

Town Warrant
Commonwealth of Massachusetts
May 2, 2016

ESSEX, ss. To the Constables of the Town of Georgetown, in the County of Essex,
Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the said Town, qualified to vote in the elections and in Town affairs to meet at the Georgetown Middle/High School, 11 Winter Street on the 2nd day of May, 2016 (Monday) at 7 o'clock P.M. then and there to act on the articles of this warrant, and further, to meet at the Penn Brook School Gymnasium, 68 Elm Street in said Town, on the 9th day of May, 2016 (Monday), where the polls will be open from 8 o'clock A.M. until 8 o'clock P.M., to vote by ballot for the following officers and to answer the question set forth below: one Selectmen, for one year; one Moderator, one Selectmen, one Town Clerk, one Assessor, one Highway Surveyor, one School Committee Member, one Light Commissioner, one Water Commissioner, and two Peabody Library Trustees, for three years; and one Planning Board Member, and one Housing Authority Member for five years.

Question 1: Shall the Town of Georgetown be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bonds to be issued in order to fund the rehabilitation, reconstruction or improvements to Elm Street, including all costs incidental or related thereto?

_____ Yes _____ NO

Article 1: Town Officers and Committee Reports (ATM16-01)

To hear and act on the reports of the Town Officers and Committees.

Article 2: General Operating Budget/Reserve Fund (ATM16-02)

To see if the Town will raise and appropriate, or appropriate by transfer from available funds, a sum of money to defray charges and expenses of the Town, including debt and interest and including support of the schools, to fix salaries of the several elected offices of the Town, as provided by Section 108, Chapter 41, General Laws, as amended, and to provide for a reserve fund for the ensuing year, as set forth in the Finance and Advisory Board Proposed Budget and Town Meeting Warrant for the Fiscal Year beginning July 1, 2016, or take any other action in relation thereto.

Article 3: Water Department Operating Budget (ATM16-05)

To see if the Town will appropriate the receipts and available funds, including retained earnings, of the Water Department Enterprise Fund for the operation of the Water Department under the direction of the Water Commissioners for the Fiscal Year beginning July 1, 2016, or take any other action in relation thereto.

Article 4: Fire Department Ambulance Operating Budget (ATM16-06)

To see if the Town will appropriate the receipts and available funds of the Fire Department Ambulance Enterprise Fund for the operation of the Town's ambulance service under the direction of the Selectmen and Fire Chief for the Fiscal Year beginning July 1, 2016, or take any other action in relation thereto.

{BEGIN CONSENT CALENDAR}

Article 5: Municipal Light Department Continuation of Operation (ATM16-07)

To see if the Town will appropriate receipts of the Municipal Light Department for the operation of said Department under the direction and control of the Municipal Light Board, as defined in Section 34, Chapter 164, General Laws, for the Fiscal Year beginning July 1, 2016, or take any other action in relation thereto.

Article 6: Zoning Board of Appeals Revolving Fund (ATM16-08)

To see if the Town will vote to continue the Zoning Board of Appeals Revolving Fund as authorized by Chapter 44, Section 53E ½ of Massachusetts General Laws. This fund shall be funded by applicants' fees to be expended without further appropriation for the purpose of application review including, but not limited to review services, clerical, legal expenses, equipment and office supplies. The Zoning Board of Appeals may expend from this account an amount not to exceed \$20,000 for the Fiscal Year beginning July 1, 2016; or take any other action in relation thereto.

Article 7: Conservation Commission Revolving Fund for Camp Denison (ATM16-08)

To see if the Town will vote to continue a Conservation Commission Revolving Fund for Camp Denison as authorized by Chapter 44, Section 53E ½ of Massachusetts General Laws. This fund shall be funded by program fees, facility use charges and outside vendor charges to be expended without further appropriation for the purpose of maintaining the support of the land and facilities including, but not limited to utilities, seasonal staff, legal expenses, equipment and office supplies. The Conservation Commission may expend from this account an amount not to exceed \$25,000 for the Fiscal Year beginning July 1, 2016; or take any other action in relation thereto.

Article 8: Chapter 90 Reimbursement, Transportation Bond (ATM16-10)

To see if the Town will appropriate the sum of \$306,710 (Three hundred six thousand, seven hundred ten dollars) or any other sum to be reimbursed by the Commonwealth of Massachusetts under the Transportation Bond issue, to be spent by the Highway Surveyor, with approval of the Board of Selectmen, under the provisions of Chapter 90 of the General Laws, or take any other action in relation thereto.

Article 9: Fire Department, Fire Alarm Revolving Fund (ATM16-11)

To see if the Town will vote to continue a Georgetown Fire Department Revolving Fund as authorized by Chapter 44, Section 53E ½ of the Massachusetts General Laws. This fund shall be funded by the annual fees charged for connection to the Municipal Fire Alarm system to be expended without further appropriation for the purpose of maintaining the Municipal Fire Alarm System. The Fire Department may expend from the account an amount not to exceed \$14,000 for the Fiscal Year beginning July 1, 2016; or take any other action in relation thereto.

Article 10: Inspections Department, Revolving Fund (ATM16-12)

To see if the Town will vote to continue an Inspections Department Revolving Fund as authorized by Chapter 44, Section 53E ½ of the Massachusetts General Laws. This fund shall be funded by fees associated with electronic permit tracking software when permits are issued by the Town of Georgetown. Funds to be expended without further appropriation for the purpose of funding permit tracking software fees, training, computer upgrades, data storage, and electronic data conversion of existing paper files and contract work associated with the electronic permitting system. The Inspections Department may expend from this account an amount not to exceed \$12,000 for the fiscal year beginning July 1, 2016, or take any other action in relation thereto.

{END CONSENT CALENDAR}

Article 11: Local Access Programming

To see if the Town will vote to accept the provisions of General Laws Chapter 44, Section 53F¾, which establishes a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement, the fund to begin operation for fiscal year 2017, which begins on July 1, 2016; to appropriate the sum of \$ 60,000 for salaries and \$40,000 for expenses from the new PEG Access and Cable Related Fund further, to transfer to said PEG Access account the available balance remaining in Cable Television Revolving Fund as of June 30, 2016, or take any other action in relation thereto.

Article 12: Fire Department, Ladder Truck Payment (ATM16-14)

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$77,000 (seventy seven thousand dollars) for the Fiscal Year 2017 lease payment for the Fire Department ladder truck, or take any other action in relation thereto.

Article 13: Transfer Station, Lease (ATM16-17)

To see if the Town will authorize the Selectmen, in accordance with M.G. L. Chapter 40, Section 3, to lease for a period of up to ten years, on such terms as the Selectmen may determine, the public property known as the transfer station property and shown as Assessor's Map 10, Lot 45, for the purpose of operating a solid waste transfer station; or take any other action in relation thereto.

Article 14: Voting Tabulators (ATM16-18) (Submitted by Town Clerk)

To see if the Town will raise and appropriate, or transfer from available funds, a sum of money to purchase three (3) new digital scan vote tabulators, or take any other action in relation thereto.

Article 15: Whittier Regional Vocational Technical District Stabilization Fund (ATM16-23)
(Submitted by Whittier Tech)

To see if the Town of Georgetown will vote to approve the Whittier Regional Vocational Technical District Committee's vote on February 10, 2016 to establish a Stabilization Fund, pursuant to Section 16G ½ of Chapter 71 of the Massachusetts General Laws, said Stabilization Fund to be invested and to retain its own interest earnings as provided by law and further set up an operational line item to be created to transfer available monies into said Stabilization Fund; or take any other action relative thereto.

Article 16: Community Preservation Committee (ATM16-19) (Submitted by CPC)

A: Community Preservation General Budget

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2017 Community Preservation budget and to appropriate, pursuant to G.L. Ch. 44B §6, from the Community Preservation Fund a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2017; and further, pursuant to G.L. Ch. 44B §6, to reserve for future appropriation from Community Preservation Fund estimated annual revenues the following amounts as recommended by the Community Preservation Committee: a sum of money for open space, including land for recreational use; a sum of money for historic resources; and a sum of money for community housing; as well as sum of money to be placed in the 2017 Budgeted Reserve for general Community Preservation Act projects or purposes recommended by the Community Preservation Committee, as follows:

Reservations:

\$59,000 (>10% of the estimated FY revenues) for open space, including land for recreational use; and

\$59,000 (>10% of the estimated FY revenues) for historic resources; and

\$59,000 (>10% of the estimated FY revenues) for community housing.

Appropriations:

\$21,000 (less than 5% of the estimated FY revenues) to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for the Fiscal Year;

\$115,000.00(One Hundred Fifteen Thousand Dollars) from the Open Space / Recreational Land Reserve and \$35,000.00 (Thirty Five Thousand Dollars) from the Undesignated Account for a total of \$150,000.00 (One Hundred and Fifty thousand Dollars) for the Debt Service, principal and interest payments and any and all costs associated with Bond notes and instruments incurred by the Community Preservation Fund related to the Articles previously appropriated at Annual Town Meeting in 2013 (Articles 27(H) ATM 5-6-13 and 27(I) ATM 5-6-13); or take any other action in relation thereto.

B: Community Preservation Community Housing Category, “Affordable Housing Trust Grant”

To see if the Town will vote, pursuant to G.L. c. 44B, to appropriate \$91,435.00 (Ninety One Thousand Four Hundred Thirty Five Dollars) from Community Preservation Fund Community Housing Reserve Account, and \$18,565.00 (Eighteen Thousand Five Hundred Sixty Five Dollars) from the Undesignated Account for a total amount of \$110,000 (One Hundred Ten Thousand dollars) as a grant to the Georgetown Affordable Housing Trust for the purposes of Affordable Housing initiatives consistent with the Trust's Articles of Incorporation and the accepted Town of Georgetown Affordable Housing Production Plan and to authorize the Board of Selectmen, in consultation with the Community Preservation Committee, to enter into a grant agreement with the Georgetown Affordable Housing Trust setting the terms for such grant, including a requirement that the owners of any dwellings subsequently receiving any of these appropriated monies from the Trust grant to the Town an Affordable Housing Restriction in said dwellings, and further, to authorize the Board of Selectmen to accept such restrictions; or take any other action in relation thereto.

C: Community Preservation Community Housing Category, "Housing Authority ADA Ramp"

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from Community Preservation Fund Community Housing Reserve Account, the amount of \$23,565.00 (Twenty Three Thousand Five Hundred Sixty Five Dollars) to the Housing Authority for the costs related to the installation of an ADA ramp at the Trestle Way Housing Authority Complex; and to authorize the Board of Selectmen and the Housing Authority, in consultation with the Community Preservation Committee, to enter into all agreements and execute any and all instruments for any grants to defer the costs associated with this initiative. Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

D: Community Preservation Historic Resources Category, "Peabody Library George Peabody Portrait Restoration"

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from Community Preservation Fund Historic Reserve Account the amount of \$13,300.00 (Thirteen Thousand three hundred dollars) to be used for the restoration and preservation of the portrait of George Peabody. Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation fund Historic Reserve only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

E: Community Preservation Historic Resources Category, “South Byfield Cemetery Flagpole Installation and Restoration”.

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from Community Preservation Fund Historic Reserve Account, the amount of \$5,100.00 (Five Thousand One Hundred Dollars) for the restoration and installation of a Flagpole at the South Byfield Cemetery and to authorize the Board of Selectmen, the Historical Commission, Highway Surveyor, in consultation with the Community Preservation Committee, to apply for, accept and expend any federal, state, or private grants to defer the costs associated with this initiative. Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation Historic Reserve only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

F: Community Preservation Historic Resources Category, “Historic Brocklebank Museum Restoration and Rehabilitation”.

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from Community Preservation Fund \$7,000.00 (Seven Thousand dollars) from the Community Preservation Fund Historic Reserve Account, for the restoration, rehabilitation, and necessary repairs to the Samuel Brocklebank Museum and to authorize the Board of Selectmen, in consultation with the Community Preservation Committee, to enter into a grant agreement with the Georgetown Historical Society setting the terms for such grant including a requirement that Georgetown Historical Society grant to the Town an historic preservation restriction, and further, to authorize the Board of Selectmen to accept such restriction, and further, any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

G: Community Preservation Historic Resources Category, “First Congregational Church Door Rehabilitation”.

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from Community Preservation Fund \$26,500.00 (Twenty Six Thousand Five hundred dollars) from the Community Preservation Fund Historic Reserve Account, for the restoration, rehabilitation, and necessary repairs to the First Congregational Church and to authorize the Board of Selectmen, in consultation with the Community Preservation Committee and Georgetown Historical Commission, to enter into a grant agreement with the First Congregational Church setting the terms for such grant including a requirement that the First Congregational Church or its parent organization grant to the Town an historic preservation restriction meeting the requirements of G.L. Chapter 184, and to authorize the Board of Selectmen to accept such restriction, and further, any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be

returned to the Community Preservation fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

H: Community Preservation Historic Resources Category, “Historic Perley School Rehabilitation”.

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund \$28,100.00 (Twenty Eight Thousand One Hundred Dollars) from the Community Preservation Fund Undesignated Account and \$96,900.00 (Ninety Six Thousand Nine Hundred Dollars) from the Historic Reserve Account, for a total appropriation of \$125,000.00 (One Hundred Twenty Five Thousand Dollars) for the restoration and rehabilitation of the historic Perley School, including all costs incidental and related thereto, for an adaptive re-use of a portion of the building as a Senior Center under the direction of the Council on Aging, all work to be consistent with the guidelines and requirements of United States Secretary of the Interior's Standards for the Treatment of Historic Properties (Department of Interior regulations Standards for Rehabilitation codified in 36 CFR 67); and further, to authorize the Board of Selectmen, in consultation with the School Committee, Council on Aging and Community Preservation Committee, to enter into all agreements and execute any and all instruments and apply for and accept any grants to defer the costs associated with this initiative and to authorize the Board of Selectmen to grant a historic preservation restriction in said property in accordance with G.L. c.44B, §12. Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

I: Community Preservation Open Space Category, “Ponds’ Invasives Prevention and Control”.

To see if the Town will vote, pursuant to G.L. c.44B, to transfer the remaining balances from the previously appropriated Community Preservation Act Open Space Category accounts:

Article 24 of the Annual Town Meeting of 5-1-06 (\$631.04);

Art 21(E) of the Annual Town Meeting of 5-3-10 (\$60,000.00);

Art 21(F) of the Annual Town Meeting of 5-3-10 (\$4917.08)

for a total of \$65,548.12 (Sixty Five Thousand Five Hundred Forty Eight Dollars and Twelve Cents) and to utilize the funding to preserve Pentucket Pond and Rock Pond and their associated hydrological connections by appropriating the funding for the management of Invasive Species, inclusive of, but not limited to: Fanwort (Cabomba Caroliniana) and Milfoil (Myriophyllum Spicatum) in accordance with an approved Aquatic Plant Management Plan as recommended by the Georgetown Conservation Commission, in order to preserve and protect the ponds from injury or harm caused by these and other destructive invasive species of plants, and to restore, rehabilitate and preserve any hydrological conveyance associated with the ponds. Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this

article will be returned to the Community Preservation fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

J: Community Preservation Recreational Land Use Category, “East Main Street Active Recreational Land Access and Development (Phase 2.2)”

To see if the Town will vote, pursuant to M.G.L. c.44B, to appropriate \$200,000.00 (Two Hundred Thousand Dollars) from the Community Preservation Fund Undesignated Account to fund the ongoing engineering, legal, permitting, and development costs, including all costs incidental and related thereto, for the creation of an Active Recreational Facility at the location of the Recreational land off of Main Street, purchased by Art 20(E) of the Annual Town Meeting of May 4th, 2009; and further, to authorize the Board of Selectmen, in consultation with the Parks and Recreation Commission and Community Preservation Committee, to enter into all agreements and execute any and all instruments and to apply for and accept any grants to defer the costs associated with the development of this Facility. Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

K: Community Preservation Open Space / Recreational Land Category “Rehabilitation of American Legion Park (Phase 4)”

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund Undesignated Account the amount of \$25,000.00 (Twenty Five Thousand dollars) to further fund the ongoing engineering, permitting and implementation of improvements as recommended by the Georgetown Park and Recreation Commission, including all costs incidental and related to the rehabilitation and preservation of the American Legion Park, beach and dock, including the replacement of playground equipment; and improvements to comply with the Americans with Disabilities Act and other federal, state or local building, access, and safety codes; and further to authorize the Board of Selectmen, in consultation with the Park and Recreation Commission and Community Preservation Committee, to enter into any and all agreements and execute any and all instruments and to apply for and accept any grants to defer the costs associated with the rehabilitation of this Facility. Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

L: Community Preservation Recreational Land Use Category, “Camp Denison Road Paving)”

To see if the Town will vote, pursuant to M.G.L. c.44B, to appropriate from the Community Preservation Fund Undesignated Account a total of \$45,000.00 (Forty Five Thousand Dollars) to fund engineering, permitting and the implementation of improvements as recommended by the Georgetown Conservation Commission, in order to preserve, protect and rehabilitate Camp Denison, including the restoration and preservation of the access from the main entrance to the lodge area, inclusive of stormwater management, the control of runoff and erosion occurring along the road and the installation of bituminous pavement. Any funds from this appropriation remaining unspent after a period of two years from the date of the approval of this article will be returned to the Community Preservation fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

M: Community Preservation Open Space / Recreational Land Category, “OSRP Goals”.

To see if the Town will vote, pursuant to M.G.L. c.44B, to appropriate from Community Preservation Fund Undesignated Account monies, \$30,000.00 (Thirty Thousand Dollars) for performing a trail linkage analysis to link Open Space Parcels and Trails; and Improve Access to Municipal and Conservation Lands for Active/Passive Recreational purposes and to further the creation of The Active/Passive Recreational Greenway in accordance with the Goals stated in the latest Open Space and Recreation Plan approved by the Georgetown Conservation Commission; And further, that the Board of Selectmen, in consultation with the Community Preservation Committee, the Conservation Commission, and the Parks and Recreation Commission, be authorized to enter into all agreements and execute any and all instruments for any grants to defer the costs associated with the purchase and development of additional parcels for the Town to effectuate these purposes. Any funds from this appropriation remaining unspent after a period of 3 years from the date of the approval of this article will be returned to the Community Preservation fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect; or take any other action in relation thereto.

Article 17: Hunting Rules and Regulations on Town Public Property (ATM16-20) (Submitted by Police Department)

To see if the Town will vote to approve an amendment to Chapter 68 of the Town’s General Bylaws as follows:

Insert a new section 68-6:

Hunting and Trapping on Town-owned Land. Hunting or trapping on all Town-owned land shall be prohibited except with a permit issued by the Board of Selectmen in connection with public health, safety, or welfare.

Delete the text of section 68-4, Violations and penalties, and insert in place thereof the following:

Any person(s) in violation of this Chapter 68 shall be punished by a fine of not less than one-hundred (\$100.00) dollars for the first offense, two-hundred (\$200.00) dollars for the

second offense and three hundred (\$300.00) dollars for the third and subsequent offenses thereafter.

, or take any other action in relation thereto.

Article 18: Stormwater and Erosion Control Bylaw (*ATM16-22*) (Submitted by Planning Department)

To see if the Town will vote to amend Chapter 57 of the Town's General Bylaws, Erosion and Stormwater Control, by deleting the strikethrough text and inserting the bold italic text, or take any other action in relation thereto.

Chapter 57. Stormwater and Erosion Control

§Section 57-1. Purpose

A.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.

§Section 57-2. Definitions

A.

PERMIT GRANTING AUTHORITY ("PGA"): The ~~Conservation Commission~~ ***Planning Board*** or its' agents designated to administer and enforce this Bylaw.

§Section 57-5. Exemptions

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

~~A. Activities that require site plan review, definitive subdivision or special permit approval from the Planning Board.~~

~~B.~~ **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 Act and Wetlands Protection Bylaw and demonstrates compliance with Massachusetts storm water 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 By- Law

~~C.~~ **B.** Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act Regulations at 310 CMR 10.04 ("Agricultural")

~~D.~~ **C.** Normal maintenance of Town owned public land, ways and appurtenances;

- ~~E.~~ **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.
- ~~F.~~ **E.** Any work or projects for which all necessary approvals and permits were issued before the effective date of this Bylaw.
- ~~G.~~ **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.
- ~~H.~~ **G.** Construction of any fence that will not alter existing terrain or drainage patterns.
- ~~I.~~ **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.
- ~~J.~~ **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.
- ~~K.~~ **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
- ~~L.~~ **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 fourteen days (14) prior to commencement of activity;
- ~~M.~~ **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

§Section 57-6. Administration

- A. The ~~Conservation Commission~~ **Planning Board** (PGA) shall be responsible for the administration, implementation, and enforcement of this Bylaw.
- 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 & 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 administration of this Bylaw after conducting a public hearing to receive comments on the proposed rules and regulations or any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation at least seven (7) days prior to the hearing date. Failure of the PGA to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this Bylaw.