

SUBDIVISION REGULATIONS

CHAPTER 365

of

**The Code
of the
Town of Georgetown**

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Chapter 365

SUBDIVISION REGULATIONS

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Chapter 365: SUBDIVISION REGULATIONS

[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 PROVISIONS

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.

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

§ 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 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 PLANS

§ 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, drainage and an integrated drainage plan, as described in § 365-39C(1). **[Amended 3-23-2011]**
- (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 there from 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 wetlands and resource areas, 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, flood prone or ledgy area. Existing drainage problems 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. **[Amended 3-23-2011]**
- 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, optimize water use and promote infiltration;
 - (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 and infiltration is provided so as to reduce exposure to flood hazards and conserve water for public use and safety as well as environmental benefit.

ARTICLE IV - DEFINITIVE PLAN APPROVAL

§ 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; 6-10-2009]**
- 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, water conservation measures, location of hydrants, tie-in to existing water system, etc. Lot numbers from the Assessors Office shall indicate the permanent street address. [See § 365-34C(3).] **[Amended 8-19-1987 (Amdt. G)] [Amended 3-23-2011]**
 - (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.
 - (e) Water Conservation Committee, as to low impact development techniques and water conservation best management practices per the Water Conservation and Stormwater Recharge Guidelines for New Developments

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.

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.

- 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. The amount of the security shall also include an adjustment for inflation to the year of anticipated completion plus a construction cost contingency of twenty-five percent (25%). The instrument of security shall be held solely in the name of the Town. In the instance that the instrument of security accepted by the Board is other than cash, the financial stability and creditworthiness of the issuer shall: A) be subject to approval by the Planning Board; and B) where cash is not used, a base multiplier of not less than 2 shall be required. Security must be submitted to and approved by the Planning Board, prior to the issuance of Foundation Permits. **[Amended 3-23-2011]**

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

If an extension of time is needed to complete action on the plan, the applicant shall file such request to the Planning Board and shall use Form H for that purpose. **[Amended 3-23-2011]**

§ 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.

§ 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 \$10 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. **[Amended 8-19-1987 (Amdt. G)]**
[Amended 3-23-2011]
- 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 A DEFINITIVE PLAN Editor's Note: See MGL c. 41, § 81Q.**§ 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 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 (e.g. to enable low impact development stormwater practices as shown on Sketch B), 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, drainage way, 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, drainage way, 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 street lighting. **[Amended 12-3-1986 (Amdt. E); 4-9-1990 (Amdt. I)]**

- 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 1-14-2009) 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. Under certain circumstances the width of street may be narrowed by the Board to reduce stormwater impacts and to promote low impact development techniques. **[Amended 7-18-1973 (Amdt. B); 4-9-1990 (Amdt. I)] [Amended 3-23-2011]**
- 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 120 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/infiltration and erosion control program. The pavement shall slope to facilitate drainage and infiltration. 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. **[Amended 3-23-2011]**

- E. The minimum width of the right-of-way for all streets 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. Some low impact development stormwater best management practices may be located in the right-of-way. **[Amended 3-23-2011]**
- 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. Deep sump 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. Bridge and culvert crossings that require U.S. Army Corps of Engineers approval should meet regulatory stream crossing standards and in the case of priority habitat for listed wildlife species facilitate wildlife crossing per Massachusetts Endangered Species Habitat standards. **[Amended 3-23-2011]**
- 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, in cases where land is set aside as part of a Open Space Residential Design subdivision under Chapter 165 Article VII, land shall be protected in perpetuity. 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 10-25-2000 Editor's Note: This amendment also renumbered former §§ 365-38 through 365-70 as § 365-40 through 365-72.]

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, with the following exceptions:

**Minimum Design Standards for Courts
(Design Speed: 20 miles per hour)**

Minimum right-of-way width (feet)	30
Minimum pavement width (feet)	18
Maximum grade	12%
Minimum grade	1%
Minimum sight distance at the intersection (feet)	200
Minimum radius of center-line curve	NA
Minimum length of vertical curve	NA
Minimum property line radius at intersection (feet)	30
Minimum curb radius at intersection (feet)	15
Cul-de-sac right-of-way diameter (feet)*	120
Cul-de-sac outside paving diameter (feet)*	100
Maximum length of cul-de-sac (feet)**	500
Shoulders (feet of gravel each side)	2
Landscaped planting strip	NA
Sidewalks	NA

[Amended 12-3-2009]

NOTES:

*As an alternative to a cul-de-sac, the Board will allow a T- or Y-shaped turnaround of a design that would permit a vehicle with a forty-seven-foot outside turning radius and a width of eight feet to reverse its direction without backing more than once.

**As measured along the center line of the proposed street from the sideline (right-of-way line) of the existing street intersected, to the P.C. of the proposed cul-de-sac throat or to the P.C. of the proposed T-type or hammerhead turnaround.

- D. Curbing is not required on courts except that Modified Cape Cod berm shall be required on courts at intersections and on grades greater than 4%.

§ 365-38. Subdivision of five or fewer lots; lanes.

[Added 10-25-2000]

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 with the following exceptions:

**Minimum Design Standards for Lanes
(Design Speed: 25 miles per hour)**

Minimum right-of-way width (feet)	40
Minimum pavement width (feet)	20
Maximum grade	10%
Minimum grade	1%
Minimum sight distance at intersection (feet)	200
Minimum radius of centerline curve (feet)	100
Minimum length of vertical curve (feet)	100
Minimum property line radius at intersection (feet)	30
Minimum curb radius at intersection	20
Cul-de-sac right-of-way diameter (feet)	120
Cul-de-sac outside paving diameter (feet)	100
Maximum length of cul-de-sac (feet)	500*
Shoulders (feet of gravel, each side)	2
Sidewalks, one side (feet). Not required where the street with which it intersects does not have a sidewalk and will not have a sidewalk in the foreseeable future	5

NOTE:

*As measured along the center line of the proposed street from the sideline (right-of-way line) of the existing street intersected, to the P.C. of the proposed cul-de-sac throat or to the P.C. of the proposed T-type or hammerhead turnaround.

§ 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 and proposed 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 from, 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 and proposed buildings, driveways, 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, driveways, building locations 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); Amended 1-14-2009]**

C. Watershed outline and drainage plan.

(1) A plan shall show the outline of watershed and sub-watershed 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. Aquifer protection zones shall also be shown. Existing drains and culverts and proposed culverts and drainage system, including direction of flow, shall be shown. Existing perennial and intermittent 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. Stormwater design shall meet published Department of Environmental Protection stormwater management standards (Massachusetts Stormwater Handbook (2008) as amended from time to time. 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. De-centralized, low impact development stormwater systems are preferred. Low impact development stormwater management techniques such as rain gardens, cisterns, vegetated swales, etc. promote infiltration on site and reduce offsite flooding impacts. **[Amended 3-23-2011]**

- (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) and the Department of Environmental Protection Stormwater Management Handbook (2008) as amended from time to time. **[Amended 3-23-2011]**
 - [a] Water quantity.
 - [i] Proposed projects must control post development 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 non-erosive flows during storm events. Street drains (storm drains, catch basins, etc.) shall be designed using the fifty-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 hundred-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 higher design standard may be applied. **[Amended 3-23-2011]**
 - [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] Depth to seasonal high groundwater and date of observation.
 - [B] A section through the stone infiltration trench if proposed.
 - [C] Details of the outlet structure.
 - [D] Specific dimensions of the proposed emergency spillway.
 - [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] Inlet and outlet piping.
 - [G] Headwalls.
 - [H] Emergency overflow.
 - [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 post development 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 or the standards outlined in the Department of Environmental Protection Stormwater Management Handbook (2008) as amended from time to time, which ever is greater. 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. **[Amended 3-23-2011]**

- [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. Loam shall be installed in accordance with 365-44B. **[Amended 3-23-2011]**
- [iv] Infiltration practices must be designed to infiltrate 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 designed to carry the runoff volume at velocities not greater than 2.0 feet per second and at a depth of not more than six 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. **[Amended 3-23-2011]**
- [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, filter strips or other low impact development stormwater management techniques are sufficient to treat stormwater discharges. Larger drainages will usually require more complex systems to treat the proportionally larger volumes of stormwater. **[Amended 3-23-2011]**
- [vii] Stormwater drainage catch basins shall be deep sump and be equipped with gasoline traps of a type acceptable to the Board. **[Amended 3-23-2011]**

- (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, detention and infiltration 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. Low impact development statement. There shall be a statement describing compliance with accepted low impact development techniques and other best management techniques that promote land protection, a reduction in impervious area, infiltration and water conservation. **[Amended 3-23-2011]**
- 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 _____

- H. Applicant shall submit the following receipt (Form R): This will acknowledge receipt of Georgetown Subdivision Regulations adopted Dec. 20, 1972 [and amended to 6-10-2009], 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

- I. 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)]**

- J. 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, top soiling, 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.

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

Submissions shall be on two Compact Disks or DVD media. An alternative media for the submission of this data may be requested by the applicant and agreed to by the Planning Board prior to approval or endorsement. Acceptable file formats include: AutoCAD *.dwg, AutoCAD *.dxf, or other GIS compatible file format. The files must be identical to the relevant significant features on the printed plan and contain all factual information included on the written plan. The submission will be forwarded to the Regional Planning Commission (Merrimack Valley Planning Commission). The RPC shall review the submission and within 10 business days shall notify the Planning Board that the submission does or does not comply with the standard. Upon project completion a digital submission of the "as-built" plan conforming to the above requirements is required for final release of the performance bond associated with any project.

- (1) All digital mapping data must be delivered in the Massachusetts State Plane Coordinate system with a horizontal datum of NAD83, units of U.S. survey feet and a vertical datum of NAVD 88. Each plan must include a minimum of one survey-derived (bearings & distances listed) reference to a permanent in-ground feature such as a catch basin, manhole, stone bound, municipal benchmark or other readily identifiable marker. The permanent in-ground feature should appear on the plan in its' as-built location and include sufficient bearings and distances to be able to locate the feature relative to the property parcel(s). The latitude and longitude of the in-ground feature must be provided with survey grade accuracy (generally accepted to be accuracy of plus or minus one foot).
- (2) Each feature type must be organized in the CAD or GIS data structure as a separate layer. These may include but are not limited to separate layers for: parcel boundaries, dimensions, buildings, roads, road centerlines, surface water, and wetlands. Multiple features represented in a single CAD layer or GIS file will not be accepted. Any features

submitted in the electronic plan must be represented in their entirety in an individual layer. All data shall be topologically clean, meaning that polygons are closed (no overshoots or undershoots) and lines connect at nodes.

- (3) Documentation of the data format must be provided with a description of the CAD layers and list of the types of features placed in each layer. Submission of multiple files must also include a list of the files and a description of their content.
- (4) The data submitted must include documentation, the name of the person(s) responsible for preparing the data, contact information, an estimation of the horizontal and vertical accuracy. Also included must be:
Date of submission; Street address of submitted plan; Map and lot of submitted plan; type of lot adjustment (new lot, subdivision, lot line correction, lot combination, easement, other – describe); Name of engineering firm or survey company providing plan.
- (5) Failure to submit such disks to the Planning Board shall be cause for the Planning Board to rescind approval or not to endorse said plan.
- (6) In addition to the above file format requirements, all as-built plans shall be submitted in PDF format. All disks shall be of high quality, free from any and all defects and viruses, and labeled as to their contents. Disks 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.
[Amended 12-3-2008]

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 there under. 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. Editor's Note: See Ch. 57, Erosion Control. 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 § 365-42 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.
- 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 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 free of stumps, and reasonably free of 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. **[Amended 3-23-2011]**
 - (2) The loam shall contain not less than 4% or 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. Loam shall be applied at a minimum of 6" (measured once settled) and shall conform to M1.05.0 of the MassHighway (MassDOT) standard specifications.
 - (3) "Suitable seed" as used in these regulations shall mean seed approved as to type by Essex Conservation District with a preference for deep-rooted, drought-tolerant perennial grasses. **[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 B and as described in § 365-36I. They shall be inspected by the agent before covering.

C. Gravel.

- (1) There shall be a total of twelve (12) inches of compacted gravel base provided as required in Sketch "B" provided in two compacted lifts of six (6) inches each. Compaction shall be ninety five percent (95%) of theoretical density.

[Amended 1-14-2009]

- 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 not less than 95% of the density obtained from laboratory compaction of a mixture composed of the same materials in like proportions 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 meet specified dimensions. 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); [Amended 12-3-2009]** Porous pavement is also permitted and shall be constructed to the most recent and acceptable industry standards (as shown in Sketch B). **[Amended 3-23-2011]**
- 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 plant 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. In the event that the Planning Board waives the vertical granite curbing requirement to allow sloped granite curbing or no curbing (to promote natural drainage and low impact development best management practices), the construction standards for installation shall conform to Sketch "B". **[Amended 4-26-1995; Amended 1-14-2009]**

§ 365-52. Sidewalks.

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

- 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.
- 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.

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. **[Amended 4-3-1996]**

§ 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 artificial obstructions, subject to MGL c. 131, § 40, to the satisfaction of the Planning Board as approved 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.) **[Amended 3-23-2011]**

§ 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 § 365-34C(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 § 365-61 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 there under, 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)]

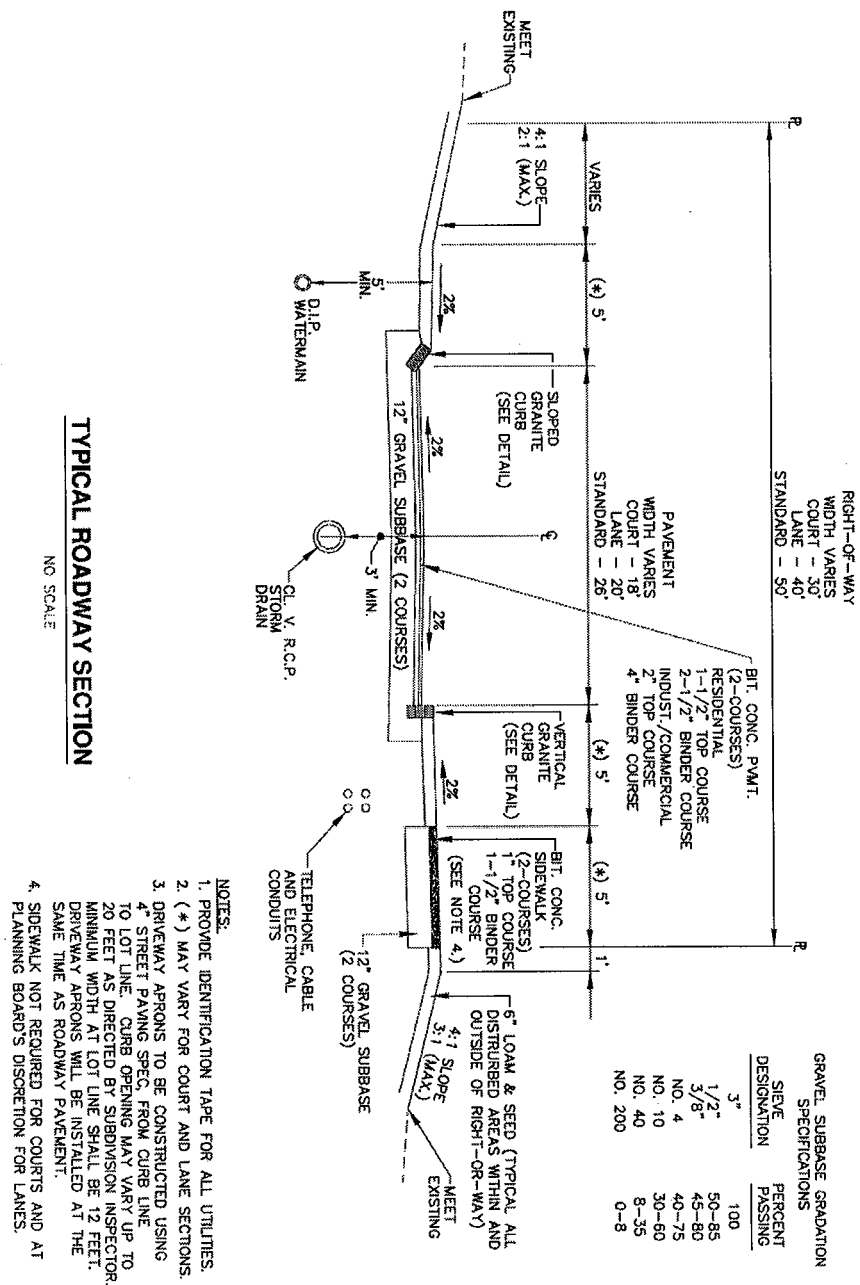
No subdivision may be constructed on land in any floodplain area having special flood hazards as identified by the Administrator as provided in 24 CFR 1910.3(b) without having been reviewed by the Planning Board as provided in the last sentence of § 365-20 of these regulations.

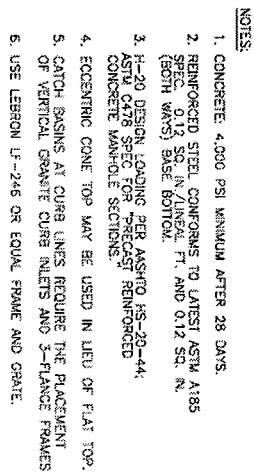
§ 365-71. Hours for road construction.

[Added 12-21-1995 (Amdt. J)]

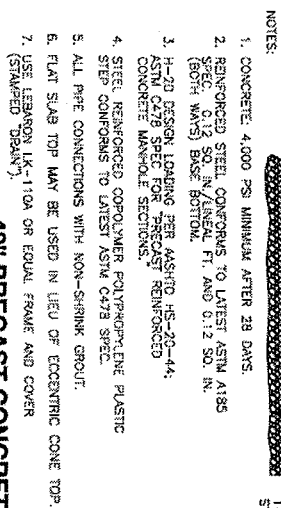
Hours of operation for road construction will be Monday through Friday from 7:00 a.m. to 6:00 p.m. and on Saturday from 7:00 a.m. to 1:00 p.m.

3/24/2011

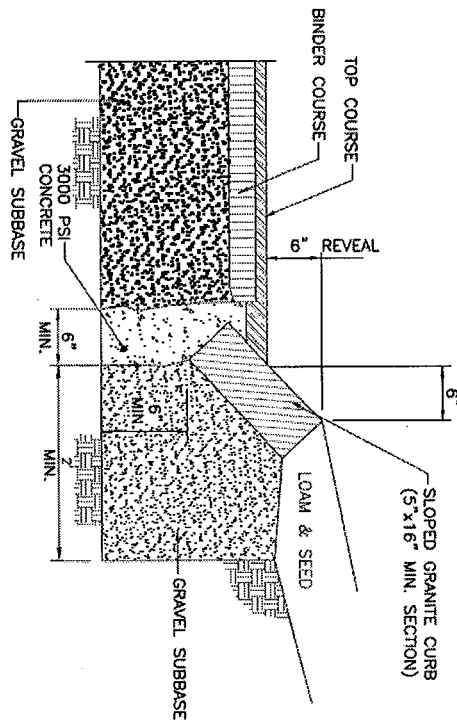




**48" PRECAST CONCRETE
CATCH BASIN DETAIL**
NO SCALE



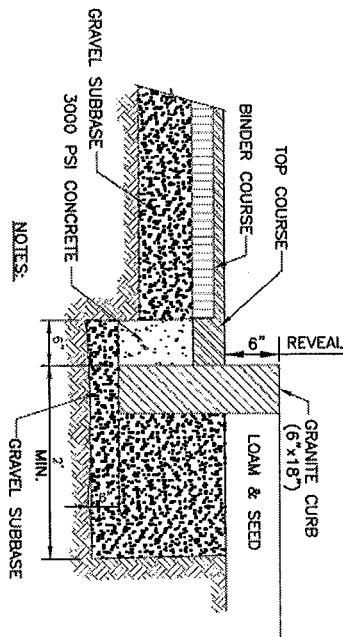
**48" PRECAST CONCRETE
DRAIN MANHOLE DETAIL**
NO SCALE



- NOTES:
1. REVEAL TO BE 6" UNLESS OTHERWISE NOTED.
 2. WEARING COURSE OF PAVEMENT TO BE SET ONLY AFTER CURB IS PLACED.

SLOPED GRANITE CURB DETAIL

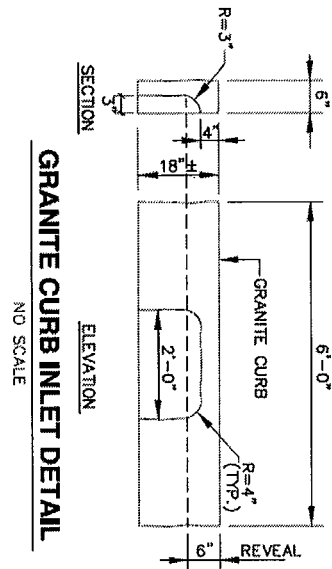
NO SCALE



- NOTES:
1. REVEAL TO BE 6" UNLESS OTHERWISE NOTED.
 2. WEARING COURSE OF PAVEMENT TO BE SET ONLY AFTER CURB IS PLACED.

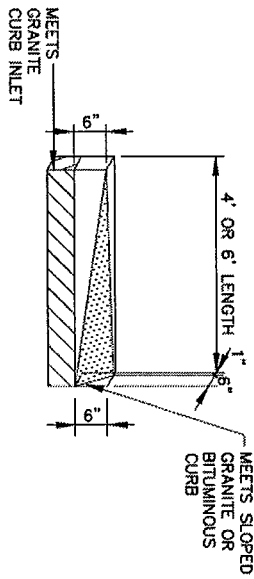
VERTICAL GRANITE CURB DETAIL

NO SCALE



GRANITE CURB INLET DETAIL

NO SCALE



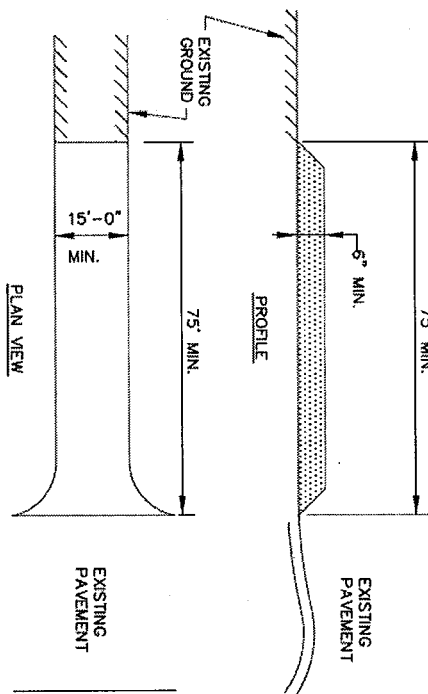
NOTES:

1. REVEAL TO BE 6" UNLESS OTHERWISE NOTED.
2. WEARING COURSE OF PAVEMENT TO BE SET ONLY AFTER CURB IS PLACED.

SLOPED TO VERTICAL GRANITE

CURB TRANSITION DETAIL

NO SCALE



CONSTRUCTION SPECIFICATIONS

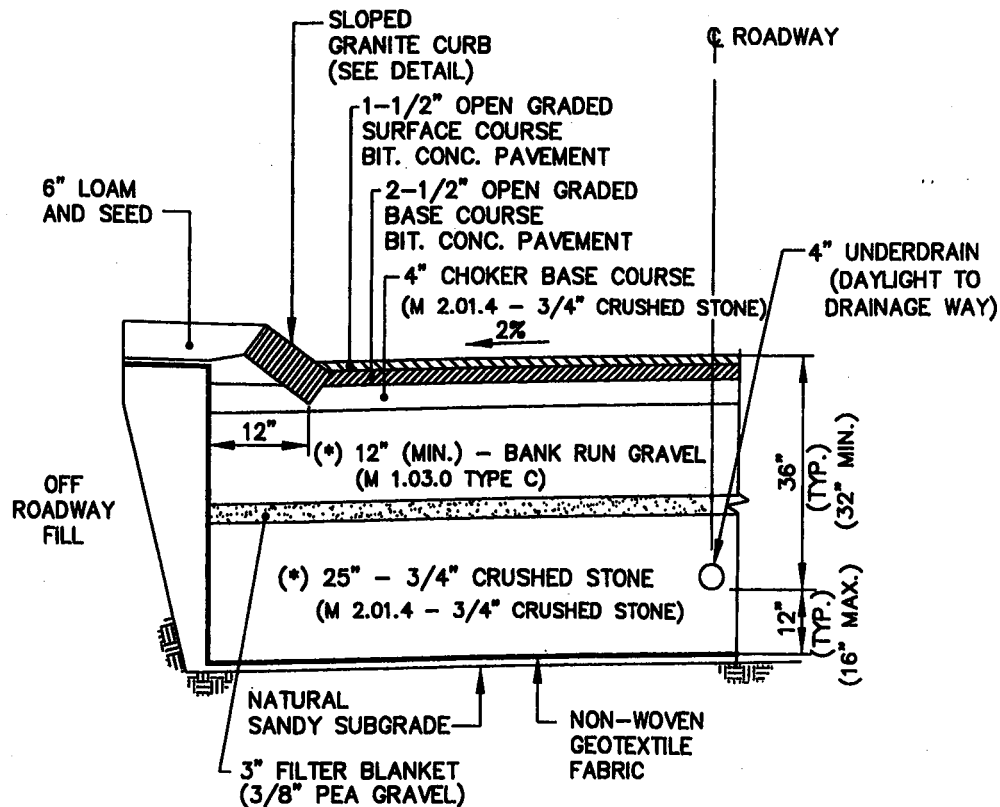
1. STONE SIZE - USE 2" STONE, OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.
2. LENGTH - AS REQUIRED, BUT NOT LESS THAN 75 FEET.
3. THICKNESS - NOT LESS THAN SIX (6) INCHES.
4. WIDTH - FIFTEEN(15) FEET MINIMUM.
5. MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHT-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY.
6. PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EVERY SIGNIFICANT RAIN EVENT.

CONSTRUCTION ENTRANCE DETAIL

NO SCALE



- ## Georgetown Subdivision Regulations



(*) STONE RESERVOIR COURSE DEPTHS MAY VARY (INCREASE OR DECREASE) DEPENDING ON DEPTH OF NATURAL SANDY SUBGRADE

POROUS PAVEMENT SECTION

NO SCALE

(NOTE: APPLICABLE TO ROADWAY PROFILE GRADES OF 5% OR LESS)

The Planning Board will consider a number of maintenance and design considerations for porous pavement as follows:

1. Unless otherwise authorized by the Planning Board, porous pavement shall only be used on private streets and ways that include a recorded Homeowner's Association with an operation and maintenance plan.
2. The use of sand and salt should be restricted to very little or none;
3. In particular, the Stormwater Management Handbook has a number of design considerations as follows:
 - a. Do not use on slopes equal to or greater than 5%;
 - b. Locate 50 feet from a septic system soil absorption system;
 - c. Locate 100 feet from surface waters (this includes bordering vegetate wetlands);
 - d. Provide 2 feet vertical separation above seasonal high groundwater from bottom of storage layer;
 - e. Extend below the frost line (4 feet minimum); and.
 - f. Clean the surface using vacuum sweeping machines monthly.

Georgetown Planning Board Fee Regulations

**Adopted June 10, 2009
[Amended 3-23-2011]**

On June 10th 2009, the Georgetown Planning Board held a public hearing pursuant to M.G.L. Chapter 41 Section 81Q and Chapter 40A Section 9, to consider a proposed change in fee structures and regulations governing their imposition. At the close of that meeting the Planning Board voted to adopt a new schedule of fees for the review work, conducted by the Planning Board and its consultants, on the various types of applications which come before it.

This document, subject to revision from time to time in a manner spelled out within, constitutes the current fee schedule and those rules governing the imposition of fees.

1) Introduction:

- a) In the past, fees imposed for the consideration of various types of applications have been approximations of cost of processing those applications. These new regulations and fees are designed to produce, as much as possible, a more equitable schedule of fees which more accurately reflects the costs of review.
- b) In late 1989 the state enacted legislation [This act was approved on December 8, 1989 and became effective on March 8, 1990. The Act, Chapter 593 of the Acts of 1989, inserts a new section 53G in M.G.L. Chapter 44. A copy of the legislation is available from the Planning Board office] authorizing towns to establish special accounts, hereafter referred to as "593 accounts", to pay for the employment of outside consultants under the Subdivision Control Law or Georgetown Zoning Bylaws. Fees charged to Applicants specifically to pay outside consultants are to be deposited into these 593 Accounts by the Town Treasurer. The Planning Board may then expend the funds, without Town Meeting appropriation, in connection with the employment of these consultants. With the addition of this new structure, the Planning Board is able to create a more exact method of assessing fees.

2) Fee Structures and Regulations:

The Planning Board shall impose reasonable fees for the review of applications that come before it. One or both of the following fee structures (Section 3: Administrative Fees and Section 4: Project Review Fees) may apply to various types of applications:

3) Administrative Fees:

- a) The Planning Board shall assess an Administrative Fee to offset the expense of review. This Administrative Fee applies to all applications except those exempted in Section 3(g) below.
- b) Administrative Fees are to be submitted as part of the initial applications. An application filed without the inclusion of these fees shall be determined to be incomplete and no review work shall commence until all submission conditions have been met.
- c) Since Administrative Fees are imposed for the review process, they are *not* linked in any way to the determinations of the Planning Board. There are no fees charged for approvals or permits resulting from that review process.
- d) Once the review process has been started, there shall be no refunding of Administrative Fees, including the case of withdrawal of the application by the Applicant. For this reason, it is important that Applicants consult with the Planning Board office prior to formal application to insure that the appropriate permits and review are being sought. *[Applicants are encouraged to discuss their intended application with the Planning Board office to avoid unnecessary time and expense in the review of a type of application which clearly conflicts with established Planning Board policies or approved practices. All types of applications are permitted, however.]*
- e) For those applications which are assessed Administrative Fees calculated, in part, by the number of lots or units being sought, in which, during the review process, undergo a change in design resulting in a change in the number of lots or units being sought, the following rules shall apply:
 - i) If the number of lots or units being sought increases over the number previously sought, the Applicant shall pay a fee equivalent to the difference between the fee originally paid and the fee that would have been paid had the original submission included these additional lots or units. No review of these additional lots or units shall take place until this additional fee is paid to the Planning Board office, and failure to make this payment after requesting additional lots shall be grounds for denial of the application.
 - ii) If the number of lots or units being sought decreases from the number originally sought, a refund of that portion of the application fee predicted on those lots or units shall be granted only if, in the judgment of the Planning Board, no review of those lots or units has taken place or no incremental expense has been incurred by the Board in the review process which would not have been incurred in the absence of the lots or units to be deleted. Such judgment by the Planning Board shall require a motion carried by a majority of elected or appointed Board members and the Board's judgment in such matters shall be deemed final.

- f) **Schedule of Administrative Fees:** The following is the schedule of fees for all types of applications that come before the Planning Board. This schedule supersedes all previous schedules as they appeared in the Georgetown Zoning Bylaws, the Rules and Regulations for the Subdivision of Land, and any listings which may have been compiled from time to time for the benefit of Applicants.
- i) ANR Plans - Determinations on Approval Not Required plans shall require a base fee of \$200 plus \$100 per new lot created.
 - ii) Preliminary Plans - Review of Preliminary Plans shall require a base fee of \$500 plus \$100 for each building lot shown on the plan.
 - iii) Modification of a Preliminary Plan - Consideration of a Modification to a Preliminary Plan shall require a fee of \$100 plus \$50 for each lot affected and for each new building lot created.
 - iv) Definitive Plans - Review of Definitive Plans shall require a fee of \$2000 plus \$1000 per lot. If a Preliminary Plan is approved the sum of all fees paid for the Preliminary Plan review will be subtracted from the Definitive Plan fee however in no case shall the Definitive Plan fee be less than \$2,500. (i.e. a 10 lot subdivision would pay \$1,500 in preliminary plan fees. If the preliminary plan is approved the Applicant would pay \$12,000 - \$1,500 = \$10,500 for the definitive plan fees)
 - v) Modification of a Definitive Plan - Consideration of a Minor Modification to a Definitive Plan shall require a fee of \$250 plus \$50 for each lot affected and for each new building lot created. Consideration of a Major Modification to a Definitive Plan shall require a fee of \$500 plus \$100 for each lot affected and for each new building lot created.
 - vi) Special Permits:
 - (1) Rate of Development Bylaw: \$400
 - (2) Earth Removal \$400
 - (3) Common Driveway \$500 plus \$50 per lot affected and/
new lot(s)
 - (4) Groundwater Protection District \$500
 - (5) Access Across Lot Frontage \$500
 - (6) Independent Senior Housing \$1,000 plus \$100 per new unit/ lot
 - (7) Open Space Residential Development \$1,000 plus \$100 per new unit/ lot
 - (8) Modification Request \$250
 - (9) Extension Request \$500
 - vii) Site Plan Approval - Review of Site Plans shall require a fee of \$0.15 per sq. ft. of building footprint of new construction but shall not be less than \$1,000.

SUMMARY TABLE:

Type of Application	Fee
ANR	\$200 plus \$100 per new lot/ parcel
Preliminary Plan	\$500 plus \$ 100 per new lot
Modification of a Preliminary Plan	\$100 plus \$50 per lot affected and new lot
Definitive Plan	\$2000 plus \$1000 per new lot minus preliminary plan fees (if approved) not less than \$2,500
Minor Modification of a Definitive Plan	\$250 plus \$50 per lot affected and/ new lot(s)
Major Modification of a Definitive Plan	\$500 plus \$100 per lot affected and/ new lot(s)
OSRD Pre-Application Conference	\$250
Earth Removal	\$400
Common Driveway	\$500 plus \$50 per lot affected and/ new lot(s)
Groundwater Protection District	\$250
Access Across Lot Frontage	\$500
Site Plan Approval	\$0.15 per sq. ft. building footprint area not less than \$1,000
Minor Modification to a Site Plan Approval	\$250
Major Modification to a Site Plan Approval	\$500

Note: The Applicant shall pay all expenses incurred by the Planning Board, including the expense of engaging outside consultants. Reimbursement of these expenses is a requirement of approval, and failure to reimburse shall be cause for denial. The Planning Board may set alternative dates for said reimbursement by setting them as a condition of approval of the Site Plan

- g) Exemptions: Some types of Planning Board activities require no Administrative Fee.
 - i) Informal Discussion - Informal Discussion shall require no fee for the first discussion session. The Planning Board has the right to consider imposing a \$25 fee on second and subsequent Informal Discussions on property that was the subject of previous discussion, if, in the opinion of the Board, the abutters should be notified in writing of the Informal Discussion sessions.
 - ii) The Planning Board waives any Administrative Fee under these provisions for applications brought forward by the Town of Georgetown, or by other Town Departments.
- h) Waivers and Modifications: The Planning Board, at its option, may waive or reduce any fee under these provisions, if, in the opinion of the Board, unusual circumstances result in an application fee not envisioned or intended with the adoption of these regulations and fees schedules. The Planning Board must be consistent in applying this provision. Such judgment by the Planning Board shall require a motion carried by a majority of the Board members.

4) Project Review Fees:

In addition to an Administrative Fee, which the Planning Board has traditionally imposed, a new second type of fee, referred to herein as the "Project Review Fee, is now possible. This fee is to be deposited into a special account as enabled by M.G.L. Chapter Section 53G, referred to herein as the "593 Account". This fee shall be imposed on those applications which, as designated by the Planning Board, require the services of outside consultants for the review process due to the size, scale or complexity of a proposed project, because of a project's potential impacts, or because the Town lacks the necessary expertise to perform the review work related to the permit or approval. In hiring outside consultants, the Board may engage engineers, planners, lawyers, designers or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, ordinances, bylaws and regulations. Such assistance may include, but not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decisions or regulations, or inspecting a project during construction or implementation.

- a) Moneys shall be collected from the Applicant and deposited into the 593 Account upon submission of the application.
- b) Outside consultants retained by the Planning Board to assist in the review of an application shall be paid from this account.
- c) The Planning Board shall determine the amount of initial deposit to be made, as put forth in the accompanying schedule, and the amount of any additional funds required during the process, should the Applicant's 593 Account approach depletion. Such determinations shall be consistent with the requirements of Section 9(b)
- d) Failure of an Applicant to pay a review fee shall be grounds for denial of the application.
- e) Any excess amount attributable to a particular project, including accrued interest, will be repaid to the Applicant, or the Applicant's successor in interest, at the conclusion of the review process. For the purpose of this regulation, any person or entity claiming to be an Applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.
- f) Should it become apparent to the Planning Board that an application requires the services of outside consultants for proper review, the Board may require the imposition of this second type of fee, even if it is not normally part of the review process for that type of application, and providing that said imposition is in compliance with the state enabling legislation.

5) Administration Appeal:

- a) The choice of a consultant selected by the Planning Board for the review of an application may be appealed in writing to the Board of Selectmen by the application, providing such appeal is initiated within twenty days after the Planning Board has mailed or hand-delivered notice to the Applicant of the selection
- b) The Selectmen shall convene a formal hearing within twenty days of receiving a written appeal by an Applicant.
- c) There are two conditions which will disqualify the selected consultant:
 - i) Conflict of interest: A consultant may not have a financial interest in a project under review, or be in a position to financially benefit in some way from the outcome of the pending review process. Consultants must be in compliance with Massachusetts Conflict of Interest Law (Chapter 268A).
 - ii) Lack of appropriate qualifications: A consultant must possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree in, or related to, the field at issue or three or more years of practice in field at issue or a related field.
- d) The two conditions of Section 5(c) above are the only grounds for an appeal.
- e) The required time limits for action upon an application by the Planning Board shall be extended by duration of the administration appeal.
- f) If the Board of Selectmen renders no decision within one-month following the filing of the appeal, the selection made by the Planning Board shall stand.
- g) This administrative appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided for in this section.

6) Administration of Funds for Project Fees:

- a) Funds collected from various Applicants for the Account shall be turned over to the Planning Board for deposit by the Town Treasurer into an account separate from other funds.
- b) A copy of the latest statement from the banking institution handling the 593 Account shall be forwarded from the office of the Town Treasurer to the Planning Board office as soon as it is received for timely accurate accounting.
- c) The Town Accountant shall prepare a report on activity in the 593 Account on an annual basis.

- i) This report shall be submitted to the Selectmen their review.
 - ii) This report shall be printed in the Annual Report for the Town of Georgetown.
- d) The Applicant may request an accounting of an Applicant's funds held in the 593 Account at any time.
 - i) The Planning Board shall respond to the request in a timely fashion.
 - ii) This accounting shall include the following information:
 - (1) The latest statement from the banking institution handling the account, which should include an accurate, accumulated interest portion to the closing date of the statement, if such statements are subdivided into individual Applicants' accounts. Otherwise, a statement of principal and interest, prepared by the Planning Board office, based on the latest statement from the banking institution.
 - (2) A report of all checks authorized for issuance since that last banking statement.
 - iii) This accounting shall not include an estimate of accumulated interest since the last banking statement.
- e) An Applicant may request an estimate of bills pending from consultants for work completed, or in progress, but not yet invoiced.
- f) If available, a brief account summary of the type described under Section 6(d) above shall be furnished to both the Planning Board and the Applicant at each hearing. This will allow the Board to determine if further funds will need to be collected and deposited into the 593 Account should it approach depletion.
- g) Excess fees in the 593 Account, including accumulated interest, shall be returned to the Applicant at the conclusion of the review process as defined herein:
 - i) With the approval or disapproval (final action) of a Preliminary Subdivision Plan.
 - ii) With the disapproval (final action) of a Definitive Subdivision Plan.
 - iii) With the release of the performance bond at the end of construction of an approved Definitive Subdivision Plan.
 - iv) With the final inspection or the approval or disapproval (final action) on all other types of applications under the Georgetown Zoning By-law, whichever comes later.

7) Schedule of Project Review Fees:

When more than one type of application is being sought at the same time (for the

same project), only the highest of the applicable Project Review Fees shall be collected for deposit into the 593 Account, and not the sum of those fees.

- a) Initial deposits. The following Project Review Fees for the indicated application types are to be submitted with their initial applications. These fees are good faith estimates of cost of review but may be modified at the sole discretion of the Planning Board as warranted by a particular project.

- i) A Preliminary Plan, Modification of a Preliminary Plan, Modification of a Definitive Plan, or Modification of a Special Permit shall require the following initial Project Review Fee:

Project Size	Fee
2 – 15 lots/units	\$2,000
16 – 20 lots/units	\$3,000
21 – 25 lots/units	\$4,000
More than 25 lots/units	\$5,000

- ii) A Definitive Plan shall require the following initial Project Review Fee:

Project Size	Fee
2 – 15 lots/units	\$4,000
16 – 20 lots/units	\$6,000
21 – 25 lots/units	\$10,000
More than 25 lots/units	\$12,000

- iii) A Special Permit shall require a minimum of \$2,000 for the initial Project Review Fee. Depending on the complexity of issues presented, additional fees may be required.

- iv) Site Plan Approval Permit shall require the following initial Project Review Fees:

Project Size	Fee
<10,000 sq. ft (of additional gross floor area)	\$2,000
10,000 – 30,000 sq. ft.	\$3,000
30,000 – 50,000 sq. ft.	\$4,000
> 50,000 sq.ft.	\$5,000

- v) Fees for Major and Complex Projects: A Site Plan Review Special Permit fee may also be assessed for "Major Development Review" Projects or projects which in the opinion of the Board are in likely to require substantial outside technical and/or legal assistance due to factors such as the novelty and technical complexity of the project; the potential for adverse impacts; the need for close scrutiny of the project; and the size and scope of the project. The Board, by majority vote, may assess a fee of up to \$50,000.00 for such major and complex

projects. Notwithstanding any provision in these regulations to the contrary, any unused portion of the fee assessed for major and complex projects shall be refundable to the Applicant at the time the decision is made on the application.

- b) Exemptions from initial deposits. FORM A applications, applications for common driveways, and access other than over the legal frontage require the submission of a Project Review Fee with the initial application. The Planning Board may consider at the first review session, or at any subsequent review session, whether such a fee is warranted, and if so, the amount of the fee may by vote of the Board be waived, in part or in whole. Such flexibility is necessary because the wide range of scope and scale to such applications makes it difficult to calculate an equitable Project Review Fee without consideration of the project on a case by case basis. In addition to those application types listed here, any other type of application not specifically listed in Section 7(a) above shall be subject to the provisions Section 4.
- c) Subsequent deposits. When the balance in an Applicant's 593 Account falls below twenty-five percent (25%) of the initial Project Review Fee, as imposed under Section 7(a) above or Section 4., the Planning Board shall consider whether to require a supplemental Project Review Fee to cover the remaining project review and the attendant costs still to come. The Board may also choose to set a different threshold (other than 25% of the initial deposit) to trigger a reconsideration of the issue.
- d) Inspection phase of projects. After the granting of a Special Permit, a Definitive Plan approval, or any permit or approval which will culminate in construction requiring inspections by Planning Board consultants, the Board may wish to make an adjustment in the funds held in an Applicant's 593 Account.
- i) The 593 Account may be adjusted by issuing a refund to the Applicant or by requiring a Supplemental Project Review Fee.
 - ii) Adjustments should be made after all bills for review services have been accounted for.
 - iii) The following levels are suggested for the Board's consideration:
 - (1) All Projects (other than those covered below):

Project Size	593 Account Level
2lots/units	\$2,000
3-5 lots/units	\$3,000
6-15 lots/units	\$5,000
16-20 lots/units	\$6,000
21-25 lots/units	\$8,000
More than 25 lots	\$10,000

(2) Special Permits/Site Plan Approval - \$2,000

- iv) The Planning Board has the right to require supplemental Project Review Fees if the Applicant's 593 Account approaches depletion during the inspection phase of the review process. Such findings of the Board while subject to the provisions of Section 9(b) do not require a formal hearing or prior notice to interested parties.
- e) Dormant projects: When an Applicant knows that there will be no construction activity on a project for at least one year after the permitting process, the Applicant may ask the Board for a declaration of "DORMANT" status with the following conditions:
 - i) The level of funds in the 593 Account will be adjusted to \$500, after all outstanding bills for review services have been accounted for.
 - ii) The Applicant must submit the appropriate Project review Fee to bring the 593 Account back to the designated level for an active project before any work may be done on the site.
 - (1) The 593 Account must be restored before the first inspection.
 - (2) No building permits or lot releases will be granted until the Board is satisfied that all conditions of these provisions have been complied with.
 - iii) The Planning Board may declare that a project no longer qualifies for "DORMANT" status, if, in the Board's opinion, circumstances render that status inappropriate.
 - iv) A project brought out of "DORMANT" status, or a project which in the opinion of the Planning Board no longer qualifies for "DORMANT" status, which has not remained dormant for at least one year, shall be subject to a processing fee of \$50.
 - v) Funds in the 593 Account for "DORMANT" projects may, at the original Applicant's discretion, be assigned to a new owner or successor in interest, in the event of a sale or transfer of the land and permits. Appropriate documentation must be provided to the Planning Board establishing the authorization for the reassignment of the 593 Account. (This provision is consistent with Section 4(e), which applies to returned funds at the conclusion of a project.)

8) Revision of Fee Schedules and Regulations Governing Fees:

- a) The Planning Board may review and revise its regulations and fee schedules, from time to time, as it sees fit.
 - i) The Board must do so with an advertised public hearing as defined by law.
 - ii) Voting requirement shall be those spelled out in section 8.(b) below.

- iii) Any new regulations or alterations to the schedule shall take effect upon filing a copy the amendments with the Georgetown Town Clerk and transmittal to the Registrar of Deeds and Recorder of the Land Court.
- b) The Planning Board shall review its regulations and schedule on an annual basis as of July 1st.
 - i) The Board may waive this provision in any year with a motion carried by a majority of the members.
 - ii) At the time of the Planning Board's annual review, the Board will consider any petitions submitted by an Applicant or other member of the public to make revisions to the regulations or the fee schedules. This is the only review initiated by the public. Results of the hearing and any action or changes to the regulations or fee schedules undertaken by the Board are final.

9) Decisions:

The Board shall be required to make decisions, from time to about fees and about moneys held in the 593 Account. The following rules shall apply:

- a) Any practices which evolve whereby the Board exempts or reduces fees in a given, definable situation, not spelled out in these regulations, requires the following:
 - i) Such practices, once recognized, must be applied uniformly to the extent practical and possible.
 - ii) Such practices should be reviewed during the annual review hearing or sooner to see if they can be codified and incorporated into these regulations.
- b) The following decisions require Board participation:
 - i) Decisions about individual applications require motions affirmed by a majority of those present in order to carry, but in no case fewer than three affirmative votes.
 - ii) Decisions concerning revisions in the regulations or the fee schedules require motions affirmed by a majority of those holding office at the time of the vote regardless of the number of members in attendance during the vote.

10) Delinquent Accounts:

The following rules apply to fees owed to the Planning Board by Applicants:

- a) All fees past due by one month from the date of invoice shall be subject to a monthly charge based upon an annual interest rate of 14%.
- b) All costs of collection associated with past due accounts shall be borne by

the Applicant.

- c) All Applicants owing fees to the Planning Board at the time of any amendment to these provisions of the regulations shall be sent the following:
 - i) A duplicate notice of the amount past due.
 - ii) A copy of these Fee Regulations.
 - iii) Notice of a 30-day grace period before the commencement of any changes in interest rates or charges.
 - iv) A Stop Work Order may be placed on any projects with an outstanding balance.

Hugh Carter, Chairman
Georgetown Planning Board

Date