to do this, he doesn't get the permit. If someone wished at a later time to be included on a private driveway, the building permit would not be issued until the deed, including covenant, is recorded.

The hearing adjourned at 9:15.

It was noted that the hearing on the Lawson's application for Site Approval for the Bedford Road property would be on April 11 at 8 p.m. A copy of the recommendation letter from CVP was read. It stated that CVP saw no conflicts with the Town Bylaws. It recommended (1) 16 parking

spaces be required, (2) high ground water tests be rerun, and (3) the proposed well be moved toward Bedford Road and away from the leaching catch basins.

The Board felt that because of the extraordinary thick walls in this case parking spaces should be figured on usable floor space rather than outside dimensions. A letter will be written to the Selectmen recommending 14 spaces for parking.

Bill Bridges thanked the Board for five enjoyable years.

Meeting adjourned at 9:50.

Respectfully submitted,

  
Meredith DeLong, Secretary