



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

P.O. BOX 827
CARLISLE, MA 01741
(508) 369-9702

MINUTES April 9, 1997

PUBLIC HEARING: Proposed amendments to Articles 23, 24, 25 and 26 of the Zoning Bylaw for Open Space Residential Development

On April 9, 1997, the Carlisle Planning Board held a Public Hearing at 8:00 p.m. at the Carlisle Institute, 872 Westford Street, on amendments proposed by the Planning Board to the Carlisle Zoning Bylaws to establish additional provisions to promote the preservation of open space and the appearance of rurality in Carlisle by encouraging open space residential development, rather than the conventional subdivision development permitted by State's Subdivision Control Law.

Those provisions include a new section of the bylaws, entitled Open Space Neighborhoods (Article 23), revised Driveway Regulations (Article 24), revised standards for Pork Chop Lots (Article 25), and an amendment to the minimum frontage requirements for residential lots to allow the development of Residential Compounds on common private ways (Article 26).

The proposed amendments were the subject of an informal public workshop held on February 27, 1997, and the Public Hearing on these amendments was advertised in the Carlisle *Mosquito* on March 21 and March 28, 1997. A Public Hearing on a proposed amendment to the Rules and Regulations of the Planning Board Governing the Subdivision of Land, by adding a new Section 3.B, Residential Compounds, was advertised and held simultaneously.

Present at the Public Hearing were all members of the Planning Board: Richard Colman, Chair, Sally Duscha, Michael Epstein, Tara Hengeveld, John LaLiberte, Bill Tice, and Susan Yanofsky. Also present were Selectman Vivian Chaput, Building Inspector Bob Koning, Planning Administrator George Mansfield, and Mark Bobrowski, Esq., who has served as consultant to the Planning Board in the drafting of these amendments. Members of the public present included Maya Liteplo, Dick Blanchard, David Kelch, Hal Sauer, Sylvia Sillers, Lois Surgenor, Chris Hart, Tricia Smith, John Lee, Greg Peterson, and William Costello.

Article 23. Open Space Neighborhoods

This amendment would allow individual lot sizes to be reduced in return for the permanent set-aside of open space on a sliding scale, the more open space provided, the smaller the allowed building lot. No bonus lots would be allowed, the number of lots being based upon what would be allowed in a conventional subdivision. It was explained that, as a revision from an earlier proposal, this cluster option--to be granted by a discretionary special permit from the Planning Board--will be in addition to the existing Conservation Cluster special permit provision in the Zoning Bylaws.

A series of questions were raised about the ownership of any common septic systems located in designated open space parcels that could be a feature of an Open Space Neighborhood plan, if these were also approved by the Board of Health. It was agreed to add a provision that would guarantee that a homeowners' association would be required to own and maintain such systems. Attorney Bobrowski also told the public present that allowing common septic systems in the open space parcels would not set a precedent leading to Board of Health approval of such systems elsewhere.

Other questions were raised about the effect of this amendment on Carlisle's two-acre zoning. Board members assured the public that these provisions maintain the two-acre density for each tract of land, and Attorney Bobrowski added that adoption of these amendments would not invalidate the basis for two-acre zoning and would be acceptable to the Attorney General's office.

The Planning Board recommends APPROVAL of Article 25, as a means to preserve usable open space and to achieve the goals of the 1995 Carlisle *Study Plan*.

Article 24. Driveway Regulations

The Board and its consultant explained that the goal of these amendments is to provide construction requirements for individual and common driveways in order to promote safe and convenient access to residential lots. While, unlike the other proposals, it does not promote open space preservation, the Board believes that the provisions of the current Zoning Bylaws regulating individual and common driveways need more specification and such driveway construction is an integral part of both conventional and cluster development. Attorney Bobrowski explained that Carlisle has reached the stage where most of the undeveloped land is marginal, so that driveways will tend to be longer, steeper and to cross more wetlands than previously and so these provisions are necessary. But members of the public and the Building Inspector questioned the need for additional regulation, especially for individual driveways. Although members of the Planning Board continue to believe that more specific bylaw provisions for common driveways are needed, they concluded that it would not be feasible to separate and further refine these provisions from this article prior to or at Town Meeting.

Although the Planning Board is in favor of the proposals contained in Article 24, it recommends NO ACTION on this Article at the 1997 Annual Town Meeting and will not move it.

The Board expects to present some of the concepts contained in this Article at a subsequent regular or special Town Meeting.

Article 25. Pork Chop Lots

The Board explained that the goals of this amendment are to continue to promote individual lots in excess of two acres and to preserve the appearance of rurality and to promote public safety by minimizing the potential number of adjacent individual driveways having access to a public way. By limiting the number of pork chop lots created from a single property to six, this provision also encourages landowners to use the other cluster provisions to develop their property. The proposed amendments also required a common driveway be used to serve two or more adjacent pork chop lots. Testimony from the public, however, convinced the Board that this provision was too stringent, and the proposal was amended to require a common driveway only when three or more such contiguous lots are to be served.

The Planning Board recommends APPROVAL of Article 25, as a means to promote lower densities, public safety, and the appearance of rurality, and so to implement the goals of the Carlisle Study Plan.

Article 26. Frontage Requirements for Residential Compounds

The Planning Board is proposing that for the subdivision of land for two to six lots, an option to create a "Residential Compound" be established that would allow lots that contained 125% of the minimum required acreage to have frontage on "common private ways," dead end streets of reduced width and other construction requirements that would not become accepted public ways. Such Residential Compounds would preserve a minimum 150 ft. buffer between the new homes and the existing public way. The Zoning Bylaw amendment proposed is to reduce the minimum frontage of these lots on the common private way to not less than 100 ft., thereby reducing the length and the cost of this roadway. The other provisions governing the development of Residential Compounds are contained in the proposed amendments to the Rules and Regulations of the Planning Board that were also the subject of the Public Hearing. Approval of a Residential Compound Plan, unlike a standard Subdivision Plan, would be at the discretion of the Planning Board. The proposals were favorably received by the public present.

The Planning Board recommends APPROVAL of Article 26, which together with the adoption of Rules and Regulations that allow the Board to approve Residential

Compound Plans, will promote the preservation of vistas, visual open space, and the appearance of rurality in accord with the goals of the Carlisle *Study Plan*.