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Carlisle Planning Board

Rules and Regulations

regarding

Common Driveway Special Permits

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Carlisle Planning Board
Rules and Regulations regarding Common Driveway Special Permits

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I. Introduction

In the Town of Carlisle, up to six lots may share a single driveway. However, in order to construct a driveway that will serve and/or be located on more than one lot, you must obtain a Special Permit from the Carlisle Planning Board. See Section 5.4.4. of the Carlisle Zoning Bylaw.

The Planning Board's decision to grant a Special Permit depends on the circumstances and conditions peculiar to each application. Since the construction and maintenance of a common driveway is not an obligation of the Town of Carlisle, but rather a private responsibility among those served by the driveway, the Planning Board, by means of the Special Permit granting process, attempts to see that all lots served by the driveway are provided both with safe and convenient access so as to secure safety in case of fire, flood, panic and other emergencies and with a legally enforceable instrument by which such access may be maintained by the private parties thereto in the future. The decision of the Planning Board will be based upon what it considers to be the best interests of the neighborhood and the Town in general. To this end, it shall be incumbent upon the Applicant to show that the construction and use of the common driveway represents the best plan for the provision of adequate access for emergency vehicles, safety of the approach to the public way, development of the land, preservation of the natural environment, control of stormwater drainage, and maintenance of neighborhood character.

A. Pre-application Conference and Conceptual Plan

It is recommended that the Applicant discuss the Application at a regular Planning Board meeting before the formal filing so that general approaches, needed information and potential problems can be freely explored. Before submitting plans for approval as hereinafter prescribed, any person may, at his/her own election, submit to the Board, for discussion purposes only, an informal conceptual plan, showing a proposed Common Driveway in a general way. The Board may, at the request of the Applicant, schedule a brief discussion of the conceptual plan with the Applicant and/or his/her representatives at a regular or special meeting. Such discussion will not constitute a public hearing, but the Applicant is encouraged to notify Parties in Interest so that the input of Parties in Interest may be considered at the conceptual stage of the plan. The Board also strongly suggests that the Applicant seek input from other Town Boards, Commissions and other Town officials at this point in time.

B. Procedural Requirements

The following steps are required by Massachusetts General Laws Chapter 40A, Section 9 for the issuance of a Special Permit:

1. The Applicant must file the Application with the Town Clerk (the date of such filing is hereinafter referred to as the "Filing Date").
2. The Applicant must file a copy of the Application (showing the date and time of filing as certified by the Town Clerk) with the Planning Board.
3. Notice of the Public Hearing must be posted, published and mailed as stipulated in M.G.L. Ch. 40A, Sections 9 and 11. In Carlisle, the Applicant is responsible for this notice. See Section VII.B for details;
4. The Planning Board must hold a Public Hearing within 65 days from the date of filing of the Application with the Town Clerk, unless the Applicant and the Planning Board agree in writing to an extension.
5. Within 90 days after the close of the Public Hearing, the Planning Board must make a Decision, file it with the Town Clerk, and notify the Parties in Interest.
6. If the Permit is granted, the Applicant must record at the Registry of Deeds.

II. General Provisions

A. Authority

These Rules and Regulations are adopted by the Planning Board as authorized by M.G.L. Chapter 40A and the Carlisle Zoning Bylaws. In the event of any conflict between the terms of these Rules and Regulations and Section 5.4.4 of the Bylaws, Section 5.4.4 of the Bylaws shall prevail.

B. Purpose

The purpose of these Rules and Regulations is to establish uniform procedures for conducting the business of the Board under its jurisdiction as a Special Permit Granting Authority for Common Driveway Special Permits (Section 5.4.4 of the Zoning Bylaws).

C. Applicability

Any person applying for a Common Driveway Special Permit under the Bylaws, whether or not governed by any other federal, state, or local regulations, laws, permits, variances, approvals, or programs, shall comply with the provisions of these Rules and Regulations.

D. Development Standards and Procedures

Carlisle's land use plans and regulations reflect the development goals and desires of Carlisle's citizens as expressed through Carlisle Town Meeting and the Town's many land use boards, departments and committees, as well as the informed input of the Town's professional staff. These plans and regulations articulate the Town's land use vision as expressed in density, setback, design and environmental performance standards.

The Planning Board has promulgated various regulations pertaining to development applications within its jurisdiction, such as relating to Subdivisions, Conservation Clusters, Senior Residential Open Space Communities and Common Driveways. In order to achieve a degree of consistency in the treatment of those developments, as applicable to particular projects and properties, and subject to the Carlisle Zoning Bylaws, applicable law and the specific requirements set forth in each of the regulations applicable to each development ("Specific Regulations"), and to provide additional guidance to Applicants, the Planning Board has promulgated the following:

Attachment A, *General Development Standards*, sets forth standards for development that should be applied where applicable in connection with applications to the Planning Board for Subdivisions, Conservation Clusters, Senior Residential Open Space Communities and Common Driveways.

Attachment B, *Policy Governing Use of Town Advisory Groups*, sets forth a procedure available to the Planning Board to initiate a process which will establish a Town Advisory Group to assist the Planning Board, and possibly other land use boards, committees and departments, in addressing any applications before it. The use of this advisory group is intended to formally facilitate the coordination of communication between and among Carlisle's land use boards, committees and departments and to provide meaningful input to the Applicant.

Attachment C, *Agreement for Reimbursement of Expenses and Certification of Accuracy of Application*, sets forth a form to be used in all applications before the Planning Board pursuant to M.G.L., Chapter 44, Section 53G.

Attachment D, Construction Management Plan, sets forth a list of issues to be addressed for every development in Town of four or more residences, or a subdivision of land into four or more lots, or a non-residential development, during each stage of construction, to the extent applicable, to safeguard the public health and safety, to maintain ways against extraordinary wear or damage, and to minimize the impact of construction operations on the quality of daily life in the Town.

E. Definitions

“Applicant” shall mean the Owner (as hereinafter defined) of the land referred to in an Application filed with the Board or the Owner’s duly authorized representative.

“Board” shall mean the Planning Board of the Town of Carlisle.

“Natural Resource” shall mean Open Space, agricultural land, or point of historic interest which serves one or more of the purposes set forth in Sec. 5.5.1 of the Carlisle Zoning Bylaws.

“Open Space” shall mean any land within the Conservation Cluster which is not designated as a building lot and encompasses the Natural Resource, as previously defined, for which preservation would be accomplished by the grant of a Special Permit hereunder.

“Parties in Interest” shall mean all abutters, owners of land directly opposite on any private or public street or way; and abutters to the abutters within three hundred feet (300’) of the property line of the property subject to an application submitted to the Board as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town, unless the Applicant has knowledge of any subsequent changes.

“Subdivision Rules and Regulations” shall mean The Town of Carlisle Planning Board’s Rules and Regulations Governing the Subdivision of Land, dated March 8, 2010, and as the same may be amended from time to time.

F. Waiver of Rules and Regulations

Strict compliance with these Rules and Regulations may be waived if the Board finds that the required information is irrelevant to a particular project, or that the granting of the waiver is in the public interest and would not be inconsistent with the intent and purpose of the Bylaws and these Rules and when applicable, the Town of Carlisle Subdivision Rules and Regulations. Notwithstanding the foregoing, the Board may not waive anything expressly required by the Bylaws.

Requests from an Applicant for a waiver of these Rules should be submitted, in writing, to the Board at the time of submission of the Application. Such requests must clearly identify the provision(s) of the Rules from which relief is sought and be accompanied by a statement setting forth the reasons why the granting of such a waiver would be in the public interest or the specific information required is irrelevant to the project, and why a waiver would not be inconsistent with the intent and purpose of the Bylaws and these Rules and Regulations.

G. Provision of Security

The Board may require in its decision that security be posted with the Town in such form and amount as is required by the Board to secure the satisfactory completion of all or any part of the work authorized under a permit. The form of security shall be generally as required in the Town of Carlisle Subdivision Rules and Regulations or as otherwise found to be satisfactory to the Board.

H. Advice from Town Staff or Individual Board Members

Any advice, opinion, or information given to the Applicant by a Board member, or by any agency, official, or employee of the Town shall be considered advisory only and not binding on the Board.

I. Amendments to the Rules and Regulations

The Rules and Regulations may be amended by a majority vote of the Board in a public meeting held in accordance with MGL. Chapter. 30A, Sections 18-25.

III. The Application

Each copy of the Application shall include:

- A. Forms entitled “Application for Special Permit”, “Notice of Public Hearing”, and “Attachment C, *Agreement for Reimbursement of Expenses and Certification of Accuracy of Application*” (all attached to these Rules and Regulations).
- B. A plan set on 24” x 36” sheets at appropriate scales prepared and stamped by a Registered Land Surveyor or Professional Engineer that includes, at a minimum:
 1. A Title Sheet, incorporating a Locus Plan at a scale of 1” = 200’.
 2. A property map at scale of 1” = 200’ showing:
 - a. lots to be served by common driveway;
 - b. contiguous lots, and lots across the street, within 300’ of lots so served;
 - c. zoning districts including Wetland and Flood Hazard Districts;
 3. A location plan of the proposed common driveway, at a scale of 200 feet to the inch, showing:
 - a. the exterior lines of the driveway and their location in relation to one or more existing streets, or portions thereof;
 - b. soil types as determined by the Soil Conservation Service.
 4. A Layout Plan
 - a. A layout plan on a separate sheet showing sidelines, centerline, points of tangency, length of tangents, length of curves, intersection angles and radii of curves for the proposed common driveway, together with all buildings, walks, drives, trails, stone walls and other existing fixtures within forty (40) feet of the sidelines of such proposed common driveway, including trees of major size and shrubbery that impairs sightlines and visibility at corners and intersections. The layout plan shall also show the size, location and elevation of all storm drains and the appurtenances existing in or proposed for the proposed common driveway.
 - b. Directly above or below the layout plan of the proposed common driveway, a *profile* showing existing and proposed grades along the centerline and sidelines of the driveway, together with *figures of elevation* at the top and bottom of all even grades and at twenty-five (25) foot intervals along all vertical curves. The *horizontal scale* of the profiles shall be forty (40) feet to one inch; the *vertical scale* shall be four (4) feet to one inch.
 5. Suitably scaled maps, plans, drawings (including a cross-section of the proposed driveway that specifies construction and subsurface materials, width, shoulders and grading on shoulders, and slopes and contours) as needed to fully explain the proposed layout grades, drainage and construction of the common driveway and its intersection with the frontage way, including sight lines and drainage facilities at the proposed intersection.
 6. A proposed Easement Plan, including location, type and size of any proposed fire protection systems and/or facilities.

7. Where the frontage way is a Scenic Road, a plan showing stone walls and trees within the right-of-way that will be affected by the common driveway.
 8. A plan showing driveway layouts if a common driveway were not used to show that the proposed common driveway meets the purposes set out in *Section I. Introduction* of these Rules and Regulations.
 9. Erosion Control and Landscaping Plans, as applicable.
 10. Detail sheets, as applicable
- C. A key to the soil types shown on the location plan.
 - D. All drainage system design calculations
 - E. A form of agreement binding all present and future owners of lots served by the common driveway to maintain said way and its drainage in good condition and open to provide sufficient access for fire, police, ambulance/rescue and other vehicles at all seasons (hereinafter "Maintenance Agreement"). See the Section XIII.D entitled "Maintenance Agreement."
 - F. Draft documents to establish Access and Utilities Easement(s) for the common driveway, Fire Protection Easement, and pedestrian, trail or any other easements as proposed. Because the details of the Maintenance Agreement and proposed easements are the Applicant's responsibility, the Board strongly urges that these documents be prepared by an attorney.
 - G. A list of Parties in Interest certified by the Board of Assessors.
 - H. The proposed name of the common driveway (See Section XII.A.8). The Planning Board recommends that the common driveway name be appropriate to the site, such as, but not limited to, names of Native Americans, early settlers, or natural features associated with the site. A chosen name may be unacceptable to the Board or may conflict with an existing street or driveway name. Applicants are invited to consult the Board for names associated with the Town's history. A common driveway shall have a single name throughout.
 - I. A Preliminary list of items that the Applicant proposes will be included in the scope of the Construction Management Plan as set forth in Attachment D. (See Section XIII.A and Attachment D for details)
 - J. Earth Removal Calculations as described in Section XIII.C. Calculations for determining the amount of earth to be removed or the amount of fill to be brought to the site shall be prepared by and show the seal of a Registered Professional Engineer.
 - K. The receipt specified in Section IV.D, if applicable.

Note: Additional data may be requested from the Applicant by the Planning Board.

IV. Filing the Application

- A. The Applicant must file the Application with the Town Clerk;
- B. The Applicant must file two (2) copies of the Application (showing the date and time of filing as certified by the Town Clerk) with the Planning Board through the Planning Board office, including eight (8) reduced (11"x17") copies of the plan set and shall pay the fees specified in Sections V.A and V.B below.
- C. A copy of the Application and all plans submitted with the Application shall also be submitted to the Planning Board in digital form on Compact Disk or other digital media acceptable to the Board.

- D. When a Common Driveway Special Permit Application is submitted in conjunction with a Conservation Cluster Special Permit application, the Applicant must file a copy of the Application with the Conservation Commission and receive a receipt therefor.

V. Fees and Charges

- A. Application fees for an original Application, an Amendment, or Request for Extension are as stated on the Schedule of Planning Board Application Fees, as may be amended from time to time. No Application or Amendment of Request for Extension shall be considered complete unless accompanied by the required fees and a signed copy of Attachment C, Agreement for Reimbursement of Expenses and Certification of Accuracy of Application.
- B. The project review fee to be paid pursuant to Section VI is also as stated on the Schedule of Planning Board Application Fees, as may be amended from time to time.
- C. The Applicant shall reimburse the Town for all expenses incurred by the Board for professional services in excess of the initial amount paid pursuant to Section VI, including, but not limited to, the cost of professional services in excess of the initial amount paid pursuant to Section V.B, and the cost of recording and/or verifying the recording of any documents and plans associated with the Special Permit application.

VI. Review Fees

- A. When reviewing an application for, or when conducting inspections in relation to, a Common Driveway Special Permit, the Planning Board may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project because of a project's potential impacts, or because the Town of Carlisle lacks the necessary expertise to perform the work related to the approval. The Board requires that Applicants pay a "project review fee" consisting of the reasonable costs incurred by the Board for the employment of outside consultants engaged by the Board to assist in the review of a proposed project or inspection of an approved project. To cover the cost of these reviews, an additional project review fee deposit may be required by the Board at the time of submission or at any time during the review or inspection process.
- B. In hiring outside consultants, the Board may engage engineers, planners, lawyers, urban designers or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, Bylaws, and regulations. Such assistance may include, but not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decision or regulations, or inspecting a project during construction or implementation.
- C. Funds received by the Board pursuant to this section shall be deposited with the municipal treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Board without further appropriation. Expenditures from this special account shall be made only for services rendered in connection with a specific project or projects for which a project review fee has been or will be collected from the Applicant. Accrued interest may also be spent for this purpose. Failure of an Applicant to pay a project review fee shall be grounds for suspending the Board's review of an application, disapproving a project, or rescission of an approval of a project.
- D. At the completion of all procedures authorized or required under these Rules and Regulations, an accounting shall be made and any excess amount in the account, including interest, attributable to a specific project shall be repaid to the Applicant or the Applicant's successor

in interest. A final report of said account shall be made available, upon request, to the Applicant or the Applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an Applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.

- E. Any Applicant may take an administrative appeal from the selection of an outside consultant to the Board of Selectmen. Such appeal must be made in writing and may be taken only within 20 days after the Planning Board has mailed or hand-delivered notice to the Applicant of the selection. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field. The required time limit for action upon an application by the Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within one month following the filing of the appeal, the selection made by the Board shall stand.

VII. Public Hearing

Failure to follow the requirements of Section VII may render the Special Permit process invalid, and could cause serious delays in the processing of the application.

- A. The public hearing will be conducted according to the requirements of M.G.L. Chapter 40A, Sections 9 and 11. The Planning Board must hold a public hearing within 65 days of the filing date unless the Applicant and the Planning Board agree in writing to an extension. A copy of any written extension agreement must be filed with the Town Clerk.
- B. The notice of the hearing is the responsibility of the Applicant:
 - 1. Content:
The notice must, at a minimum, contain the information presented in the sample legal notice that is attached to these Rules and Regulations. The Board requires that the Applicant review the content of the notice with the Board's designee before the Applicant posts, mails or publishes it as required below.
 - 2. Service of Notice:
The Applicant must publish the notice in a newspaper of general circulation in Carlisle, file it with the Town Clerk, and mail it by certified mail to all Parties in Interest.
 - 3. Deadlines for Publication and Service of Notice:
The Applicant must publish the notice in a newspaper of general circulation in Carlisle once in each of two consecutive weeks, with the first publication occurring no fewer than fourteen (14) days before the date of the hearing. The Applicant must also file the notice with the Town Clerk, and mail it by certified mail to all Parties in Interest no fewer than fourteen (14) days before the date of the hearing. The Applicant shall present to the Board's designee, at least one business day before the date of the public hearing, the certified mail return receipts as evidence that all Parties in Interest have been notified as required by law, a copy of the notice date stamped by the Town Clerk, and one set of newspaper tear sheets containing the published notice.
 - 4. All costs associated with the requirement noted above are the responsibility of the Applicant.

C. Site Visit

During the course of the public hearing, the Board may schedule a field trip to the site, accompanied by the Applicant or his or her representative. In order to facilitate the field inspection and review of the site of the proposed Common Driveway, temporary staking may be required along the centerline of the driveway.

VIII. Decision

- A. The Planning Board must make its decision on the Special Permit within 90 days of the close of the Public Hearing or within such extension of time as may have been agreed in writing between the Applicant and the Board. A decision to grant a Special Permit requires 5 votes in favor of the grant.
- B. The Planning Board must
 - 1. file with the Town Clerk a copy of its decision including a detailed record of its proceedings;
 - 2. promptly mail a certified copy of its decision to the Applicant; and
 - 3. promptly mail Notices of Decision to the Parties in Interest and to the Carlisle Conservation Commission.
- C. The Date of Filing of the Decision is the date when the decision of the Planning Board has been filed with the Town Clerk.
- D. If the Planning Board fails to make a decision within 90 days of the close of the Public Hearing, or within such extension of time as may have been agreed upon in writing between the Applicant and the Board, the Special Permit shall be deemed to have been granted, in accordance with MGL Chapter 40A, Section 9.

IX. Appeal Period, Endorsement and Recording

The Appeal Period lasts 20 days from the Date of Filing of the Decision. Notices of any appeal made to the Superior Court or Land Court must be received by the Town Clerk within those 20 days. In addition, the following conditions must be fulfilled before the Special Permit is effective:

- A. The Appeal Period has elapsed without appeal, or, if appealed, the court has dismissed or denied the appeal; and
- B. The Applicant has submitted the approved plan to the Board for its endorsement, containing the certification of the Town Clerk that no appeals have been taken within the Appeal Period; and
- C. The Special Permit, endorsed plans, and any documents or plans incorporated in the Decision have been recorded by the Applicant in the Middlesex North County Registry of Deeds (“Registry”); and
- D. The Applicant has delivered one copy of the recorded Special Permit and two copies of the endorsed, recorded plan(s) to the Planning Board, and also submitted one copy of the recorded Permit and plan(s) to the Building Commissioner and one copy of the recorded Permit and plan(s) to the Town Clerk.

X. Limitations of the Decision

The grant of a Special Permit constitutes approval only under the pertinent sections of the Bylaws. Other permits or approvals required by other governmental boards, agencies or bodies having jurisdiction, including but not limited to the Board of Health and Conservation Commission, shall not be assumed or implied. The Board may condition any permit hereunder to require satisfactory demonstration of compliance with the requirements of other governmental agencies prior to the commencement of any work on the site. The Applicant is encouraged to seek approval and certificates of compliance, as needed, from such other agencies prior to or concurrently with the Application to the Board.

XI. Lapse of Special Permit

- A. Failure to record the plan and all documents associated with the approval within 60 days of the completion of the Appeal Period shall cause the Special Permit to lapse unless approval has been extended by the Board and said extension filed in the Town Clerk's office.
- B. The rights granted by the Special Permit shall lapse if they are not exercised within one (1) year of
 - 1. the expiration of the Appeal Period, or
 - 2. if appeal has been taken from the decision to grant the Special Permit, the date on which the court has dismissed or denied such appeal.
- C. Upon request, the Board may grant an extension of time to exercise the Special Permit where good cause is demonstrated.

XII. Common Driveway Design Standards

- A. The following standards are required in the design and construction of any Common Driveway:
 - 1. Utilities serving any lots should be either buried or substantially concealed by mature woods.
 - 2. The Common Driveway shall have a traveled way at least 12 feet wide that can be maintained as such throughout the year. In addition, there shall be two shoulders, each at least two feet wide, for a total driveway width of at least 16 feet.
 - 3. The Common Driveway shall be at least 40 feet from the outer lot lines of the land being divided.
 - 4. Where the Common Driveway exceeds 300 feet in length, turnouts shall be installed and maintained (e.g. gravel and/or snow storage shall be prohibited) at reasonable intervals along the driveway, but at least every 300 feet, in order to allow vehicles to pass. Where the common driveway exceeds 300 feet in length, it shall end in a circle with a radius of no less than 25 feet.
 - 5. The Common Driveway shall not be longer than 1,000 feet.
 - 6. The surface of the driveway should be a material that will allow all season access, but asphalt is not necessarily required and, in some circumstances, may be discouraged because of drainage conditions.

7. Because drainage at the point of intersection between the Common Driveway and the public way is a concern of the Town, the Applicant should be prepared to show that the proposed driveway does not exacerbate existing drainage problems or create new ones. The Board may require the installation of culverts or drains, or low impact development (LID) facilities, and the Applicant is advised that consultation with the Town's Department of Public Works may assist the effort to obtain the Special Permit.
 8. Every Common Driveway serving 3 or more lots shall be named, and the entrance from the public way shall be clearly marked with the driveway name, the house numbers, and the words "Private Way," so as to enable emergency vehicles to find the driveway easily. For the same reason, should the Common Driveway fork, each fork shall be marked with house numbers. No Common Driveway shall be approved without the identification described herein. When the Common Driveway is named, both the Planning Board and the Applicant shall notify the Town Clerk, the Fire Chief, and the Police Chief.
- B. Any deviations from the above standards as proposed by the Applicant shall require a written request for and approval by the Board for a waiver as described in Section II.F.

XIII. Administration

A. Construction Management Plan

1. A Common Driveway shall require a Construction Management Plan (CMP) in scope and detail acceptable to the Planning Board and that must be approved by the Planning Board before site work, tree removal, earth removal or demolition can commence. See Attachment D.

2. Hours of construction and hours of deliveries associated with construction activities:

Site clearing or construction work shall not occur before 7:00 AM or after 5:00 PM Monday-Friday, and shall not occur at all on Sundays or Federal and Massachusetts State holidays. On Saturdays, site clearing or construction work shall be limited to 9:00 AM - 3:00 PM. Blasting shall be limited to Monday-Friday between 9:00 AM and 5:00 PM. No vehicles shall arrive at the site earlier than 7:00 AM Monday-Friday or 9:00 AM Saturday. Any deviations from the above must be approved in advance by the Planning Board.

3. Staging and storage areas for construction materials and fill:

The location of the staging and storage areas must be approved by the Planning Board as part of any approved Common Driveway Special Permit. Staging and storage areas shall be located in a safe place as far from the existing private and public ways abutting the development as practicable, and visually screened to the extent possible from such ways and surrounding residences or other buildings.

B. Inspections and Controls

For the protection of the Town and future residents of the site, a series of inspections during the course of construction is required to ensure compliance with the approved Common Driveway Special Permit and Plan.

1. Pre-construction Conference. A preconstruction conference with Town departments shall be held prior to the commencement of construction. The contractor shall request that the Board schedule such a conference at least one (1) week prior to commencing construction.

2. Inspection by the Board or its designated agent. No subsurface facilities, catch basin, utility installation, pavement subgrade or foundation, or any other item of work designated for inspection, shall be backfilled or paved over until inspected by the Board or its representative. The contractor shall be responsible for providing the following for each inspection: complete set of endorsed plans, properly calibrated transit or level, rod and tape. Also, the contractor or his/her representative shall be available to assist the inspector when necessary.
3. Inspection requests: Inspections shall be requested by the Applicant at least two (2) full working days (48 hours) in advance by written notice to the Board and to its duly authorized representative.
4. Inspections required: The following inspections shall be required, where relevant, at a minimum:
 - (a) Drainage inspection: following installation of drain pipe, culverts, catch basins and all related construction, but prior to backfilling.
 - (b) Underground utilities inspection: following laying of electric, telephone, gas, cable and any fire systems in utility easements, roadways and to individual dwellings, but prior to backfilling.
 - (c) Inspection of driveway subgrade: Before subbase is spread, the subgrade shall be shaped to a true surface conforming to the proposed cross section of the driveway and compacted. The contractor shall submit to the Board or its representative a gradation test on the driveway base material to ensure compliance with specifications.
 - (d) Finished gravel foundation inspection: following application, grading and compaction of gravel foundation. This may include compaction testing.
 - (e) Pavement inspection: Notice shall be given of the time of paving in order that inspection during and upon completion of pavement may be made.
 - (f) Final inspection: following completion of construction and installation of permanent bench marks, curbing, berming, footpaths, grading, seeding and cleanup. The entire site must be cleaned up so as to leave a neat and orderly appearance free from debris and other objectionable materials.
5. The Board shall make such other inspections of the project as it deems necessary to ensure safe and proper construction of the project.
6. Failure of the Applicant to notify the Board as required herein or to comply with the inspection procedures herein shall result in the Board requiring any work not inspected as a result of such failure, at the Applicant's expense, to be removed or to be exposed in order that the proper inspection may be made.

C. Earth Removal and Fill

1. If earth removal or fill is associated with the construction of the Common Driveway and drainage facilities, the Applicant shall provide the following information:
 - (a) Amount of earth to be removed or filled;
 - (b) Proposed disposition of such earth; and

- (c) Method of removal and fill, including the means proposed to prevent erosion and sedimentation and to protect adjacent areas. Any area within the site used for the extraction of gravel or fill shall be regraded, loamed, and in sod before final release of any performance guarantee is granted by the Board.

2. Rock Excavation

- (a) Any required rock blasting shall be done by licensed persons only and shall be carried out in strict accordance with the existing governmental ordinances and regulations. A blasting permit must be obtained from the Fire Chief. Any damage to the work or property of others caused by blasting operations shall be repaired at the expense of the contractor.
- (b) Whenever the bottom of a trench is rock or boulders, it shall be excavated six (6) inches below grade and refilled to grade with gravel compacted in place. The sides of the trench in rock shall be excavated to such width that no rock shall be closer to the pipe barrel or other structures than six (6) inches when the pipe is laid in the trench with a normal alignment.

D. Maintenance Agreement

At a minimum, the Maintenance Agreement shall contain provisions for:

1. The right to use in common the driveway for all purposes for which private driveways are customarily used, including the right to install, maintain and repair drains, culvert and underground utilities in, along, under and across the driveway;
2. The obligation of repair, maintenance and snow removal so as to cause the driveway (including the drains and culverts) to be repaired and maintained and snow to be removed there from in such a manner as to insure continuous year-round access to each lot by fire, police, ambulance/rescue and other vehicles. In appropriate cases, the maintenance agreement might provide for the clearing of brush and foliage that obstructs vision;
3. The right of each and every owner of the lots served by a common driveway to enforce the obligations to repair and maintain the common driveway so as to provide to all lots safe and convenient access by fire, police, ambulance/rescue, moving, construction and maintenance vehicles;
4. A clear expression of construction specifications so that the initial condition and intended maintained condition of the common driveway are understood by all present and future owners of the lots served;
5. Installation and maintenance of a permanent marker where the common driveway enters the public way, which marker shall identify the common driveway by name or house numbers and shall include the words "Private Way"¹;
6. Installation and maintenance of a permanent marker wherever a common driveway branches to identify the house numbers served by each branch.

¹ House numbers shall be assigned by the Building Commissioner before granting a building permit for any lot served by a common driveway.

E. As-built Plan

1. An "as-built" plan shall be submitted to the Board at the completion of site work under the Special Permit. This plan, together with notations of all deviations from the originally-approved and endorsed plan(s) in the form of revised sheets of said plan(s) and supplemental sheets as required, and a digital copy thereof in a format acceptable to the Board, as well as a GIS-shapefile, as applicable, shall also be transmitted and/or provided on a digital storage media acceptable to the Board. The as-built plan shall include the location of all improvements built or located within the common driveway easements, including all drainage facilities, underground and above ground utilities, fire protection equipment, lighting and signage.
2. Failure to construct the common driveway in accordance with the plan approved by the Planning Board and with the conditions of the Special Permit, if any, may result in revocation of the Special Permit and the imposition of fines for continuing violation of the Zoning Bylaws.

F. Performance Guarantee

1. The Planning Board shall specify as a condition of the approval of the Special Permit that no building permit may be issued for construction on any lot to be served by the common driveway until the common driveway has been completed to the binding course and all drainage facilities, exclusive of final grading, loaming, seeding and landscape plantings, have been constructed in accordance with the approved plans, as certified by a statement by the Applicant's design engineer, and reviewed and approved by the Board's consulting engineer, and filed with the Planning Board, the Building Commissioner and the Town Clerk.
2. The Planning Board shall also specify as a condition of approval of the Special Permit that no building or structure, or portion thereof, located on any lot to be served by the Common Driveway shall be occupied until an as-built plan of the Common Driveway has been submitted to the Planning Board consistent with the requirement of Section XIII.E above along with a statement by the Applicant's design engineer, reviewed and approved by the Board's consulting engineer, certifying to the satisfaction of said design engineer that the final pavement course of the common driveway and the finished grades and final construction details of the drainage systems, including the roof drains and drywell(s) for said lot, have been constructed in accordance with the approved plans and with standard engineering practices, and said statement shall have been filed with the Planning Board, the Building Commissioner and the Town Clerk.

XIV. Withdrawal

- A. Applications shall be withdrawn in accordance with M.G.L. Chapter 40A Section 16.
- B. Withdrawal of Application after the First Notice and without consent of the Board shall be deemed a decision to deny the Special Permit. The Planning Board shall file the denial decision and give notice in accordance with Paragraph B of Section VIII Decision herein.
- C. Application fees shall not be returned upon withdrawal of an application and refiling shall require payment of a new fee as though the filing were a new application.
- D. The Planning Board must notify the Town Clerk that an application has been withdrawn.

XV. Repetitive Applications

- A. Repetitive applications shall be made in accordance with the provisions of M.G.L. Chapter 40A, Section 16.²
- B. The Planning Board may schedule public hearings to consider admission of a Repetitive Application and the merits of the Repetitive Application on the same date.
- C. The Applicant shall file a Repetitive Application as though it were a new Application and, in addition, shall furnish evidence of what specific and material changes have occurred since the original Application

XVI. Amendments to Special Permits

- A. Submission requirements for requests to amend a Special Permit are the same as for the original Application for a Special Permit.
- B. Where the Planning Board finds insignificant changes to the Special Permit granted under this section are necessary (such as in the correction of typographical errors), such corrections may be made without the requirement of an amended Special Permit.

XVII. Extension of Special Permits

Any and all extensions of time to exercise a Special Permit shall be at the Board's discretion, and granted only when in the best interest of the Town.

² M.G.L. Chapter 40A, Section 16 requires consent of two thirds of the members of the Planning Board for admission of repetitive applications to be submitted to any Special Permit Granting Authority ("SPGA"). When the SPGA is not the Planning Board, the consent of both the SPGA and the Planning Board is required for admission of the repetitive application. The required SPGA vote is specified in said statute.

XVIII. Checklist

- Application form
- Application and review fees
- Notice of Public Hearing form
- Attachment C
- Draft Construction Management Plan
- Certified list of Parties in Interest
- Certified Mail return receipts (green cards)
- Property map
- Newspaper tear sheets
- Contour maps, plans, etc. including construction specifications
- Maintenance agreement
- Name of Common Driveway, if required
- Town Clerk, Fire Department, and Police Department notified of name of Common Driveway by both the Planning Board and the Applicant when the name is accepted by the Planning Board.
- Plan set(s)
- Digital copy of Application and Plans

Attachment A

Development Standards

I. General Development Standards

A. Introduction: All land development projects in Carlisle shall, as applicable to particular projects and properties, conform to current zoning and land use regulatory standards, including, but not limited to, the Carlisle Zoning Bylaws, the Subdivision Rules and Regulations, the Common Driveway Rules and Regulations, the Conservation Cluster Rules and Regulations and the Senior Residential Open Space Community (“SROSC”) Rules and Regulations adopted by the Planning Board, the Water Supply and Sewage Disposal Regulations adopted by the Board of Health, and the Wetlands Protection Bylaws and Regulations adopted by Town Meeting and the Conservation Commission (collectively, “Land Use Standards”).

In keeping with over 200 years of development history in Carlisle, new development should be consistent with the immediate neighborhood, make a concerted effort not to detract from existing homes and land development patterns, and assure that development will not adversely impact the environment, particularly the private water sources exclusively relied upon by Carlisle residents. The Town has limited water resources, and has no piped water system—but rather, all homes, businesses, and municipal users rely on individual on-site water wells—and no public wastewater treatment system. Two-acre zoning (one acre in the Town Center) is thus important to the Town of Carlisle to protect water availability and quality. Further, Carlisle has a small population of barely over 5,500 people, a limited tax base, no public transit, and lacks the roadway and utility infrastructure required to support commercial development or other dense development. As a result, the Planning Board must be sensitive to the burden and impact of any increase in housing density.

B. Developments shall:

1. Minimize, to the extent possible, the following:

- (a) Alteration of ground water, septic water levels or chemical constituents;
- (b) Alteration or relocation of water ways and drainage patterns;
- (c) Disruption, reduction of capacity, contamination, and other adverse effects on existing on site and off site drinking water wells;
- (d) Any use of groundwater for irrigation of landscaping;
- (e) Alteration of existing, natural grades, and overall volume of cut and fill;
- (f) Area over which existing vegetation will be disturbed, especially if within 200 feet of a river, pond or stream, or having a slope of more than 15%;
- (g) Removal of trees greater than eight inches (8”) in diameter, measured at four feet (4’) above ground;
- (h) Soil loss or instability during and after construction;
- (i) Alteration or disturbance of land within any flood plain or wetlands area;
- (j) Blockage of trails or potential trails;
- (k) Disturbance of important wildlife habitats or corridors, outstanding botanical features, or scenic or historic features;
- (l) Removal of existing stone walls, whether along the boundary of the Development or within the Development;
- (m) Visual prominence of man-made elements which are not necessary for safety or orientation including visibility of building sites from existing streets and existing protected open space;
- (n) Blockage of vistas through new development; and

- (o) Number of driveways exiting onto existing streets.

2. Maximize, to the extent possible, the following:

- (a) Preservation of uncontaminated water resources for drinking water and preservation of legal and practical functionality of existing drinking water wells and existing septic systems;
- (b) Recharge of the underlying water aquifer;
- (c) Visual prominence of natural features of the landscape;
- (d) Legal and physical protection of views from public ways and existing protected open space;
- (e) Connections via publicly accessed trails to and between protected open space and other trails;
- (f) Buffers for and connections among existing protected open spaces;
- (g) Wildlife corridors;
- (h) Preservation of: (a) stone walls, by locating Lot and Parcel boundaries along the existing line of the walls; and (b) scenic points as identified in the Massachusetts Landscape Inventory and historic sites as identified by the Massachusetts Historical Commission, by incorporating them within public open space or easements as provided by the relevant regulation(s); and
- (i) Curvilinear street patterns;

C. Units per acre: As noted above, all land development projects in Carlisle shall, as applicable, conform to current zoning—including density—requirements.

D. Architecture: Detached and attached housing units should be designed to reduce overall visual massing and to blend compatibly with the landscape and with surrounding single-family residential neighborhoods. Building design, including exterior materials, should be in harmony with and enhance the town's existing and historic architectural traditions. The appearance of a gated community is discouraged. The architecture should also provide visual and acoustical screening of HVAC units.

E. Site planning, Height, Set-Backs, Screening, Landscaping, and Lighting: All developments should provide visual screening consistent with the density and setback requirements included within the Zoning Bylaws and incorporated into the engineering design standards of the Carlisle Subdivision Rules and Regulations, Conservation Cluster Regulations and SROSC Regulations, as applicable. An adequate vegetative buffer should be provided to minimize the visual impact of the development from existing roadways, from protected open space, and from existing and future housing development. Similarly, all developments should rely on and protect the natural features of the site such as open meadow, woodland, hillsides, rock outcroppings, water bodies, open vistas, valuable habitat and wildlife corridors, existing and potential trail connections which can provide public accessibility to open space, and buffers for and connections among existing protected open spaces through careful siting of roadways and structures. Exterior lighting should not impact adjacent residential areas or degrade wildlife habitat. The project design should to the extent possible preserve the existing and natural landscaping, and additional landscaping should be provided using water efficient plantings of a variety of native species to minimize and if possible eliminate irrigation and to provide visual and noise screening of the development from the street, abutting properties and protected open space. Building height should conform to the requirements of the Zoning Bylaws. Safe and convenient entrance and exit from the proposed development to public streets is required. There should be appropriate street access for the size of the development.

F. Open Space: Consistent with the requirements of the Carlisle Zoning Bylaws and regulations, including, but not limited to the Subdivision Rules and Regulations, the SROSC Regulations, and Conservation Cluster Regulations, as applicable, all developments should to the extent possible set aside, for perpetual protection, sufficient open space to serve the needs of the project residents and ensure that the proposed project is integrated within the existing neighborhood. Open Space is defined as land that is not covered with buildings, roadways, parking or any other structure or impervious surface. Open Space should be selected to provide for recreation purposes and/or to maximize the value of wildlife habitat, should be contiguous to the extent required to preserve significant habitat, should be configured to maximize and preserve large blocks of undisturbed land and should encourage passive recreational opportunities for residents and the public where possible. Open Space should predominantly be left in a natural, undisturbed state. Landscaping of Open Space areas should utilize native vegetation to the extent

practical, and should complement the values and functions of the natural resources on the site. In any developments proposed to be denser than underlying zoning would otherwise allow, Open Space is critical to protect the private water sources exclusively relied upon by residents in Carlisle.

G. Development Infrastructure: To avoid adverse environmental and public health impacts, to avoid costly and potentially severe impacts and liability to the Applicant, future owners and renters at the development, and abutters from a future failure of on-site and/or off-site drinking water supply wells and wastewater disposal systems (such impacts potentially including but not limited to revocation of the project's and/or abutters' certificates of occupancy for failure to have a safe drinking water supply), and to avoid costly future maintenance problems for future owners and renters at the project, the Board requires compliance with all applicable local Board of Health regulations governing wastewater disposal and water supply development as applied by the Board of Health. The Planning Board will endeavor to coordinate its consideration of applications before it with the Board of Health either through the processes described in Attachment B or otherwise.

H. Green Development Practices: All developments should, to the greatest extent practicable, include strategies for environmentally responsible design as formalized in Leadership in Energy and Environmental Design (LEED) standards, NAHB Model Home Building Guidelines or the ICC National Green Building Standard, all of which minimize the depletion of natural resources; control erosion and minimize impact on natural areas; use native and water efficient plants in landscaping; increase energy efficiency in construction and operations; conserve water through use of efficient fixtures and appliances and irrigation systems using rainwater and greywater; and use environmentally "friendly" materials. To this end, the development should incorporate Low Impact Design (LID) techniques to the greatest extent practicable. The greater the density of the development, the more important the use of these techniques becomes to protecting the environment and on site and off site individual water wells, which are the exclusive source of drinking water for all residents, businesses and municipal users in Carlisle.

II. Specific Development Standards

A. Zoning Bylaws

The Carlisle Zoning Bylaws were adopted and are amended by Carlisle Town Meeting in accordance with and subject to the provisions of the Zoning Act, M.G.L., Chapter 40A, Sections 1-17. The Zoning Bylaws are applicable without exception, to all land development and land use projects within the corporate boundaries of Carlisle.

Without limiting the above and the Town's desire that all provisions of the Carlisle Zoning Bylaws be satisfied in any development, the following are specific examples of development standards to be applied in all situations, as applicable and subject to applicable law, including without limitation the provisions of the Carlisle Zoning Bylaws:

1. Density — Density shall be controlled by the provisions of the Zoning Bylaws, including but not limited to, Sections 4.1.1, 5.5 and 5.7.4.
2. Setbacks — No building shall be erected or altered so as to extend nearer to the line of any street or nearer to its front lot line, where different, than forty (40) feet and no building shall be erected or altered so as to extend nearer to any side or rear lot line of its lot than forty (40) feet. In addition, in non-traditional developments (developments other than single family homes on individual building lots conforming to the Zoning Bylaws and local boards' Rules and Regulations), such as a development with attached homes or density not following Section 4.1.1 of the Zoning Bylaws, all residential buildings are to be located at least 100 feet from the boundary of the property subject to the development, at least 50 feet from any Open Space, and at least 30 feet from other residential buildings, as set forth in Section 5.7.4.16 of the Zoning Bylaws.
3. Height — No building shall be erected or altered so as to contain more than two and one-half (2

1/2) stories or to exceed more than forty (40) feet in height, however, where the setback of the building from the street and the minimum distance of the building from each lot line all exceed the minimum distances required above by at least ten (10) feet, said building may be erected or altered to contain three (3) stories and to have a height of not over forty-five (45) feet.

4. Lot Coverage — No building shall be erected to cover, together with all other buildings within the development, more than twenty-five per cent (25%) of the total area of the Project.
5. Units on Common Drives — Drives and roads that are not built to the standards for a roadway that may be accepted by the Town as a public way should limit the number of homes or units within the development to no more than six.

In the event of a conflict between the provisions above and the Carlisle Zoning Bylaws, the Carlisle Zoning Bylaws shall control.

B. Subdivision Rules and Regulations, Rules and Regulations Regarding Special Permits for Conservation Clusters, Common Driveways and SROSC

The Carlisle Subdivision Rules and Regulations were adopted and are amended by the Carlisle Planning Board in accordance with the Subdivision Control Law. The Subdivision Rules and Regulations include specific engineering criteria for the layout and construction of roads, utilities and other infrastructure and are based upon historic and time-tested analysis of pedestrian and vehicular safety, stormwater management and the maintenance of public and private infrastructure. Accordingly, subject to applicable law the specific design requirements of the Subdivision Rules and Regulations apply to all development projects involving the layout and construction of a roadway and other infrastructure regardless of whether the roadway and other infrastructure involves the division of land into two or more lots, unless waived by the Planning Board in accordance with the Specific Regulations.

Without limiting the above and the Town's desires that all provisions of the applicable Rules and Regulations of the Town be satisfied in any development, the following are specific examples of development standards to be applied in all situations subject to applicable law, unless waived by the Planning Board in connection with any specific application:

1. Utilities — Utilities serving any development shall be either buried or substantially concealed by mature woods.
2. Roadways and Common Driveways
 - a) Any driveway shared by more than one home or unit ("common driveway") shall have a traveled way at least 12 feet wide that can be maintained as such throughout the year. In addition, there shall be two shoulders, each at least two feet wide, for a total drive width of at least 16 feet.
 - b) A common driveway shall be at least 40 feet from the outer lot lines of the land being developed.
 - c) Where a common driveway exceeds 300 feet in length, turnouts shall be installed and maintained (e.g. gravel and/or snow storage shall be prohibited) at reasonable intervals along the driveway, but at least every 300 feet, in order to allow vehicles to pass. Where the common driveway exceeds 300 feet in length, it shall end in a circle with a radius of no less than 25 feet.
 - d) A common driveway shall not be longer than 1,000 feet. No part of a roadway shall be more than one thousand (1000) feet measured by the centerline from the point of closure referred to in the definition of a Dead-end Street in Article II, Section 1 of the Subdivision Rules and Regulations.
 - e) A roadway that provides access to more than six (6) but fewer than eleven (11) units shall conform to the following requirements of Article III, Section 2.D of the Subdivision Rules and Regulations:
 - i. Dead-end Streets shall be provided at the closed end with a Cul-de Sac

- turnaround having an outside street line diameter of one hundred and sixty (160) feet, with an outside diameter of the paved surface of one hundred and forty (140) feet. A landscaped island having a diameter of one hundred (100) feet shall be provided in the center of the turn-around and the natural vegetation should be retained where possible; in areas that cannot retain the natural vegetation, a landscaping plan shall be provided for the Cul-de-Sac island.
- ii. A Cul-de-Sac of a dead-end roadway shall not have a slope in any direction of greater than 2%.
 - iii. No more than three dwelling units shall be accessed directly from a Cul-de-Sac.
- f) A development shall not have fewer than two (2) noncontiguous accesses with existing Town roads except in a development of ten (10) or fewer homes or units having legal frontage on a single dead end street. Roads within a development shall be laid out such that the closure of any single road will deny access to no more than 10 homes or units.
 - g) At locations where on-site roadways intersect existing Town roads, sight distances shall comply with AASHTO standards for the 85-percentile speed measured along the existing roadway. No intersection shall occur at a point where grades along the existing road are in excess of 5 percent.
 - h) Where the grade of any driveway or roadway at the approach to an intersection exceeds two percent (2%), a leveling area shall be provided having not greater than two percent (2%) grades for a distance of not less than fifty (50) feet, measured from the edge of pavement of the intersecting road.
 - i) Curbing shall be required for the full length of a roadway if any part of the roadway exceeds three percent (3%) grade, except where alternate means of flow and erosion control is proposed.
3. Access to Water Source for Fire Safety — All homes and units within a development shall have access to an adequate source of water to ensure satisfactory fire protection, as determined by the Planning Board in consultation with the Fire Chief.
 4. Stormwater Management — Storm drainage for the development shall comply with the provisions of Article III, Section 5.G of the Subdivision Rules and Regulations.
 5. Water Balance — A hydrologic water balance calculation for pre- and post-development conditions based on annual precipitation that quantifies evapotranspiration, runoff, recharge, and water usage flow shall be included in any development of greater than four (4) lots or dwelling units.

In the event of any conflict between the above stated standards and those in the Carlisle Zoning Bylaws or the applicable Specific Regulations, the Zoning Bylaw shall first control, then the Specific Regulations, then the standards set forth herein.

C. Board of Health Regulations

The Carlisle Board of Health Regulations were promulgated and are enforced by the Carlisle Board of Health in accordance with M.G.L., Chapter 111, Section 31. The Regulations include specific requirements and carefully calibrated standards for the development of drinking water wells and wastewater disposal systems as the Town has no municipal water system—but rather, all homes, businesses, and municipal users rely on individual on-site water wells. The Town also has no public wastewater treatment system, relying exclusively on individual private septic systems. The Board of Health Regulations controlling wells are intended to protect the public health and general welfare by ensuring that all wells are constructed in a manner that will protect the quality of the groundwater derived from these wells. Accordingly, the Board of Health adopted local Water Supply Regulations for private wells and Supplementary Regulations for Sewage Disposal Systems for the Town of Carlisle with stated objectives as follows:

1. The Carlisle Board of Health feels the long term health interests of the Town can only be served by adopting certain regulations which are stricter than Title 5, which was written as a minimum

protection standard in 1977, revised in 1995 and in 2006 and designed to cover all towns in Massachusetts utilizing subsurface disposal systems;

2. Carlisle has no town water backup. Unlike a number of Massachusetts towns covered by Title 5, if a residence or a business loses a well to pollution, there is no town water which can be brought in, nor any town wells at all;
3. Carlisle geographically is an area of extensive wetland, high water table, and extensive ledge. Safeguards in the original septic system installations are necessary because alternative repair locations are often unavailable;
4. Carlisle presently has no municipal sewerage to hook up to in cases of septic system failure; and
5. Current estimates indicate that the distance viruses and bacteria travel is much greater than previously estimated. In Carlisle, where groundwater travels some distance through bedrock crevices, pollution may not be adequately filtered in gravel or sand with Title 5 percolation rates used for design.

The general purpose of the aforementioned Regulations is to protect, preserve, and maintain the existing and potential groundwater supply, and groundwater recharge areas for the safety of the public health and the environment of the Carlisle community given the town's exclusive reliance on private water supplies.

The Carlisle Board of Health regulations will be administered by the Board of Health. The Planning Board will endeavor to work closely with the Board of Health on any application before the Planning Board.

Attachment B
Policy Governing Use of Town Advisory Groups

Introduction

Land development in Carlisle raises concerns not found in many other eastern Massachusetts communities. The Town has no piped water system. All homes, businesses and municipal users rely exclusively on individual on-site water wells. The Town also has no public wastewater treatment system.

Carlisle also contains lands with abundant bedrock outcrops, variable soils, vast wetland and open space resources and an historic road network largely unchanged since the Revolutionary War. These facts require Carlisle's land use boards, commissions and departments (collectively, "local boards") to review development projects more intensely than would be required in other communities and with a greater sensitivity toward concerns of cumulative impacts from projects that could initially or, over time, lead to significant degradation of the Town's resources and limited infrastructure. Accordingly, the Planning Board ("Board") hereby adopts the following Policy Governing Use of Town Advisory Groups to apply to all development projects before the Board.

After the filing of a development application before the Board that proposes to create four (4) or more dwelling units, or to divide a parcel of land into four (4) or more lots, or anticipates the disposal of greater than 1,500 gallons per day of wastewater, the Board shall notify, as deemed necessary and applicable by the Board depending upon the nature of the application, the Board of Health, Conservation Commission, Historical Commission, Fire Department, Police Department, Building Commissioner and/or the Board of Selectmen of the application by sending such entity a copy of the application and accompanying plans and related materials. It may also invite the participation of each entity or their designee during the public hearing on the application, if applicable, or at anytime while the public record is open on the application.

Use of Town Advisory Groups

Carlisle's regulatory and adjudicative boards, committees and agencies have, at times, found it beneficial to utilize the services and advice of a Town Advisory Group ("TAG") when conducting reviews of proposed development projects. A TAG will consist of representatives from key land use boards and Town staff with the relevant expertise necessary to assist the local board or agency in conducting its due diligence review of an application.

The use of an advisory group is seen as benefiting both the Town and the Applicant for a development permit, endorsement or approval. It is not intended to add an additional layer of formal review nor should it cause the review process to be lengthened. It is intended that the TAG will seek to clarify, frame or resolve issues outside of the formal hearing process and to then provide recommendations to the Board and/or any other local board which may be considering the development for the consideration of the Board and/or such other local board.

Upon receipt and review of the application, the Board should determine whether it would be beneficial to form a TAG for purposes of assisting the Board and/or any other local boards in its response to the proposed development. Once formed, the TAG members shall appoint the TAG chair.

Work Sessions

- a) Work sessions may be held which may include the Applicant, the TAG, officials of the Town of Carlisle, and the Town's reviewing consultants for the purposes of discussing the findings and recommendations of the reviewing consultants, discussing, where relevant, any waivers requested from local regulations, discussing issues raised at public hearings and discussing proposed approaches to address procedural and substantive matters raised by the development application.

- b) Work sessions shall conform to the requirements of the Open Meeting Law and Public Records Law.
- c) Work sessions shall focus on the information presented during the public hearing process and no new information, materials or testimony shall be considered part of the formal record before the relevant reviewing local board. No materials submitted during a work session by the Applicant for a development permit or other approval or by a public official or local board member shall be deemed part of the formal Board or other local board record unless and until such material is submitted to the Board or other local board, as applicable, during a public hearing.
- d) A summary of the work session(s) shall be presented by the TAG at a public hearing on the application for which the TAG was convened, if and when such hearing is opened. Recommended solutions of issues discussed at work sessions shall be presented to the Board, and if applicable, other local boards, for its consideration. The Board and the other local boards, as applicable, may accept, reject or modify any recommendations offered by the TAG.

Attachment C

Agreement for Reimbursement of Expenses
and
Certification of Accuracy of Application

Whereas the undersigned Applicant has petitioned the Carlisle Planning Board (“Board”) for approval of a permit and whereas the Town of Carlisle has authorized the Town Clerk / Treasurer to charge for reimbursement of legal, consulting and incidental expenses incurred on behalf of and/or for the benefit of third parties for services rendered by the Town of Carlisle;

And whereas the undersigned has requested services and/or authorizations of the Town of Carlisle that may result in the necessity to incur legal, engineering, consulting or incidental expenses on behalf of the undersigned or in consideration of the request submitted by the undersigned;

And whereas the Applicant’s petition contains affirmative statements upon which the Town is asked to rely;

Now, therefore, it is agreed that the undersigned will, in accordance with all applicable law, make payment to the Town of Carlisle by providing payment to the Carlisle Town Clerk / Treasurer within five (5) days of receiving a written request for payment by the Town or its appointed designee for all anticipated and reasonable legal, engineering, consulting and incidental expenses incurred by the Town for the benefit of the undersigned or for the consideration of the request submitted by the undersigned, all as authorized by these Regulations and M.G.L., Chapter 44, Section 53G.

This Agreement shall be signed prior to the initiation of any action by the Board including the opening of a public hearing, where relevant.

I, as the Applicant/Agent for a permit before the Board, hereby consent to the terms of this Agreement and verify, under the pains and penalties of perjury that the application and its content are accurate and complete as of the date executed below.

Signature of Petitioner(s) Date

Signature of Agent(s) Date

Attachment D

Construction Management Plan

Subject to applicable law, every development in Carlisle of 4 (four) or more residences, or a subdivision of land into 4 (four) or more lots, or a non-residential development, shall require a Construction Management Plan (CMP) to be approved by the Planning Board in consultation with the Police Chief, Fire Chief and DPW Superintendent, before site work, tree removal, earth removal or demolition can commence. The purpose of the CMP shall be to safeguard the public health and safety, and to maintain ways against extraordinary wear or damage that may be caused by construction operations, as well as to minimize the impact of construction operations on the quality of daily life in the Town.

The CMP shall describe methods of operations, times and durations, and special precautions and measures to be taken by the Applicant and/or its contractor during each phase of the development to accomplish these goals.

The CMP shall address the following issues during each stage of construction, to the extent applicable on a given project:

- A. Noise Control
- B. Hours of construction and hours of deliveries associated with construction activities.
- C. Truck routes
- D. Trash and debris removal plan
- E. Traffic and Parking Control (during construction)
- F. Police details, if required (at the Applicant's expense)
- G. Communications (with neighborhood liaison or committee)
- H. Emergency contacts/numbers
- I. Dust Control
- J. Public street cleaning and repair
- K. Planned occupancy of public ways
- L. Erosion control
- M. Tree protection plan
- N. Wildlife displacement provisions
- O. Blasting Plan and all related issues
- P. Temporary Fire protection measures
- Q. Fire/emergency equipment access

R. Project Signage

S. Pest Control

T. Construction Staging Plan including:

- (1) Site office trailers
- (2) Storage trailers/containers
- (3) Staging and storage areas for construction materials and fill.
- (4) Delivery truck holding areas
- (5) Significant equipment to be utilized
- (6) Snow removal

Carlisle Planning Board
66 Westford Street, Carlisle, MA 01741
Tel: 978-369-9702 Fax: 978-369-4521

Application for Special Permit

(Adopted 3/5/90, revised 7/8/91, 3/27/95, 1/26/98 and 7/19/10)

Applicant's name, address and telephone number:

Applicant is: Owner _____ Agent _____ Purchaser _____ Tenant _____

If Applicant not the owner, the owner's name, address and telephone number:

Location of property _____ Total area _____ Total Frontage _____

Assessors' Map: Sheet(s) # _____ Lot(s) # _____

Recorded at North Middlesex Registry of Deeds in Book # _____ and Page # _____

Application is for a special permit for:

Fee:

_____ Common Driveway, new	\$750
_____ Common Driveway, amendment	\$500
_____ Common Driveway, extension	\$200
_____ Accessory Apartment, new, amendment	\$250
_____ Accessory Apartment, extension	\$200
_____ Affordable Accessory Apartment (AAA)	\$250
_____ Conservation Cluster, new	\$750, plus \$100 per lot
_____ Conservation Cluster, amendment	\$300
_____ Conservation Cluster, extension	\$200
_____ SROSC, Preliminary	\$500
_____ SROSC, Definitive application	\$1500 plus \$100/ unit
_____ Wetland/Flood Hazard, Underlying District, new, amendment	\$250
_____ Wetland/Flood Hazard, extension	\$200

Note: The application form for the Senior Residential Open Space Community special permit is found in the SROSC Rules and Regulations.

Signature of Applicant _____ **Date** _____

Signature of owner _____ **Date** _____

Signature of Town Clerk _____ **Date** _____

Received from _____ a copy of this form with the Town Clerk's

signature, dated, with Application Fee of \$ _____ on (date) _____.

Planning Board Signature _____

Title _____ **Date** _____

If special permit is granted, please return a copy of the recorded decision to the above address within 60 days.

**Town of Carlisle
Planning Board**

Legal Notice of Public Hearing

In accordance with the provisions of Massachusetts General Laws, Chapter 40A, Section 9, the Carlisle Planning Board will hold a public hearing on (date) _____ at _____ p.m. at the Carlisle Town Hall, 66 Westford Street, Carlisle, MA on the petition of

for approval of a(n) _____ Special Permit under Section _____ of the Carlisle Zoning Bylaws for the parcel located at _____ and shown on Town Atlas Map _____, parcel(s) _____.

Plans may be reviewed at the Town Clerk's office, 66 Westford St., Carlisle, MA, from 9:00 a.m. to 3:00 p.m., Monday through Friday.

Schedule of Planning Board Application Fees

March 2007

<u>Application</u>	<u>Filing Fee</u>	<u>Project Review Fee</u>
ANR		
No new boundary lines	\$200	
With new boundary lines	\$200	\$1000 if requested
Per new parcel	plus \$250 per parcel	
Special Permits		
Common Drive, new	\$750	\$10,000*
Amendment	\$500	\$1000
Extension of time	\$200	
Accessory Apartment, new	\$250	None
Amendment	\$250	
Extension of time	\$200	
Conservation Cluster, new	\$750	\$10,000*
Per lot	plus \$100 per lot	
Amendment	\$300	\$1000
Extension of time	\$200	
Wetlands/Flood Hazard, new	\$250	As determined
Amendment	\$250	
Extension of time	\$200	
Personal Wireless Service Facilities		
Single site	\$5000	\$7500
Senior Residential Open Space, Preliminary	\$500	As determined
Definitive application	\$1500	As determined
Per unit	plus \$100 per unit	
Subdivisions		
Conceptual	None	None
Preliminary appl with Conceptual	\$500	\$1000
Per lot	plus \$100 per lot	
Preliminary appl without Conceptual	\$1500	\$1000
Per lot	plus \$200 per lot	
Definitive appl with Preliminary	\$2500	As determined
Per lot	plus \$500 per lot	
Definitive appl without Preliminary	\$5000	\$10,000
Per lot	plus \$1000 per lot	
Amendment	\$1000	As determined
Per lot	plus \$1000 per lot	
Extension of time	\$200	
Lot Release	\$200	
Scenic Road	\$100	

Please note: the Planning Board requests that, along with hard copies, copies of plans be submitted in digital form on Compact Disk or other digital media acceptable to the Board.

*If the Common Driveway or Conservation Cluster Special Permit application is combined with another Special Permit or Subdivision application, then the initial project review deposit shall not exceed \$15,000.