

Subdivision Regulations

Chapter 365

Erosion & Stormwater Control Bylaws & Regulations

Chapter 57



Town
of
Georgetown, Massachusetts

Revised July, 2020

Chapter 365

SUBDIVISION REGULATIONS

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[HISTORY: Adopted by the Planning Board 12-20-1972. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 29.

Earth removal — See Ch. 49.

Erosion control — See Ch. 57.

Wetlands protection — See Ch. 161.

Zoning — See Ch. 165.

Flood hazards — See Ch. 420.

Building and occupancy permits — See Ch. 510.

Curb cut permits — See Ch. 515.

ARTICLE I
General Provisions¹

§ 365-1. Term defined. [Amended 10-25-2000]

As used in these regulations, the following terms shall have the meanings indicated:

COURT — A street which, by its location and design, serves as the sole means of access to no more than two residential lots, and which has no potential to serve additional lots.

LANE — A street which, by its location and design, serves as the sole means of access to no more than five residential lots, and which has no potential to serve additional lots.

SUBDIVISION — The word "subdivision" as used in these regulations shall have the meaning as defined in MGL c. 41, § 81L.

§ 365-2. Submission of plan required.

No person shall make a subdivision of any land in Georgetown unless he has first submitted to the Planning Board a plan for its approval and the Board has approved such plan in the manner provided by law and these regulations (MGL c. 41, § 81O). No person shall proceed with the improvement or sale of lots in a subdivision or the construction of ways or the installation of municipal services therein unless and until a definitive plan of such subdivision has been submitted and approved by the Board as hereinafter provided.

§ 365-3. Plan approval not way or improvement acceptance.

Approval of a plan by the Planning Board shall not be deemed acceptance by the Town of Georgetown of any way or other public improvement shown on the plan.

§ 365-4. Waiver of compliance.

The Board may, in any particular case, waive strict compliance with these regulations where such action is in the public interests and not inconsistent with the intent and purpose of the Subdivision Control Law (MGL c. 41, § 81R).

§ 365-5. Forms and exhibits.

Forms and exhibits attached to these regulations are a part thereof.²

§ 365-6. One building per lot; Planning Board approval.

Not more than one building designed or available for use for dwelling purposes shall be erected or placed or converted to such on any lot in a subdivision or elsewhere in town

1. Editor's Note: The first set of Subdivision Regulations was adopted 9-23-1952; the second set adopted December 1953; the third set December 1954; the fourth set 6-15-1955.

2. Editor's Note: The forms and exhibits referred to in this chapter are on file in the Planning Board office.

without the consent of the Planning Board. Such consent may be conditional upon the providing of adequate ways furnishing access to each site for such building in the same manner as otherwise required for lots within a subdivision (MGL c. 40, § 81Q).

§ 365-7. Removal of soil, loam, sand or gravel.

The approval of the subdivision plan does not authorize violation of Chapter 49, Earth Removal. The only removal of soil, loam, sand or gravel authorized by the approval of a plan is within the fifty-foot right-of-way and then only to the depth shown on the profile plan of the way (§ 365-42).

§ 365-8. Plans violating other laws.

No subdivision plan shall be deemed to comply with these regulations if construction under the plan appears to violate any state law or regulation or any Georgetown Bylaw or any regulation of any town board, commission or officer. Such a plan will be treated as a preliminary plan until the apparent illegality is cleared up.

§ 365-9. Reimbursement by applicant for costs.

Applicant shall reimburse the Town of Georgetown for any costs for studies made in connection with approval of the plan or correction of problems encountered during construction.

§ 365-10. Cautionary signs; indemnification.

The Planning Board may cause to be erected cautionary signs on the subdivision, such as "No occupancy permit has been granted for this dwelling," which shall not be disturbed by the subdivider. The subdivider by filing a plan for approval under these regulations thereby agrees to hold the Town of Georgetown, its officers, servants, agents or any members of its boards and commissions acting on its behalf and individually harmless for any damages that may be suffered as a result of its or their actions or inactions.

§ 365-11. Severability.

The provisions of these regulations are severable, and any invalidity of one part shall not affect the validity of any other part. In case for any reason any part or parts of these regulations should be held to be invalid, such invalidity shall not affect the remainder.

§ 365-12. Supersession of other regulations.

These regulations supersede all previous regulations as to plans submitted after their effective date as provided in MGL c. 41, § 81Q.

ARTICLE II

Plans Not Requiring Approval**§ 365-13. Manner of submission of plan. [Amended 4-9-1990 (Amdt. I); 12-21-1995 (Amdt. J); 10-25-2000]**

Any person wishing to cause to be recorded a plan of land situated in Georgetown who believes that his plan does not require approval because of the provisions of the definition of "subdivision" in MGL c. 41 § 81L, shall submit his plan to the Planning Board with three copies, with an administrative fee and project review fee conforming to the most recent schedule of fees set forth in the Fee Regulations, by delivering it to a meeting of the Board or by mailing it by registered mail to the Planning Board, care of the Town Clerk, in which case the date of mailing shall be the date of submission of such plan as provided by MGL c. 41, § 81O, in either case accompanied by Form A (MGL c. 41, § 81Q).

§ 365-14. Written notice to Town Clerk.

- A. The applicant shall also give written notice to the Town Clerk as provided in MGL c. 41, § 81T, by:
 - (1) Delivery, in which case the Town Clerk will upon request give a written receipt; or
 - (2) By certified mail.
- B. Form B may be used for the purpose of notice.
- C. The notice shall describe the land sufficiently for identification. A reference to the Assessor's Map showing the sheet number and lot number shall constitute sufficient description of the land.
- D. The notice shall state the date when such plan was submitted to the Planning Board and shall state the name and address of the owner of such land.

§ 365-15. Endorsement.

The Planning Board will then endorse the plan "approval under the Subdivision Control Law not required" or proceed otherwise in accordance with MGL c. 41, § 81P.

ARTICLE III

Preliminary Plan**§ 365-16. Submission of plan prior to definitive plan required.**

Any person, before submitting his definitive plan for approval, may submit to the Planning Board and to the Board of Health a preliminary plan as hereinafter defined. Preliminary subdivision plan submittal shall be made at a scheduled meeting of the Board. No submittal by mail or another department will be accepted.

§ 365-17. Written notice to Town Clerk.

In such case, the applicant shall also give written notice to the Town Clerk as provided in MGL c. 41, § 81S, by delivery, in which case the Town Clerk will upon request give a written receipt, or by certified mail. Form D may be used for the purpose of notice.

§ 365-18. Contents of preliminary plan; attachments.

- A. A preliminary plan shall not be deemed to have been submitted to the Planning Board unless:
 - (1) It has the following attached to it as described in § 365-22:
 - (a) Assessor's Map (§ 365-22B).
 - (b) USGS Map (§ 365-22D).
 - (c) Deed (§ 365-22E).
 - (d) Georgetown map (§ 365-22F).
 - (2) It contains the following as described in Article V:
 - (a) Site survey map (§ 365-39B) which shall be entitled a "preliminary plan."
 - (b) Watershed outline and drainage plan, as described in § 365-39C(1).
 - (c) Wetlands protection statement (§ 365-39D).
 - (d) Floodplain statement (§ 365-39E).
 - (3) In the alternative it contains the contents required by MGL c. 41, § 81L, under the definition of preliminary plan.
- B. In either case the preliminary plan shall be accompanied by Form C (MGL c. 41, § 81Q).
- C. Administrative fee and project review fee conforming to the most recent schedule of fees set forth in the Fee Regulations must be submitted with the application. **[Added 10-25-2000]**

§ 365-19. Planning Board action.

The Planning Board will act on the preliminary plan as provided by MGL c. 41, § 81S.

- A. Normally a first conference will be held to acquaint the Board with the general character of the development, the intent of the developer and to acquaint the developer with the overall requirements of the Board and its regulations.
- B. Normally a second conference will follow review of the preliminary plan by the Board and other interested agencies at which the Board may indicate required or suggested desirable changes and/or modifications.

- C. Tentative approval of a definitive plan does not constitute a waiver of the Board's right to require further changes in the plan nor does it constitute approval of the subdivision.
- D. When a preliminary plan has been submitted to the Planning Board and written notice has been given to the Town Clerk, such plan and the definitive plan evolved therefrom shall be governed by the regulations in effect at the time of the submission of the preliminary plan, provided that the definitive plan is duly submitted within seven months from the date on which the preliminary plan was submitted (MGL c. 41, § 81Q).

§ 365-20. Examination of preliminary plan. [Added 7-18-1973 (Amdt. B)]

- A. Soil map will be examined for problem areas. Percentage of existing capacity of utilities that is used will be studied. Past problems in the area will be discussed with town department heads. The Comprehensive Plan will be checked as to planned roads and circulation system and other matters. Vegetation and topography, including wetness, will be checked. Safe exits from roads, including sight distance and grade will be studied. Open space and density of area will be studied. Preliminary plan will be sent to the Conservation Commission and Board of Health for review and comments. Test pit may be required if a road is planned for a swampy or ledgy area. Entire drainage problem will be examined to ensure there is no increase in speed of runoff at exit points. All existing streams shall enter and exit subdivision at their original locations.
- B. The subdivision proposal will be reviewed by the Planning Board to assure that: **[Added 7-18-1975 (Amdt. C)]**
 - (1) All such proposals are consistent with the need to minimize flood damage;
 - (2) All public utilities and facilities, such as sewer, gas, electrical and water systems, are located, elevated and constructed to minimize or eliminate flood damage; and
 - (3) Adequate drainage is provided so as to reduce exposure to flood hazards.

ARTICLE IV

Definitive Plan Procedure

§ 365-21. Submission to Planning Board; notice requirements.

- A. The applicant shall submit his plan as defined in Article V with the papers required under § 365-22 to the Planning Board by delivering it to a meeting of the Board; Form E may be used for the purpose. If an agent is named, notice sent to him will be deemed notice to the applicant unless subsequently the name of a new agent is submitted and its receipt acknowledged by the Planning Board. **[Amended 4-3-1996]**
- B. A copy of the plan and of the advertisement of public hearing referred to in § 365-26 shall also be filed with the Board of Health (MGL c. 41, § 81U).
- C. The applicant shall also give written notice to the Town Clerk as provided in MGL c. 41, § 81T, by delivery, in which case the Town Clerk will upon request give a written

receipt, or by certified mail. Form F may be used for the purpose of notice. The notice shall:

- (1) Describe the land sufficiently for identification. A reference to the Assessor's Map showing the sheet number and lot number of the plan shall constitute sufficient description of the land.
- (2) State the date when such plan was submitted to the Planning Board.
- (3) State the name and address of the owner of such land.

§ 365-22. Papers required.

The applicant shall also submit to the Planning Board with the plan as defined in Article V the following (MGL c. 41, § 81Q):

- A. A list of abutters according to the most recent tax list, with their addresses (so that notice can be sent).
- B. A tracing or copy of relevant part of the Assessor's Map, showing limits of subdivision and lots of abutters, with names of owners, with proposed roads superimposed by an engineer, size 8 1/2 by 11 or a multiple thereof (for posting in the town office), scale to be the same as that portion of Assessor's Map where the subdivision is proposed. [Amended 4-26-1995]
- C. Administrative fee and project review fee conforming to the most recent schedule of fees set forth in the Fee Regulations must be submitted with the application. [Amended 7-18-1973 (Amdt. B); 12-3-1986 (Amdt. E); 8-19-1987 (Amdt. G); 4-9-1990 Amdt. I); 12-21-1995 (Amdt. J); 4-3-1996; 1-27-1999; 10-25-2000]
- D. Copy of part of United States Geological Survey Map, scale one inch equals 1,000 feet, showing limits of subdivision, with proposed roads superimposed by an engineer, size 8 1/2 by 11 or a multiple thereof. (A copy of part of the town floodplain map may be used for the purpose.)
- E. Copy from the Registry of Deeds of the deed to the current owner of the land.
- F. Copy of map of Georgetown, scale one inch equals 1,000 feet, as prepared by the Planning Board, showing limits of the subdivision and proposed layout of streets, prepared by an engineer (so map can be updated).

§ 365-23. Issuance or receipt for submission of required papers. [Added 10-7-1987 (Amdt. H); amended 4-3-1996]

No plan shall be deemed to have been submitted to the Planning Board within the meaning of MGL c. 41, § 81O, unless it contains all pertinent information and plan detail required by these regulations. Definitive subdivision plan submittal shall be made at a scheduled meeting of the Board. No submittal by mail or to another department will be accepted. Fee and accompanying documents must be provided at time of submittal in order for plan to be accepted.

§ 365-24. Submission to other boards.

- A. Applicant shall send a copy of the cover page as described in § 365-39A and a copy of the notice of public hearing as described in § 365-26 to each of the boards and officers described in Subsections B and C of this section.
- B. Top sheet:
- (1) The applicant shall, within three days after submission to the Planning Board, submit two copies of the top sheet as described in § 365-34 to the following, who shall keep one copy for their records and enter their requirements on the other for submission to the Planning Board, together with a letter containing their approval, disapproval or comments.
 - (2) It is to the applicant's advantage to see that such response is in the hands of the Planning Board by the time of the public hearing in order to expedite action on the plan. No final approval shall be granted until such responses are on file.
 - (3) The linen top sheet shall be corrected to reflect such changes by the time of the public hearing.
 - (a) Fire Chief, as to number and location of fire alarm boxes and tie-in to existing system.
 - (b) Board of Water Commissioners, as to size of water mains, etc., location of hydrants, tie-in to existing water system. Obtain lot number from Assessors which shall be the same as permanent street address. [See § 365-34C(3).] [Amended 8-19-1987 (Amdt. G)]
 - (c) Manager of Municipal Light Department, as to number of poles and number and location of streetlights.
 - (d) Highway surveyor, as to proposed road and street drainage system.
- C. Applicant shall submit to the Conservation Commission for review the top sheet, USGS map, site survey map, watershed outline and drainage plan, Wetlands Protection Law and Chapter 160, Wetlands Protection, of the Code of the Town of Georgetown, and floodplain statement. Applicant shall submit to the Building Inspector, for review, the top sheet.

§ 365-25. Posting in town offices.

The applicant shall see to it that a copy of the cover page and of the Assessor's Map and notice of hearing is posted in the town office not later than seven days prior to the date of public hearing. A copy of the plan as defined in Article V shall be filed with the Town Clerk and shall be a public record.

§ 365-26. Notice of public hearing. [Amended 4-26-1995]

A notice of public hearing, as prepared by the Planning Board, shall be advertised at the expense of the applicant by the Planning Board and copies of the advertisement given to the

abutters and to the applicant by the Board as provided in MGL c. 41, § 81T. Certified mail or other proof of notification shall be postmarked or dated at least 14 days prior to the hearing date.

§ 365-27. Bond or deposit for construction of ways and installation of services.³

- A. Before approval of the plan, the Planning Board will require provisions for the construction of ways and the installation of municipal services in accordance with these regulations, such construction and installation to be secured by a covenant (Form G) or contract (Form I) with deposit or bond as provided in MGL c. 41, § 81U.
- B. Applicant should sign Form G or Form I for this purpose.
- C. If a bond or deposit is to be used, the applicant shall be prepared to discuss the amount of such security and the basis for it, based on estimated costs, by the date of the public hearing. An amount equal to double the estimated construction cost shall be deemed adequate security.

§ 365-28. Extension of time for action on plan.

If an extension of time is needed to complete action on the plan, the applicant may file a request within 60 days of the date of submission of the plan and may use Form H for the purpose.

§ 365-29. Time limit for action on plan.

- A. After the public hearing and after the report from the Board of Health or the lapse of 45 days from the date of filing with such Board without such report, the Planning Board will take action as required by MGL c. 41, § 81U, including:
 - (1) Filing a certificate of its action with the Town Clerk; and
 - (2) Sending a notice of such action to the applicant at the address of the agent to receive notice stated in the application.
- B. Before recording, street numbers shall be placed on the linen plan.

§ 365-30. Plan endorsement. [Amended 7-18-1973 (Amdt. B)]

If no notice of appeal is received during the 20 days next after receipt by the Town Clerk and recording by him of notice from the Planning Board of approval of the plan, the plan will be endorsed by the Planning Board and the certificate of no appeal will be signed on the plan by the Town Clerk. Failure by the applicant to appeal constitutes acceptance of the conditions of approval. No plan shall be endorsed until all papers are in order, the plan has been corrected, fees have been paid and all laws, bylaws, regulations and orders have been complied with.

3. Editor's Note: Former § 365-27, Procedure when using outside consultants, added 4-9-1990 (Amdt. I), was repealed 10-25-2000. Said amendment also renumbered the subsequent sections.

§ 365-31. Recording of plan; copies.

- A. The Planning Board upon receiving from the applicant the estimated cost of recording and obtaining the copies described below shall thereupon record the plan in the Registry of Deeds, together with the covenant not to convey, Form G, if applicable, and any agreement with the Planning Board that is to be recorded.
- B. The applicant shall furnish to the Planning Board two copies of the plan from the Registry of Deeds within three days after recording. The applicant shall furnish the agent of the Board of Health one copy before he applies for a sewage works construction permit. The applicant shall furnish one copy of the plan to the Building Inspector before he applies for a building permit. The expense shall be borne by the applicant. The applicant shall furnish one copy of the plan as built as provided in § 365-66, including location of gas lines. The applicant shall furnish one copy of the plan to the Assessors drawn to their scale showing lots and streets.

§ 365-32. Release of lots or security. [Amended 8-19-1987 (Amdt. G)]

- A. To obtain a release or partial release of all lots or all security, the applicant shall submit Form J, with attachments, to the Planning Board and shall also mail or submit a copy of Form J to the Town Clerk as provided in MGL c. 41, § 81U. The Board has 45 days in which to act after receipt by the Town Clerk of notice of completion.
- B. No subdivision will be deemed to have been completed until all the items and approvals on Form J have been completed. No lot will be released as completed on a street that does not have a through exit that has a first coat of bituminous concrete or a temporary turnaround so paved.
- C. An amount of money to be determined by the Board but not less than \$1 per linear foot of roadway shall be deposited in a savings account in a bank in Georgetown in the name of the town for a period of one year after release of all lots and until road is accepted by vote of the Town Meeting to cover repairs and to correct problems. Thereafter the deposit shall be turned over to the town treasury. [Amended 8-19-1987 (Amdt. G)]
- D. Final completion of the improvements shall not be considered until one year after the installation of the finished road surface or until acceptance of the road by the Town Meeting, whichever comes earlier.

ARTICLE V**Contents of Definitive Plan⁴****§ 365-33. General description of contents.**

The definitive plan consists of a top sheet, as described in § 365-34, which meets the design standards of § 365-36, which may contain more than one sheet and which is designed to be recorded at the Registry of Deeds and whose prime purpose is to be used for the conveyance

4. Editor's Note: See MGL c. 41, § 81Q.

of lots and as a permanent record of the final engineering design of the subdivision, and the following attachments, as described in § 365-39, which, unless otherwise specified, shall be in the same scale as the definitive plan but which need not be on linen. One sheet or plan may meet more than one requirement but it shall be labeled to show its purpose, such as "Site Survey Map."

§ 365-34. Top sheet.

- A. The top sheet of the definitive plan shall be signed and sealed by a registered professional engineer (as to drainage, etc.) and by a registered land surveyor (as to lot layout, etc.). It shall comply with the rules of the Registers of Deeds and be eligible for recording. The scale shall be one inch to each 40 feet, unless the Board, prior to submission, authorizes a different scale. Sheet size preferably shall be 24 inches by 36 inches and shall not exceed 30 inches by 42 inches. See MGL c. 112, § 81D, definition of "practice of land surveying." **[Amended 7-18-1973 (Amdt. B)]**
- B. The top sheet of the plan shall contain a title block six inches by six inches in the lower right-hand corner suitably filled out except for notations by the Board in accordance with the title block, the form for which is on file in the Planning Board office.
- C. The top sheet of the plan shall contain:
 - (1) An insert location plat at a scale of one inch equals 1,000 feet.
 - (2) North point, the existing and proposed lines and widths of streets, lines and areas of lots, lines of easements and lines and areas of any public area within the subdivision. The size, shape, width, frontage and use of lots shall be in compliance with applicable provisions of Chapter 165, Zoning, or with a variance from the Board of Appeals. The location, use, size and outline of existing buildings shall be shown. Show recorded contiguous plans or subdivisions, giving registry numbers. **[Amended 7-18-1973 (Amdt. B)]**
 - (3) Proposed street names, which shall be in pencil until approved by the Planning Board. To prevent confusion, no street name shall be similar to any existing street in Georgetown. It is suggested that dead-end streets be called "way" or "lane." Use permanent street address as lot number. **[Amended 12-3-1986 (Amdt. E)]**
 - (4) Names of all abutters from the most recent tax list.
 - (5) Note to Registry of Deeds or land court. See accompanying municipal lien certificate stating all taxes, assessments and charges have been paid to date, as per MGL c. 60, § 23. **[Amended 4-26-1995]**
 - (6) Profile plan, which may be separate, showing intersection of pavement of subdivision road with existing streets carried back 200 feet along each street.
 - (7) Standard highway bounds shall be shown at all intersections of streets with each other, at all points of change in direction of curvature of streets and at all outer plan boundary lines. See § 365-62.
 - (8) A sidewalk shall be down on one side of each street, five feet in width. See § 365-52A, B and C. **[Amended 7-18-1973 (Amdt. B)]**

- (9) Curved vertical granite curbing, having a width at the top of four inches V4X18, nominal depth 18 inches, cut to the curb radius with the face outside, meeting the specifications in Fletcher's 1970 Standardized Granite Highway Products, shall be installed on all intersections, unless waived by the Board in writing, on the curve and extending six feet beyond the tangent points and on all inside curves wherever the interior angle is less than 110° and on all finished grades over 5%. **[Amended 7-18-1973 (Amdt. B)]**
- (10) Easements for water mains, storm drains, utilities and other purposes and their appurtenances shall be provided where such are located outside the street line and shall be at least twenty-feet wide. Where a subdivision is traversed by an open watercourse, drainageway, channel or stream, the Board shall require that there be provided a stormwater easement or drainage right-of-way of adequate width (minimum 30 feet) to conform substantially to the lines of such watercourse, drainageway, channel or stream and to provide for the entrance of construction and maintenance equipment. Existing streams and watercourses, including adjacent existing natural waterways and proposed system of drainage, including off-site drainage system, shall be shown. (See also § 365-60.) Consideration shall be given and may be required by the Board to establish conservation and/or recreation easements (such as bridle paths or footpaths). Label easements shown on plan: easement to Town of Georgetown. **[Amended 12-3-1986 (Amdt. E)]**
- (11) Sufficient data to determine readily the location, bearing and length of every street line, lot line and boundary lines, and to reproduce the same on the ground, all bearings to be referred to true meridian. Floodplain contour shall be indicated and labeled on each lot where applicable.
- (12) A detailed profile of proposed streets and drainage systems on a horizontal scale of 40 feet to an inch and a vertical scale of four feet to an inch, unless otherwise authorized; all elevations to refer to United States Coast and Geodetic Survey Bench Marks. The profile shall show the existing ground on the center line in a solid black line, the existing right side in a short dash line and the existing left side in a long dash line; the proposed grade shall be shown in a heavy black line with the elevation shown at each fifty-foot station, with the rate of grade indicated. Invert grades shall be marked at changes in grade. This may be shown on a separate sheet. The maximum velocity shall be 15 feet per second and the minimum velocity shall be three feet per second. Detail of manholes shall be shown unless a standard design is shown and used.

§ 365-35. Top sheet requirements by time of public hearing.

By the time of the public hearing, the following, which shall be paid for by the developer, shall be shown on the top sheet of the plan:

- A. The location, grade and size of water mains and tie-in to town system as determined by the Board of Water Commissioners; or if town water is not to be used, the proposed water supply system. The minimum diameter of the water mains shall be eight inches.
- B. The location of hydrants as determined by the Superintendent of the Water Department. The center of the front of each lot shall be no more than 500 feet from a hydrant.

- C. The exact location of streetlights as determined by the manager of the Municipal Light Department. Streetlights shall be paid for by the developer. Underground distribution systems shall be provided for any and all utility services, including electrical and telephone services. Poles and any associated overhead structures of a design approved by the Planning Board after consultation with the Electric Light Manager shall be provided for police and fire alarm boxes (as provided in Subsection E) and any similar municipal equipment and for use for streetlighting. **[Amended 12-3-1986 (Amdt. E); 4-9-1990 (Amdt. D)]**
- D. The location of a bench mark with its height above mean sea level given, related to USCGS data. See § 365-39H.
- E. The location of fire alarm boxes and tie-in to existing system, as determined by the Fire Chief.
- F. The location of underground lines as described in Subsection G. **[Added 8-19-1987 (Amdt. G)]**
- G. Show the location of underground lines, including proposed present or future water, electric, telephone, fire alarm, drainage, gas and cable television, on the plan and on cross section of the street (Sketch B revised February 1996) using these guidelines: Water mains shall have a minimum of five feet of cover and shall be placed in the grass strip between the sidewalk and the road. All other aspects and plans for the water services shall conform to the specifications of the Georgetown Water Department and shall be approved by the Water Superintendent prior to installation. All other utility services shall conform with and receive approval of the respective utility prior to installation. All appropriate safety standards and procedures shall be incorporated into the plans. **[Added 8-19-1987 (Amdt. G); amended 4-3-1996]**
- H. Individual lot and road closure calculations shall be submitted the Board of Review. **[Added 4-3-1996]**

§ 365-36. Design standards.

- A. Streets shall be continuous and in alignment with existing streets as far as possible. Streets within the subdivision shall be projected to connect with existing or proposed streets on adjoining property which come up to the boundary line. If adjoining property is not subdivided, but is, in the opinion of the Board, suitable for eventual development, provision shall be made for proper projection of streets into such property by the subdivision to the exterior boundary thereof. Streets with temporary dead-ends, laid out to permit future projection, shall conform to the provisions of alignment, width and grade that would be applicable to such streets if extended. Street lines shall be laid out so as to intersect as nearly as possible at right angles. The Board may require the developer to pay for stop or similar traffic signs. There shall be a minimum offset of at least 125 feet for streets. Streets shall be oriented to meet existing streets suitable in the opinion of the Planning Board as to width and condition and running in both directions. This generally would be an accepted street with a fifty-foot right-of-way and a twenty-six-foot pavement. **[Amended 7-18-1973 (Amdt. B); 4-9-1990 (Amdt. D)]**

- B. Reserve strips or barriers prohibiting access streets or adjoining property will not be permitted.
- C. Grades of all streets shall be the reasonable minimum but shall not be less than 0.75% nor more than 6%. All changes in grade exceeding 1/4 of 1% shall be connected by vertical curves of sufficient length to afford, in the opinion of the Board, adequate sight distance. Subdivision streets shall be nearly level, with no grade less than 0.75% nor more than 1.25% for a distance of 200 feet back from intersection. **[Amended 7-18-1973 (Amdt. B); 12-3-1986 (Amdt. E)]**
- D. Dead-end streets shall terminate in a turnaround with a diameter of at least 160 feet to the outside of the layout of the street. They shall have a four-foot wide sidewalk and a six-inch curb on the outside with a three-foot planting strip next to the sidewalk. If the center is larger and unpaved, the sidewalk may go through the center with the permission of the Board. A separate design plan shall show catch basins and drainage and erosion control program. The pavement shall slope to the inside. No dead-end street or complex of streets connected to a dead-ended street shall exceed a sum of 500 feet in the RA District, 800 feet in the RB District and 1,000 feet in the RC District in total length measured from the center line of the through way. For street layouts falling in two districts, the more restrictive length applies.
- E. The minimum width of street rights-of-way shall be 50 feet. They shall be designed as shown in Sketch B of § 365-51C(1). Greater width shall be required by the Board when deemed necessary for present and future vehicular travel.
- F. The minimum center-line radii of curved streets shall be 150 feet. In case of reverse curves a minimum of 100 feet shall be required. All curved streets must be designed to permit safe vehicular travel.
- G. Street rights-of-way at intersections shall be curved to a radius of not less than 30 feet for right angle intersections; and 50 feet on one side and ten-foot radii on the other side at other intersections. No street except for courts, shall intersect any other street at less than 60°. Courts shall have a grade of not more than 4% for a distance of at least 75 feet from the intersection. Street jogs with center-line offsets of less than 125 feet shall be prohibited. **[Amended 12-3-1986 (Amdt. E); 10-25-2000]**
- H. Clear sight distance.
- (1) Each street shall have a clear sight distance at 4.5 feet above the pavement measured at the center line of the pavement of 200 feet vertically. Horizontal sight distance shall be measured as follows: **[Amended 4-26-1995]**

Design Speed (mph)	Sight Distance (feet)
30	200
40	325
50	475

(Midrange design speed calculated at faster speed.)

- (2) The same shall apply at intersections with existing streets viewed from the subdivision street.

- (3) The subdivider shall file a covenant in the Registry of Deeds to run with the land that the lot owner of a corner or other lot shall not limit the view of coming traffic as described herein or as further provided by the Planning Board. The covenant shall be accompanied by or include an easement holding the town or any of its servants or agents harmless if they enter to remove any obstruction or vegetation in case of failure of the owner to comply. Such entry may be made without notice or consent. [Added 7-18-1973 (Amdt. B); amended 12-3-1986 (Amdt. E); 4-9-1990 (Amdt. I)]
- I. Catch basins. Catch basins shall be required on both sides of the roadway at intervals of not more than 350 feet or in the case of ways having a grade of less than 1.25%, intervals of not less than 300 to 325 feet. Catch basins shall be placed at intersecting ways that are sloped to the intersection, including at town accepted ways. Each catch basin shall be placed so that it intercepts surface water and the Board may require that they be moved or lowered to do this. No catch basin shall be installed within the width of a driveway or in front of such width. Catch basins shall be designed as shown in Sketch A of § 365-51B. Catch basins shall be at least six feet deep and four feet in diameter by inside measurements. They shall be constructed with standard cement concrete blocks and mortar, brick and mortar or of reinforced concrete. Each catch basin shall have an isolated granite curb inlet, equal to Fletcher's Type, V4X18, with an end block at each end.
- J. Storm drains. Storm drains shall be no less than 12 inches inside diameter and shall be of greater size when required by the Board. The subdivider may be required to furnish calculations to justify the size of storm drains. Normally storm drains shall be at least 15 inches in diameter when more than three catch basins are connected. Storm drains shall be of reinforced concrete pipe.
- K. Culverts and equalizers. Profile plans shall show proposed grading and/or headwalls of culverts and equalizers. If a headwall is to be used, it shall have a wing on either side of the same dimensions, set at a forty-five- to sixty-degree angle. Slopes shall be loamed and seeded to the satisfaction of the Board. A guard fence of a design approved in advance by the Board shall be installed on the edge of the way, unless waived by the Board in writing. The plan shall be designed to protect the traveling public, prevent creation of an attractive nuisance to children, prevent erosion and prevent silting or clogging of the stream and culvert or equalizer. The applicant shall submit engineering data to justify his plan. To expedite approval, the applicant shall submit a copy of his plan to the Conservation Commission. Approval of the plan by the Planning Board shall constitute compliance with the Chapter 49, Earth Removal, but a subsequent notice of intent may be required under the Wetlands Protection Law (MGL c. 131, § 40) and Chapter 161, Wetlands Protection, of the Code of Town of Georgetown.
- L. Open spaces and natural features. The Board may require, as provided in MGL c. 41, § 81O, the plan to show, in proper cases, a park or parks suitably located for playground or recreation purposes or for providing light and air and not unreasonable in area in relation to the area of the land being subdivided and the prospective uses of such land, and if so determined, the Board shall by appropriate endorsement on the plan require that no building may be erected on such park or parks for a period of not more than three years without its approval. Due regard shall be shown for all natural features such as large trees, watercourses, scenic points, historic spots and other community

assets which, if preserved, will add attractiveness to the neighborhood. This rule shall not be construed to require, as a condition for the approval of a plan, that any of the land within such subdivision be dedicated to the public use or conveyed or released to the town for use as a public way, public park or playground or for any other public purpose, without just compensation to the owner thereof.

- M. The minimum area of a subdivision excluding the road and turnaround shall be not less than double the applicable minimum lot size. (In other words, every subdivision should have an area for a minimum of two lots.) The Planning Board may require wording to ensure that the road and access is conveyed along with the lot, and may require a turnaround at certain points. [Added 12-3-1980 (Amdt. D); amended 12-21-1995 (Amdt. J)]

§ 365-37. Subdivision of two or fewer lots; courts. [Added 10-25-2000⁵; amended 2-26-2020]

For preliminary and definitive plans creating no more than two residential lots, the following regulations shall apply:

- A. Preliminary plans. The plan shall comply with Article III, Preliminary Plan, of these regulations.
- B. Definitive plans. The plan shall comply with Article IV, Definitive Plan Procedure, of these regulations.
- C. Contents of definitive plan. The plan shall comply with Article V, Contents of Definitive Plan, of these regulations.
- D. Subdivisions shall be designed in conformance with § 365-36, Design standards.
- E. Stormwater calculations required under these regulations shall be calculated utilizing the regulations promulgated under Chapter 57, Erosion and Stormwater Control, with respect to the latest rainfall data available.

§ 365-38. Subdivision of five or fewer lots; lanes. [Added 10-25-2000; amended 2-26-2020]

For preliminary and definitive plans creating no more than five residential lots, the following regulations shall apply:

- A. Preliminary plans. The plan shall comply with Article III, Preliminary Plan, of these regulations.
- B. Definitive plans. The plan shall comply with Article IV, Definitive Plan Procedure, of these regulations.
- C. Contents of definitive plan. The plan shall comply with Article V, Contents of Definitive Plan, of these regulations.

5. Editor's Note: This amendment also renumbered former §§ 365-38 through 365-70 as § 365-40 through 365-72.

- D. Subdivisions shall be designed in conformance with § 365-36, Design standards.
- E. Stormwater calculations required under these regulations shall be calculated utilizing the regulations promulgated under Chapter 57, Erosion and Stormwater Control, with respect to the latest rainfall data available.

§ 365-39. Attachments.

There shall be attached the following:

- A. Cover page. A cover page shall contain the name of the subdivision, owner, developer, location map, number of total acres, number of lots planned, number of dwelling units planned, type of sewage disposal planned, type of water supply, name of designer, engineer, land surveyor, zoning district.
- B. Site survey map. A site survey map shall contain a title block, bar scale, north point, permanent monument with its height above mean sea level related to USCGS data, existing topography based on a current survey showing date of survey, contours at two-foot intervals, existing watercourses and drainage ditches, including direction of flow, with existing spot elevations from their respective source of entrance into the subdivision to their respective termination or exit therefrom, swamps, other bodies of water and low areas subject to flooding, all existing drainage structures with elevations, natural and historic features, major site features such as rock ridges and ledge outcroppings, outline of existing buildings, streets, trails, etc., exact location of percolation tests and of test pits, if any have been taken, with attached table showing date of test, reading of maximum groundwater table elevation and core samples, all related to USCGS data, floodplain zoning limits, adjacent developments. Proposed streets and lot lines shall be shown in a general manner. Scale shall be one inch equals 40 feet unless the Board previously authorizes a different scale. It shall show existing streets in or within 100 feet of the subdivision, indicating location and name, type surface and width of pavement and right-of-way, profiles within subdivision, spot elevations outside to define grades. It shall show existing utilities, size, type and location as to water mains, drains and culverts, wells, septic tanks (fields), gas, electric, telephone, cable television and other overhead or underground utilities. **[Amended 7-18-1973 (Amdt. B)]**
- C. Watershed outline and drainage plan.
 - (1) A plan shall show the outline of watershed and subwatershed areas carried out to an existing stream or drainage system even though beyond the limits of the subdivision. An insert may be necessary to show this clearly. Existing drains and culverts and proposed culverts and drainage system, including direction of flow, shall be shown. Existing stream courses and proposed changes shall be shown. Streams within 200 feet of the limits of the subdivision shall be shown. It shall show subsurface drainage, downstream restrictions that could cause backup of water or could impede drainage. Proper connections shall be shown with any existing drains in adjacent streets or easements where they may exist and prove adequate to accommodate the drainage flow from the subdivision, and in the absence of such facilities or the adequacy of the same, it shall be the responsibility of the developer to extend drains from the subdivision as required

to properly dispose of all drainage from said subdivision in a manner determined by the Board.

- (2) An applicant shall, before final approval of a subdivision, submit runoff calculations computed by a qualified registered engineer of the maximum surface drainage which will be shed by the road systems and area within the subdivision and demonstrate to the reasonable satisfaction of the Planning Board that:
 - (a) The drainage system within the subdivision is adequate to carry off surface drainage caused by rain, snow and ice without flooding of roads, sidewalks or adjacent property within the subdivision. Consideration should be given to the requirements of drainage from individual lots into the system, where needed. However, such use by private parties must receive prior approval from the Board of Health.
 - (b) The drainage system, although adequate for the purposes described in this section above, will not wrongfully discharge such surface water upon or flood the property of others which is located outside of the subject subdivision.
 - (c) The drainage system, although adequate to satisfy the provisions above, will not wrongfully overburden continuous existing drainage systems, either natural or artificial, located outside the subject development, with the result that such off-site drainage systems wrongfully flood or overflow the property of others located either outside or within the subject development.
- (3) Stormwater planning and design standards. **[Added 4-26-1995]**
 - (a) Water quantity and water quality control are important components in stormwater management planning and implementation. Equally important are the overall plans for capture and disposal of drainage water. The Planning Board shall participate with other boards and the Highway Surveyor to ensure that systems approved for installation are consistent with health, safety and environmental concerns of the community. The approach to controlling and treating stormwater runoff and the kind, number and locations of facilities will be evaluated. Facilities which have short life expectancies, low effectiveness and high operation and maintenance costs will generally not be acceptable to the Planning Board.
 - (b) The following shall constitute the Planning Board's basis for the planning and preparation of stormwater control plans.
 - [1] Maintenance of existing drainage patterns. Drainage easements, acceptable to the Planning Board, will be required where changes in watershed drainage patterns result in new discharges of stormwater onto downstream owners or where flows are changed from overland sheet flow to concentrated flow, unless the applicant can demonstrate to the satisfaction of the Planning Board that there will be no significant impact from discharges for the two-year, ten-year, fifty-year and one-hundred-year, twenty-four-hour storms.

- [2] Hydrologic and hydraulic analysis of proposed drainage systems. The applicant will identify the upstream and on-site drainage areas and perform a downstream analysis to determine where conditions such as lack of channel capacity or constrictions in the system exist, and which could result in problems such as but not limited to increasing water levels on adjacent properties, flooding of roads or septic systems, channel scouring or destruction of aquatic habitat.
- [3] Sediment and erosion control plan. An engineering plan, stamped by a Massachusetts registered professional engineer, must be prepared for sediment and erosion control, including measures to control sediment and dust at all access points, stabilization practices which will be implemented to reduce erosion of soil from disturbed areas and to collect sediment-laden runoff water during construction and a plan showing final stabilization practices after construction is complete. Accompanying the submission shall be a schedule showing anticipated construction dates and the timing sequence of implementation of the proposed sediment and erosion control practices.
- [4] Operation and maintenance plans. A plan which outlines how stormwater, sedimentation and erosion control facilities are to be maintained must be submitted with the final definitive subdivision plans. The plans must include operation and maintenance of both temporary and permanent practices and facilities implemented for the periods during construction and after project completion when accepted by the town. Unless otherwise waived, the following requirements apply to all projects under the jurisdiction of the Georgetown Planning Board, MGL c. 41. These requirements are based upon the minimum level of stormwater management needed to meet criteria established by Section 6217 of the Coastal Zone Management Act (1990).
 - [a] Water quantity.
 - [i] Proposed projects must control postdevelopment peak discharge rates from the two-year and fifty-year storm events at predevelopment levels.
 - [ii] Where downstream analysis of the one-hundred-year storm event indicate existing or potential future problems from excess runoff generated by development of the watershed, the control of peak discharges for the one-hundred-year storm shall be required to mitigate the downstream impacts.
 - [iii] The discharge from any stormwater facility must be conveyed through properly constructed water-control facilities which provide for nonerosive flows during storm events. Street drains (storm drains, catch basins, etc.) shall be designed using the ten-year storm as a minimum level

of protection. Other stormwater conveyance systems such as but not limited to road culverts, detention ponds and channels shall, as a minimum, accommodate the runoff from a fifty-year storm event. If important or high-risk facilities such as roadways, dwellings, commercial and industrial buildings or sanitary facilities might be threatened by uncontained flows or flooding from higher frequency storms, a one-hundred-year storm frequency design standard shall be applied.

- [iv] All stormwater detention basins and similar structural facilities which store water, and/or where failure could result in damage to the facility or to downstream areas, must be constructed to safely accommodate discharges from the one-hundred-year storm event. A plan or profile of each proposed detention facility shall show the following: **[Amended 4-3-1996]**

- [A] {a} Depth to seasonal high groundwater and date of observation.
- [B] {b} A section through the stone infiltration trench if proposed.
- [C] {c} Details of the outlet structure.
- [D] {d} Specific dimensions of the proposed emergency spillway.
- [E] {e} Velocity reduction structures if the slope of the inlet pipe is greater than 2% or if the velocity of flow in or out of the basin is greater than five feet per second.
- [F] {f} Inlet and outlet piping.
- [G] {g} Headwalls.
- [H] {h} Emergency overflow.
- [I] {i} Other, such as earth berm details, anti-seep collar and a headwall plan view should be included on the detail sheet.

- [v] Applicants must demonstrate that the above requirements are met by submitting pre- and postdevelopment composite hydrographs. An acceptable methodology for determining runoff volumes, peak discharge rates and storage requirements are the Soil Conservation Service's revised Technical Release 55 (TR-55). More suitable for some analysis is TR-20 where multiple or complex watersheds occur. The twenty-four-hour, TYPE III distribution storm must be analyzed when using the SCS

method. For pavement drainage calculations needed to size roadway storm drains and similar components, the Rational Method is the preferred technique.

[b] Water quality.

- [i] Water quality management facilities shall be designed to treat the volume of runoff calculated by multiplying one inch by the total impervious area contained within the project area. An additional volume increase for 10 years of sediment storage must be added to this volume capacity. This volume calculation is a design standard which must be applied as specified in the following practices.
- [ii] Wet ponds must have a permanent pool volume at least equal to the quantity volume described in Subsection C(3)(b)[4][b][i]. The length to width ratio measured from the stormwater inlet to the pond outlet shall be at least 3:1 with an average permanent pool depth of three to six feet.
- [iii] Extended detention dry ponds must detain the water volume for a minimum of 36 hours (full volume to drawdown time). Two stage basins utilizing the lower stage for water quality and the upper stage for floodwater detention are acceptable. Basin bottoms shall not be closer than one foot to the seasonal high ground water level. The minimum length to width ratio shall be 3:1. A six-inch layer of loam shall be applied to the basin floor and sides and seeded to appropriate grass species.
- [iv] Infiltration practices must be designed to exfiltrate the stormwater quantity volume within 72 hours. Appropriate sediment removal techniques must be applied prior to stormwater entering the infiltration facility. The minimum distance between the bottom of the infiltration facility and the seasonal high groundwater level shall be three feet.
- [v] Vegetated swales shall be a minimum of 100 feet in length and designed to carry the runoff volume at velocities not greater than 1.5 feet per second and at a depth of not more than four inches. The maximum design (bank full) velocity for any vegetated swale shall not exceed five feet per second. High groundwater levels or bedrock shall occur at least two feet below the bottom of the vegetated swale.
- [vi] Stormwater discharges to certain critical areas but not limited to swimming beaches or drinking water supplies may require a higher design level to control the effects of potential pollutants such as bacteria, nutrients, soluble

metals, organic compounds and toxics. The amount of impervious surface area and the scope of the proposed project all generally dictate the kind and magnitude of practices needed to achieve a goal of removing a high percentage of total suspended solids. Sites having impervious drainage areas less than 0.25 acres in size may find that vegetated swales or filter strips are sufficient to treat stormwater discharges. Larger drainages will usually require more complex systems to treat the proportionally larger volumes of stormwater.

[vii] Stormwater drainage catch basins shall be equipped with gasoline traps of a type acceptable to the Board.

(4) In complying with provisions of this Subsection C, the applicant for approval must submit with his definitive plan the following detail:

(a) With respect to the area within the development:

- [1] Runoff data and computations of storm sewers or open ditch directional requirements, based on a minimum of a ten-year storm period.
- [2] Design of stormwater storage facilities intended as a flood-control measure, if any.
- [3] Profiles and cross sections of waterways and drainage lines off the roadways will be shown as far as necessary to ensure that flooding will not occur.

(b) With respect to the area outside the development:

- [1] An estimate based upon engineering studies and measurements of the additional capacity of all seasons of off-site drainage facilities, either natural or artificial, to which the drainage facilities of the subject development will be connected.
- [2] Topography of upstream and downstream drainage areas adjacent to and affected by the subdivision. Contour interval to be determined by Planning Board.

(5) If the Planning Board determines that the provisions in the applicant's definitive plan for disposal of surface drainage do not satisfy the requirements of this regulation, the Planning Board may require that the applicant provide suitable off-site drainage facilities outside the area of the development which is shown on the applicant's plot plan so that surface drainage may be adequately and properly accommodated and disposed of to the reasonable satisfaction of the Planning Board. The applicant must furnish to the Planning Board a plan showing the design of such off-site drainage facilities and the certificate of a competent qualified engineer that in his opinion the design of such off-site drainage facilities is adequate to accommodate and dispose of the maximum surface drainage which may be shed by the area shown upon applicant's plot plan.

- (6) There shall be shown proposed elevations, slopes and grades of proposed changes of stream courses. Structural details, including slopes, grades, sizes, elevations, material, design capacity and proposed velocity shall be shown. Notes on the plan shall indicate vegetative or other treatment that will be used to stabilize disturbed areas and erosion during construction.
- D. Wetland Protection Law and Bylaw statement. There shall be attached a statement setting forth whether the plan involves the removal, filling, dredging or altering of any bank, meadow or swamp bordering on any stream or pond or any land subject to flooding, whether within the subdivision or not, and if so shall state whether or not such area is or may be significant to private, public or ground water supply or to flood control or to prevention of pollution and in what manner it may be significant. See MGL c. 131, § 40, and Chapter 161, Wetlands Protection, of the Code of the Town of Georgetown. **[Amended 12-3-1986 (Amdt. E)]**
- E. Floodplain statement. There shall be attached a statement setting forth whether or not any part of the subdivision area is shown as within the floodplain district on the floodplain zoning map as on file in the office of the Town Clerk, and if so, the relevant floodplain contour shall be shown on the plan. See § 165-28 of Chapter 165, Zoning.
- F. Statement of designer. There shall be attached a statement signed by the designer stating "The attached plan complies with Articles V and VI of the Georgetown Subdivision Regulations and with the Zoning Bylaw, except as follows:....."
- Signed _____ Sealed _____ 19____
 Designer _____
- G. Applicant shall submit the following receipt (Form R): This will acknowledge receipt of Georgetown Subdivision Regulations adopted Dec. 20, 1972, and it is agreed that they apply to the preliminary _____; definitive _____ plan entitled " _____ " **[Added 12-3-1986 (Amdt. E)]**
- It is hereby agreed to comply with said regulations and to comply with the definitive plan as endorsed by the Planning Board.
- Signed _____ 19____
 Applicant _____
- H. Flood insurance statement. There shall be attached a statement stating which lots, if any, are shown by the applicable FIRM map of FEMA (Community Panel 250081, effective date June 4, 1980) to be in the one-hundred-year-flood level, and such line shall be shown on the applicable lots. **[Added 12-3-1986 (Amdt. E)]**
- I. Erosion and sediment control plans. **[Added 4-3-1996]**
- (1) The definitive plan shall contain provisions for erosion and sediment control which fully apply the following principals:
- (a) Plan and utilize land and water resources giving prime consideration to site suitability and soil limitations based on soil surveys and interpretations.
 - (b) Develop an overall plan for land use, erosion control and water management.

- (c) Protect adjoining property from damage or hazard from land-disturbing operations.
 - (d) Make best use of existing topography and natural land features to fullest extent possible.
 - (e) Limit clearing, grading and slope modifications to those consistent with good land use.
 - (f) Conserve and utilize existing vegetative cover to fullest extent possible.
 - (g) Make permanent vegetative plantings that are compatible with specific soil and site conditions.
 - (h) Control erosion and runoff.
 - (i) Protect surface and subsurface waters from pollution.
 - (j) Control dust and tracking of mud from property.
 - (k) Protect stockpiles from wind and water erosion.
- (2) One or more sheets of the definitive plan shall contain the following information:
- (a) A description of the sequence of construction, anticipated starting and completion dates, and best management practices which will be applied to control erosion and sedimentation, including but not limited to:
 - [1] Site mobilization and access.
 - [2] Installation of temporary erosion and sediment control measures.
 - [3] Tree cutting, clearing and grubbing.
 - [4] Sediment basin installation.
 - [5] Roadway rough construction.
 - [6] Drainage system construction.
 - [7] Utilities installation.
 - [8] Roadway base and binder construction.
 - [9] Curb and sidewalk construction.
 - [10] Site cleanup, including removal of stones, stumps and other temporarily stored materials.
 - [11] Finish slope grading, stabilization, topsoiling, liming, fertilizing and seeding.
 - [12] Final completion of drainage system and sediment control practices.
 - [13] Removal of temporary erosion control structures and facilities.
 - (b) A plan or plans showing:

- [1] The area to be disturbed during construction (limits of work).
- [2] Areas where earth or other site materials will be temporarily stockpiled.
- [3] Areas to be used for disposal of stone if on site.
- [4] Location of temporary and permanent erosion and sediment control measures, including sediment basins, stormwater control basins, diversions, rip-rap and waterways.
- [5] Location of temporary access and work roads.

J. GIS mapping. **[Added 10-25-2000]**

- (1) Prior to final approval and endorsement of the subdivision plan by the Planning Board, the applicant shall submit two copies of the approved version of the definitive plan on two 3 1/2 inch diskettes in AutoCAD Version 13 (or any subsequent release that the Town of Georgetown adopts) to the Planning Board for review and approval. The computer version of the plan shall be identical, full size, and shall contain all information included on the printed plan. Each feature depicted in the subdivision plan shall have its own distinct data layer within the CAD system (i.e., lines representing each side of a property parcel). Where property parcels are depicted, the property parcel data layer shall be a distinct layer within the system. Polygons representing property parcels must be closed and no other data layer shall be used to close the polygon. Data shall be produced and depicted using either the Massachusetts State Plan Coordinate System (1927 Datum in feet) or the Massachusetts State Plan Coordinate System (1983 Datum in meters). Each CAD sheet shall have a minimum of four survey quality control points depicted on both the hardcopy maps and the digital CAD file. These control points shall be survey quality and accurate to plus or minus one centimeter. Layer names shall conform to Planning Board standards. Digital files shall be accompanied by information (or a text field) that defines and describes each layer contained within the submittal files(s). Data files shall be provided in an IBM-PC (or compatible) format file system.
- (2) Failure to submit such diskettes to the Planning Board shall be cause for the Planning Board to rescind approval or not to endorse said plan.
- (3) All diskettes shall be of high quality, free from any and all defects and viruses, and labeled as to their contents. Diskettes shall be prepared with a back up and be sequentially numbered. The applicant shall provide to the Planning Board a descriptive list of all files submitted, which documents file contents and intended use.

ARTICLE VI

Construction**§ 365-40. Subdivision permit required.**

Before commencement of construction, the developer shall obtain a subdivision permit from the Planning Board. This shall be kept displayed in a prominent place near an entrance road to the subdivision. The Planning Board may give notice of charges and, not sooner than 24 hours later, hold a hearing and after sustaining the charges may revoke the permit for violation of any provisions of these regulations or of any state law or regulation or town bylaw or regulation or of any order issued thereunder. No construction shall proceed in a subdivision unless a valid subdivision permit is in effect. A subdivision permit shall expire two years after its issue, but the developer may apply for a new subdivision permit.

§ 365-41. Erosion control program.

- A. Before issuance of a subdivision permit, the developer shall obtain approval of an erosion control program for the area he intends to work.⁶ This area shall be specified and may include only the part within the right-of-way or may include all or part of the lots. In the latter case the developer shall obtain a release under § 365-41 of this chapter to comply with Chapter 49, Earth Removal, if necessary to sever or strip soil, loam, sand or gravel.
- B. The following factors shall be considered in such a program:
 - (1) No larger area shall be developed than that on which construction can be completed rapidly so that large areas are not left bare and exposed for long periods.
 - (2) Grading shall be kept at a minimum. Where possible, only undesirable trees shall be removed.
 - (3) Runoff shall be controlled and conveyed into storm sewers or other outlets so it will not erode the land or cause off-site damage.
 - (4) Critical areas shall be protected during construction with mulch or temporary crop covers and with mechanical measures such as diversions and prepared outlets.
 - (5) Sediment basins shall be constructed where necessary to detain runoff and to trap sediment during construction.
 - (6) Safe off-site disposal of runoff shall be provided, including the increased runoff resulting from construction.
 - (7) Permanent vegetation and erosion control structures, where necessary, shall be installed as soon as possible.

6. Editor's Note: See Ch. 57, Erosion Control.

- C. Construction which involves the alteration of the bank of a stream or otherwise is in an area that is significant to groundwater supply, etc., may require the filing of a notice of intent under MGL c. 131, § 40.

§ 365-42. Earth removal release.

Removal, including severing and stripping of soil, loam, sand or gravel outside the fifty-foot right-of-way would constitute a violation of Chapter 49, Earth Removal, unless in compliance with the requirements of an approved subdivision plan. Such illegal removal may come into question in connection with §§ 365-58, 365-60 and 365-61. Accordingly, the subdivider should obtain a written earth removal release from the Planning Board to remove soil, loam, sand or gravel from specified lots in such cases. The release should be drafted by the subdivider and should specify what is to be done as to each such lot. This release relieves the subdivider of liability under Chapter 49, Earth Removal. The subdivider shall not excavate outside the row after being ordered to cease by the Planning Board.

§ 365-43. Inspections.

- A. The subdivider will be responsible for seeing to it that the agent of the Planning Board is present to inspect during the following stages of construction: §§ 365-47, 365-48, 365-49, 365-51A through F, I and K, 365-52 and 365-56. No succeeding operation or phase of an operation shall commence until the previous phase has been approved by the Board or its agent, as shown by signature on utility inspection card. The card shall be displayed in a conspicuous place on the premises during construction. Work done under other sections will be inspected after it has been completed.
- B. The subdivision may be inspected at any time by any officer or board of the town or any agent of such officer or board.
- C. The subdivider shall reimburse the town for the cost of inspection when billed by the Planning Board, any payment to be current before any lots are released.

§ 365-44. Gravel, loam and suitable seed.

- A. "Gravel" is defined as consisting of hard durable stone and coarse sand practically free from loam and clay, uniformly graded and containing no stone having any dimensions greater than 3 1/2 inches. When spread on the road and rolled, it shall form a stable foundation. The grading shall conform to the following requirements: passing three-eighths-inch sieve 70% maximum; passing No. 10 sieve 50% maximum; passing No. 200 sieve 5% maximum. No stone used in the subgrade of a street shall have any dimension greater than six inches. The subdivider shall notify the agent of the Planning Board as to the source of the gravel.
- B. Loam.
- (1) This shall consist of a fertile, friable natural topsoil typical of the locality, without admixture of subsoil, refuse or other foreign materials, and shall be obtained from a well-drained arable site. It shall be such a mixture of sand, silt and clay particles as to exhibit sandy and clayey properties in about equal proportions. It

shall be reasonably free of stumps, roots, heavy or still clay, stones larger than one inch in diameter, lumps, coarse sand, noxious weeds, sticks, brush or other litter. Prior to stripping, the loam shall have demonstrated by the occurrence upon it of healthy crops, grass or other vegetative growth that it is reasonably well drained and that it does not contain toxic amounts of either acid or alkaline elements.

- (2) The loam shall contain not less than 4% nor more than 20% organic matter as determined by the loss on ignition of oven-dried samples. Test samples shall be oven-dried to a constant weight at a temperature of 221° F.
- (3) "Suitable seed" as used in these regulations shall mean seed approved as to type by Essex Conservation District. **[Added 7-18-1973 (Amdt. B)]**

§ 365-45. Removal of trees.

Care shall be taken not to remove an excessive amount of trees since the subdivider may be required to furnish new trees under § 365-54.

§ 365-46. Setting of stakes.

The subdivider shall indicate the limits of the location of ways shown on the plan at points of curvature (P.C.'s) and points of tangent (P.T.'s) with stakes on the ground as work progresses and shall reset stakes as necessary so that location of the way may be readily determined. Sufficient grade stakes shall be set up by a registered professional engineer.

§ 365-47. Removal and burial of stumps and debris. [Amended 12-21-1995 (Amdt. J)]

The entire area of each street shall be first cleared of all stumps, brush, roots, boulders, like material and all trees not designated or intended for preservation. The burial of stumps, woody debris is prohibited. Burial of boulders in excess of 24 inches diameter may only be buried in a site approved by the Planning Board or its agent and must be shown on the subdivision's as-built plan.

§ 365-48. Excavation and filling of roadways. [Amended 7-18-1973 (Amdt. B)]

The full length and width of the proposed roadway pavement area and extra two feet on either side of the pavement area, for a total of 30 feet, shall be excavated or filled, as necessary, to a depth of at least 12 inches below the bottom of the subgrade as shown on the profile. However, if the soil is soft and spongy or contains undesirable material, such as clay, sand pockets, peat, stones over six inches in diameter or any other material detrimental to the subgrade, such material shall be removed and replaced with suitable well-compacted material. There shall be no stone over 18 inches in diameter in the area between three feet and one foot below the finish grade. The subdivider shall not excavate within the right-of-way below the existing natural level without the approval of the Planning Board or its agent and shall cease to excavate when ordered to do so. This is designed to prevent excavation of good earth below the existing ground level where such earth would have to be replaced later to obtain

the proper grade level. When three or more feet of fill are added, it shall be compacted at each foot of fill.

§ 365-49. Roadway center lines; turnaround diameter.

Roadways shall be constructed for the full length of all streets within the subdivision shown on the plan. The center line of such roadways shall coincide with the center line of the street rights-of-way unless a minor variance is specifically approved by the Board. Minimum outside diameter of roadway pavement area within turnarounds on dead-end streets, if allowed, shall be 108 feet.

§ 365-50. Water mains, valves and hydrants. [Amended 10-25-2000]

Water mains, valves and hydrants shall be installed to the satisfaction of the Board of Water Commissioners and shall include water service from the main to the property line. Water mains and similar matters shall be identical to that installed by the town and shall conform to the requirements of said Board. A certificate of completion under this section is required from that Board. Hydrants shall not be required for courts if the terminus of the court is within 300 feet of an existing, operable fire hydrant as determined by the Board of Water Commissioners.

§ 365-51. Street construction standards and specifications.

- A. Storm drains and manholes and catch basins shall be constructed as shown on the plan and shall not be backfilled until inspected by the agent of the Board. See § 365-36J and K. Storm drains shall be set with a transit or laser, not with string. [Amended 7-18-1973 (Amdt. 8)]
- B. Each catch basin shall be built as shown in Sketch A and as described in § 365-36I. They shall be inspected by the agent before covering.
- C. Gravel.
 - (1) The first course of six inches of gravel in the street shall be placed, watered, if necessary, and rolled to a compaction of 92% of its theoretical density. The gravel shall be rolled and compacted to a center line grade three inches below the proposed finish grade as shown on the profile and having a transverse grade conforming to that shown on Sketch B, Typical Road Cross Section. Any depression that appears during and after rolling shall be filled with additional gravel and rerolled until the surface is true and even.
 - (2) The second course of six inches of gravel in the street shall be put down and treated in the same way.
- D. Isolated curb inlets shall be installed at each catch basin, granite curb corners installed, as described § 365-36I.
- E. All streets shall be paved with plant mixed Type I bituminous concrete, the first course to be 2 1/2 inches in depth in place when compacted, except that in industrial or commercial district it shall be four inches. The course shall be rolled with either

tandem or three-wheel rollers of sufficient weight to produce a compaction of 92% of the theoretical density of the materials and to produce a true surface conforming to the cross-section of the road. No bituminous material shall be placed unless the surface upon which it is to be applied is at true grade and dry and the temperature is at least 50°F and rising. The minimum width of the pavement shall be 26 feet. All materials to be used on the construction shall be subject to the approval of the highway surveyor and of the Planning Board. [Amended 12-5-1986 (Amdt. E); 2-18-1987 (Amdt. F)]

- F. Frames and grates shall be set to the finished grade.
- G. Catch basins, drains and equalizer pipes shall be kept clean continuously until the street is accepted, and shall work adequately. See § 365-36I.
- H. Street name signs identical to those used by the town and satisfactory to the Board shall be erected on all street corners. A private way sign, consisting of letters three inches high, shall be posted along with the street signs until the right-of-way is accepted by town meeting. The developer is responsible for replacing lost or stolen signs required by these regulations until the right-of-way is accepted by town meeting. Other traffic signs may be required by the Board. From the time the construction of streets commence until the time final approval is requested, a temporary sign of wood or masonite may be used and shall be kept in place. [Amended 12-21-1995 (Amdt. J)]
- I. The second course of 1 1/2 inches residential, two inches for industrial and commercial of plan mixed Type I bituminous concrete shall be put down in the same manner as the first course. This shall not be done until the bulk of the use of the street by heavy vehicles has ceased, as determined by the Board. The first course shall be swept clean prior to the putting down of the second course, and a tack coat must be applied continuously the entire width and length of the road to ensure proper bonding to the two faces. A leveling course may be required prior to the installation of the second course. [Amended 2-18-1987 (Amdt. F)]
- J. Street construction shall conform to the typical road cross section shown in Sketch B of these regulations.
- K. A curb of vertical granite to a height of six inches shall be placed on the pavement at both edges of the roadway before the second coat of bituminous concrete is put down. Curbing shall have a minimum width at the top of four inches and a nominal depth of 18 inches. [Amended 4-26-1995]

§ 365-52. Sidewalks.⁷

- A. All materials shall be removed for the full width of the sidewalk, that is five feet, to a subgrade eight inches below the finish grade as shown on cross section and all soft spots and other undesirable material below such subgrade shall be replaced with a good binding material and rolled.
- B. This excavated area then shall be filled with six inches of gravel as defined above and rolled with a pitch toward the curb of not less than 1/8 inch nor greater than 3/8 inch to the foot.

7. Editor's Note: Required by § 365-34C(8).

- C. Surfacing forms shall be set to grade, filled with one inch of binder course compacted bituminous concrete.
- D. The second course of one inch finish course bituminous concrete shall be applied to the sidewalk except that two inches shall be applied at driveway entrances. Driveway aprons shall be paved within the right-of-way. Curb cuts shall not exceed 20 feet for driveways. However, if a granolithic surface is desired, specifications of the Massachusetts Department of Public Works shall be complied with as to both this subsection and Subsection D. Sidewalk pavement shall be applied by machine.

§ 365-53. Slopes and shoulders.

- A. Slopes adjoining shoulders referred to in Subsection B of this section where topsoil has been removed or where fill has been added shall be covered with loam to a depth of not less than six inches and seeded with grass suitable to the Board or otherwise fixed to prevent erosion to the satisfaction of the Board. If retaining walls are necessary in the opinion of the Board, they shall be constructed of reinforced concrete, stone, brick or other materials deemed suitable by the Board.
- B. Level shoulders shall extend two feet beyond the pavement, and slopes joining shoulders within the fifty-foot right-of-way shall not be steeper than three horizontal to one vertical in earth, nor more than 3/4 to one in ledge.

§ 365-54. Planting of shade trees required. [Amended 4-3-1996]

Where, in the opinion of the Planning Board, existing trees are inadequate adjacent to the right-of-way, shade trees having a diameter of at least two inches and of a variety suitable in such opinion shall be planted. Such planted trees shall usually be spaced not more than 40 feet apart, in 1/2 cubic yard of topsoil satisfactory to the Board. The Board may require welling of existing trees. A temporary tree planting easement shall be granted to the Town of Georgetown for six feet on each side of the right-of-way to allow for street tree planting at the proper time. The temporary easement shall expire 24 months after the layout has been accepted by the town. Selected deciduous trees, approved by the Board, may be planted in the grass strip located between the sidewalk and road, or may be planted in the temporary tree planting easement parallel to the proposed right-of-way.

§ 365-55. Area between sidewalk and curb.

The area between the sidewalk and the curb shall be not less than five feet and shall be loamed by at least six inches of loam as defined above, which shall be spread to grade, seeded and rolled to the satisfaction of the Board.

§ 365-56. Driveways.

The installation of driveways shall be done under the direction of the agent of the Board. The location of driveways shall conform to the drainage system so as not to interfere with the drainage of the roadway. Driveway aprons shall be paved by the developer or owner from the existing edge of the pavement to the property line.

§ 365-57. Clearing of stream obstructions.

The subdivider shall clear of obstructions, subject to MGL c. 131, § 40, to the satisfaction of the Planning Board as advised by the Conservation Commission any portion of any stream running through the property that has been disturbed by the subdivider. (MGL c. 270, § 16, prohibits the deposit of debris, etc., within 20 yards of inland waters.)

§ 365-58. Clear sight line to be maintained.

The subdivider shall clear bushes, etc., at the intersection of streets, including existing streets, so as to furnish a clear sight line in either direction for entering traffic. If the view is obstructed by high shoulders on the existing street he shall remove such shoulders, unless the Selectmen object. A sketch of the proposed work, approved by the Planning Board, shall be submitted to the Selectmen. Their assent shall constitute compliance with Chapter 49, Earth Removal.

§ 365-59. Slope reduction.

If the slope of a lot at a distance of 20 feet back from the street line, that is the edge of the fifty-foot right-of-way, is greater than four horizontal to vertical, the subdivider shall submit to the Board a plan or proposal to reduce it to four to one, and after approval or modification the subdivider shall carry it out. Approval of the proposal shall constitute compliance with Chapter 49, Earth Removal. The Board may require guardrails where it deems necessary, whether required by MGL c. 84, § 27A, or not. Where topsoil has been removed from such slopes or fill has been added, loam to a depth of not less than six inches shall be spread and grass seeded or it shall be otherwise fixed to prevent erosion to the satisfaction of the Board. The subdivider hereby grants to the Town of Georgetown the right to enter upon any such lot for the purpose of constructing such slope.

§ 365-60. Correction of drainage problems.

After the street has been paved, the Board may require prior to release of any lot or thereafter correction of any drainage problems, including but not limited to the installation of berms in front of driveways or lawns. The Board may require that a plan or proposal be prepared to correct wet pockets on lots and after approval by the Board be carried out by the subdivider. Approval of such proposal shall constitute compliance with Chapter 49, Earth Removal. The subdivider hereby grants to the Town of Georgetown the right to enter upon such lot for the purpose of making such correction.

§ 365-61. When lots considered complete.

No lot shall be considered complete until all stumps, brush, roots and like material and all trees, rocks and boulders not intended for preservation by the subdivider shall have been removed and disposed of in a manner and place satisfactory to the Planning Board. Any fire hazard shall be removed promptly to the satisfaction of the Fire Chief. This section does not authorize violation of Chapter 49, Earth Removal, that is, it does not authorize the removal, including severing and stripping, of soil, loam, sand or gravel on such lot. No occupancy permit will be issued by the Building Inspector until he has received approval from the

Planning Board that the slopes on the lot adjacent to the row have been completed to the satisfaction of the Board.

§ 365-62. Standard highway bounds.

Standard highway bounds six inches by six inches by four feet shall be installed as shown on the plan. See § 365-33C(7). That is, all intersections of streets with each other, at all points of change in direction of curvature of streets and at all outer plan boundary lines. A certificate from a registered professional engineer or registered land surveyor that he has set such bounds in compliance with this regulation shall be filed with the Board. Such bounds shall not be installed until all construction work which would disturb or destroy bounds is completed.

§ 365-63. Bench marks and property bounds.

- A. Bench mark shall be of granite, shall extend at least five feet into the ground and shall have a disc. A certificate of a registered land surveyor shall be placed on the as built plan described in § 365-66 which shall certify as to the location of the bench mark and its height related to USGS bench mark. [Added 7-18-1973 (Amdt. B)]
- B. Each lot shall be bounded on each corner by a property bound. Bound will not protrude more than six inches above the ground. Lot boundary markers will be either granite or concrete, at least six inches square and four feet long; or iron pipe at least 1 1/2 inches in diameter and four feet long. A certificate from a registered professional engineer or registered land surveyor stating that he has set such bounds in compliance with this regulation shall be filed with the Board. Such bounds shall not be installed until all construction work which would disturb or destroy bounds is completed.

§ 365-64. Streetlights and poles.

Streetlights and poles shall be installed and a certificate that they have been installed and paid for to the satisfaction of the manager of the Municipal Light Department shall be furnished to the Planning Board.

§ 365-65. Fire alarm boxes.

Fire alarm boxes shall be installed as shown on the plan and tied in to the existing town system, if available, and a certificate that this has been done and paid for to the satisfaction of the Fire Chief shall be furnished to the Planning Board.

§ 365-66. Plan amendments. [Amended 7-18-1973 (Amdt. B)]

If any engineering changes have been approved by the Board after the plan is recorded, the subdivider shall have prepared an amendment to the plan suitable for recording. After signature by the Board, he shall record it and give a copy to the Board. In any event a copy of the plan as built shall be filed with the Planning Board upon completion of the subdivision

on Mylar. This shall include location of gas pipes, elevation of inverts, road grades, final grading contours and ties, including house connections for water and easements.

§ 365-67. Occupancy permits.

A. A vote by the Planning Board

"To release under § 365-63 of the regulations the following lots on plan in Plan Book _____ Plan _____, namely, lots _____ only"

shall be deemed a notice to the Building Inspector that all stages of the way furnishing frontage to such lots have been completed in compliance with the subdivision regulations of the Planning Board up to and including the putting down of the base coat of bituminous concrete to the satisfaction of the Board with reference to the requirements of §§ 165-95 and 165-96 of Chapter 165, Zoning.

- B. The fact of release of a lot from a covenant not to convey shall not by itself indicate such compliance unless a statement is added to the release "Such lots are also released under § 365-67" since the lot may have been released upon bond or deposit without construction of the way under MGL c. 41, § 81U.
- C. The Building Inspector shall withhold an occupancy permit for a building in a subdivision from any person who is in violation of any provision of Chapter 165, Zoning, Chapter 29, Building Construction and Chapter 49, Earth Removal, or of MGL c. 131, § 40, or of any regulation or order issued thereunder, or of any regulations of the Board of Health or of the State Sanitary Code of the Massachusetts Department of Public Health. Notice from the board, inspector, officer or agent having jurisdiction under such law, bylaw, regulation or order shall authorize such withholding until notice of correction. Any person aggrieved by such withholding may appeal to the Board of Appeals as provided in MGL c. 40A, § 13.
- D. No occupancy permit shall be issued by the Building Inspector until a plot plan signed by a registered professional engineer or registered land surveyor is submitted showing the boundaries of the lot and the location of all structures and the sewage disposal system for that lot.

§ 365-68. Clear sight line at intersections required.

A clear sight line shall occur at intersection of streets, including existing streets, and the subdivider shall clear bushes or slopes, if necessary, obtaining any necessary permission if required. (See also §§ 365-36H and 365-58.)

§ 365-69. Drainage facilities.

- A. Drain facilities. Storm drains, culverts and related installations, including catch basins, gutters and manholes shall be installed, kept clean continuously and in good working order within the subdivision as necessary, in the Board's opinion, to permit unimpeded flow of all natural watercourses, to ensure adequate drainage of all low points along streets, to control erosion and to intercept stormwater runoff along streets at intervals

reasonably related to the extent and grade of the area drained. Proper connections shall be made with any existing drains in adjacent streets or easements where they may exist and prove adequate to accommodate the drainage flow from the subdivision, and in the absence of such facilities, or the adequacy of the same, it shall be the responsibility of the subdivider to extend drains from the subdivision as required to properly dispose of all drainage from said subdivision in a manner determined proper by the Board. Where adjacent property is not subdivided, provision shall be made for extension of utility systems by continuing appropriate drains and water mains to the exterior boundaries of the subdivision of such size and grade as will allow for their proper projection and with such accessories and appurtenances deemed appropriate by the Water Superintendent. Drains shall not be backfilled until inspected. An as-built drainage plan shall be submitted to the Planning Board prior to paving. All discrepancies between design and actual construction must be noted and approval for the changes must be obtained from the Planning Board or its agent prior to paving. [Amended 12-21-1995 (Amdt. J)]

- B. Where, after the subdivision plan is approved, it develops at a wetlands protection hearing under MGL c. 131, § 40, that a different size culvert is required or other change necessary, the plan shall be revised by the engineer for the subdivider and the plan amended accordingly and the change recorded at the Registry of Deeds.
- C. If at any time before the street is accepted by the town the drainage system fails to work adequately, the subdivider shall be responsible for necessary correction, including design, different installation or additional facilities.

§ 365-70. Floodplain restrictions. [Added 6-18-1975 (Amdt. C)]

No subdivision may be constructed on land in any floodplain area having special flood hazards as identified by the Administrator as provided in 24 CFR 1910.3(b) without having been reviewed by the Planning Board as provided in the last sentence of § 365-20 of these regulations.

§ 365-71. Hours for road construction. [Added 12-21-1995 (Amdt. J)]

Hours of operation for road construction will be Monday through Friday from 7:00 a.m. to 6:00 p.m. and on Saturday from 7:00 a.m. to 1:00 p.m.

Erosion & Stormwater Control

Chapter 57



Town of Georgetown, Massachusetts

Revised July, 2020

Chapter 57

EROSION AND STORMWATER CONTROL

§ 57-1. Purpose; effect on existing legislation.

§ 57-2. Definitions.

§ 57-3. Legislative authority.

§ 57-4. Applicability.

§ 57-5. Exemptions.

§ 57-6. Administration.

§ 57-7. Performance standards.

§ 57-8. Enforcement; violations and penalties.

§ 57-9. Severability.

[HISTORY: Adopted by the Town of Georgetown 5-2-2011 Annual Town Meeting, Art. 34.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Earth removal and importation — See Ch. 49.

Water — See Ch. 156.

Wetlands protection — See Ch. 161.

Subdivision regulations — See Ch. 365.

Lufkins Brook Conservation Area — See Ch. 535.

§ 57-1. Purpose; effect on existing legislation.

A. The purpose of this chapter is to protect, maintain and enhance the public health, safety, environment and general welfare of the Town by establishing minimum requirements and procedures to control the adverse effects of soil erosion and sedimentation, construction site runoff, increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment. It has been determined that proper management of stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, protect water and aquatic resources, protect and enhance wildlife habitat, and promote groundwater recharge to protect surface and groundwater drinking supplies. This chapter seeks to meet that purpose through the following objectives:

- (1) Establish a mechanism by which the municipality can monitor and ensure compliance with requirements of its National Pollutant Discharge Elimination System (NPDES) MS4 General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems and other applicable state and federal mandates. [Amended 5-2-2016 ATM, Art. 18]
- (2) Establish decisionmaking processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources.
- (3) Require that new development, redevelopment and other land alteration activities maintain the after-development runoff characteristics as equal to or less than the

1. Editor's Note: This article also repealed former Ch. 57, Erosion Control, adopted 5-24-1993 ATM, Art. 30.

pre-development runoff characteristics, where appropriate, in order to reduce flooding, stream bank erosion, siltation, nonpoint source pollution, property damage, and to maintain the integrity of stream channels and aquatic habitats.

- (4) Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality; establish minimum design criteria for the protection of properties and aquatic resources downstream from land development and land conversion activities from damages due to alterations in volume, velocity, frequency, duration, and peak flow rate of stormwater runoff; establish minimum design criteria for measures to eliminate or minimize to the extent feasible nonpoint source pollution from stormwater runoff which would otherwise degrade water quality.
- (5) Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet or exceed the minimum post-development stormwater management standards.
- (6) Require, when feasible, the use of nonstructural stormwater management, better site design practices or "low-impact development practices," such as reducing impervious cover, minimizing the area of disturbance, increasing site-wide infiltration, and preserving open space and other natural areas, to the maximum extent practicable.
- (7) Promote water conservation through the re-use of stormwater for irrigation.
- (8) Establish provisions that require practices that eliminate soil erosion and sedimentation and control the volume and rate of stormwater runoff resulting from land disturbance activities.
- (9) Establish provisions to ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained.
- (10) Establish provisions for the long-term responsibility for and maintenance and operation of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety or the environment.
- (11) Establish provisions to ensure there is an adequate funding mechanism, including surety, for the proper review, inspection and long-term maintenance of stormwater facilities implemented as part of this chapter.
- (12) Establish administrative procedures for the submission, review, approval or disapproval of stormwater management plans, erosion and sediment controls, and for the inspection of approved active projects, and long-term follow up; establish certain administrative procedures and fees for the submission, review, approval, or disapproval of stormwater plans, inspection of construction sites, and the inspection of approved projects.

- (13) Ensure that construction and waste materials, toxic materials, hazardous materials, hazardous wastes and other pollutants used and stored on site are prevented from mixing with stormwater runoff, which would degrade water quality.
 - (14) Establish the Town of Georgetown's legal authority and capacity to ensure compliance with the provisions of this chapter through funding, permitting, inspection, monitoring, and enforcement.
 - (15) Establish a permit mechanism and associated fees for activities covered under this chapter.
- B. Nothing in this chapter is intended to replace or supersede the requirements of the Town of Georgetown Zoning Bylaw,² the Massachusetts Wetlands Protection Act,³ the Town of Georgetown Wetlands Protection Bylaw,⁴ any other bylaw that may be adopted by the Town of Georgetown, or any rules and regulations adopted thereunder.

§ 57-2. Definitions.

The following definitions shall apply in the interpretation and implementation of this chapter. Additional definitions may be adopted by separate regulation.

ALTER — Any activity that will measurably change the ability of a ground surface area to absorb water, will change existing surface drainage patterns, or will increase or decrease the rate or volume of flow from a site.

BEST MANAGEMENT PRACTICE (BMP) — Structural, nonstructural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment. "Structural" BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. "Nonstructural" BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

BETTER SITE DESIGN — Site design approaches and techniques, including low-impact development (LID) that can reduce a site's impact on the watershed through the use of nonstructural stormwater management practices. Better site design includes conserving and protecting natural areas and green space, reducing impervious cover, using natural features for stormwater management, and providing site-wide infiltration.

DEVELOPMENT — Any construction that disturbs or alters a parcel of land.

DISTURBANCE OF LAND — Any action causing removal of vegetation or a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material.

INFILTRATION — The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.

2. Editor's Note: See Ch. 165, Zoning.

3. Editor's Note: See Ch. MGL c. 131, § 40 et seq.

4. Editor's Note: See Ch. 161, Wetlands Protection.

LOW-IMPACT DEVELOPMENT (LID) — An ecosystem-based approach to land development and stormwater management that ensures that each development site is designed to protect, or restore, the natural hydrology of the site.

MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS — The latest version, as may be amended from time to time, of the Stormwater Management Standards and accompanying Stormwater Handbook issued by the Department of Environmental Protection pursuant to authority under the Wetlands Protection Act, MGL c. 131, § 40, and the Massachusetts Clean Waters Act, MGL c. 21, §§ 26 through 53. The Stormwater Management Standards are incorporated in the Wetlands Protection Act Regulations, 310 CMR 10.05(6)(k), and the Water Quality Certification Regulations, 314 CMR 9.06(6)(a).

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM — The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Georgetown.

NONPOINT SOURCE POLLUTION — Pollution from many diffuse sources caused by rainfall, snowmelt, or other method of pollutant transport moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into water resource areas.

NORMAL MAINTENANCE — Activities that are regularly scheduled to maintain the health and condition of a landscaped area. Examples include removal of weeds or invasive species, pruning, mowing, raking, and other activities that are done at regular intervals within the course of a year.

PERMIT GRANTING AUTHORITY ("PGA") — The Planning Board or its agents designated to administer and enforce this chapter. [Amended 5-2-2016 ATM, Art. 18]

POST-DEVELOPMENT — The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity in accordance with approved plans on a specific site or tract of land. Post-development refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.

PRE-DEVELOPMENT — The conditions that exist prior to the proposed disturbance activity. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

RECHARGE — The replenishment of underground water reserves.

REDEVELOPMENT — Any construction, alteration, improvement, repaving, or resurfacing on a previously developed site.

RUNOFF — Rainfall or snowmelt water flowing over the ground surface or other source which may result in transport of pollutants.

SITE — The entire parcel of land being developed.

STOCKPILING — The storage of unsecured material for future use, excluding the storage of materials 10 cubic yards or less secured and utilizing erosion controls to prevent erosion of material.

STORMWATER MANAGEMENT — The use of structural or nonstructural practices that are designed to control or treat stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates. Stormwater management includes the use of low-impact development (LID) management practices.

STORMWATER MANAGEMENT PERMIT (SMP) — A permit issued by the Conservation Commission in its capacity as the PGA, after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater runoff.

§ 57-3. Legislative authority.

This chapter is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34., and as authorized by the residents of the Town of Georgetown at Town Meeting dated May 2, 2011.

§ 57-4. Applicability.

- A. This chapter shall be applicable to all new development and redevelopment, land disturbance and any other activity that will result in an increased amount of stormwater runoff or pollutants flowing from a parcel of land that exceed any of the stormwater management permit thresholds in § 57-4B, unless exempt pursuant to § 57-5 of this chapter. This chapter shall apply to land or parcels of land that are held in common ownership (including ownership by related or jointly controlled persons or entities) as of the effective date of this chapter, if the total land-disturbing activities on said land or parcels, considered as a whole, would presently or ultimately exceed the minimum thresholds in § 57-4B and are not exempted by § 57-5. A development shall not be segmented or phased in a manner to avoid compliance with this chapter.
- B. Stormwater management permit thresholds. A stormwater management permit shall be required for any of the following, except for an activity exempt per § 57-5:
 - (1) Minor permit:
 - (a) The creation of new impervious area, or expansion of existing impervious area, greater than 200 square feet and less than 2,500 square feet.
 - (b) Disturbance of land exceeding 1,000 square feet in area and not exceeding 5,000 square feet or 10% of a parcel, whichever is less.
 - (c) Stockpiling of material.
 - (2) Major permit:

- (a) Construction of any new dwelling or new dwelling replacing an existing dwelling in conformance with Article VIII, Section V.B.1.a of the Georgetown Zoning Bylaws.
- (b) Any land disturbance exceeding an area of 5,000 square feet or more than 20% of a parcel or lot, whichever is less.
- (c) Any activity that will disturb land with a 10% or greater slope or where an area is proposed to have a 10% or greater finished slope, and where the land disturbance is greater than or equal to 2,500 square feet within the sloped area.
- (d) Creation of new impervious surface area, or expansion of existing impervious area, greater than 2,500 square feet.
- (e) The addition or on-site redistribution of more than 100 cubic yards of earth materials, including, but not limited to, sand, gravel, stone, soil, loam, clay, sod, fill and mineral products.

§ 57-5. Exemptions.

Exemptions from this chapter apply to the following activities, provided that a project is solely comprised of any one of these activities:

- A. 'As authorized in the NPDES general permit for stormwater discharges for small MS4s for Massachusetts, an activity that is wholly subject to jurisdiction under the Wetlands Protection Act⁶ and Wetlands Protection Bylaw⁷ and demonstrates compliance with Massachusetts stormwater standards as reflected in an issued order of conditions, provided that the activity also demonstrates compliance with any additional performance standards contained in the regulations promulgated to implement this chapter.
- B. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulations at 310 CMR 10.04 ("Agricultural").
- C. Normal maintenance of Town-owned public land, ways and appurtenances.
- D. Repair, replacement, or reconstruction of an existing driveway, provided that erosion control measures are utilized to prevent runoff and sediment from entering a traveled way or adjacent properties.
- E. Any work or projects for which all necessary approvals and permits were issued before the effective date of this chapter.

5. Editor's Note: Former Subsection A, which exempted certain activities that required site plan review, definitive subdivision or special permit approval from the Planning Board, was repealed 5-2-2016 ATM by Art. 18. Article 18 also redesignated former Subsections B through M as Subsections A through L, respectively.

6. Editor's Note: See MGL c. 131, § 40 et seq.

7. Editor's Note: See Ch. 161, Wetlands Protection.

- F. Normal maintenance of existing landscaping, gardens or lawn areas associated with a single-family dwelling, provided erosion control measures are utilized to prevent runoff and sediment from entering a traveled way or adjacent properties.
- G. Construction of any fence that will not alter existing terrain or drainage patterns.
- H. Repair or replacement of septic systems or wells when approved by the Board of Health for the protection of public health on lots having an existing dwelling, provided that the Board of Health determines:
 - (1) There is minimal grading as defined in Title 5 of the State Environmental Code, 310 CMR 15.000;
 - (2) There is no change or expansion of use as defined by Title 5; and
 - (3) The work includes the use of BMPs to prevent erosion, sedimentation, and release of pollutants.
- I. Construction of utilities (gas, water, wastewater systems, electric, telephone, cable television, etc.) other than drainage which will not alter terrain, ground cover, or drainage patterns, so long as BMPs are used to prevent erosion, sedimentation and release of pollutants.
- J. Emergency repairs to any existing utilities (gas, water, wastewater systems, electric, telephone, cable television, etc.) and emergency repairs to any stormwater management facility or practice that poses a threat to public health or safety, designated by the PGA. Where such activity is subject to the jurisdiction of the Conservation Commission, the work shall not proceed without the issuance of an emergency certification by the Commission. This would require verbal authorization from the authority having jurisdiction.
- K. The maintenance, reconstruction or resurfacing of any public way, and the installation of drainage structures or utilities within or associated with public ways that have been approved by the appropriate authorities, provided that written notice be filed with the PGA 14 days prior to commencement of activity.
- L. The removal of earth products undertaken in connection with an agricultural use if the removal is necessary for or directly related to planting, cultivating or harvesting or the raising or care of animals.

§ 57-6. Administration.

- A. The Planning Board (PGA) shall be responsible for the administration, implementation, and enforcement of this chapter. [Amended 5-2-2016 ATM, Art. 18]
- B. Any powers granted to or duties imposed upon the PGA may be delegated, in writing, by the PGA to its employees or agents or other municipal employees as appropriate.
- C. Stormwater and erosion control regulations ("regulations"). The PGA may adopt, with consult with the Conservation Committee, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), delegation of authority, procedures and

§ 57-7 Performance standards.

Criteria for stormwater management standards shall be defined and included as part of any rules and regulations promulgated under § 57-6C of this chapter.

§ 57-8 Enforcement; violations and penalties.

A. The PGA, or an authorized agent of the PGA, shall enforce this chapter, and any regulations, permits orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for violations.

B. If a person violates the provisions of this chapter or its regulations, or a permit, notice or order issued thereunder, the PGA may seek injunctive relief in a court of competent jurisdiction to restrain the person from activities which would create further violations or to compel the person to perform abatement or remediation of the violation.

C. The PGA, or an authorized agent of the PGA, may issue a written order to enforce the provisions of this chapter or the regulations, which may include requirements to:

- (1) Cease and desist from land-disturbing activity until there is compliance with the Bylaw or provisions of an approved stormwater management permit;
- (2) Maintain, install or perform additional erosion and sediment control measures;
- (3) Perform monitoring, analyses, and reporting;
- (4) Remediate erosion and sedimentation resulting directly or indirectly from land-disturbing activity;
- (5) Comply with requirements in the stormwater management permit for operation and maintenance of stormwater management systems; and
- (6) Remediate adverse impacts resulting directly or indirectly from malfunction of the stormwater management systems. If the PGA or its authorized agent determines that abatement or remediation is required, the order shall set forth a deadline by which such abatement or remediation must be completed.

D. Criminal penalties. Any person who violates any provisions of this chapter, regulation, order or permit issued hereunder shall be punished by a fine of not more than \$300. Each day a violation occurs or continues shall constitute a separate violation.

E. Noncriminal disposition. As an alternative to criminal prosecution or civil action, the Town may utilize the noncriminal disposition procedure set forth in MGL Ch. 40, § 21D and § 1 - 4 through 1-8 of the Town Code, in which case any police officer of the Town of Georgetown, the Conservation Commission, or Building Inspector and such other persons as are authorized

by the PGA shall be the enforcing person. If noncriminal disposition is used, any person who violates any provision of this chapter, regulation, order or permit issued thereunder shall be

punished by a penalty of \$50. Each day or part thereof that a violation occurs or continues shall constitute a separate violation.

F. Remedies not exclusive. The remedies listed in this chapter are not exclusive of any other remedies available to the PGA or the Town under any applicable federal, state or local law.

§ 57-9 Severability.

The invalidity of any section, provision, paragraph, sentence, or clause of this chapter shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

Georgetown Erosion & Stormwater Control Regulations

Adopted May 8, 2019



Adopted May 8, 2019 by the Planning Board

EROSION AND STORMWATER CONTROL

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Erosion and Stormwater Control Regulations

I. PURPOSE

The United States Environmental Protection Agency has identified sedimentation and polluted stormwater runoff from land disturbance, land development and redevelopment activities as major sources of water pollution. To address the impact of these sources of water pollution, the Town of Georgetown has adopted a local Erosion and Stormwater Control Bylaw. The bylaw is necessary to protect the Town of Georgetown water bodies and groundwater resources, to safeguard the health, safety, and welfare of the general public and protect the natural resources of the Town.

Chapter 57 - Erosion and Stormwater Control Bylaw - authorizes the Planning Board, as the Permit Granting Authority, to adopt regulations to effectuate the purposes of this Bylaw. The purpose of these regulations is to clearly set forth administrative procedures and design criteria necessary to achieve the objectives of said Chapter 57, which is to prevent or diminish the impacts of sedimentation and polluted stormwater from land disturbance activities.

II. AUTHORITY

- A. The regulations contained herein have been adopted by the Planning Board in accordance with the Town of Georgetown's Chapter 57 Erosion and Stormwater Control Bylaw, as adopted on May 2, 2016.
- B. Nothing in these regulations is intended to replace or be in derogation of the requirements of the Town of Georgetown Wetlands Protection Bylaw or any Rules and Regulations adopted thereunder, i.e., unless these regulations are more stringent.

These Erosion and Stormwater Control regulations (hereinafter referred to as regulations) may be periodically amended by the Planning Board in accordance with the procedures outlined in said Chapter 57 (hereinafter referred to as Chapter 57).

III. ADMINISTRATION

A. Permit Granting Authority

As the Permit Granting Authority, the Planning Board shall administer, implement and enforce these regulations. Projects and activities approved by the Planning Board shall be deemed in compliance with the intent and provisions of these regulations.

As the Permit Granting Authority, the Planning Board may waive strict compliance of these regulations for applications, including Low Impact Development, i.e., if the design criteria of such waiver is allowed by federal, state or local statutes, is in the public interest and is not inconsistent with the purpose and intent of Chapter 57. Further, the applicant shall refer to the criteria set forth in Section IX. - Design Criteria - of these regulations.

B. Designated Agents:

In accordance with Chapter 57 the Planning Board defines as its “designated agent” the Town Planner and hereby delegates to such agent the administration, implementation, and enforcement of these regulations as specified below.

The Town Planner shall act as the designated agent in the administration, implementation, and enforcement of these regulations as follows:

- a. Receive and review of applications for completeness;
- b. Communications to applicants on the Planning Board’s behalf;
- c. Distribution of applications and documentation to Town departments for review;
- d. Procurement of Outside Consultants and Environmental Monitors;
- e. Scheduling of public meetings and hearings;
- f. Prepare public notices;
- g. Maintain all records and drawings associated with these regulations;
- h. Review and grant minor modifications to applications, as described in Chapter 57;
- i. Any other administrative tasks necessary for the orderly administration of these regulations.

C. Persons Aggrieved

Any person(s) aggrieved by a decision or action of the Town Planner in regard to the submission of the subject application, including, but not limited to, matters regarding completeness of application, inspections or compliance with technical design criteria, may, within thirty (30) days of such decision or action, request a public meeting with the Planning Board. Following the decision of the Planning Board, the provisions of Chapter 57 shall apply.

IV. GENERAL PROCEDURES

Erosion and Stormwater Control Permit issuance is required prior to any activity altering or disturbing land, as same pertains to applicable minor and major permits as listed and defined in Chapter 57. For purposes of calculating the area of land disturbed or changes in impervious surfaces the methodology set forth in Chapter 57 and as cited below shall apply:

A. Application

An application shall be made to the Planning Board in the form and containing information as specified in these regulations. Permit applications shall be accompanied by payment of the appropriate fees. Fees, including those associated with postage for the mailing of notices to the project abutters, shall be received by the Planning Board prior to any review. Any application not accompanied by the appropriate fees shall be deemed incomplete.

B. Completeness of Application

Within 21 business days of application submission the Town Planner shall make a determination as to the completeness of the application and adequacy of the materials submitted.

C. Information Requests

The Planning Board or its designated agent may request additional information as necessary, relative to enabling the Planning Board to determine whether the proposed land disturbance activity will comply with the provisions of these regulations.

D. Consent of property owner required for all applications

When the applicant does not own the property shown on the submitted plan, the applicant shall state in the application the nature of his or her interest in the property and shall submit the written consent of the property owner. Where the owner is a partnership, trust or corporation, documents must be submitted indicating who has signing authority to enter into agreement on behalf of the partnership, trust or corporation. If the property owner subsequently withdraws consent to the application after the application is filed the Board may deny the application for this lack of consent of the owner.

E. Employment of Outside Consultants

The Planning Board or its designated agent may require an independent Registered Professional Engineer, an Environmental Site Monitor, and/or other professional consultant to advise the Planning Board or its designated agents on any or all aspects of the project. All costs of said independent consultants shall be at the applicant's expense.

F. Modifications to an Application

The permittee, or the permittee's agent, must notify the Planning Board in writing of any change or alteration of a land-disturbing activity before the change or alteration occurs.

Modifications resulting in grade changes under one (1) foot shall be considered minor and may be granted by the Town Planner. If the Town Planner determines that the change or alteration is significant, based on the design criteria in these

regulations, the Planning Board may require that an amended application or a new application (including application fees unless waived by the Planning Board) be filed. If any change or alteration from the Erosion and Stormwater Control Permit occurs during land disturbing activities, including significant changes in schedule, the Town Planner may require the installation of interim erosion and sedimentation control measures before considering the change or alteration.

G. Access Permission

To the extent permitted by state law, and as authorized by the owner at the time of the application or other party in control of the property, the Planning Board, its Agents as specified in these regulations, officers, and employees may enter upon privately owned property for the purpose of performing their duties under Chapter 57 and these regulations and may make or cause to be made such examinations, surveys or sampling as the Planning Board deems reasonably necessary to determine compliance with the permit.

H. Public Notification

In accordance with MGL Chapter 40, Section 11, the Planning Board will post notice of the public meeting and the applicant will be responsible for sending abutter notification based on the list obtained from the Town by the applicant and provided to the Planning Board. The applicant shall pay all costs associated with the notification requirements.

I. Exclusions from Permit Requirements

Projects that are defined as ““Exempt Activities” in Chapter 57 do not require approvals under these regulations, nor shall the area of land disturbed in connection with such “Exempt Activities” be included in the calculation of the area of land disturbed by construction activities.

Activities exempted under Chapter 57 shall include normal maintenance and improvement of publicly or privately-owned water and sewer lines, electrical and communications conduits, steam pipes, and gas pipelines.

V. PERMIT APPLICATION FILING REQUIREMENTS

A. Planning Board

The Stormwater Management Permit Application package to be submitted to the Planning Board shall include the following:

1. A completed Application Form with original signatures of all owners; Seven (7) copies of the Erosion and Stormwater Control Plan and Narrative.

2. Seven (7) copies of the Operation and Maintenance.
3. Payment of the application and review fees.

B. Town Clerk

One (1) copy of the Application Form shall be filed with the Town Clerk by Planning staff.

C. Notice requirements

The applicant shall provide a map indicating the Assessor's map and parcel as well as the address of the site to the Planning Office. A list of the names and mailing addresses of all abutting property owners, as they appear in the most recent tax list(s), shall be obtained from the Assessor's Office by the Planning Department.

This list shall not be more than six (6) months old. The list must include property owners on the opposite side of any street abutting the subdivision and abutters to abutting property owners within three hundred feet of the property under development consideration. If the site is within three hundred (300') feet of a municipal boundary, the applicant shall include a certified abutters list and corresponding tax map from the abutting municipality that includes all abutters within three hundred (300') feet from the site boundaries.

D. Review Fee Schedule

Fees shall be payable to the Town of Georgetown in the form of a money order, bank or certified check.

Professional review fees include engineering review, legal review, and clerical fees associated with the review and permit processing. When an independent consultant is required by the Planning Board, the consultant shall provide a fee estimate. The applicant may be required to deposit funds in a revolving account with the Town to cover these fees. The Planning Board may require additional fees if deemed necessary for proper review of an application or to ensure compliance.

An Applicant's failure to pay any additional review or inspection fee within five business days of receipt of the notice that further fees are required may be grounds for disapproval of the application.

VI. FORM AND CONTENTS OF THE PERMIT APPLICATION

The Erosion and Stormwater Control Permit Application shall contain the following documents.

- A. Complete Application for Erosion and Stormwater Control Permit Form See Appendix A.
- B. Erosion and Stormwater Control Management Plan and Narrative: The Erosion and Stormwater Control Plan and Narrative shall contain sufficient information for the Planning Board to evaluate the environmental impact, effectiveness, and compliance of the measures proposed by the applicant to these regulations and the Massachusetts Department of Environmental Protection Stormwater Management Handbook.
The information provided shall describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed best management practices for the permanent management and treatment of stormwater.

1. Erosion and Stormwater Control Management Plan

The Erosion and Stormwater Management Plan shall be prepared by a Massachusetts licensed professional engineer on a print of 24" X 36" containing the following information:

a. General Project Information

(1) Plan Certification

- (a) The plan(s) shall be stamped by (1) a professional engineer registered in Massachusetts in the field of civil engineering and (2) a registered land surveyor registered in Massachusetts. The engineer shall certify that the plan complies with all these regulations, except as noted. Failure to have these certifications shall result in denial of the application.

(2) Identification Information

- (a) Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan.
- (b) Title, date, north arrow, names of abutters, scale (1"=20' or 1"=40'), legend, and locus map (1"=800').
- (c) Existing zoning designation.
- (d) Existing and proposed land use of the site.
- (e) A signature block to record the action of the Planning Board

(3) Notations Regarding Revisions

All revised plans shall contain a notation listing and describing all revisions, additions, and deletions made to the originally submitted plans and the date of each. Each revision shall be clearly shown on the plans and shall be identified by a triangle symbol with the corresponding revision number within the triangle.

b. Boundaries and Location Data

- (1) Surveyed property lines showing distances and monument locations, all existing and proposed easements, rights-of-way, utilities and other encumbrances, the size of the entire parcel, and the delineation and number of square feet of the land area to be disturbed.
- (2) Location, delineation and description of habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, Potential Vernal Pools, and Priority Habitats of Rare Species within five hundred (500') feet of any construction activity.
- (3) The location of the one hundred year (100) flood boundary, as shown on the Flood Insurance Map (FIRM), in and within one hundred (100') feet of the lot;
- (4) Location of all proposed wells and septic systems in the project, including lot line setback dimensions to wells and septic systems;

c. Streets, Impervious Areas and Site Improvements

- (1) Lines of existing abutting streets showing drainage and driveway locations and curb cuts.
- (2) Existing and proposed impervious surfaces, drainage structures and facilities, if applicable.
- (3) Existing and proposed improvements, including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable.

(4) Footprints of any structure on abutting properties with the names of the abutters, including properties on the opposite side of the street or way that abuts the site. Existing and proposed driveways shall also be shown.

d. Topography

(1) The location and elevation of one benchmark using NGVD Datum within fifty (50') to seventy-five (75') feet of the parcel, which is not subject to dislocation or loss during construction.

(2) Existing and proposed topography described in full contour detail, at two (2') foot intervals, with area of steep slope over 15%, and over 25% delineated for pre-development and postdevelopment with spot elevations provided when needed.

(3) Existing topography fifty (50') feet beyond the perimeter of the parcel as it appears on the most current Town of Georgetown topographic mapping shall be shown.

e. Drainage and Water

(1) Location, delineation and description of all existing and proposed watercourses, water bodies, and Wetland Resource Areas on or entering the site, or adjacent to the site, or into which stormwater flows, collects or percolates, including the direction, flow rate, and volume of surface runoff under existing and proposed conditions. Information regarding their water quality and current water quality classification shall be included.

(2) Location, delineation and description of environmental and hydrological conditions, riparian zones and all floodplain information, including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map, or as calculated by a professional engineer for areas not assessed on these maps;

(3) A description and drawings of all components of the proposed drainage system including:

(a) locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization,

(b) all measures for the detention, retention or infiltration of water,

(c) all measures for the protection of water quality, (d) the structural details for all components of the proposed drainage systems and stormwater management facilities,

(4) Notes on drawings specifying materials to be used, construction specifications, and typical details. Drainage patterns, watersheds and sub watersheds, with calculations of proposed land disturbance within each sub watershed and areas of soil to be disturbed in each watershed throughout the duration of the proposed land disturbance activity

f. Soils

(1) Surface extent of each soil type as determined by the United States Department of Agriculture, Soils Conservation Service Soil Survey, with an accompanying analysis of the best use potential of the soils and the hydrological group classification

(2) An accurate field determination of seasonal high groundwater elevation in each area to be used for stormwater retention, detention, or infiltration with direction, rate of flow and seasonal fluctuations made by a Massachusetts Licensed Soil Evaluator or other Certified Professional such as a Geotechnical Engineer;

g. Landscaping

(1) The general outline of existing vegetation, wooded areas, significant trees, unique species and tree clusters;

(2) The extent of all vegetation, wooded areas, significant mature trees, unique species and/or tree clusters to be removed;

h. Site Disturbance and Erosion Control Measures

- (1) Limit of clearing and grading;
- (2) Locations and methods of all proposed erosion/sedimentation controls, showing key dimensions and other important details;
- (3) The location of proposed stockpiling area(s) for “earth” materials;
- (4) Detailed drawings and types of both temporary and permanent erosion and sediment control structures;

- (5) The location of critical areas on the site (areas that have potential for serious erosion problems.)
- (6) Path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable.
- (7) Location of temporary and permanent seeding, vegetative controls, and other temporary and final stabilization measures.

2. Erosion and Stormwater Control Narrative

The Stormwater Narrative shall include the following information:

a. Scheduling and Construction Sequences

- (1) The timing, schedules, and sequence of development including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization.
- (2) A description of construction and waste materials expected to be stored on-site. The narrative shall include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response.
- (3) A description of provisions for phasing the project
- (4) A narrative of the construction sequence/phasing of the project, including both operation and maintenance for structural and non-structural measures, interim grading, and material stockpiling areas.
- (5) A maintenance schedule for the period of construction.

b. Hydrological Conditions and Soils

- (1) Detailed description of the existing environmental and hydrological conditions of the site and of the receiving waters and Wetland Resource Areas.
- (2) A description of all surface watercourses, water bodies, and Wetland Resource Areas on or entering the site, or adjacent to the site, or into which stormwater flows. Information regarding their water quality and current water quality classification shall be included.
- (3) The runoff coefficient for each of the existing and proposed vegetation and ground surfaces
- (4) Existing soils (type, hydrologic group, erodibility) and the volume and nature of imported soil materials.
- (5) Calculations of proposed land disturbance within each sub watershed and areas of soil to be disturbed in each watershed throughout the duration of the proposed land disturbance activity.

c. Drainage Systems

(1) A description of all components of the proposed drainage system including:

- (a) locations, cross sections, and profiles of all brooks; streams, swales and their method of stabilization;
- (b) all measures for the detention, retention or infiltration of water;
- (c) all measures for the protection of water quality; (d) the structural details for all components of the proposed systems stormwater management facilities, and
- (e) notes on drawings specifying materials to be used, construction specifications, and expected hydrology with supporting calculations.

d. Erosion Control

(1) Description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other temporary and final stabilization measures.

C. Operation and Maintenance Plan

An Operation and Maintenance Plan (O&M Plan) for the permanent Erosion and Stormwater Control system is required at the time of application for all projects. The maintenance plan shall be designed to ensure compliance with these regulations and the Massachusetts Surface Water Quality Standards contained in 314 CMR 4.00 in all seasons and throughout the life of the system.

Once approved by the Planning Board, the Operation and Maintenance Plan shall be recorded at the Essex South Registry of Deeds by the applicant, at their expense, and shall remain on file with the Planning Board.

The Operation and Maintenance Plan shall conform to the requirements listed below.

1. Operation and Maintenance Plan Requirements.

An Operation and Maintenance Plan prepared by a Massachusetts licensed Professional Engineer shall include:

- a. The name(s) of the owner(s) for all components of the system
- b. Maintenance agreements that specify:
 - (1) The names and addresses of the person(s) responsible for operation and maintenance

- (2) The person(s) responsible for financing maintenance and emergency repairs.
- (3) A Maintenance Schedule for all drainage structures, including swales and ponds.
- (4) A list of easements with the purpose and location of each.
- (5) The signature(s) of the property owner(s).

c. Stormwater Management Easement(s):

- (1) Stormwater management easements to the Town are required for all areas used for off-site stormwater control associated with Town accepted public ways, unless a waiver is granted by the Planning Board.
- (2) Easements shall be recorded with the Essex North Registry of Deeds prior to issuance of a Certificate of Completion.
- (3) Stormwater management easements shall be provided and located by the property owner(s) as are necessary for:
 - (a) access for facility inspections and maintenance,
 - (b) preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event; and
 - (c) direct maintenance access by heavy equipment to structures requiring regular cleanout maintenance.

2. Changes to Operation and Maintenance Plans

- a. The owner(s) of the stormwater management system must notify the Planning Board of changes in ownership or assignment of financial responsibility.
- b. The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of the Erosion and Stormwater Control Bylaw and these Regulations by mutual agreement of the Planning Board and the Responsible Parties. Amendments must be in writing and signed by all Responsible Parties. Responsible Parties shall include owner(s), persons with financial responsibility, and persons with operational responsibility. Once the amended Plan is signed the applicant shall file it at the Registry of Deeds.

3. Annual Report Submittal

The Responsible Parties must submit an annual report by September 1st to the Planning Board documenting the inspection and maintenance of the BMPs for which they are responsible. The reports must include:

- a. Descriptions of the condition of the BMPs,

- b. Descriptions of maintenance performed and,
- c. Receipts showing payment for maintenance performed.

VII. REVIEW AND APPROVAL PROCEDURE

A. Evaluation of Application for Completeness

Applications shall be reviewed for form and contents in accordance with Chapter 57. The Town Planner shall notify the applicant of any deficiencies in the application package within 21 days of receipt.

Application packages with uncorrected deficiencies after 45 days of the filing date shall be scheduled for a public meeting before the Planning Board and the Planning Board may deny an application due to lack of completeness.

B. Distribution of Complete Application

Within forty-five (45) days of the filing of a complete application the Town Planner shall distribute the application materials for technical review.

C. Application for Public Viewing

Application materials will be made available for viewing during normal business hours in the Planning Department.

D. Public Meeting Notification

Within forty-five (45) days the Town Planner will arrange agenda time for a meeting and prepare notifications. Such notice shall be made no later than fourteen (14) days prior to the public meeting and shall include a posting and first class mailings to abutters.

E. Public Meeting

Within ninety (90) days of the filing of the application, the Planning Board will hold a public meeting on the application, where comments and questions from the public regarding the application will be addressed.

Once begun, the public meeting may not continue for more than sixty (60) days, unless such time is extended by written agreement between the applicant and the Planning Board to a date certain announced at the meeting. Upon completion of the Planning Board's review and close of the Public Hearing the Board shall vote to approve, amend with modifications or deny the application.

F. Digital Filing

Prior to the start of construction, the applicant shall provide an electronic copy of the approved plan, including all information required in these regulations.

G. Surety

Before the start of construction, the Planning Board may require the permittee to post an acceptable surety to ensure that the work will be completed in accordance with the permit and these regulations. The form of the surety shall be approved by Town Counsel and shall be in an amount deemed sufficient by the Planning Board.

H. Town Clerk Verification

Prior to the start of construction, the applicant must obtain written verification from the Town Clerk that no appeals of the Planning Board's decision are pending.

I. Appeals

Any person aggrieved by the final decision of the Planning Board may seek relief therefrom within 30 days of said final decision in any court of competent jurisdiction, as provided by the laws of this Commonwealth.

VIII. INSPECTIONS AND SITE SUPERVISION**A. Preconstruction Meeting**

Prior to clearing, excavation, construction or any land disturbing activity that requires a permit, the applicant, the applicant's technical representative, the general contractor, pertinent subcontractors, and any person with authority to make changes to the project, shall meet with the Town Planner to review the permitted plans and proposed implementation.

B. Site Inspections during Construction**1. Planning Board's Consultant Field Engineer Inspections**

The Planning Board's designated agent shall make inspections as hereinafter required and/or shall review site inspection reports provided by an Environmental Site Monitor and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the approved plans and any conditions of approval.

- a. One copy of the permit plans and conditions of approval signed by the Planning Board shall be maintained at the site during the progress of the work.

- b. A copy of the NPDES Construction General Permit and Stormwater Pollution Prevention Plan (if applicable) shall be kept on site as well.
- c. Prior to commencement of any land development activity, the Planning Board's designated field inspector shall submit to said board an initial inspection report, and this report shall document whether the initial erosion and sediment control devices have been installed correctly.

2. Permittee Inspections

During construction, the permittee or his/her Agent shall conduct and document inspections of all control measures no less than weekly or as specified in the permit, and prior to and within 24 hours following anticipated storm events. The purpose of such inspections will be to determine the overall effectiveness of the Erosion and Sedimentation Control Plan, and the need for maintenance or additional control measures.

- a. As a condition of approval the Planning Board may require that an Environmental Site Monitor be retained by the applicant to conduct said inspections and prepare reports of the findings of the inspection to the Planning Board's designated Agent.
- b. The permittee or his/her Agent shall submit monthly reports to the Planning Board's designated Agent in a format approved by the Planning Board.
- c. Within 24 hours of any storm event producing 0.5 inches of precipitation or more, the Planning Board's designated field inspector shall conduct a site inspection of the development parcel and document the effectiveness of all erosion and sediment control devices.

C. Final Inspection

- 1. After the stormwater management system has been constructed and before the surety has been released, the applicant must submit an as-built plan detailing the actual stormwater management system as installed.
- 2. The applicant must submit an explanation detailing any differences between the approved plans and the as-built plans. This explanation must be stamped by a Massachusetts Licensed Professional Engineer.
- 3. The Planning Board's designated Agent shall inspect the system to confirm its "as-built" features. The designated Agent may require the Environmental Site Monitor to make such inspection and provide a report of its findings. This inspector shall also evaluate the effectiveness of the system in an actual storm. If the inspector finds the system to be adequate he shall so report to the Planning Board, at which time a Certificate of Completion will be issued.
- 4. If the system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the

Stormwater Management Plan, it shall be corrected by the permittee to the satisfaction of the Planning Board before the performance guarantee is released.

5. If the permittee fails to act the Town of Georgetown may withhold the Certificate of Completion and pursue Enforcement as outlined in these Regulations. Examples of inadequacy are: errors in the infiltrative capability, errors in the maximum groundwater elevation, failure to properly define or construct flow paths, or erosive discharges from basins.

D. Final Report

Upon completion of the work, the permittee shall submit a report (including certified as-built construction plans) from a Massachusetts licensed Professional Engineer (P.E.), certifying that all erosion and sediment control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved permit. Any discrepancies should be noted in the cover letter.

E. Certificate of Completion

Prior to the issuance of the Certificate of Completion, digital files of the as-built conditions, including all information, and in the same formats as required in these Regulations shall be submitted to the Planning Board.

The Planning Board will issue a letter certifying completion upon receipt and approval of the final reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this bylaw. The Certificate of Completion shall be recorded by the applicant, at his/her expense, at the So. Essex County Registry of Deeds and the applicant shall provide the Planning Board with the book and page number(s) of said recording.

IX: DESIGN CRITERIA

A. Major Stormwater Permit

At a minimum all projects subject to a Major Stormwater Management Permit shall comply with the performance standards of the most recent version of Massachusetts Stormwater Standards and accompanying 2008 Stormwater Management Handbook (as updated) with the following differences from the Handbook:

1. Drainage calculations shall be performed for existing site conditions (predevelopment) and proposed site conditions (post-development) based on proposed site plans. Storms of 2, 10, 25, and 100 year frequency events shall be analyzed.

Drainage Design: Rainfall quantities from TP-40 Rainfall Frequency Atlas of the United States dated May 1961, shall not be used in the drainage calculations.

Drainage calculations shall be based on the most current rainfall data from the Northeast Regional Climate Center (NRCC) at Cornell University (also known as the Cornell Study) for Georgetown. In addition, NRCS data shall be used to create the IntensityDuration-Frequency (IDF) curves for the given storm events.

2. Stormwater management systems on new development and redevelopment sites shall be designed to:

a) Retain the volume of runoff equivalent to, or greater than, two (2) inches multiplied by the total post-construction impervious surface area on the site; and

b) Remove 85% of the average annual load of Total Suspended Solids generated from the total post-construction impervious area on the site; and

c) Remove 60% of the average annual load of Total Phosphorus (TP) generated from the total post-construction impervious surface area on the site.

The required removal percentages are not required for each storm, it is the average removal over a year that is required. Pollutant removal shall be calculated consistent with EPA Region 1's BMP Performance Extrapolation Tool or other BMP performance evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the planned or installed BMP performance any federally or State approved BMP design guidance or performance standards (e.g. State stormwater handbooks and design guidance manuals) may be used to calculate BMP performance.

3. On redevelopment sites, stormwater management systems shall also improve existing conditions; and

4. All projects must consider and, unless impracticable, propose and implement Low Impact Development (LID) Best Management Practices (BMPs). Applicants shall demonstrate compliance with design standards for LID BMPs through generally accepted methods.

B. Minor Stormwater Management Permits

At a minimum, all projects subject to a Minor Stormwater Management Permit shall be designed to the following standard:

1. Stormwater management systems on new development and redevelopment sites shall be designed to retain the volume of runoff equivalent to, or greater than, two (2) inches multiplied by the new post-construction impervious surface area on the site.

2. Minor Permit Submission Requirements

- a) A completed Stormwater Management Permit Application Form with original signatures of all owners.
- b) Project Narrative that includes a description of the proposed project and description of how and where stormwater will be controlled and erosion and sediment controls to be implemented.
- c) Proposed improvements including location of buildings or other structures, impervious surfaces, utilities, and easements, if applicable.
- d) Payment of the application and review fees.

Georgetown Planning Board

Application for Erosion and Stormwater Control Management Permit - Chapter 57 of the Georgetown Code of By-laws

GENERAL INSTRUCTIONS

The applicant must file a completed application package with the Planning Board, in accordance with the requirements of the Erosion and Stormwater Control Management Bylaw and Regulations. Timelines concerning the review process will not begin until the Planning Board has determined that the application is complete and decisions from other Boards and Commissions have been concluded.

1. Any application not accompanied by the appropriate fee (\$500 for Major Stormwater Management Permit and \$250 for a Minor Permit) shall be deemed incomplete. Payment must be made by money order, bank or certified check payable to the Town of Georgetown, and must be submitted with the application to the Planning Board.
2. An Applicant's failure to pay additional review or inspection fees within five business days of receipt of the written notice that further fees are required shall be grounds for disapproval of the application.
3. The Planning Board will publish the public hearing notice. The Applicant is responsible for sending abutter notification dated two weeks prior to the hearing (not including date of hearing). The applicant shall pay all costs associated with the publication and notification requirements.

Professional review fees include engineering review, legal review, and clerical fees associated with the public review and permit processing.

A fee estimate may be provided by the Planning Board's consultant. The applicant may be required to establish an escrow account with the Town to cover the review fees. If the escrow account becomes depleted, the applicant will be required to renew the escrow account in order to continue the review of the application.

Applicant Information:

Name_____

Address_____

Phone_____

Email_____

Owner Information:

Name_____

Address_____

Phone_____

Email_____

The Stormwater Management Permit involves property where owner's title to the land is derived under deed from_____, dated _____ , and recorded in the Essex North Registry of Deeds, Book_____,Page_____, or Land Court Certificate of Title No_____, Registered in_____, Book_____, Page_____.

The project is located on the parcel shown on Assessors Map_____, Parcel_____.

Project street address is: _____
Give a brief summary of the nature of the project:

The property _____
(building) is _____
described as being _____
located at _____ ;

It is currently used as _____ ,

The changes proposed are _____

Planned start date: _____ ,Planned completion date: _____

Total area to be disturbed? _____ square feet

Total area of the site (lot) _____ square feet

Zoning District _____

Will there be disturbance of any slope greater than 25-35%? _____ Yes _____ No

If yes, give the area of the slope disturbance. _____

_____ square feet

Please list other narratives and plans (graphics) submitted with this application.

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

Attach application fee and supporting documents.
Certification

I, the undersigned, hereby certify that I have read and understand the requirements and conditions of the Town of Georgetown Erosion Control and Stormwater Management Bylaw and Regulations and that the information included in the application materials is accurate and truthful to the best of my knowledge. (Sign and print name and date)

Owner Signature: _____ Date: _____

Name _____
(Please print)

Applicant Signature: _____ Date: _____

Name: _____
(Please print)

Office use only)
SMP # _____