

**Carlisle Planning Board**

**Rules and Regulations**

regarding

**Residential Open Space Community**  
**Special Permits**

**Adopted: February 12, 2018**

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Residential Open Space Community Special Permits**

**Table of Contents**

I.	Introduction.....	4
II.	General Provisions .....	6
III.	The Application .....	9
IV.	Filing the Application .....	21
V.	Fees and Charges .....	22
VI.	Review Fees .....	22
VII.	Public Hearing .....	23
VIII.	Decision .....	24
IX.	Appeal Period, Endorsement and Recording .....	25
X.	Limitations of the Decision .....	25
XI.	Lapse of Special Permit .....	25
XII.	Administration.....	26
XIII.	Withdrawal .....	30
XIV.	Repetitive Applications .....	30
XV.	Amendments to Special Permits .....	30
XVI.	Extension of Special Permits .....	31
XVII.	Checklist .....	32
Attachment A:	<i>Development Standards.....</i>	33
Attachment B:	<i>Policy Governing Use of Town Advisory Groups .....</i>	41
Attachment C:	<i>Agreement for Reimbursement of Expenses and Certification of Accuracy of Application .....</i>	43
Attachment D:	<i>Construction Management Plan .....</i>	44

Appendices:      Application Form for Special Permit .....46  
                         Form for Legal Notice of Public Hearing .....47  
                         Schedule of Planning Board Application Fees..... 48

## **I. Introduction**

In the Town of Carlisle, a lot in Residence District B with 15 acres or more may be developed into a Residential Open Space Community (“ROSC”). pursuant to Section 5.12 of the Carlisle Zoning Bylaws.

The Planning Board’s Decision to grant a Special Permit depends on the circumstances and conditions peculiar to each application.

### **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. This will help the Applicant to identify potential problems and find sources for needed information. 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 Residential Open Space Community 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. Preliminary Review**

1. Preliminary Review Submission: At least four (4) copies of all materials to be reviewed shall be provided to the Board along with a letter requesting a review and including the name, address, and phone number of a person who may be contacted concerning the review. All correspondence and communication must be sent through the Board or a copy of the said communication must be provided to the Board. Submitted materials should include a plan of the entire parcel drawn at a scale of not smaller than 1” = 100’ showing the number of lots that would be allowed if the parcel was divided in accordance with the Rules and Regulations Governing the Subdivision of Land in Carlisle and could be expected to be approved by other Town boards and commissions.

2. Scope of Preliminary Review: The Board will review preliminary materials in an attempt to avoid unnecessary technical deficiencies in the final Application and to promote efficiency in the formal review process. In an effort to promote efficiency, the Board may consult with other Town boards or commissions including, without limitation, the Carlisle Board of Health and the Carlisle Conservation Commission. In general, the Board will complete the preliminary review within 60 days. The Board will not be responsible for assuring the thoroughness, completeness, or correctness of any final Application. It is the responsibility of the Applicant to assure that any Application to the Board is complete and accurate.

Through the preliminary review process, the Board will advise the Applicant regarding any requests for fee waivers and will identify the project review fee deposit that will be requested at the time the Application is submitted. Note that substantial changes in the project may require the alteration of these recommendations at the time of final submission. In all cases, Applicants shall contact the Board prior to the final submission to discuss these fees.

If any other Special Permits are required from the Board for the project, then these should be discussed with the Board or its designee at this time.

3. Fees: There is no fee for informal consultations with the Board or its designee concerning these Rules and Regulations and the ROSC approval process. Preliminary reviews (requiring submission of materials in accordance with Section I.B.1) shall require payment of a fee by the prospective Applicant, as stated on the Schedule of Planning Board Application Fees, at the time of each submission. The fee will be submitted in check form and made payable to “Town of Carlisle.” Fee(s) paid for preliminary reviews may be applied, at the discretion of the Board, to the application fees mandated under Section V.A.

### C. Procedural Requirements

The following steps are required by Massachusetts General Laws (M.G.L.), 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 it 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 5.12 of the Bylaws, Section 5.12 of the Bylaws shall prevail.

### B. Purpose

The purpose of these Rules and Regulations and Regulations is to establish uniform procedures for conducting the business of the Board under its jurisdiction as a Special Permit Granting Authority for ROSC Special Permits. (Section 5.12 of the Zoning Bylaws.)

### C. Applicability

Any person applying for an ROSC 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, Common Driveways, and Residential Open Space Communities.

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 the 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 of the land referred to in an Application filed with the Board or the owner’s duly authorized representative.

“Application” shall mean all plans, forms, reports, studies or other documents which are submitted to the Board under these Rules and Regulations by an Applicant.

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

“Bylaws” shall mean the Zoning Bylaws of the Town of Carlisle

“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.

“Rules and Regulations” shall mean the Residential Open Space Community Special Permit Rules and Regulations as contained herein.

“Common Land” shall mean the entire premises of the Residential Open Space Community, other than dwelling units, including, without limitation: (i) the land on which the Residential Open Space Community is located, excluding the Open Space; (ii) yards, lawns, gardens, recreational facilities, parking areas and storage facilities; and (iii) all other parts of the Residential Open Space Community necessary or convenient to its existence, maintenance and safety or normally in common use.

“Open Space” shall mean at least 1.8 acres for every dwelling unit in a proposed Residential Open Space Community which shall meet at least one of the following criteria: (1) it preserves some component of the Town’s farm community, (2) it preserves areas of open meadow, woodland, water bodies or ecotone, (3) creates or preserves vistas or buffer areas (4) it preserves valuable habitat for identifiable species of fauna and flora, or (5) it preserves an artifact of historic value. The Open Space shall not include any residential structures or any appurtenant structures such as carports, septic systems, road, driveways or parking, other than those that the Board may allow under 5.12.4.7 of the Bylaws, providing however the Open Space may include drinking water wells and appurtenant piping and electrical service.

“Subdivision Rules and Regulations” shall mean the Town of Carlisle Planning Board’s Rules and Regulations and Regulations Governing the Subdivision of Land, dated November 18, 2013, as the same may be amended from time to time.

F. Coordination with Common Driveway Special Permit

In the case where the ROSC requires a special permit for a Common Driveway under the Bylaws, the Applicant shall submit an application for such Common Driveway Special Permit with the Application for a Permit hereunder. The Board shall consider both applications at the same time.

G. 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 Regulations 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 and Regulations 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 and Regulations from which relief is sought and be accompanied by a statement setting forth the reasons why the specific information required is irrelevant to the project, or why the granting of such a waiver would be in the public interest and would not be inconsistent with the intent and purpose of the Bylaws and these Rules and Regulations.

H. 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.

I. 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.

J. Amendments to the Rules and Regulations

These Rules and Regulations may be amended by a majority vote of the Board in a public meeting held in accordance with MGL Ch. 30A, Sect. 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 of the whole parcel drawn at a scale of not smaller than 1” = 100’ showing the number of lots that would be allowed if the parcel was divided in accordance with the Rules and Regulations Governing the Subdivision of Land in Carlisle and showing the delineation of wetlands by a qualified wetlands professional and the results of deep hole tests for each lot, unless the Application establishes that such a delineation or tests are unnecessary. (Proof Plan).
- C. 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: a Title Sheet, incorporating a Locus Plan at a scale of 1” = 200’; Lot Layout Plans; Grading and Drainage Plans; Easement Plans; Erosion Control and Landscaping Plans as applicable; and Detail Sheets.
- D. A list of Parties in Interest certified by the Board of Assessors.
- E. Proposed document(s) to convey the Open Space pursuant to Section 5.12.4.9 of the Carlisle Zoning Bylaws.
- F. Where the Open Space is proposed to be held by a homeowners’ association pursuant to Section 5.12.4.9 of the Zoning Bylaws, to ensure that the requirement for a perpetual Conservation Restriction pursuant to M.G.L. Chapter 184, Sections 31-33 is satisfied at all times, including without limitation during the period of necessary state approvals, an Applicant who proposes to perpetually restrict land for Open Space shall submit to the Planning Board an application that includes:
  1. the proposed perpetual Conservation Restriction with signature lines for necessary governmental approvals pursuant to M.G.L. Chapter 184, Section 32; and
  2. a statement that the proposed perpetual Conservation Restriction is to be immediately effective on recording the ROSC Special Permit.

Such restriction shall be in favor of the Town of Carlisle acting by and through its Conservation Commission, which restriction complies with the provisions of M.G.L. Chapter 184, Section 26(c), includes a statement that such restriction is in perpetuity, and shall include the following language:

*“In the event that a conservation restriction approved by each of the Planning Board, the Conservation Commission and the Board of Selectmen of the Town of Carlisle and by the Secretary of Energy and Environmental Affairs,*

*Commonwealth of Massachusetts, pursuant to M.G.L. Chapter 184, Section 32 is hereafter recorded, the terms of such conservation restriction approved pursuant to M.G.L. Chapter 184, Section 32 shall control over any less stringent provisions herein.”*

*“The restrictions herein set forth may be released in whole or in part in accordance with the provisions of M.G.L. Chapter 184, Section 32.”*

- G. 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 XII.A and Attachment D for details)
- H. An application for Common Driveway Special Permit(s), if required (see Section II.F).
- I. Use Description

A detailed description of the existing and proposed uses including the proposed distribution of the various land uses, and the proposed uses and form of ownership of the Common Land and any improvements proposed thereon. The Applicant shall declare whether or not the proposed uses within the ROSC are expected to generate, store, use, or dispose of hazardous materials or wastes. The Applicant should refer to the hazardous material regulations promulgated by the Board of Health.

- J. Ownership & Maintenance of Common Land and Open Space

A draft copy of the proposed deed(s) and other instruments which will be recorded at the Middlesex North Registry of Deeds or the Land Court which shall include the following:

1. Legal description of the Common Land which is to be conveyed to a corporation, trust, or non-profit organization and a legal description of the Open Space which is to be conveyed to the Town or a corporation, trust, or non-profit organization;
2. Statement of the purpose for which the Common Land and Open Space are intended to be used and the restrictions on their use and future transfer of title or alteration in accordance with the requirements of the Bylaws;
3. The type and name of the corporation, trust or non-profit organization which: (a) will own, manage and maintain the Common Land and any improvements thereon,- and (b) if the Open Space is not to be conveyed to the Town, will own, manage, and maintain the Open Space and any permitted improvements thereon;
4. If the Common Land is to be conveyed to a corporation or trust, or non-profit organization consisting of property owners within the ROSC, include a description of the ownership or beneficial interest in the corporation, trust or non-profit organization of each owner of a property in the ROSC and a provision that such ownership or beneficial interest shall be appurtenant to the dwelling unit to which it relates and may not be conveyed or encumbered separately therefrom;

5. If the Open Space is not to be conveyed to the Town, include a description of the corporation, trust, or non-profit organization to whom the Open Space will be conveyed together with a description of the ownership or beneficial interest in the corporation, trust or non-profit organization;
6. Provisions for the number, term of office, and the manner of election to office, removal from office and the filling of vacancies in the office of directors and officers of the corporation or non-profit organization or trustees of the trust taking title to the Common Land and/or to Open Space, if other than the Town;
7. Procedures for the conduct of the affairs and business of the corporation, non-profit organization or trust taking title to the Common Land or the Open Space other than the Town, including provision for the calling and holding of meetings of members and directors and officers of the corporation or non-profit organization or beneficiaries and trustees of the trust and provisions for quorum and voting requirements for action to be taken;
8. Provision for the management, maintenance, operation, improvement and repair of the Common Land and Open Space and any permitted improvements thereon, including provisions for obtaining and maintaining adequate insurance and levying and collecting from the property owners common charges to pay for expenses associated with the Common Land and Open Space, including, but not limited to, real estate taxes. Provisions shall also be made for the establishment of a reserve fund to ensure maintenance of the Common Land and Open Space. It shall be provided that common charges are to be allocated among the dwelling owners in proportion to their ownership or beneficial interests in the corporation, non-profit organization or trust, and that each dwelling owner's share of the common charge shall be a lien against his real estate in the ROSC which shall have priority over all other liens with the exception of municipal liens and first mortgages of record; and
9. The method by which such instrument or instruments may be amended.

#### K. Other Permits and Variances

A list and copies of variances, permits, and other special permits previously issued by other Town Boards or commissions or State and Federal agencies, and a list of any variances or permits required to complete the proposed work. This list should include but not be limited to any permits from the Board of Health, the Conservation Commission, the Board of Appeals, the Planning Board, the Mass DOT Highway Division, the Army Corp. of Engineers, and the State Department of Environmental Protection; and certificates issued by the Secretary of Environmental Affairs under the Massachusetts Environmental Policy Act.<sup>1</sup>

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<sup>1</sup> If any other special permits are required from the Board or any other permits or approvals are required by other Town boards or commissions, the Applicant is strongly advised to make the applications for such additional permits or approvals concurrently with this permit Application.

L. Recorded Plans and Deeds

A copy of the most recently recorded plan(s) and deed(s) for the lot(s) on which the work will take place bearing the book number(s), page number(s), and date(s) of recording(s) or registration(s).

M. Letter Authorizing Completion of Improvements

A letter authorizing the Town to enter the ROSC to complete the ways and services, including, but not limited to, wells, waste disposal and other systems, and other aspects of the plan or plans for which the Applicant seeks a permit, if the developer does not complete them according to his obligations.

N. Mortgage Holders

A list of mortgage holders that shall be kept current during the period of development.

O. Drainage Calculations

Storm drainage runoff calculations used for the drainage system design must be prepared by and display the seal of a Registered Professional Engineer and must support the sizing of all drainage structures and pipes. These calculations must be based on a recognized standard method (usually the Rational or Soil Conservation Service Methods). The calculations must contain a written summary explaining the rationale of the design so that a layperson can understand the basic design approach and its validity for the site in question. Furthermore, the calculations should be fully documented including copies of charts or other reference sources to make review possible. The pre-and post-development runoff rates must be provided. The use of computer-generated reports is acceptable; however, the source of the software should be identified. Design of the storm drainage system can generally be based on a 25-year storm event; however, the system design shall not result in flood hazards during a 100-year storm and shall mitigate any increased rate of runoff for a 2, 10, 25 and 100-year storm event.

P. Earth Removal Calculations as described in Sec. XII.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.

Q. Water Balance Calculations

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.

R. Traffic Study

A traffic impact study may or may not be required depending on the Board's assessment of the circumstances at or near the development site. However, a traffic impact study will be required for all applications where the proposed uses will, in the opinion of the Board, be likely to produce an average of 100 additional trip ends per weekday based on the most recent edition of the Institute of Transportation Engineers' publication Trip

Generation. To avoid lengthy delays in the processing of an application, consultations should be made by the Applicant with the Planning Board during the preliminary review process to determine the scope of the traffic impact study.

In general, a traffic study shall examine and include the following:

1. Existing traffic conditions including roadway geometries, traffic volumes, safety, delays, and levels of service for roads and intersections (whether in Carlisle or another town) affected by the proposed ROSC.
2. Accurate traffic generation estimates of future traffic conditions including trip distribution, volume to capacity ratios, and levels of service for existing roads and intersections (whether in Carlisle or another town) affected by the proposed ROSC at the time of anticipated completion and five years beyond anticipated completion.
3. Consideration of impacts of other previously approved projects and of projects pending approval (consult the Planning Board for list of such projects).
4. Approach and departure route assignments based on existing traffic patterns, minimum time paths, “journey to work” data, market studies, or a combination thereof.
5. All traffic information shall include data for both A.M. and P.M. peak hours, weekend peaks, as well as average daily date.
6. Sight distances for turning movements to and from the egresses to the ROSC as well as within the ROSC analyzed using the American Association of State Highway and Transportation Officials (AASHTO) standards.
7. The adequacy of vehicular waiting distance at the ROSC entrances.
8. The impact of any planned phasing of the project.
9. Identification of mitigation measures, as applicable, to reduce the impacts of the proposed ROSC and their estimated cost. These should include capacity enhancements such as added turn lanes, signalization, and improvements to intersections and medians, and be presented as specific proposals for measures to be implemented by the Applicant.
10. Identification of any nearby improvements that are planned and/or currently under construction by the Town or the State.

#### S. ROSC Site Plan

The ROSC site plan shall be drawn to fully detail and explain the intentions of the Applicant, at a standard scale (1 inch = 20, 40, or 50 feet) except when noted otherwise. All plans shall include a reasonable numbering system for proposed lots, buildings and dwelling units and identify the lots abutting the ROSC and their owners of record. Each sheet which shows a plan view shall contain a north arrow; all sheets shall show a legend identifying any representative symbols used on a sheet in question, an appropriate title

block in the lower right hand corner, and the seal of a Registered Professional Engineer, Registered Land Surveyor, Registered Landscape Architect, Registered Professional Architect, or some combination of these as appropriate to the data on the sheet. Topography and all elevations shall be referenced to the National Geodetic Vertical Datum of 1929 with the location and elevation of the starting bench mark plus at least two additional temporary bench marks on the site indicated.

The individual components of the ROSC site plan may be presented on one or more plan sheets as necessary. Match lines shall be placed in plan locations that contain a minimum of information. Sufficient overlap between plan sheets shall be provided to permit easy reading of plans across match lines. Unless other arrangements are made with the Board or its designee during the preliminary review process, the ROSC site plan shall consist of the following:

1. A Title Sheet containing:
  - a. A locus map showing an area a minimum of one mile in diameter at a scale of 1" = 1200' with major streets, buildings, brooks, streams, rivers and other landmarks shown with sufficient clarity to show the relationship of the ROSC to the community, its facilities and major features.
  - b. The general layout of the ROSC drawn to a scale suitable to fit the entire development onto the title sheet and showing existing and proposed approximate layouts of streets and ways, lot boundary lines, lot numbers, existing street names and identification of proposed streets and ways, areas to be developed, Common Land, Open Space, other common areas and areas to be left undeveloped within the ROSC boundaries, and all zoning district boundaries within or adjacent to the site.
  - c. Names and addresses of the owner of record, the subdivider, the engineer and the land surveyor, the book and page number of the recording of the deed or the Land Court certificate.
  - d. An index of the ROSC plan sheets.
2. A Master Plan drawn at a scale of not smaller than 1" - 100' showing:
  - a. The proposed layout of the lots and boundaries of the ROSC with ownership of abutting properties indicated.
  - b. The proposed layout of the Common Land and Open Space in the ROSC. Note Bylaw Section 5.12.4.4 requiring that the ROSC parcel be separated from adjacent property by intervening Open Space.
  - c. Proposed access and utility easements.
  - d. All zoning district boundaries, including the boundaries of the Wetland/Flood Hazard District, if applicable, shown in their proper location.

- e. Location of all permanent monuments, structures, buildings, streets, roads, driveways, intersections, parking lots, walkways, trails, fire lanes and other improvements, easements and rights of ways; location of any special site features including, but not limited to waterways, wetlands, bridges, dams, drainage courses, stone walls, fences and wells, properly identified as to whether existing or proposed.
  - f. A table showing proposed versus required dimensions or calculations to easily determine compliance of the ROSC as a whole with the requirements for number of residential buildings and dwelling units (with reference to the Proof Plan), maximum number of bedrooms, the number of parking spaces, the square footage of each dwelling unit and residential building, and the amount of Open Space and ROSC total area.
  - g. Proposed general layout of water supply, drainage and wastewater disposal systems, and of other utilities with any proposed easements.
3. A Record Plan suitable for recording at the Middlesex North Registry of Deeds or the Land Court showing:
- a. The proposed name of the ROSC, proposed names of streets and ways within the ROSC and names of existing streets immediately adjacent to the ROSC, ROSC perimeter and lot boundaries, Common Land boundaries, Open Space boundaries, north point, date, scale and legend and the Town Atlas Map and Parcel Number(s).
  - b. Names and address of the owner(s) of record, and the Applicants, the engineer and land surveyor, the book and page number(s) of the recording of the deed(s) or the Land Court certificate(s).
  - c. Location of abutting property lines with ownership indicated.
  - d. All zoning classifications and zoning district boundaries, including the boundaries of the Wetland/Flood Hazard District, if applicable, shown in their proper location.
  - e. Sufficient data to easily determine the location, direction, width and length of every street line, easement, right of way, way or path, lot line and boundary line, and to reproduce these lines on the ground. All bearings shall be true, magnetic or grid, and the north arrow used on the plan shall clearly indicate this.
  - f. House or dwelling unit numbers as determined by the Building Inspector, clearly distinguishable from the lot numbers.
  - g. A clear indication, by property symbols, markings, dates or other notes, after a thorough search has been made, of permanent monuments or boundary markers as were found in the traverses and/or perimeter surveys, and of wetlands, watercourses and other significant features.

- h. Sufficient space for the date and the signatures of the Board.
  - i. A statement that the plan is subject to an ROSC Special Permit granted by the Board with conditions and limitations, dated \_\_\_\_\_, and similar statements with regards to any Decisions, appeals, variances and other permits and special permits governing the land or any buildings or structures thereon.
  - j. A reference to all covenants and restrictions applying or relating to the land, and their purpose.
4. A Natural Features and Existing Conditions Plan showing:
- a. Site features such as, but not limited to, flood plains, waterways, drainage courses, ponds, ledge outcroppings, soil characteristics, existing vegetation, scenic vistas, and any species occurring on the site that is listed by the Massachusetts Natural Heritage Program as endangered, threatened and/or of special concern, or as rare native plants.
  - b. All existing improvements such as, but not limited to, buildings, structures, roads and ways, paved areas, stone walls, underground and above ground storage tanks, wastewater disposal systems, wells, historic structures, historic buildings, and archeological sites. Indicate whether any existing structures or other improvements will remain or be removed.
  - c. Existing contours of the land shown at two (2) foot intervals, and at one (1) foot intervals within the Wetland/Flood Hazard District if any construction will occur therein. If no construction is to occur in a Wetland Flood Hazard District, two (2) foot contours are acceptable.
  - d. All wetlands and wetland buffer area boundaries defined as those areas subject to the provisions of the wetlands Protection Act, M.G.L., Chapter 131, Section 40, and the Carlisle Wetlands Bylaw.
  - e. The perimeters and elevations of all proposed improvements such as, but not limited to buildings (roof peak elevations), structures, roads and paved areas superimposed on the natural features plan in a faded or screened back mode.
5. A Site Development and Land Use Plan showing the following proposed site conditions:
- a. Boundaries and area of the ROSC with bearings and distances. Footprint and area of all existing and proposed residential and other buildings within the ROSC. The number of lots and calculations for same should be included in the table of dimensional requirements under Section III.S.2.f
  - b. All zoning classifications and zoning district boundaries, including the boundaries of the Wetland/Flood Hazard District (with elevations), if applicable.

- c. Existing and proposed topography at 1-foot intervals where construction will take place in the Wetland/Flood Hazard District. If there will be no construction in the Wetland/ Flood Hazard District, contour intervals of two (2) feet are acceptable.
- d. The proposed layout and area of the Common Land showing proposed ownership and intended use.
- e. Location of any special site features including, but not limited to, waterways, wetlands, bridges, dams, drainage courses, stone walls, fences, and wells, with an indication of any proposed alterations of existing features.
- f. All proposed improvements to be located on the Common Land and Open Space, including but not limited to, any buildings, sidewalks, walkways, trails, location and form of access to the Open Space. An ROSC must have required frontage on a way in Carlisle.
- g. Location and layout of all proposed streets, roads, ways, access and interior driveways, walkways, sidewalks, parking lots, fire lanes, loading areas and other impervious areas with proposed finished grades along the center line or as appropriate, including access streets or ways to the ROSC and intersections with existing streets or ways, and with all dimensions necessary to determine compliance with the Bylaws and Subdivision Rules and Regulations and Regulations as applicable.
- h. The use of common driveways is strongly encouraged. If a common driveway is proposed, it shall be so identified. In the case where a common driveway is proposed, the plan must show sufficient detail so that the BOARD may evaluate how the driveway is intended to serve the various sites and uses. Any proposed common driveway must comply with the Carlisle Rules and Regulations for Common Driveway Special Permits.
- i. Parking spaces identified as either standard size or handicapped parking spaces with a parking space typical for each showing actual dimensions. Standard size parking spaces shall be 9' x 20' and handicapped parking spaces shall conform to the requirements of the Massachusetts Architectural Access Board (521CMR 23.00). The location of any signs intended to be used for identification of handicapped parking spaces must be shown.
- j. Location and outline or footprint and elevation of all buildings or structures including garage spaces with finished floor elevation and dimensions, and indication of number of stories and gross and net floor area.
- k. Dimensions for building and structure setbacks; distances between buildings; setbacks from Open Space and boundary of land subject to special permit, building heights, and all other dimensions necessary to easily determine compliance with the dimensional requirements of the Bylaws.

- l. Dimensions and setbacks of any accessory buildings, and any areas intended for open (outdoor) storage with purposes identified on the plan.
- m. Any proposed features designed for energy and water conservation, septic, and pollution control.
- n. Lot, building and dwelling unit numbers.
- o. All access and utility easements.
- p. If applicable, proposed boundaries of each development phase clearly showing the specific limits of construction for each phase and detailing the work to be accomplished in each phase; interim curbing, pavement and landscaping shall be shown as needed between phases.
- q. Location and type of stormwater drainage facilities, including notes on the construction materials of any pipes, culverts, catch basins or any other system component unless clearly depicted on the Construction Details Plan (See Sec. III.S.7). Sufficient information relating to placement of the drainage system components (rim and invert elevations, pipe slopes, amount of cover, etc) shall be shown so that the operation of the system can be evaluated. Any retention and/or detention ponds intended to be constructed shall be shown fully dimensioned.
- r. Location of storage tanks for fuel or other chemicals or hazardous materials or waste storage, including the tank types, capacities, and, if existing, age and condition.
- s. Location and type of existing and proposed water services including wells. If the site is to utilize any on-site well, its proposed location must be shown in addition to its setbacks from any building, structure or wastewater disposal system.
- t. All existing and proposed fire hydrants, fire ponds, or cisterns on the site, or distance to closest ones off site. If no fire hydrants, fire ponds, or cisterns are located or proposed within the site, then a note shall appear clearly explaining how the Applicant will provide fire protection to the site. Fire hydrants, fire ponds, or cisterns must meet the requirements of the Carlisle Rules and Regulations Governing the Subdivision of Land. (See Subdivision Rules and Regulations, Art, III, Sect. 4.) The location of any proposed fire alarm boxes or other warning systems and any proposed fire lanes shall be clearly shown and identified. Any underground conduit for fire alarm connections shall be shown.
- u. The location and type of any other underground utilities including but not limited to electric, gas, telephone, or cable television services. Any emergency power facilities should also be shown.

- v. Location and perimeter outline of any on or off-site, existing or proposed wastewater treatment and disposal system including any required reserve areas. The type of the wastewater disposal system shall be identified and design and construction specifications are required.
- w. Plan notes that:
  - 1. forbid the use of fill containing hazardous materials or waste;
  - 2. require the marking of the limits of work in the field prior to the start of construction or site clearing;
  - 3. require the cleaning of catch basin sumps and stormwater basins following construction and annually thereafter;
  - 4. restrict the hauling of earth or construction debris to or from the site to the hours between 9 A.M. and 4 P.M., Monday through Saturday, if such materials are intended to be removed from or brought to the site, in accordance with Section 8.5 of the Carlisle General Bylaws, except as otherwise limited by the provisions of the project's Construction Management Plan (see Section XII.A.2);
  - 5. describe the materials to be used in the construction of impermeable surfaces such as sidewalks and driveways;
  - 6. make reference to any other design, operation or construction requirements in compliance with these Rules and Regulations, the Bylaws, and the Carlisle Rules and Regulations Governing the Subdivision of Land.
- 6. A Plan and Profile of access ways showing:
  - a. Design and layout of ways in conformance with the Carlisle Subdivision Rules and Regulations.
  - b. A horizontal scale of 1" = 40' and a vertical sale of 1" = 4'.
  - c. Existing grades along the center line and both side lines of the way with centerline dimensioned.
  - d. Proposed finished centerline grades with elevations at every 50 foot station as well as all low points and high points, location of vertical curves and slope gradient.
  - e. The proposed sidewalk layout.
  - f. Proposed layout of storm drainage system, water supply system, fire hydrants, fire ponds, cisterns, fire call box systems, and all other utilities.

- g. Identification and location of inverts, slopes, grades, and sizes of all drainage system components.
7. A Construction Detail Plan showing:
- a. Typical details of a proposed catch basin, diversion box, emergency slidegate, manhole, headwall, retaining wall, walkway, curbs, ramps, subdrain, waterway, leaching basin, drainage pond, or other similar improvements.
  - b. Typical cross section and construction materials of proposed ways, driveways, walkways, parking and loading areas, and fire lanes.
  - c. Typical detail of each type of parking space to be used on the site showing the dimensions of the parking space so that compliance with parking area design standards of the Bylaws is evident.
  - d. Outdoor lighting fixture details.
8. A Landscape Plan showing how the proposed ROSC shall preserve some component of the Town's farm community, or areas of open meadow, woodland, water bodies or ecotone, valuable habitat for identifiable species of fauna and flora, an artifact of historic value or scenic trails, or creates or preserves vistas or buffer areas, which plan shall include the following:
- a. General site features such as lot lines, existing and proposed structures, parking areas, curbs, walkways, loading areas, land contours, water bodies, wetlands, streams, ledge outcroppings, and large boulders so that it may be easily related to the other plans.
  - b. Landscape treatments planned for the site and existing vegetation to be retained.
  - c. Any area intended to meet parking lot landscaping area requirements of Section 5.3.5 of the Bylaws shall be fully dimensioned and its area noted so that compliance with Bylaws requirements may be determined.
  - d. A planting table of all new plantings, if any, with the botanical and common name of each species, its height/spread at planting and at maturity and the quantity intended to be planted, along with the symbols used to represent the plants on the plan.
  - e. A detail of a typical tree planting, and, if applicable, a tree well.
  - f. The limits of work beyond which no disturbance during construction will be permitted; a plan note shall require that the limits of work be staked out at the site and that the stakes must be maintained at all times; in the vicinity of trees the limits of work shall, at a minimum, follow the drip line of the trees.
  - g. The perimeter of any existing wooded areas on the site shall be shown; existing wooded areas intended for preservation shall be noted; the location,

and size of any existing trees larger than 10" in diameter to be removed shall be shown.

- h. The location of any existing and proposed outdoor lighting installations and signs.
- i. Proposed boundaries of each development phase clearly showing the specific limits of construction for each phase; interim curbing, pavement and landscaping shall be shown as needed between phases.

9. Architectural Floor and Elevations Plans showing:

- a. Floor plans drawn at a scale of  $\frac{1}{4}'' = 1'$  for each floor of each building whether such building is existing or proposed; if buildings will be constructed repetitively a typical floor plan shall suffice.

Each floor plan must illustrate how individual residential units in any proposed duplexes or multiplexes are to be combined to form a residential building, including any accessories to the building (i.e.: solarium, patio, foyer, etc). Each floor plan must be dimensioned to show the number of bedrooms per dwelling unit and square footage per dwelling unit and building.

- b. Elevations for the front, sides, and rear of each building which include the proposed architectural treatments to the building such as roofing, siding, and window materials at an appropriate scale, generally not less than  $\frac{1}{8}'' = 1'$ .

T. Additional Information

The Application may contain whatever additional information the Applicant feels is necessary to properly inform the Board about the development including legal opinions, copies of deeds, historical data, studies, and reports.<sup>2</sup>

**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" x 17") copies of the plan set and 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.

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<sup>2</sup> The Board is empowered by the ROSC Bylaw to require information in addition to that specifically required by the Bylaw or by these Rules and Regulations. The Board will require the Applicant to supply additional relevant and customary information if it finds that such information is necessary to properly act upon the Application in question.  
Carlisle Planning Board  
ROSC Rules and Regulations  
Page 21 of 48

- D. The Applicant must file a copy of the Application with the Board of Health and the Conservation Commission, and file a notice of application with the Board of Selectmen and, as applicable, with the Historical Commission.

## **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 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 Applications Fees, as 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, an ROSC 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 may require 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 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 attached to these Rules and Regulations. The Board requires the Applicant to 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 prior to 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 requirements 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, temporary staking may be required along the centerline(s) of the proposed way(s).

## 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 Town boards listed in Section IV.D herein.

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 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 automatically rescind approval of the Special Permit 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 the 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. Administration**

### **A. Construction Management Plan**

1. An ROSC 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 ROSC. 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 ROSC 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 pipes, 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 the 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 to the Board or its representative of the time of paving (both binder course and finish course) 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 ROSC or associated way(s) 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. Monuments

1. Monuments shall be installed at: (a) points of intersection of lot lines and easements; (b) points of change in direction or curvature of lot lines and easement boundaries; (c) satisfactory locations to delineate Open Space parcels, and (d) other points where, in the opinion of the Board, permanent monuments are necessary.
2. Such monuments shall be of granite. Monuments shall be not less than five (5) feet in length with a 3/8-inch drill hole in the center, and not less than four (4) inches square in cross section.

3. The monuments delineating the boundaries of Open Space parcels shall have at least 30" reveal.
4. No monuments shall be installed until all construction which would destroy or disturb them is completed.
5. The Board shall require a certificate by a registered land surveyor to be obtained at the Applicant's expense, indicating that these permanent monuments are in place and are accurately located, and such shall be indicated on the as-built plan.

#### 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 common improvements built or located within the ROSC, including all footpaths, trails, drainage facilities, underground and above ground utilities, fire protection equipment, lighting and signage and bounds.
2. Failure to construct the ROSC 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 of any building within the ROSC until the way providing access to that building 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 said statement shall have been 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 shall be occupied until an as-built plan of the ROSC has been submitted to the Planning Board consistent with the requirement of Section XII. 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 way(s) 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.

## **XII. Withdrawal**

- A. Applications shall be withdrawn in accordance with M.G.L. Chapter 40A Section 16.
- B. Withdrawal of an Application after the first notice of a Public Hearing thereon 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 Section VIII.B 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 application were a new application.
- D. The Planning Board shall notify the Town Clerk that an application has been withdrawn.

## **XIII. Repetitive Applications**

- A. Repetitive applications shall be made in accordance with the provisions of M.G.L. Chapter 40A, Section 16.<sup>3</sup>
- 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

## **XV. 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.

## **XVI. Extension of Special Permits**

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<sup>3</sup> 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.

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.

## **XVII. Checklist**

- Application form
- Application and project review fee
- Attachment C
- List of items proposed to form the scope of the Construction Management Plan
- Notice of Public Hearing form
- Certified list of Parties in Interest
- Certified Mail return receipts (green cards)
- Newspaper tear sheets
- Proof plan
- Detailed description of uses
- Drainage calculations
- Traffic study
- ROSC site plan
- Plan set(s) and electronic filing
- Conveyance documents for Open Space
- 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, the Senior Residential Open Space Community (“SROSC”) Rules and Regulations, and the Residential Open Space Community (“ROSC”) 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, SROSC and ROSC 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, the ROSC 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, 5.7.4, and 5.12.4.
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 (or as may be reduced as set forth in Section 5.12.4.16 of the Zoning Bylaws), at least 50 feet from any Open Space (or as may be reduced as set forth in Section 5.12.4.16 of the Zoning Bylaws), 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, with the exception of 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.

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, SROSC, and ROSC

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 a common driveway serving more than one building lot 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) With the exception of 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, for which adequate access has been provided to the satisfaction of the permit granting authority, 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

**Town of Carlisle Planning Board**  
**66 Westford Street, Carlisle, MA 01741**

**Application for Special Permit**  
(Adopted 1/23/95, last revised 2/12/18)

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:

\_\_\_\_\_

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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	\$250
_____ Conservation Cluster, new	\$750 plus \$100/ lot
_____ Conservation Cluster, amendment	\$300
_____ Conservation Cluster, extension	\$200
_____ Intermediate Ground-Mounted Solar Facility	\$1500
_____ SROSC, Preliminary	\$500
_____ SROSC, Definitive application	\$1500 plus \$100/ unit
_____ ROSC, Preliminary	\$500
_____ ROSC, Definitive application	\$1500 plus \$100/ unit
_____ Wetland/Flood Hazard, Underlying District, new, amendment	\$250
_____ Wetland/Flood Hazard, extension	\$200

**Signature of Applicant** \_\_\_\_\_ **Date** \_\_\_\_\_

**Signature of Owner** \_\_\_\_\_ **Date** \_\_\_\_\_

**Signature of Town Clerk** \_\_\_\_\_ **Date** \_\_\_\_\_

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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

**January 2018**

<b>Application</b>	<b>Filing Fee</b>	<b>Project Review Fee</b>
<b>ANR</b>		
No new boundary lines	\$200	
With new boundary lines	\$200	\$1000 if requested
Per new parcel	plus \$250 per parcel	
<b>Special Permits</b>		
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
Intermediate Ground-mounted Solar PV	\$1500	As determined
Senior Residential Open Space, Preliminary	\$500	As determined
Definitive application	\$1500	As determined
Per unit	plus \$100 per unit	
Residential Open Space, Preliminary	\$500	As determined
Definitive application	\$1500	As determined
Per unit	plus \$100 per unit	
<b>Subdivisions</b>		
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	
<b>Site Plan Review</b>	\$1000	
<b>Lot Release</b>	\$200	
<b>Scenic Road</b>	\$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.