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By-law re: Drive Ways: This petition proposes an addition to the existing by-law Section 4.6, Drive Ways. The addition would require that in order to receive a drive way permit, “the driveway cut must be off a Public Town Road that is shown on the State Cherry Sheet; the road must be recognized by the state and receive state reimbursement.” In my opinion, this by-law asserts jurisdiction on property over which the Town does not have legal authority. The addition would apparently prohibit constructing a driveway into anything other than a recognized public way. In my opinion, this by-law cannot impose this restriction against a private property owner to access a private way. In general, abutting property owners own to the center of a private way adjacent to their property, so the property owner would be constructing a driveway entirely on his or her own property. The Town clearly has an interest to regulate drive ways or other curb cuts from private property into a public way, and the existing Section 4.6 sets out those interests. The Town has no such interest in a driveway that is on only private property, however, and it is my opinion that this would not be a valid or enforceable by-law.

By-law re: Campers: This petition proposes to make a variety of changes to Section 4.3.2, governing the placement and permitting of tents, trailers and campers on undeveloped land. While this also concerns the use of private land, these types of by-laws have been recognized and approved as related to both aesthetics (conditions of private property visible to the public) as well as health and sanitary issues associated with such trailers and campers. The addition would permit “winter storage” of such vehicles, among other changes. In my opinion, these by-law changes, if adopted, would not pose legal issues that would cause the Attorney General to disapprove the change.