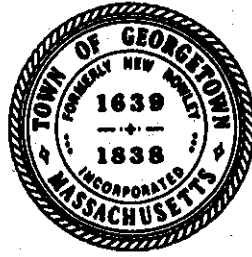


Town of Georgetown



PLANNING BOARD
1 LIBRARY STREET
GEORGETOWN, MA 01833

TEL. (978) 352-5713

AGENDA
GEORGETOWN PLANNING BOARD
Memorial Town Hall – 3rd Floor
Wednesday, February 9, 2011
7:30 p.m.

Board Business 7:30 p.m.

1. Minutes –
2. Vouchers –
3. Correspondence –
 - a.) Notices
 - b.) Caribou Court Plans
4. Other Business –
 - a.) Harmony Lane – Surety and Release of the Lots
 - b.) Pondview Estates – Minor Amendment to the Subdivision/ ANR
 - c.) Little's Hill - As-Built Review – BSC Group
 - d.) Update on 34 Thurlow Street - OSRD
 - e.) Budget Discussion
 - f.) Weekly Report
 - g.) Zoning Bylaw Update – E-Code
 - h.) Potential Articles for ATM
 - i.) Village Lane – Street Acceptance Documents

Cont. Public Hearing: 8:00 p.m.

1. Subdivision Regulations
 - a) Low Impact Development Amendments – Tim Purinton and George Cominsky
 - b) Other subdivision amendments

Executive Session:

Chaplin Hills

Upcoming Meetings:

2/9/11

2/23/11

3/9/11

3/23/11

TOWN PLANNER COMMENTS - DRAFT

AGENDA GEORGETOWN PLANNING BOARD Memorial Town Hall – 3rd Floor Wednesday, February 9th, 2011 7:30 p.m.

Board Business 7:30 p.m.

1. Minutes

Town Planner Comments – The draft December 8th minutes are in your packets [see Exhibit 1].

Suggested Action – Please review and plan to vote on these minutes at the meeting.

2. Vouchers

Town Planner Comments – The invoices (\$1,453.70) include funding for the postage meter and BSC review for the Chaplin Hills project and (\$1,870) for Harmony Lane [see Exhibit 2 & 3].

Suggested Action – I would suggest the Board review the invoices and consider approval of the Chaplin Hills invoice at the meeting. Note, that I have requested the Town Counsel require the Bond Company to replenish the M Account for this project in order to maintain a balance of \$5,120. This is the figure Mr. Varga estimates will be needed to complete the inspections for this project once construction commences. I believe that Mr. Getchall is discussing the invoice with Mr. Varga and has requested the Board defer a final vote on this until the March Planning Board meeting.

3. Correspondence

a.) Spofford Street Subdivision

Town Planner Comments – We have received a letter from the Applicant for the preliminary subdivision plan on Spofford Street [see Exhibit 4]. Last Thursday, the Applicant attended an informal meeting with the Development Review Committee. The primary purpose of the meeting was to ensure all town departments are aware of the proposal at an early stage of design and to provide informal guidance on any design or permitting issues. I have also attached an email response from Steve Przyjemski, the Conservation Agent, regarding the wetland-related issues associated with the project.

Suggested Action – No action required at this time.

b.) Caribou Court Subdivision – 10 Pine Plain Road

Town Planner Comments – Last week, we have received recorded copies of the plans, deeds and other documents as well as the \$2,000 required under the Certificate of Vote for the M Account. The Pre Application Conference was held Thursday January 20th and Mr. Varga has provided a written report of the meeting [see Exhibit 5]. Note that the applicant is

Suggested Action – I would suggest the Board develop a draft list and discuss our approach for approval at the February 23rd meeting in order to provide enough time for the legal posting and a public hearing in March.

i.) Village Lane – Street Acceptance

Town Planner Comments – I have received the final deed and forms for submission of the documents to the Board of Selectmen for final acceptance of this street at their February 21st meeting [see Exhibit 12].

Suggested Action – No action is required at this time unless the Board has any comments on the attached documents.

Public Hearing: 8:00 p.m.

Amendments to the Subdivision Regulations

a) Low Impact Development Amendments

Town Planner Comments – Tim Purinton, George Cominsky and I will present the amendments that pertain to the encouragement of low impact developments [see Exhibit 13]. Thus, we should focus on the highlighted amendments from the legal notice. We will also review the sketches prepared by Larry Graham for the porous pavement and no-curb details. Also note that many of these amendments are also requirements of the EPA's new NPDES Phase 2 Small MS4 Stormwater Management Plans. Adopting these amendments will significantly reduce our workload in FY12 to implement the new requirements.

Suggested Action – The Board should review these amendments in advance of the meeting and note that we will not have the final sketches from Larry Graham until the February 9th meeting.

b) Other subdivision amendments

Town Planner Comments – The other amendments are more administrative in nature and include provisions for plan submissions, posting of surety, OSRD requirements and a series of minor typographical errors.

Suggested Action – I would suggest the Board review these items at the February 23rd and March 9th meetings.

Executive Session: 9:00 p.m.

Chaplin Hill Definitive Subdivision

Town Planner Comments – I have spoken with Town Counsel and Mr. Varga in order to determine the final surety amount for inspections as well as the potential schedule moving forward. I have attached Mr. Varga's 10-14-2009 Opinion of Cost for your records [see Exhibit 14]. We can discuss the latest correspondence from Town Counsel regarding a potential settlement agreement.

Suggested Action – We will use the time to update ourselves on where we are in respect to correspondence from Town Counsel.

EXHIBIT I

MEETING MINUTES
GEORGETOWN PLANNING BOARD
Memorial Town Hall – 3rd Floor
Wednesday, December 8, 2010
7:30 p.m.

Present: Mr. Harry LaCortiglia (acting Chair); Mr. Tim Howard (arrives late); Mrs. Matilda Evangelista; Mr. Chris Rich; Mr. Nicholas Cracknell, Town Planner; Ms. Michele Kottcamp – Asst.

Absent: Mr. Hugh Carter

Board Business 7:30 p.m.

Minutes –

Mr. Rich- Motions to accept minutes of 6-09-10.

Ms. Evangelista- Second

All in favor? 2-0; Unam (Mr. Howard and Mr. Carter absent; Ms. Evangelista abstains)

Vouchers –

Ms. Evangelista motions to accept the payment of the vouchers totaling \$5,910.79

Mr. Rich- Second

Ms. Evangelista- Withdraws her motion.

Mr. Rich - Asks for account by account approval of the vouchers and motions to approve the general expenses only totaling \$918.79.

Ms. Evangelista - Second

All in favor? 3-0; Unam

Mr. Rich motions to pay the Harmony Lane invoice for the BSC group totaling \$4,992.00.

Ms. Evangelista- Second

Discussion?

(Mr. Varga, Construction Review Engineer, is present for discussion)

Mr. Rich- On the week of Sept 17th can you show me how many hours were spent on Harmony Lane? Mr. Rich explains he is concerned about the storm septor construction and piping on the 17th. Am I now being told there was someone inspecting the construction of it and the associated piping when it didn't actually happen?

{Mr. Howard arrives at 7:55pm}

Mr. Dave Varga- It was Mr. Chapman's understanding that the basic manhole barrel that was being installed was for the storm septic. The smaller septic come in pieces and the working parts and smaller pieces are installed on site. He was waiting for the storm septic fittings as told by Mr. Gatchell. When I saw it after vacation during the week of September 24th, Frank informed me that the company had delivered an equivalent storm septic unit. That is when I found out it was not a storm septic but they were still waiting for storm septic parts. I then asked for information to be submitted that proved the unit delivered was equal to the storm septic. Frank got calculations from Shay Concrete and submitted them to me. They state the unit has an 81% TSS removal rating which is good. I did some additional checking and found that DEP has contracted to the University of Mass., Amherst where they maintained they are not doing testing of units but rating the documentation on these types of units but have not rated this particular unit since they were not sent to the University for testing. I called the manufacturer and asked for documentation. I was sent a 200 page document and called Frank to say I didn't receive satisfactory information but would accept something in writing from the design engineer giving me written documentation that this unit was comparable to the storm septic.

Mr. Rich- The plans submitted to us specifically state storm septic. Isn't it standard operating procedure that the variation from a plan has to come before the Board for approval?

Mr. Varga- That was my understanding. When I received this information from Frank and then submitted the estimate for the construction surety, I didn't include a line item for it. I don't have the design information so based on the letter from the engineer of Professional Land Services (PLS), is why I sent the recommendation for approval. We originally thought it was a storm septic. The external structure looks the same but the inside guts are different. It is an enclosed tank with observation covers. When I looked inside and saw the guts, it looked unfamiliar to me and raised questions.

Mr. Rich- Now it makes sense that this tank could have been a storm septic. When did you find out it wasn't a storm septic?

Mr. Varga- When I got back from vacation the week of September 24th, I told Frank he might have to remove it. Frank was concerned that damage would occur so I felt it was a valid concern. I did some research to compare the difference between the two units. It took a month before I got the letter from PLS. The binder was already down and the drainage system already in when I started realizing this was not used for this purpose. Time progressed on the project and I indicated that surety would have to be increased by \$20,000 if the unit was not recommended.

Ms. Evangelista- I'm a little concerned regarding the note on Aug. 26th from Frank Gatchell. {Note on file in Planning office}

Mr. Varga- That note was talking about the re-charge system.

Mr. LaCortiglia- From my perspective, it sounds to me that this an improvement to the design. This occurred 3 months ago. When things like this come up, an email or something in writing should have come in to the Planning Board. The review engineer could have been brought in on this for comment and would have been helpful to us.

Mr. Varga- I was trying to be helpful to the applicant as well as the Planning Board.

Mr. Cracknell- There was no surprise to the applicant. He was involved throughout the entire process.

Mr. Varga- I wanted something other than a verbal statement that this unit was adequate so I did my own research.

Mr. Cracknell- The next step for the Planning Board is to either add to the surety and include the \$20,000 contingency, or we stay with the number as it is because we believe the unit is equivalent to what was specified on the plan.

Mr. Varga- To be conservative, the existing casting manhole could be potentially damaged. The external size of the unit has a slight difference in diameter. \$20,000 is being conservative (\$5,000 for the removal of the existing one and \$15,000 for the new unit)

Mr. Rich- The unit there now, is it price equivalent to the storm septor?

Mr. Frank Gatchell- The units are similar in cost to one another. The shipping charge is the only difference.

Mr. LaCortiglia- If it were brought up two months ago, I would have liked to have received Larry Graham's opinion. It sounds like what is there will do the function better than what the storm septor is supposed to do.

Mr. Varga passes information from Shay Concrete and the design engineer of the installed unit. Mr. Varga states he is a big believer if they are responsible for approving the installed unit.

Mr. LaCortiglia- The information from Shay states the unit has an 81% TSS removal whereas the storm septor would only remove 78%. Mr. LaCortiglia states that the applicant may have to go before the ConCom if it is deemed a substantial change.

Mr. Cracknell- I spoke with the ConCom agent about this.

Mr. Rich- This is a substantial change as far as I am concerned. Chris reads the letter and asks Mr. Varga how he would know if the unit was installed properly? That information should be sent to you before it is installed in the ground.

Mr. Varga- I agree.

Mr. LaCortiglia- What is the Board needing to do to act on this?

Mr. Rich- The issues I have concerning the inspection of the unit have been satisfactorily answered.

Mr. LaCortiglia- To repeat- The motion was made by Mr. Rich to pay the BSC voucher for \$4,992.

Ms. Evangelista- Second

All in favor? 4-0, Unam (Mr. Howard is now present)

Correspondence – Caribou Ct. Notice of Intent

Mr. Cracknell- This project has been approved by the Planning Board and amended once. The riverway has been shortened and the driveway removed. They are required to use pavers. This project will show up in January as a Minor Modification.

Sign ANR Endorsement – 13 Moulton & 6 Monroe

- Signed by the Board

Other Business – Harmony Lane – Tripartite Agreement & Punch List, Surety Punchlist Discussion –

Mr. LaCortiglia- We seem to now have a question on whether or not the storm seaptor needs to be added to the punch list. [To Mr. Varga] It is my understanding that this is not added to the punch list because you feel it is functionally equivalent, correct?

Mr. Varga- Correct

Mr. Rich- Don't we need the input of the ConCom agent?

Mr. Cracknell- I spoke to the ConCom agent today. He felt if they were equivalent, than it would be acceptable to the ConCom. The TSS requirements have not been reduced.

Mr. LaCortiglia- The removal rate of the unistorm unit is 81% TSS removed. The ConCom deals with what comes out at the end of the pipe. From what I'm hearing is that the installed unit does a better job of cleaning the storm water before it even gets into the underground storage facility.

{Mr. Varga agrees with on the calculations presented.}

Mr. Varga- One of my concerns is that it has not gone through the review process in Amherst. I would recommend going through a similar certification process every time this unit is proposed in the future. Most of these units do not reference that review process. You have to obtain the information on your own.

Mr. Gatchell- I ordered the unit on the phone and thought I was getting a storm septor. Bob Grasso [Applicant's Engineer] said what was delivered was equivalent to the storm septor and had the same calculations. However, it didn't look like anything on the plans.

Mr. Rich- Are you sure that this will do the job it is supposed to do?

Mr. Varga- Based on the information I received, I believe it will.

Mr. LaCortiglia- I am concerned at how often it is getting cleaned in the years to come. What's the maintenance plan? Is Harmony Lane to be a public street?

Mr. Cracknell- Yes

Mr. LaCortiglia- Do you have any input from Peter Durkee, Highway Inspector?

Mr. Varga- No, I have not spoken to Peter.

Mr. Gatchell- This unit is to have easier maintenance.

Mr. LaCortiglia- Does anyone think we should add anything?
Punch list details – We have a lump sum for landscaping. Punch list totals \$83,820.

Mr. Varga- I have a contract for all the information.

Mr. Rich- Motion to accept the punch list totaling \$83,820 as surety for the punch list dated 12-7-2010. {Punch list on file in the Planning office}}

Ms. Evangelista- Second

All in favor? 4-0; Unam (Mr. Carter absent)

34 Thurlow Street OSRD Minor Modification- Mr. Cracknell agrees to review the pass over of land by Jay Ogden.

Budget Discussion –

Mr. Cracknell-References the Draft Comments, Exhibit 5

NC- Included is a budget worksheet for your review. I have shown a slightly reduced bottom line by 15%. There hasn't been enough construction change in Georgetown to warrant paying for the pictometry. We have only paid the MIMAP in FY '10. We still

have to pay FY'11. We have 3 streets coming in where the developers will pay the majority of the costs and 43D salaries will get reduced a year from now. He also gives an explanation of the salaries budget. This budget is due as a draft internally by the end of the week. I'd like to have a final number to submit at the next meeting.

Mr. Rich- Why can't we at the application stage ask if a roadway being built is going to be public? We should ask for the developer to pay the legal fees.

Ms. Evangelista- It has to be written in and I agree with that.

Mr. Cracknell- My understanding from Town Counsel is that there is no written law that allows a Planning Board to mandate that a street be accepted as a public way. The developer is never required to donate a street to a town.

Mr. Rich- Move to authorize Larry Graham to develop the two sketches under Exhibit B for *porous pavement and a roadway with no curb* and any other review that needs to be done for the regulations. We approve the amount of \$400 for the sketches.

Mr. Howard - Second

All in Favor? 4-0; Unam

Public Hearing 9:00PM: Subdivision Regulations (Mr. Cracknell leaves at 9pm)

Mr. LaCortiglia- Reads the Public Hearing Notice for the Subdivision Amendments at 9:00 pm.

Chris Rich - Notice is posted as stated. {Chris corrects Lanes to Courts}

Mr. LaCortiglia- George Comisky is present tonight and helped to make the LID changes for these draft amendments.

Mr. LaCortiglia- I think tonight as a strategy we can figure out how we are going to approach the changes. I would propose that we not handle this tonight. I recommend we handle the LID proposed changes at the next continuance and the other changes to be amendments would be handled at the subsequent continuance. How does that sound?

Mr. Rich- So moved

Mr. LaCortiglia- By general consensus all Board members agree.

Mr. Rich- I make a motion to bifurcate the amendments into the LID and non-LID(low impact development) changes on separate nights.

Mr. Howard- Second

Mr. George Comisky - Part of the grant was looking for Boards to partner with and the LID changes we are asking for will give the applicant another choice and hopefully respond positively to these changes. This is a positive direction for the town.

All in favor? 4-0, Unam

Ms. Evangelista- Asks for it to be broken down.

Mr. Rich- Requests that George Comisky send the LID changes to Nick electronically.

Mr. LaCortiglia-- What we have tonight are our Draft LID changes only. The notice deals with more than that. This should be broken out into a spreadsheet.

Mr. Comisky- There is also the sub-committee looking at site plan review that would require a bylaw revision for Town Meeting. These would have a LID type application. Could you look at a place holder for this as a future Public Hearing?

Mr. LaCortiglia- This would be a zoning code change for the future. I need a date for a continuation?

Ms. Evangelista- [To Mr. Comisky] Do you have a copy of a Site Review just for the LID? That would be helpful.

Mr. Rich- Move to continue this Public Hearing to January 12th, 2011.

Mr. Howard- Second

All in favor? 4-0, Unam

Mr. Howard - Motion to adjourn meeting at 9:10pm

Motion carries 4-0; Unam

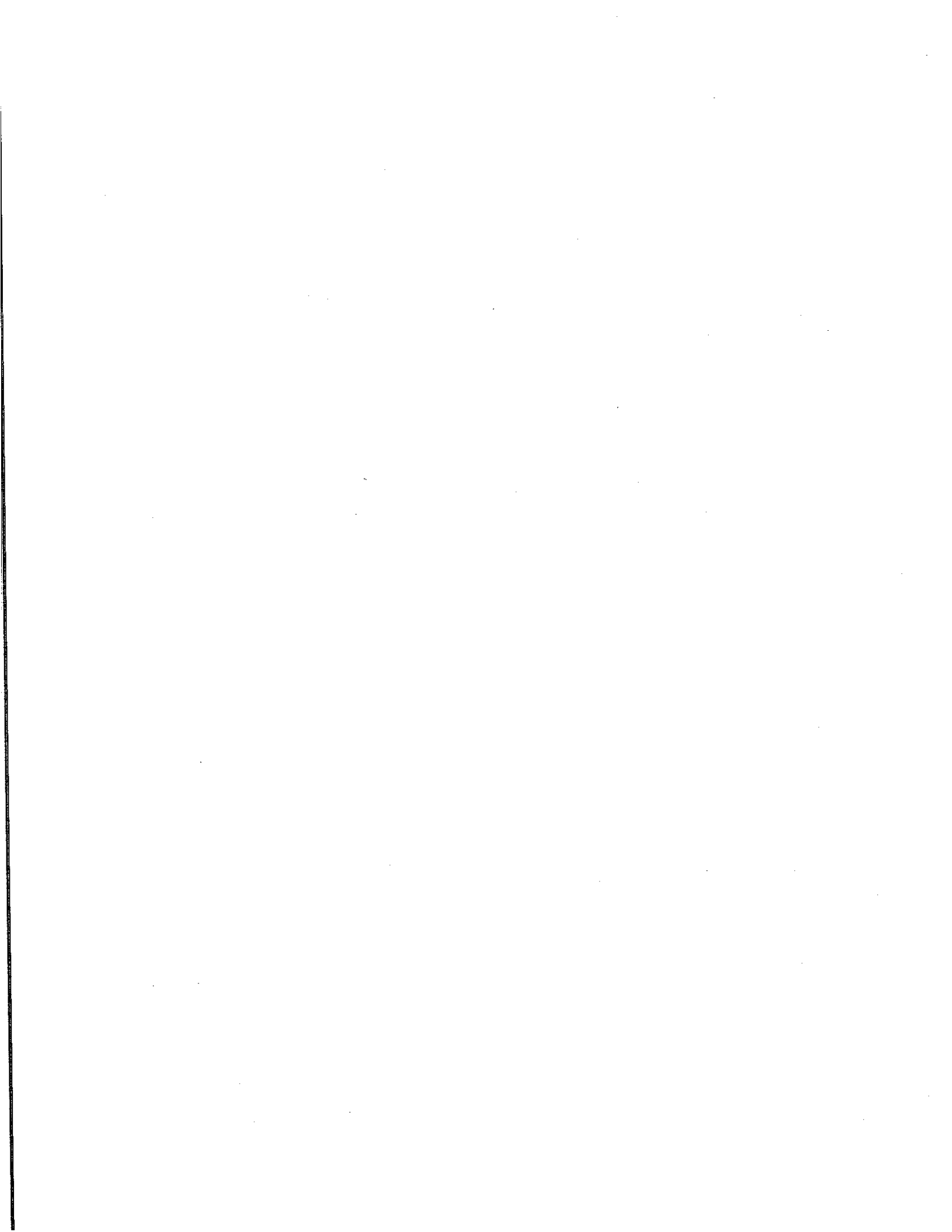


EXHIBIT 2



INVOICE

TOWN OF GEORGETOWN
PLANNING BOARD
1 LIBERTY STREET
GEORGETOWN, MA 01833
Attn: HUGH CARTER

December 17, 2010
Invoice No: 9114828
Project No: 23071.02

Re: CHAPLIN HILLS (M-26429) Balance: \$5,149.97

For professional services rendered for the period October 18, 2010 to December 10, 2010
for the referenced project.

Fee Charges

<u>Description</u>	<u>Title</u>	<u>Rate</u>	<u>Hours</u>	<u>Amount</u>
VARGA, D.	MANAGING ENGINEER	128.00	10.25	<u>\$1,312.00</u>
Current Fee Charges				\$1,312.00

Out-of-Pocket Expenses

TRAVEL	22.50
--------	-------

Total Current Billing

\$1,334.50

IMPORTANT NOTICE

Please Mail Remittance to : BSC Group, Inc., 15 Elkins Street., Boston, MA 02127
Please include project and invoice number(s) being paid on front of check.

Tel: 617-896-4300



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VARGA, D.	MANAGING ENGINEER	128.00	10.25	<u>\$1,312.00</u>
Current Fee Charges				\$1,312.00

Out-of-Pocket Expenses

TRAVEL 22.50

Total Current Billing

\$1,334.50

IMPORTANT NOTICE

Please Mail Remittance to : BSC Group, Inc., 15 Elkins Street., Boston, MA 02127
Please include project and invoice number(s) being paid on front of check.

Tel: 617-896-4300

Work In Progress Report

Job Cost & Billable)

The BSC Group

Order: Project
 Current Period: 01/01/1952 — 12/10/2010
 Project to Date: As of 12/10/2010

Principal: — ZZZ
 Project Manager: — ZZZZ
 Client: — ZZZZZ
 Project: 23071.02 — 23071.02

Project: 23071.02 CHAPLIN HILLS

[Principal: VAN DELL, JOHN Project Manager: VARGA, D.]

Professional Services

Phase/Task/Employee	Payrate	Reg. Hrs	Ovt. Hrs	Total Hrs	Total Payroll	Billrate	Billable Hrs	Billable Amount
1727 VARGA, D.		1.50	-	1.50		128.0000	1.50	192.00
		2.3071.02 Chaplin Hills Lane, Georgetown: Monday, October 18, 2010: Office Work: 12:00 PM to 1:30 PM Telephone with Attorney, start review of file; Review of Opinion of cost and punch list.						
		0.75	-	0.75		128.0000	0.75	96.00
		2.3071.02 Chaplin Hills Lane, Georgetown: Tuesday, October 19, 2010: Office Work: 7:00 AM to 7:45 AM; Review Affidavit.						
		1.50	-	1.50		128.0000	1.50	192.00
		Monday, October 25, 2010: 10:00 AM to 11:30 AM Punch list, Opinion of Cost Affidavit						
		0.50	-	0.50		128.0000	0.50	64.00
		Thursday, November 4, 2010: Court preparation: 1:00 PM to 1:30 PM Multiple voice messages and telephone tag and conversations with Nick Cracknell and today with Thomas McEnaney, Esq. General considerations for testimony.						
		0.50	-	0.50		128.0000	0.50	64.00
		Wednesday, December 8, 2010: Office Work 3:00 PM to 3:30 PM Telephone conversation with tom McEnaney, Esq. for preparation for Court Testimony tomorrow, he wants me to visit site in morning.						
		2.50	-	2.50		128.0000	2.50	320.00
		thursday, December 9, 2010: 7:00 AM to 7:15 AM travel, 7:15 AM to 7:45 AM on site inspection; 7:45 AM to 9:30 AM travel to Boston.						
		3.00	-	3.00		128.0000	3.00	384.00
		Thursday, December 9, 2010: COURT: 11:30 AM to 12:00 PM Prepare for testimony; 12:30 PM to 1:30 PM Travel Boston to Lawrence; 1:30 PM to 2:30 PM In court, no testimony required; 2:30 PM to 3:00 PM travel to Georgetown.						
		10.25	-	10.25			10.25	1,312.00
Project Total -->		10.25	-	10.25			10.25	1,312.00

Consultants, Reimbursables & Nonreimbursables Expenses

Phase/Task/Category/Payee	Category	Cost/Q'ty	Quantity	Total Cost	Mark Up	Billable Amount
DAVID VARGA	12/10/2010 R	22.50	1.00	22.50	1.0000	22.50
Project Total -->				22.50		22.50

EXHIBIT 3

Planning Department
Town of Georgetown

Memo

To: Mr. Frank Gatchell
From: Michele Kottcamp- Asst.
cc: Nicholas Cracknell – Town Planner
Date: 01/06/2011
Re: Harmony Lane

Enclosed is the most recent invoice from the BSC Group for construction review services at the Harmony Lane subdivision. Please review the invoice and if you have any questions or comments, please contact the Planning office just as soon as possible.

The Planning office is requesting a check made payable to the Town of Georgetown in the amount of \$1,870.00 upon receipt of this letter.

Thank you for your attention to this matter.

Kind Regards,

Michele Kottcamp
Planning office



INVOICE

TOWN OF GEORGETOWN
PLANNING BOARD
1 LIBERTY STREET
GEORGETOWN, MA 01833
Attn: HUGH CARTER

December 17, 2010
Invoice No: 9114829
Project No: 23071.10

Re: GEORGETOWN HARMONY LANE

For professional services rendered for the period October 18, 2010 to December 10, 2010
for the referenced project.

Fee Charges

<u>Description</u>	<u>Title</u>	<u>Rate</u>	<u>Hours</u>	<u>Amount</u>
VARGA, D.	MANAGING ENGINEER	128.00	12.50	<u>\$1,600.00</u>
Current Fee Charges				\$1,600.00

Out-of-Pocket Expenses

UTS OF MASSACHUSETTS

270.00

Total Current Billing

\$1,870.00

IMPORTANT NOTICE

Please Mail Remittance to : BSC Group, Inc., 15 Elkins Street., Boston, MA 02127
Please include project and invoice number(s) being paid on front of check.

Tel: 617-896-4300

Work In Progress Report

The BSC Group

Job Cost & Billable)

Order: Project
 Current Period: 01/01/1952 — 12/10/2010
 Project to Date: As of 12/10/2010

Principal: — ZZZ
 Project Manager: — ZZZZ
 Client: — ZZZZZ
 Project: 23071.02 — 23071.02

Project: 23071.10 GEORGETOWN HARMONY LANE

[Principal: HAYES, D. Project Manager: VARGA, D.]

Professional Services

Phase/Task/Employee	Payrate	Reg. Hrs	Ovt. Hrs	Total Hrs	Total Payroll	Billrate	Billable Hrs	Billable Amount
1727 VARGA, D.		2.00	-	2.00		128.0000	2.00	256.00
		Monday, October 18, 2010: 10:00 AM to 12:00 PM: Office Work, reseach status of UniStorm treatment unit						
		5.00	-	5.00		128.0000	5.00	640.00
		Tuesday, October 19, 2010: 7:45 AM to 8:00 AM Travel; 8:00 AM to 12:30 PM on site Binder paving inspection; 12:30 PM to 12:45 PM Travel.						
		1.00	-	1.00		128.0000	1.00	128.00
		Thursday, November 4, 2010: Office work: 12:30 PM to 1:00 PM and 1:30 PM to 2:00 PM Review Frank Gatchell's estimate and create spreadsheet						
		0.50	-	0.50		128.0000	0.50	64.00
		Monday, November 8, 2010: Office Work 9:00 AM to 9:30 AM Review construction estimate and stormceptor substitution and telephone with Frank Gatchell.						
		2.50	-	2.50		128.0000	2.50	320.00
		Tuesday, December 7, 2010: 7:30 AM to 8:15 AM and 8:45 AM to 10:30 AM Office Work; complete security estimate and email review of Stormsepor issue.						
		0.50	-	0.50		28.0000	0.50	64.00
		Wednesday, December 8, 2010: Office work: Prepare for meeting with Planning Board, Call Bob Grasso, no usefull information, call Renny Chapman.						
		1.00	-	1.00		128.0000	1.00	128.00
		Wednesday, December 8, 2010: Planning Board meeting: &:15 PM to 7:30 PM travel; 7:30 PM to 8:00 PM billing questions no Charge, 8:00 PM to 8:30 PM surdity amount; 8:30 PM to 8:45 PM travel.						
		12.50	-	12.50			12.50	1,600.00
Project Total -->		12.50	-	12.50			12.50	1,600.00

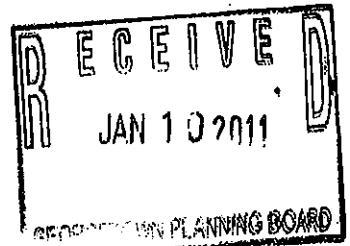
Consultants, Reimbursables & Nonreimbursables Expenses

Phase/Task/Category/Payee	Category	Cost/Q'ty	Quantity	Total Cost	Mark Up	Billable Amount
UTS OF MASSACHUSETTS 10/18/2010 R		270.00	1.00	270.00	1.0000	270.00
Project Total -->				270.00		270.00

EXHIBIT 4

MCCANN & MCCANN, P.C.

ATTORNEYS AT LAW
100 CONIFER HILL DRIVE - SUITE 313
DANVERS, MASSACHUSETTS 01923
TELEPHONE: 978-739-8484
FACSIMILE: 978-739-8455
E-MAIL: NMCCANN@MCCANNLAW.COM



January 7, 2011

Nicholas Cracknell, Town Planner
Georgetown Planning Board
1 Library Street
2nd Floor, Town Hall
Georgetown, MA 01833

Re: Spofford Street Subdivision - Design Review Committee

Dear Nick:

As you know, I represent Sayles- Day, LLC, owner of a parcel of land off Spofford Street consisting of approximately 79 acres. We have been working with McKenzie Engineering Group relative to the development of the parcel for a single family residential subdivision. Last August we met informally with the Planning Board to discuss the site generally and the very preliminary subdivision layouts for a conventional subdivision and an Open Space Residential Development (OSRD). The Board members indicated a preference for the OSRD layout over the conventional subdivision layout. This site given its soil conditions and the topography lends itself to the OSRD layout and meets the purposes of the OSRD as stated in section 165-47 of the Bylaw.

The proposed OSRD subdivision contains 14 lots and provides approximately 55 acres of open space. The OSRD land area disturbance is approximately 9 acres, reducing land disturbance by more than 10 acres over the conventional subdivision layout.

At this time, I and Scott Cameron from McKenzie Engineering Group request an opportunity to meet with the Design Review Committee to move this project toward filing with the Planning Board. I understand that the Design Review Committee will meet on Thursday, January 13; I request that this development be placed on the agenda of that meeting. I understand that Scott has provided you with the OSRD plan for discussion; enclosed with this correspondence please find the list of anticipated waivers from the subdivision rules and regulations as discussed with the Planning Board.

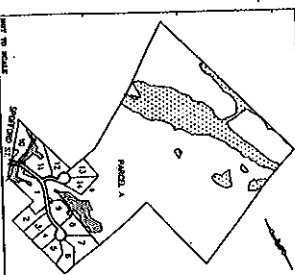
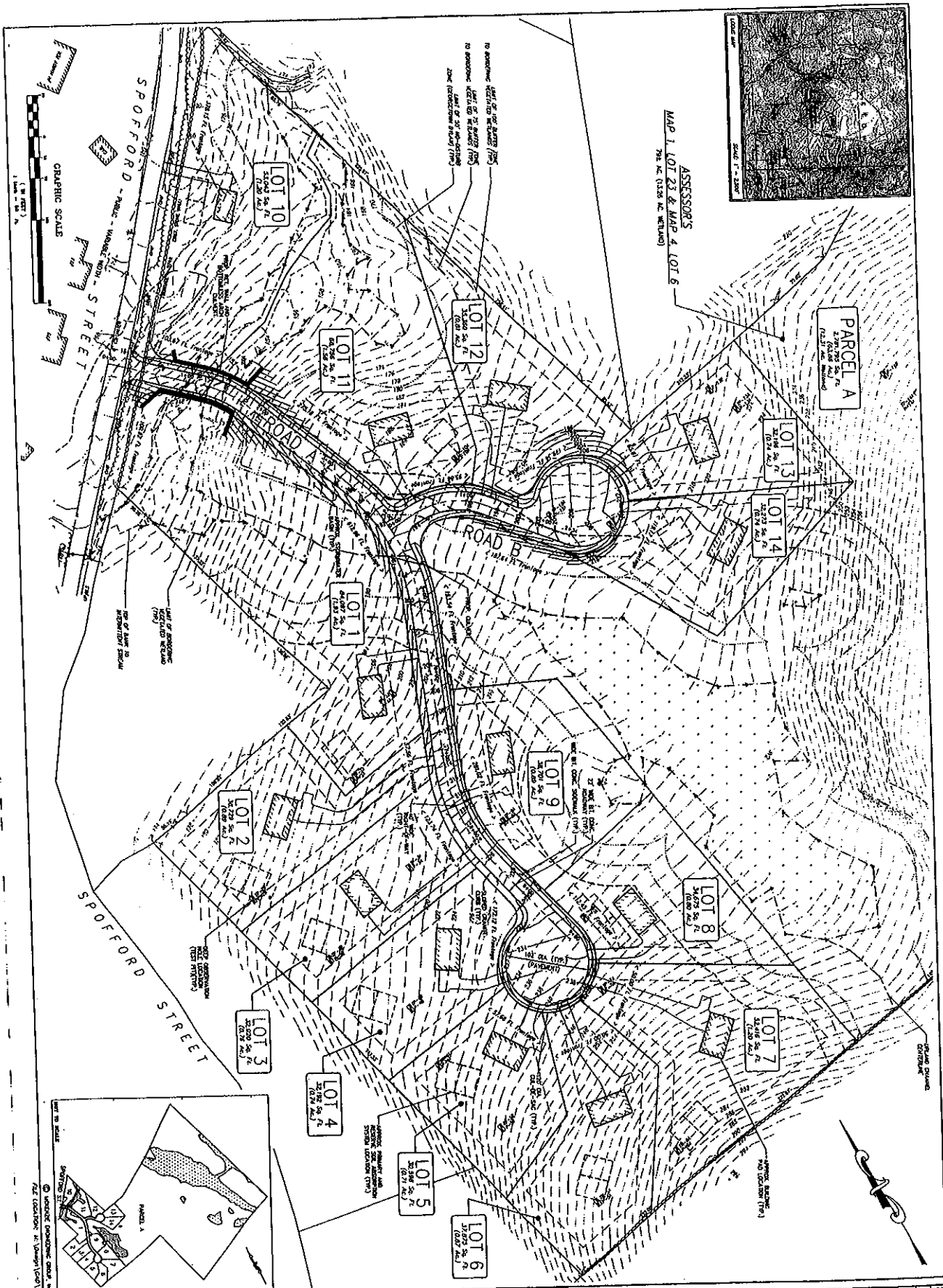
Road A Waivers from the Georgetown Subdivision Regulations – October 25, 2000

<u>Requirement</u>	<u>Section</u>	<u>Proposed</u>
6% maximum roadway grade	365.37.C	10.00%
0.75-1.25% for 200' leveling area at intersections	365.37.C	1% - 4% for 100'
160' diameter turnaround at dead end streets	365.37.D	120' Diameter
145' diameter pavement at turnaround	365.7.D	102' Diameter
3' planting strip along turnaround	365.37.D	No strip
50' minimum R.O.W. for streets	365.37.E	40' R.O.W.
7' Grass strip along roadway	Sketch B	No strip
Vertical granite curbing along roadway	Sketch B	Sloped Granite Curb
13' travel lanes for roadway	Sketch B	11' Travel lanes

**Road B is a Lane (less than 5 lots) and meets all applicable design requirements for a Lane



ASSESSORS
MAP 1, LOT 23 & MAP 4, LOT 6
75% AC (135% AC REQUIRED)



1 OF 1

Site Plan

OWNER/APPLICANT:
Sayles-Day, LLC
C/O Thaddeus Gillespie
1105 North Market Street
Wilmington, DE 19890-0001

**PRELIMINARY OSRD
SUBDIVISION OF LAND
IN
GEORGETOWN, MASS**
LOCATED OFF SPOFFORD STREET
(ASSESSORS MAP 1, LOT 23 AND MAP 4, LOT 6)

PREPARED BY:
**McKenzie
Engineering
Group, Inc.**

REV	DATE	DESCRIPTION	BY	APP

DRAFT

January 19, 2011

To: Nicholas Cracknell, Town Planner
Re: Comment for the Conceptual OSRD Subdivision Plan – Spofford Street, Georgetown, MA

Dear Mr. Cracknell,

Continuing on our discussion with the applicants engineer and lawyer the other day, I wanted to provide some writing comments regarding the Spofford Street discussion. I offer the following suggestions to the Project Design Team members:

- Alternative Analysis - The Engineer mentioned that they did not have any other alternatives for access to the buildable portions of the site based on the land configuration, topography and legal impediments to access. They would need to show evidence that they could not access the lot through the abutting roadways and properties. Note that all three alternative access points would allow access without the major wetland crossing at the front of the site.
- Yield Plan - It is also not clear to me if the yield plan is accurate. As discussed with the Town Planner, if the number of lots on the yield plan is determined to be lower due to the potential inaccuracies associated with the Common Driveways then it seems reasonable the project density to be reduced. This may avoid the need for the second wetland crossing.
- Ecological Impact Assessment – Naturally, determining the level of impact or tradeoffs associated with approval of two wetland crossings relies on the applicant providing a detailed ecological assessment of the quality of all the wetland resources and the surrounding upland resources.
- Conceptual Plans - All the plans I have seen to date are concept plans with very little detail. To get a better feel for the project and to give the applicant better feedback we would need the full plans.
- Proposed Wetland Crossing(s) - What is probably even better is if the applicant files with the Conservation Commission so that the Commission can answer if the wetland crossings will be allowed at all. At this point filing with the Commission is the only way to get a definitive answer to the question of whether the crossing(s) will even be allowed. Understanding that this is a unique case, I have no way of knowing for certain as to how the Commission will rule on the proposed crossings.

In summary, given the fact that I have no discernable means, based on the submitted information, of knowing just how the commission will view this project as a whole the best course of action at this time is to have the applicant obtain a definitive answer from the Commission through a filing of a Notice of Intent.

If you, the Applicant, or any other members of the DRC have any questions on this matter, please feel free to contact me at your earliest convenience.

Sincerely,

Steve Przyjemski, Conservation Agent

Cc: Carl Shreder, Chairman of the Conservation Commission

EXHIBIT 5

Pre-Construction Conference Checklist

Project Name: **Caribou Court**
Approval Date: **March 13, 2003**
Location: **Site**
Meeting Date: **January 20, 2011**

Pre-Construction Conference meeting attendance (final list of attendees to be scheduled by the Planning Office):

- i. Developer and General Contractor, **JBarnes Contraction, LLC**
- ii. Applicant/ Owner, **Jason Barnes**
- iii. Design Engineer, **Hayes Engineering, Inc. (Not Present)**
- iv. Site Contractor, **Rick Granese General Contractor, Inc., (978) 463-9601, Email: rggc@comcast.net**
- v. Planning Board representative(s), **No**
- vi. Inspecting Engineer, **David E. Varga, P.E., P.L.S., (617) 896-4375, Cell: (508) 662-6764, Email: dvarga@bscgroup.com**
- vii. Planning Board Peer Review Engineer, **No**
- viii. Highway Surveyor, **No**
- ix. Police Chief, **No**
- x. Town Planner, **Nicholas Cracknell, (978) 352-5713; (Not Present) Email: ncracknell@georgetownma.gov**
- xi. Conservation Commission Agent, **No**
- xii. Board of Health Agent, **No**
- xiii. Superintendent of Water Board, **No**
- xiv. Superintendent of Electric Board, **No**

At the Pre-Construction Conference, the Inspection Engineer will identify which items from the following list apply to the inspection review for your project. All applicable items will be clearly identified on the Pre-Construction Conference Checklist (PCCC) and a final version will be provided to the Applicant prior to execution. The list of potential items is as follows:

1. Subdivision Permit form M. **Posted on tree at entrance.**
2. Earth Removal Release form O. **Not expected to be required.**
3. Erosion Control Program form P. **According to Plans.**
4. Utility Inspection Card form L. **Mentioned in passing.**
5. **The General Contractor shall submit an estimated schedule of work. It is the General Contractor's responsibility to inform the Inspecting Engineer of the ongoing construction schedule. Mr. Barnes agreed to keep the Inspecting Engineer informed of work schedules.**
6. **The General Contractor shall submit a Schedule of Values and security amount. (Needs to be approved by the Planning Board. An Excel spreadsheet with quantities, unit figures and formulas need to be provided.) Only if release from the Convent is to requested.**
7. **Shop drawings are required for all roadway appurtenances. Mr. Granese will provide sieve analysis of concrete demolition material that has been used as initial fill. Mr. Barnes will drop of photographs of site work and revised details of cross culvert after his meeting with the Conservation Commission at Nick Cracknell's office.**
8. **The general contractor shall inform the Board of the source and provide a minimum of 50 pound soil samples for all roadway sub-grade and sub-base materials. A sub-consultant to the Inspecting Engineer will perform sieve analysis and Procter tests necessary for compaction tests and acceptance of proposed materials. Mr. Granese will bring and obtain the required tests and forward to the Inspecting Engineer.**
9. **Prior to any work, on-site erosion control shall be in place. (Note: erosion control is to be maintained in accordance with approved Erosion Control Program.) The Inspecting Engineer will make weekly inspections during active periods of construction to confirm that erosion control has been maintained. Mr. Barnes informed the Inspecting Engineer that the erosion control was inspected and approved by the Conservation Agent.**
10. **The Inspecting Engineer will make periodic site visits during stripping, cut and fill, and general preparation of roadway sub-grade. The stripping and cutting were completed without inspection. Mr. Barnes will provide Photographs of the work.**

11. The burial of stumps and woody debris is prohibited. **Mr. Barnes has a contractor coming in to remove the stockpiled stumps.**
12. The 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. **Mr. Barnes agreed.**
13. The Developer's engineer shall provide centerline stakes and reasonable offset stakes on 50-foot stations. **Completed.**
14. The Inspecting Engineer shall perform daily site visits during the active installation of utilities-water, sewer, drainage, etc. All drainage pipe and structures must be field checked for proper elevation and pitch as per plan before back filling. Contractor is to provide an instrument and assistant to aid the Inspecting Engineer to confirm compliance with approved plan. **The Inspecting Engineer will only be inspecting the installation of the cross drain pipe.**
15. Location of electric, telephone/cable television trench shall be checked for horizontal and vertical requirements. Contractor is to provide an instrument and assistant to aid the Inspecting Engineer to confirm compliance with approved plan. **This should be shown on the As-Built Plan.**
16. The Inspecting Engineer shall check road sub-base prior to placement of base gravel. The contractor and/or his engineer will provide offsets and elevations and shall be verified in the field by the inspector. Contractor is to provide an instrument and assistant to aid the Inspecting Engineer to confirm compliance with approved plan. **This was pointed out.**
17. The Inspecting Engineer shall check placement of base gravel on a continuous basis. Sub-consultant to Inspecting Engineer shall perform compaction testing. Base gravel shall be compacted to 95% of theoretical density. **Compaction testing is required.**
18. The Inspecting Engineer shall check gravel finish grade (record) and compaction per subdivision regulations. Prior to placement of binder course compaction testing will be mandatory on all roadbeds before binder is placed. Contractor is to provide an instrument and assistant to aid the Inspecting Engineer to confirm compliance with approved plan. Gravel shall be compacted to 95% of theoretical density. **Compaction testing is required.**
19. The Inspecting Engineer shall provide continuous checking of binder

placement in roadway, to insure proper thickness, temperature, and compaction. All mix shall be of MHD standards and will be subject to approval of the Highway Surveyor per subdivision regulations. The Board may also require a qualified inspector to be present at the plant to insure proper mix. Shop drawing of proposed mix is to be submitted for approval before scheduling placement. **This was pointed out.**

20. The Inspecting Engineer shall provide periodic site visits during installation of driveways. **Not Required.**
21. The Inspecting Engineer shall provide daily site visits during installation of bituminous or granite curbing. **Not Required.**
22. The Inspecting Engineer shall provide daily site visits during gravel placement and compaction associated with sidewalk construction. **Not Required.**
23. The Inspecting Engineer shall provide continuous checking of pavement or concrete placement during sidewalk construction. **Not Required.**
24. The Inspecting Engineer shall provide spot-checking of landscaping, grass plots, and street trees. **Not Required.**
25. The Inspecting Engineer shall provide continuous checking of top course asphalt wearing surface to insure proper thickness, temperature and compaction per subdivision regulations and/or MHD standards. The Board may require an inspector be present at the plant to insure proper mix specification. Mix specification is subject to Highway Surveyor approval per subdivision regulations. **This was pointed out.**
26. The Inspecting Engineer shall provide site visits to check monument installation, upon notification that all markers are in place. **This was pointed out.**
27. The Inspecting Engineer shall provide spot-checking of erosion control and general appearance of the site throughout construction phase. **This was pointed out.**
28. The Inspecting Engineer shall provide final site visits for preparing "punch lists", or to verify As Built Plans will be conducted as requested by the Board. **This was pointed out.**
29. The Inspecting Engineer shall provide copies of the daily inspection reports to document each visit or inspection service for the project. **To be sent by email. Contractor will be informed at time of inspection of outstanding items.**

30. After the pre-construction conference site meeting all scheduling will be initiated by the Applicant's POC. The Applicant's POC shall coordinate directly with the Inspecting Engineer. It will be the responsibility of the POC to contact the Inspecting Engineer and arrange a mutually agreeable schedule. The Inspecting Engineer shall make every effort to inspect sites when active. Inspections at inactive sites shall only be with the approval of the Town Planner. **This was pointed out.**
31. The Inspection Engineer shall provide the Board a monthly Master Invoice Table (MIT), summarizing of construction-related activities on the project, the hours allocated to each activity and the responsible party used for the inspection service. All items listed on the MIT shall also be accompanied with a copy of the Construction Observer's Daily Report. The level of detail on such reports shall be commensurate with the level of effort for each task listed on the MIT. The table shall clearly indicate the employee from the Inspection Engineer was responsible for each line item on the MIT. If more than one employee was involved in the specific task then all employees shall be listed as separate items with hours and sub-tasks. **Not Required.**
32. An as-built plan is required before the street may be accepted as a Public Way. **Since this is a Court with a number of major waivers it is not expected that this street will be accepted as a Public Way.**
33. Other:

Point-of Contact - In order to facilitate the abovementioned scope of the inspection review for the project, the Applicant shall designate a principle Point-of Contract (POC). The Applicant's POC shall communicate directly with the Town's Inspecting Engineer to coordinate inspections, construction activities and review of all invoices for the project. It is imperative the Applicant communicate directly with his/her POC to avoid unnecessary inspections or site meetings during the construction process.

Applicant's Point-of Contact: **Jason Barnes**

Phone: **(781) 760-6252**

Email: JBarnesy@aol.com

Non-Compliance - Non-compliance with any of these provisions may result in project delays, removal and/or replacement of uninspected construction activities or possibly, a Stop Work Order, or rescission of the subdivision approval from the Planning Board. Thus, if you have any questions on the PCCC or the inspection process, please contact the Inspecting Engineer directly at (617) 896-4375 or the Town Planner at 978 352-5713.

Invoice Comment Period - The Planning Board will provide a 14 day invoice comment period commencing from the date of receipt of the invoice, time-stamped in the Planning Office. Within this period, the Applicant and his/her POC will be provided a copy of the invoice and all supporting information from the Planning Office. If the Applicant objects to any provisions in the submitted invoice, he/she shall provide the Board with written comments on any items listed in the invoice as well as any supporting information outlining the concerns. If comments are received in the Planning Office within the comment period the Board will review all such comments at their next available Planning Board meeting prior to final review and approval of the invoice.

Approval of Inspection Review Services - In signing this PCCC, the Applicant agrees to the scope of the inspection review schedule and his/her designation of the Point-of-Contact for the project. The Applicant also acknowledges the potential penalties of Non-Compliance and the rights afforded under the Invoice Comment Period.

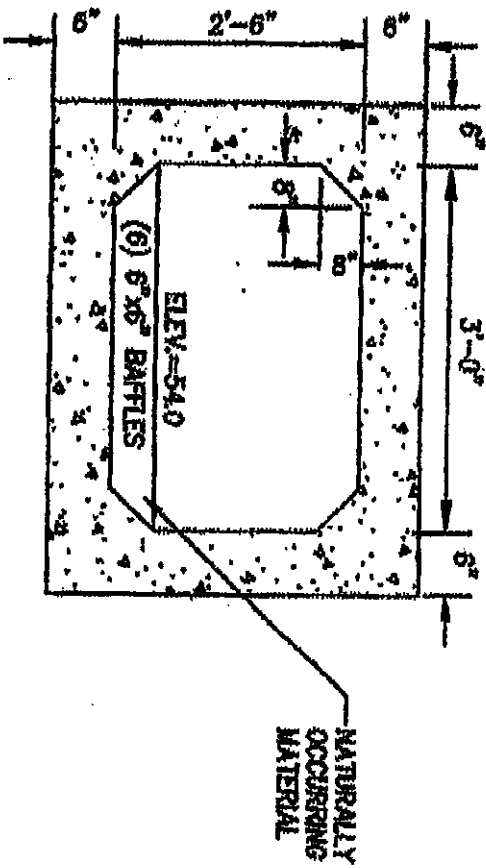
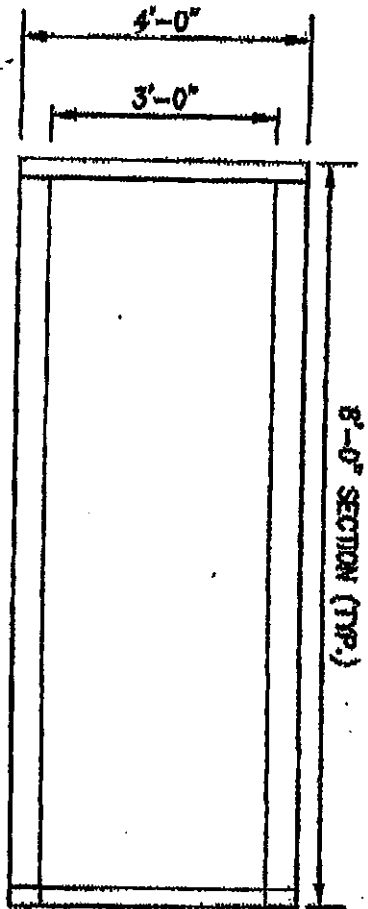
Owner: [Signature] Date: 1/23/2011
JBarnesy Contracting LLC

Inspecting Engineer: [Signature] Date: 1-20-2011

Town Planner: [Signature] Date: 1.24/2011

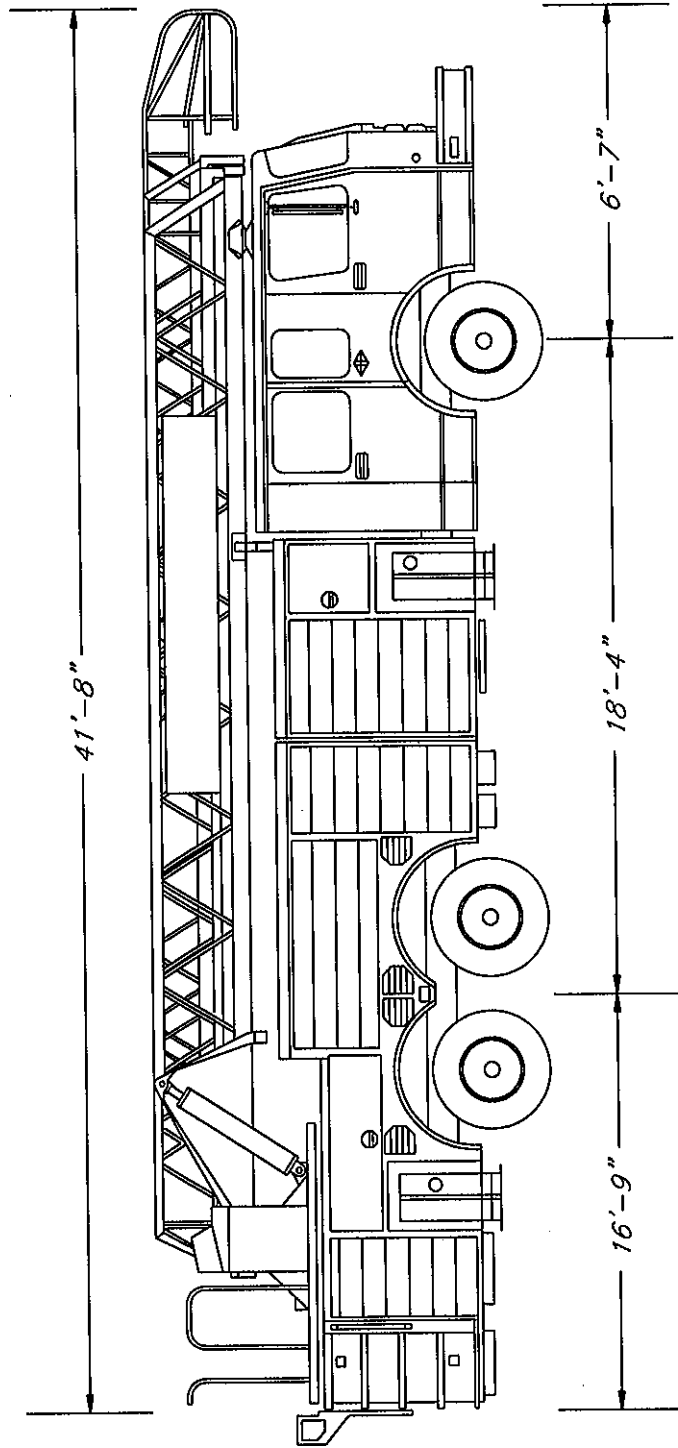
- end -

Approved Culvert
Will be on the NEW OOC



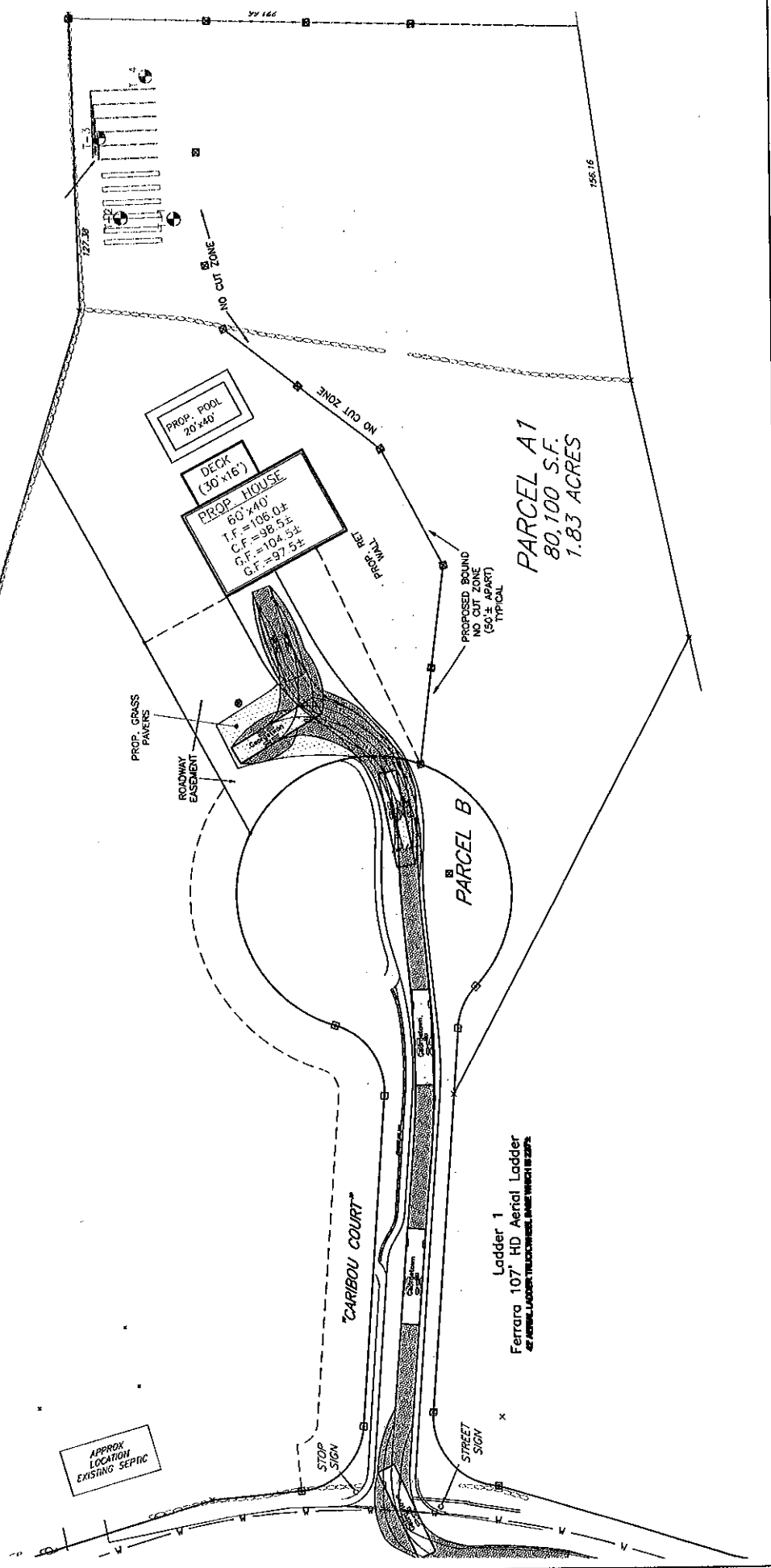
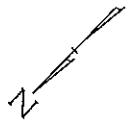
**BOX CULVERT
DETAIL**

Ladder 1 - Ferrara 107' HD Aerial Ladder



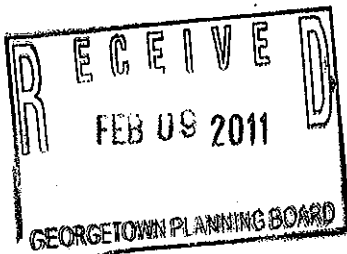
Plan of Land in
GEORGETOWN, MASS.
 City of Georgetown
 202 South Street
 Georgetown, MA 01830
 Phone: 781-746-2000
 Fax: 781-746-2000
 www.georgetown.com
 February 3, 2011
 Scale: 1" = 40'

FIRE TRUCK TURN-AROUND
 LADDER 1 - FERRARA 107' HD AERIAL LADDER



Ladder 1
 Ferrara 107' HD Aerial Ladder
 AT AERIAL LADDER, TELEPHONE, SAME WHICH IS 25'±

EXHIBIT 6



Form I
 (Adopted Dec. 20, 1972, amended 5/96, 4/02)
PERFORMANCE BOND - DEPOSIT OF MONEY
GEORGETOWN PLANNING BOARD

February 2, 2011

Georgetown, Massachusetts

Agreement is made this date between the **Town of Georgetown** and **Frank O. Gatchell, Trustee** of the Frank O. Gatchell Realty Trust, hereinafter referred to as "the applicant" of 135R Central Street, Georgetown, Massachusetts to secure construction of ways and installation of municipal services in the subdivision of land shown on a plan entitled : Harmony Lane, prepared by Professional Land Services, L.C., dated: May 26, 2006, owned by the Frank O. Gatchell Realty Trust, address: 135R Central Street, Georgetown, Massachusetts, land located: 119 Central Street, Georgetown, Massachusetts, and showing three (3) proposed lots.

Know all men by these presents that the applicant hereby binds and obligates himself, his or its executors, administrators, devisees, heirs, successors and assigns to the **Town of Georgetown**, a Massachusetts municipal corporation, acting through its Planning Board, in the sum of **eighty three thousand eight hundred twenty and no/100 dollars (\$83,820.00)**, and has secured this obligation by depositing with the treasurer of said **Town of Georgetown** a deposit of money in the above sum to be deposited in an escrow account in the name of the town. The deposit of money is to be used to insure that performance by the applicant of all covenants, conditions, agreements, terms and provisions contained on the following:

1. Application for Approval Definitive Plan, dated: August 8, 2006;
2. The subdivision control law and the Planning Board's Rules & Regulations governing this subdivision and dated: August, 2006;
3. Conditions included in the Certificate of Vote issued by the Planning Board and dated September 11, 2007;
4. The definitive plan as qualified by the Certificate of Vote; and
5. Other documents specifying construction or installation to be completed, namely (specify other documents, if any, and list lots secured if only part of the subdivision is secured by a deposit of money) _____

This agreement shall remain in full force and effect until the applicant has fully and satisfactorily performed all obligations or has elected to provide another method of securing performance as provided in M.G.L Chapter 41, Section 81-U.

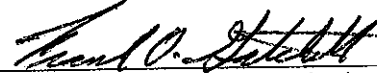
Upon completion by the applicant of all obligations as specified herein, on or before _____, Or such later date as may be specified by vote of the Planning Board with a written concurrence of the applicant, the deposit of money including all interest accrued thereon shall be returned to the applicant, the deposit of money including all interest accrued thereon shall be returned to the applicant by said town and this agreement shall become void. IN the event the applicant should fail to complete the construction of ways and installation of municipal services as specified in this agreement and within the time herein specified, the deposit of money may be applied in whole or in part by the Planning Board for the benefit of the Town of the Georgetown to the extent of the reasonable cost to the town of completing such construction or installation as specified in their agreement. Any unused money and the interest accrued on the deposit of money will be returned to the applicant upon completion of the work by said town; and the Town of Georgetown acting by and through its Planning Board hereby agrees to accept the aforesaid deposit of money in the amount specified in the agreement as security for the performance of the project as aforesaid.

Any amendments to this agreement and/or to the aforesaid security shall be agreed upon in writing by all parties to this agreement.

In witness whereof we have hereunto set our hands and seals this _____ day of _____ 20____.

Signature of Planning Board Chair or Town Planner,
as authorized by vote of Planning Board

Date



Signature of Applicant or its Authorized Agent

02/02/2011
Date

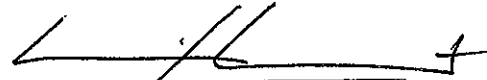
031-46-8641
Social Security # or Taxpayer I.D. #

COMMONWEALTH OF MASSACHUSETTS

Essex, ss

February 2, 2011

Then personally appeared Frank O. Gatchell as the Applicant or his/its authorized agent identified to me by a pictured driver's license to be the person signing the attached document and acknowledged the foregoing instrument to be his or her free act and deed and the free act and deed of the Applicant, before me.



Martin J. Arsenault, Notary Public
My Commission expires: June 14, 2013

COMMONWEALTH OF MASSACHUSETTS

Essex, ss

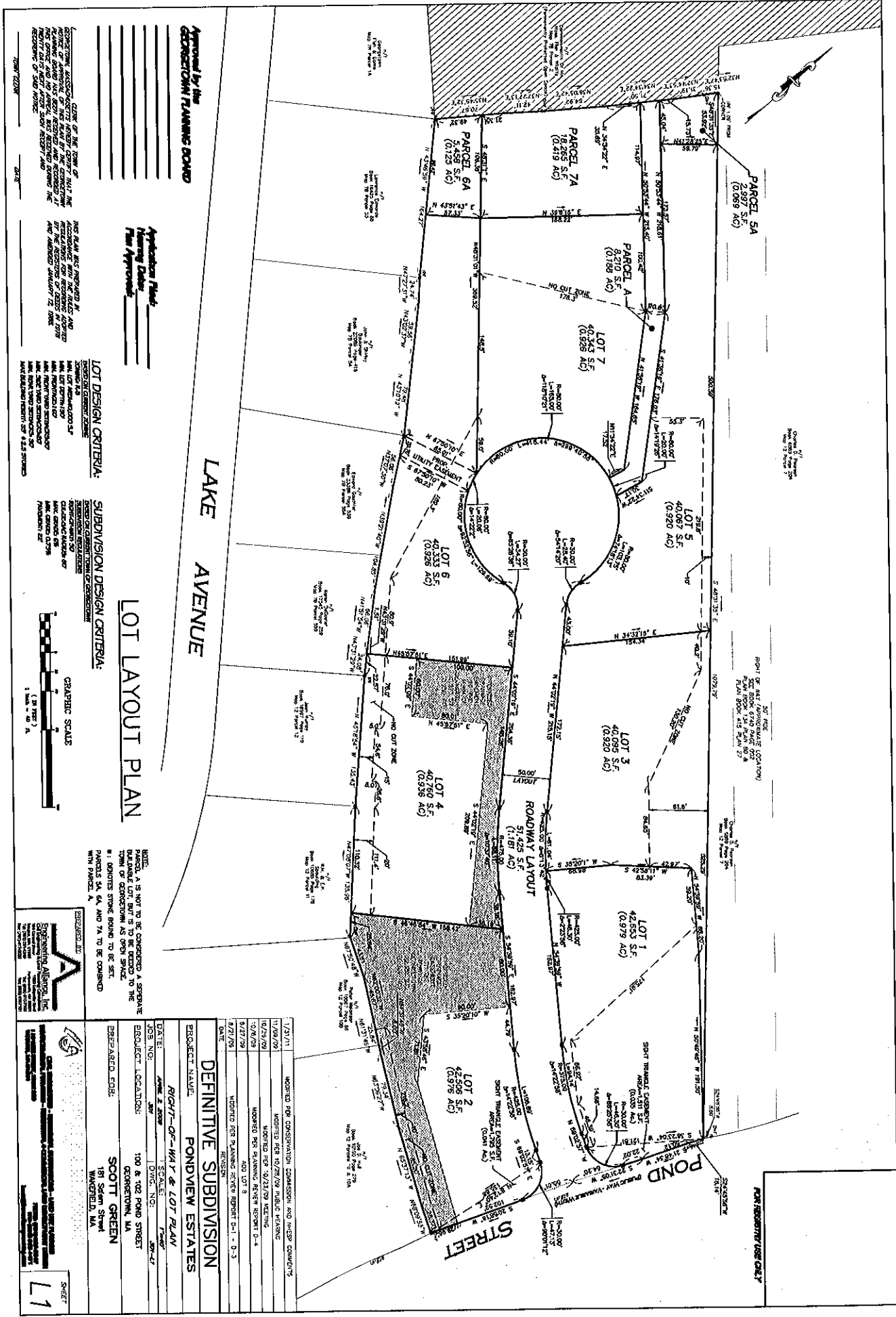
_____, 20____

Then personally appeared _____ as the Planning Board Chair or his/her authorized agent and acknowledged the foregoing instrument to be his or her free act and deed and the free act and deed of the Applicant, before me.

Notary Public

My Commission expires: _____

EXHIBIT 7



Approved by the
GEORGETOWN PLANNING BOARD

Application filed:
Planning Code:
Plan Approval:

LOT DESIGN CRITERIA:

MINIMUM LOT AREA: 40,000 S.F. (0.91 AC)

MINIMUM LOT WIDTH: 100 FT

MINIMUM LOT DEPTH: 100 FT

MINIMUM LOT FRONT SETBACK: 10 FT

MINIMUM LOT SIDE SETBACK: 5 FT

MINIMUM LOT REAR SETBACK: 5 FT

MINIMUM LOT FRONT YARD SETBACK: 5 FT

MINIMUM LOT REAR YARD SETBACK: 5 FT

MINIMUM LOT SIDE YARD SETBACK: 5 FT

MINIMUM LOT FRONT SETBACK: 5 FT

MINIMUM LOT REAR SETBACK: 5 FT

MINIMUM LOT SIDE SETBACK: 5 FT

MINIMUM LOT FRONT SETBACK: 5 FT

MINIMUM LOT REAR SETBACK: 5 FT

MINIMUM LOT SIDE SETBACK: 5 FT

SUBDIVISION DESIGN CRITERIA:

MINIMUM ROADWAY WIDTH: 40 FT

MINIMUM ROADWAY RIGHT-OF-WAY: 60 FT

MINIMUM ROADWAY CURB AND GUTTER: 4 FT

MINIMUM ROADWAY SIDEWALK: 4 FT

MINIMUM ROADWAY BIWAY: 4 FT

MINIMUM ROADWAY BIWAY: 4 FT

MINIMUM ROADWAY BIWAY: 4 FT

MINIMUM ROADWAY BIWAY: 4 FT

MINIMUM ROADWAY BIWAY: 4 FT

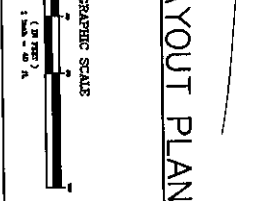
MINIMUM ROADWAY BIWAY: 4 FT

MINIMUM ROADWAY BIWAY: 4 FT

MINIMUM ROADWAY BIWAY: 4 FT

MINIMUM ROADWAY BIWAY: 4 FT

MINIMUM ROADWAY BIWAY: 4 FT



LOT LAYOUT PLAN

NOTE: PARCELS 5A, 6A, AND 7A TO BE COMBINED WITH PARCEL 8A.

PARCEL 8A IS NOT TO BE CONSIDERED A SEPARATE PARCEL. A IS NOT TO BE CONSIDERED A SEPARATE PARCEL. LOT 8 IS TO BE DEED TO THE TOWN OF GEORGETOWN AS OPEN SPACE.

1. DONOR'S STONE BOUND TO BE SET.

MINIMUM LOT AREA: 40,000 S.F. (0.91 AC)

MINIMUM LOT WIDTH: 100 FT

MINIMUM LOT DEPTH: 100 FT

MINIMUM LOT FRONT SETBACK: 10 FT

MINIMUM LOT SIDE SETBACK: 5 FT

MINIMUM LOT REAR SETBACK: 5 FT

MINIMUM LOT FRONT YARD SETBACK: 5 FT

MINIMUM LOT REAR YARD SETBACK: 5 FT

MINIMUM LOT SIDE YARD SETBACK: 5 FT

MINIMUM LOT FRONT SETBACK: 5 FT

MINIMUM LOT REAR SETBACK: 5 FT

MINIMUM LOT SIDE SETBACK: 5 FT

MINIMUM LOT FRONT SETBACK: 5 FT

MINIMUM LOT REAR SETBACK: 5 FT

MINIMUM LOT SIDE SETBACK: 5 FT

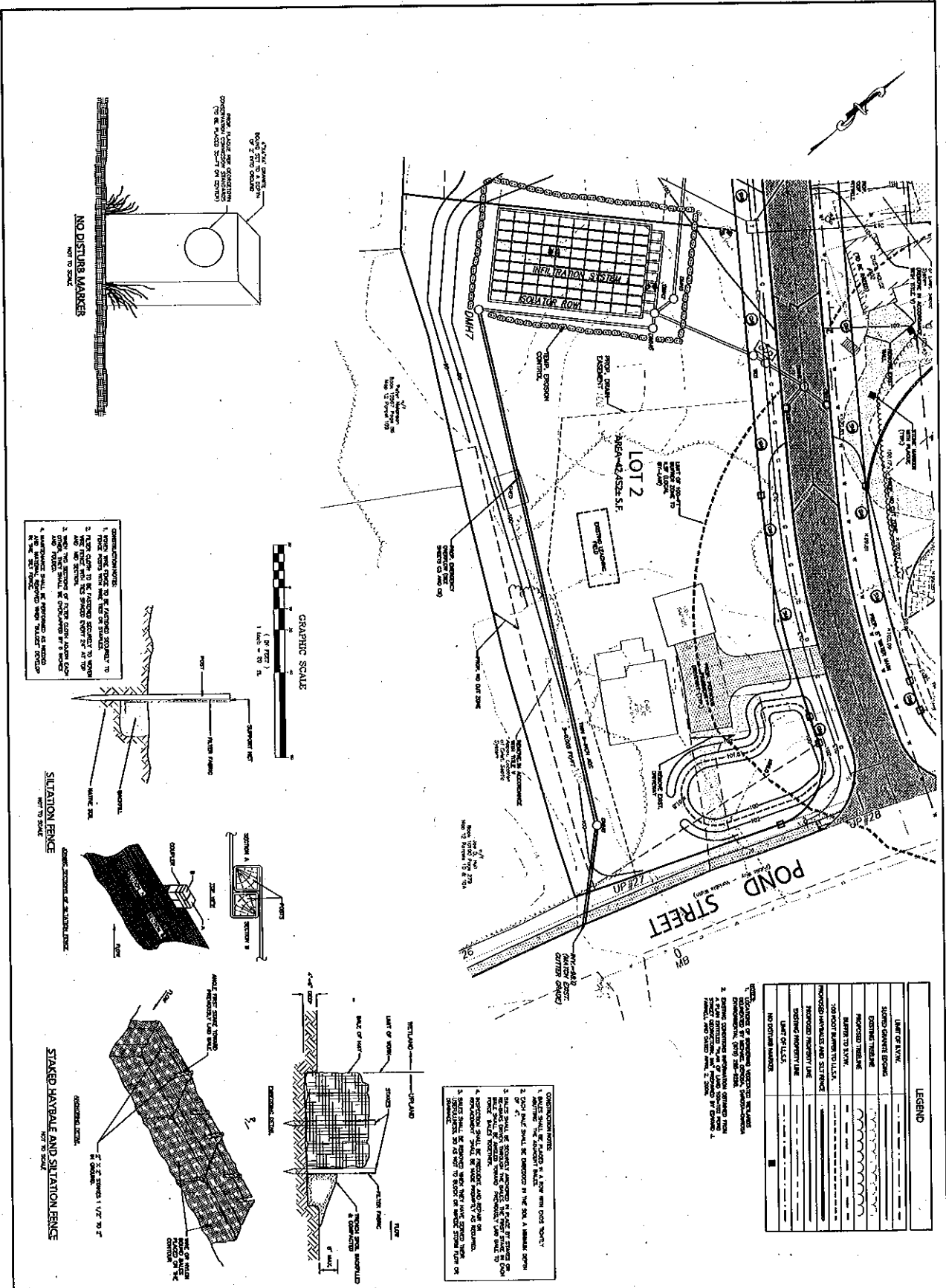
DATE:	APRIL 8, 2008
DRAWN BY:	SCOTT GREEN
CHECKED BY:	SCOTT GREEN
PROJECT LOCATION:	100 & 702 POND STREET, GEORGETOWN, MA
DESIGNED FOR:	SCOTT GREEN, 181 WOODBURY STREET, WASHINGTON, MA

DEFINITIVE SUBDIVISION
PONDVIEW ESTATES

PROJECT NAME:
RIGHT-OF-WAY & LOT PLAN

DATE: APRIL 8, 2008
DRAWN BY: SCOTT GREEN
CHECKED BY: SCOTT GREEN
PROJECT LOCATION: 100 & 702 POND STREET, GEORGETOWN, MA
DESIGNED FOR: SCOTT GREEN, 181 WOODBURY STREET, WASHINGTON, MA

17



APPLICANT:
Jeffrey McMath
19 Tech Ctr
Hudson, MA 01770

DWG. NO.
10f1

DRAWING TITLE:
**Plan to Accompany
Notice of Intent**



PROJECT:
**Plan of Land
100 Pond Street
(Legal Lot 2)
(Tax Map 12 Parcels 8 & 9 Lot 1)
Georgetown, Massachusetts**

PROJECT #: 0924404 DATE: June 22, 2010

SCALE: As Noted DWG FILE NAME: 100pond10f1.dwg

DESIGN BY: Emily Demott CHECKED BY: Richard A. Salvo, P.E.

Engineering Alliance, Inc.
Civil Engineering & Land Planning Consultants
194 Central Street
Spring, MA 01106
Tel: (781) 231-1949
Fax: (781) 417-0020

1950 Lafayette Road
Portsmouth, NH 03801
Tel: (603) 610-7100
Fax: (603) 610-7101

1/31/11	REVISED PER CONSERVATION COMMISSION COMMENTS
DATE	DESCRIPTION OF REVISION

EXHIBIT 8



15 Elkins Street
Boston, MA 02127

Tel: 617-896-4300
800-288-8123
Fax: 617-896-4301

www.bscgroup.com

December 20, 2010

Mr. Nichols Cracknell
Georgetown Town Planner
1 Library Street
Georgetown, MA 01833

RE: Little Hill As Built Plan Review

Dear Mr. Cracknell:

On October 28, 2010 Warren Manter, the General Contractor for the Little Hill project delivered one set of the As-Built Plans for the Little Hill. At that time it was agreed that I should not begin the review of these plans until the "M" account was brought up to date. Based on the recent chain of emails (December 3, 2010 to December 15, 2010)

I have a number of items that I am requesting Hayes Engineering be added or clarified as follows:

1. General Items:

- a. Add a symbol for Stone Bound Drill Holes Set in the Legend;
- b. Add a symbol for the type of monument set for lot corner in the Legend;
- c. Please show the approximate location of the water main in the Plan and Profile views;
- d. Please show the locations of the Benchmarks in the Plan views;
- e. Please call out the center line stations of the Point of Curve (PC) and Point of Tangent (PT);
- f. Please provide a plan that shows all of the rear lot boundary corners as shown on the Definitive Plan – Index Sheet, Little Hill, Sheet 1 of 25 sheets;
- g. The original approved design plans all provided profiles for the off road drainage basins. Please provide As-Built Drainage Profiles;
- h. Please set and show monuments defining drainage easements as shown on the Definitive Plans of Land;

2. Hillside Drive, Sheet 1 of 2:

- a. Please provide the math of the right-of-way of Hillside Drive and Baldpate Road;
- b. Please provide the math along Baldpate Road right-of-way from the south terminus of the Hillside Road to the South property line;
- c. Please provide the As-Built data of the sidewalk along Baldpate Road from

Engineers

Environmental
Scientists

GIS Consultants

Landscape
Architects

Planners

Surveyors

- Hillside Drive to Andover Street;
- d. Please show the pipe that connects the Catch Basin located north of Hillside Drive with a rim elevation of 243.87 feet;
 - e. Please show all of the fence that is around the Soccer Field;
 - f. Please identify the material and the use of the gravel parking area;
 - g. The details of the hydrant and the gate valve are not clear near station 5+00 right;
 - h. Please identify the material and use of the former utility area near station 6+50 left;
 - i. Please set and call out the front lot corner monuments;
 - j. Please locate and show the guard rail fence that blocks off the end of Canterbury Drive;
 - k. Please locate the Tee Turn Around at the end of Canterbury Drive near Hillside Drive (Note: this work was part of the Subdivision Decision);
 - l. Drainage and sewer pipe slopes are acceptable;
3. Hillside Drive, Sheet 2 of 2:
- a. Please set and call out the front lot corner monuments;
 - b. Please locate and show the hydrant shut off Gate Valve near station 22+00 left;
 - c. Drainage and sewer pipe slopes are acceptable;
4. Littles Hill Lane, Sheet 1 of 1:
- a. Please label "Hillside Drive" intersection;
 - b. Drainage and sewer pipe slopes are acceptable;
5. Londonderry Lane, Sheet 1 of 3:
- a. Please add North Arrow;
 - b. Please set and call out the front lot corner monuments;
 - c. Water Gate not shown for hydrant located on the north side of Cranberry Drive;
 - d. At the intersection of Cranberry Drive and Londonderry Lane the sidewalk in the northwesterly corner extends onto private property. No easement is shown. Please address this issue.
 - e. Drainage and sewer pipe slopes are acceptable;
6. Londonderry Lane, Sheet 2 of 3:
- a. Water Gate not shown for hydrant at end of cul-de-sac;
 - b. The front corner monuments are shown and identified as Iron Pipe (Set). These are not visible. Two stone bounds with drill holes were observed. Please confirm the type and location of the monuments.
 - c. The 18-inch drain pipe from DMH 15+73.2 to DMH 18+09 has an As-Built slope of 0.4%. The design plan has a slope of 0.82%. Please confirm that this pipe will function as designed.

- d. The 18-inch drain pipe from DMH 18+09 to DMH 19+10 has an As-Built slope of 0.6%. The design plan has a slope of 0.82%. Please confirm that this pipe will function as designed. Also this pipe is not drawn to scale.
- e. The 8-inch sewer pipe from SMH 20+75 to SMH 19+50 has an As-Built slope of 0.3%. The design plan has a slope of 0.76%. It is also noted that the flattest design sloped sewer pipe on this run is 0.5%. Also please note that the normal minimum slope for an 8-inch sewer pipe is 0.4% in accordance with TR-16. Please confirm that this pipe will function as designed.

7. Londonderry Lane, Sheet 3 of 3:

- a. Subject to the General Items, this sheet is acceptable.

Please do not hesitate to contact me at (617) 896-4375 with any inquiries you may have.

Very truly yours,

BSC Group, Inc.

David E. Varga

David E. Varga, P.E., P.L.S.
Georgetown Inspecting Engineer
Chief Staff Engineer – Civil
Senior Associate

cc: Peter Ogren, P.E, P.L.S.

P:\Prj\2307100_Project Control\Construction Administration\0.05 Little's Hill\As-Built\2010-12-17 Final Draft As-Built\2010-12-20 dev As-Built Review.docx

EXHIBIT 9

October 19, 2009

Re: Process for Municipal Acceptance of an Interest in Real Estate

The following guidelines should be used to review the acceptance procedures for Town acceptance of an interest in real estate¹. After the steps are completed the deed may be recorded at the Registry:

MGL 40 8c allows a Town to accept an interest in real estate without Town Meeting approval if:

- The purpose of the land is for passive recreational use (i.e. leaving the property in its natural state²);
- The Conservation Commission has formally voted to accept the property; and,
- The Board of Selectmen has formally voted to accept the property.

MGL 40 requires a Town to accept an interest in real estate with Town Meeting approval if:

- The purpose of the land is for active recreational use (i.e. changing the use or character of the land);
- The Board of Selectmen has formally voted to place the warrant article on the Town Meeting warrant;
- the Town Meeting votes (by a majority vote) to authorize the Board of Selectmen to vote to accept the property; and,
- The Board of Selectmen vote (by a majority vote) to accept the property.

¹ Note, that the Planning Board has no authorization under the enabling statutes to accept an interest in real estate. Thus, under an OSRD approval, the open space must either be deeded to the Town under one of the two procedures noted above, or a third party needs to take title (i.e. a Homeowner's Association or entity like the Essex County Greenbelt). In the later, the private conservation restriction would likely be limited to 30 years under a restrictive covenant versus the 99 year protection (also know as "perpetuity") provided under MGL 184 if the town was to hold an easement. Note however, such an easement would still require one of the procedures outline above.

² Precisely defining the difference between active and passive is difficult so most projects should err on the side of the more rigorous approval process with Town Meeting approval.

Cross References

Appropriations, see § 5(49) of this chapter.

Group life and accident and health insurance policies, issuance to trustees of fund appointed by council on aging, see c. 175, § 110J.

Library References

Municipal Corporations § 177.

C.J.S. Municipal Corporations § 551 et seq.

Comments.

Municipal council on aging, see M.P.S. vol. 18, Randall and Franklin, § 241.

§ 8C. Conservation commission; establishment; powers and duties

A city or a town which accepts this section may establish a conservation commission, hereinafter called the commission, for the promotion and development of the natural resources and for the protection of watershed resources of said city or town. Such commission shall conduct researches into its local land areas and shall seek to co-ordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its work. Among such plans may be a conservation and passive outdoor recreation plan which shall be, as far as possible, consistent with the town master plan and with any regional plans relating to the area. The commission may, from time to time, amend such plan. Such plan shall show open areas including marsh land, swamps and other wetlands, and shall show which areas are subject to restrictions or wetland zoning provisions and any other matters which may be shown on a plat index under section thirty-three of chapter one hundred and eighty-four. Acquisitions of interests in land under this section and other municipal open lands shall be shown thereon as well as lands owned by other entities kept open through any legal requirement. Such plan shall show other areas which public necessity requires to be retained for conservation and passive recreation use. It shall keep accurate records of its meetings and actions and shall file an annual report which shall be printed in the case of towns in the annual town report. The commission may appoint a director, clerks, consultants and other employees, and may contract for materials and services within available funds insofar as the same are not supplied by other departments. The commission shall consist of not less than three nor more than seven members. In cities the members shall be appointed by the mayor, subject to the provisions of the city charter, except that in cities having or operating under a Plan D or Plan E form of city charter, said appointments shall be by the city manager, subject to the provisions of the charter; and in towns they shall be appointed by the selectmen, excepting towns having a manager form of government, in which towns appointments shall be made by the town manager, subject to the approval of the selectmen. When a commission is first

established, the terms of the members shall be for one, two or three years, and so arranged that the terms of approximately one third of the members will expire each year, and their successors shall be appointed for terms of three years each. Any member of a commission so appointed may, after a public hearing, if requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall in a city or town be filled for the unexpired term in the same manner as an original appointment. Said commission may receive gifts, bequests or other properties in the real property of the kinds mentioned below in the name of the city or town, subject to the approval of the city council in a city or of the selectmen in a town. It may purchase interests in such land with sums available to it. If insufficient funds are available or other reasons so require, a city council or a town meeting may raise or transfer funds so that the commission may acquire in the name of the city or town by option, purchase, lease or otherwise the fee in such land or water rights, conservation restrictions, easements or other contractual rights including conveyances on conditions or with limitations or reversions, as may be necessary to acquire, maintain, improve, protect, limit the future use of or otherwise conserve and properly utilize open spaces in land and water areas within its city or town, and it shall manage and control the same. For the purposes of this section a city or town may, upon the written request of the commission, take by eminent domain under chapter seventy-nine, the fee or any lesser interest in any land or waters located in such city or town, provided such taking has first been approved by a two-thirds vote of the city council or a two-thirds vote of an annual or special town meeting, which land and waters shall thereupon be under the jurisdiction and control of the commission. Upon a like vote, a city or town may expend monies in the fund, if any, established under the provisions of clause (5) of section five for the purpose of paying, in whole or in part, any damages for which such city or town may be liable by reason of any such taking. The commission may adopt rules and regulations governing the use of land and waters under its control, and prescribe penalties, not exceeding a fine of one hundred dollars, for any violation thereof. No action taken under this section shall affect the powers and duties of the state reclamation board or any mosquito control or other project operating under or authorized by chapter two hundred and fifty-two, or restrict any established public access. Lands used for farming or agriculture, as defined in section one A of chapter one hundred and twenty-eight, shall not be taken by eminent domain under the authority of this section.

Historical Note

St.1957, c. 223, § 1, was approved March 22, 1957.

As originally enacted, this section read: "A city or a town which accepts this section may establish a conservation commission, hereinafter called the commission, for the promotion and development of the natural resources and for the protection of watershed resources of said city or town. Such commission shall conduct researches into its local land areas and shall seek to co-ordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its work. It shall keep an index of all open areas within the city or town, as the case may be, with the plan of obtaining information pertinent to proper utilization of such open areas, including lands owned by the commonwealth or lands owned by a city or town. It shall keep an index of all open marshlands, swamps and all other wet lands in a like manner, and may recommend to the city council or selectmen and, subject to the approval of the city council or selectmen, to the department of natural resources and to the state reclamation board a program for the better promotion, development or utilization of all such areas. It shall keep accurate records of its meetings and actions and shall file an annual report which shall be printed in the case of towns in the annual town report. The commission may appoint such clerks and other employees as it may from time to time require. The commission shall consist of not less than three nor more than seven members. In cities the members shall be appointed by the mayor, subject to the provisions of the city charter, except that in cities having or operating under a Plan D or Plan E form of city charter, said appointments shall be by the city manager, subject to the provisions of the charter; and in towns they shall be appointed by the selectmen, excepting towns having a manager form of government, in which towns appointments shall be made by the town manager, subject to the approval of the selectmen. When a commission is first established, the terms of the members shall be for one, two or three years, and so arranged that the terms of

appointed may, after a public hearing, if requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall in a city be filled for the unexpired term in the same manner as an original appointment, and in a town in the manner provided in section eleven of chapter forty-one. Said commission may receive gifts of funds, lands, buildings and other properties in the name of the city or town, subject to the approval of the city council in a city, or the selectmen in towns. Such gifts shall be held in the name of the city or town, but may be managed by the commission for the purposes set forth in this section."

St.1961, c. 258, approved March 21, 1961, rewrote the twelfth and thirteenth sentences to read: "Said commission may receive gifts of property, both real and personal, in the name of the city or town, subject to the approval of the city council in a city or the selectmen in a town, such gifts to be managed and controlled by the commission for the purposes of this section. Said commission may acquire by gift, purchase, grant, bequest, devise, lease or otherwise the fee in such land or water rights, or any lesser interest, development right, easement, covenant, or other contractual right including conveyances on conditions or with limitations or reversions, as may be necessary to acquire, maintain, improve, protect, limit the future use of or otherwise conserve and properly utilize open spaces and other land and water areas within their city or town, and shall manage and control the same."

St.1965, c. 768, § 2, an emergency act, approved Nov. 23, 1965, added the eighteenth, twentieth, twenty-first and twenty-second sentences.

St.1967, c. 885, approved Jan. 5, 1968, inserted the nineteenth sentence.

St.1971, c. 893, § 1, approved Oct. 14, 1971, substituted the third through seventh sentences for the former third and fourth sentences.

Section 2 of St.1971, c. 898, rewrote the ninth sentence, which prior thereto read: "The commission may appoint such clerks and other employees as it may from time to time require."

St.1975, c. 18, approved Feb. 14, 1975, in the fourteenth sentence, inserted "or town" and deleted " , and in a town in the manner

provided in section eleven of chapter forty-one", following "appointment".

Code of Massachusetts Regulations

Planning requirements for municipal participation in federal land and water conservation fund and Massachusetts urban self-help program, see 301 CMR 5.90.

Urban self-help program.

Application step procedures, see 301 CMR 5.05.

General provisions, see 301 CMR 5.01.

Specifications for appraisal reports, see 301 CMR 5.92.

Cross References

Conservation program for cities and towns, see c. 132A, § 11.

Law Review Commentaries

Conservation, open space and recreation. Julian J. D'Agostine and Richard G. Huber, 13 Annual Survey of Mass. Law, Boston College, p. 230 (1966).

Inland wetlands. Richard G. Huber and David A. Mills, 15 Annual Survey of Mass. Law, Boston College, p. 352 (1968).

Municipal powers and functions. Joseph F. Courtney, 12 Annual Survey of Mass. Law, Boston College, p. 285 (1965).

Powers and functions of state government. Joseph F. Courtney, 12 Annual Survey of Mass. Law, Boston College, p. 285 (1965).

Library References

Municipal Corporations § 177.
C.J.S. Municipal Corporations § 551 et seq.

Comments.
Environmental protection, conservation commissions, see M.P.S. vol. 18A, Randall and Franklin, § 792.
Environmental protection, conservation restrictions, see M.P.S. vol. 18A, Randall and Franklin, § 799.

Environmental protection, wetlands and floodplains, see M.P.S. vol. 18A, Randall and Franklin, § 793.

Municipal open space, see M.P.S. vol. 18A, Randall and Franklin, § 1120.
Noise control, see M.P.S. vol. 18A, Randall and Franklin, § 767.

Restrictions on land use, coastal wetlands and wetlands generally, see M.P.S. vol. 28, Park, § 943.

Notes of Decisions

in general 1
Necessity of town vote 2
Open meetings 4
Parties 5
Pleadings 6
Request of conservation commission 3

Grove Park and Pond in the Cove may properly be regarded as a project which the conservation commission may execute under the powers granted to it by this section. Op. Atty. Gen., Nov. 7, 1967, p. 132.

2. Necessity of town vote

A town conservation commission may acquire land, as authorized by this section and may expend moneys appropriated to a conservation fund under § 5(51) of this chapter for such purposes without the vote of a town meeting, except that if the land is to be admitted for admission, *Admission v. Town*, 312 Mass. 224 (1962).

1. In general

Town meeting could appropriate monies directly for a taking under authority of this section authorizing municipal taking of land or waters for conservation purposes. *Town of Dedham v. Gobbet* (1978) 376 N.E.2d 1254.

Section 14 of this chapter, requiring a town vote for the purchase or taking of land where not otherwise authorized by statute, does not apply to the purchase or taking of land for conservation purposes which is so "otherwise authorized" by this section. *Id.*

Chapter 132A, § 11, providing for reimbursement of towns by the commonwealth of 50 percent of the cost of acquiring land to be held for conservation purposes, does not require a town vote to authorize a conservation commission to acquire the land, which is authorized by this section; but does require that the town have appropriated, transferred and voted to expend the total cost thereof from its conservation fund under § 5(51) of this chapter. *Id.*

3. Request of conservation commission
Requirement of this section that municipal taking of land or waters for conservation purposes be founded upon written request of conservation commission is a condition precedent to validity of such a taking. *Town of Dedham v. Gobbet* (1978) 376 N.E.2d 1254, 6 Mass.App. 883.

Inconclusive references in minutes of conservation commission and testimony of commission chairman concerning votes not recorded in minutes did not establish written request of conservation commission for municipal taking of land or waters for conservation purposes be founded upon written request of commission. *Id.*

4. Open meetings

Three-member subcommittee of town's seven-member conservation commission makes "decisions" within meaning of open meeting law (c. 39, § 23A et seq.) definitively.

tions of "deliberation" and "meeting" when it makes reports of facts to the full commission after conducting investigations to the when it formulates recommendations to the commission, and thus, when doing so, subcommittee members must comply with applicable requirements of such sections. *Nigro v. Conservation Com'n of Canton* (1984) 458 N.E.2d 1219, 17 Mass.App. 493.

5. Parties

None of individual plaintiffs had standing to pursue claims or theories of breach of conditions subsequent or breach of promise for failure of corporation to preserve property in natural or historic state where case raised no implication of private nuisance and did not fall within any of narrowly defined classes of cases in which Legislature had conferred standing on private individuals, in light of fact that conservation commission was specifically charged with responsibility for enforcing town's rights under formal instrument executed by corporation. *Knowles v. Codex Corp.* (1981) 426 N.E.2d 734, 12 Mass.App. 493.

6. Pleadings

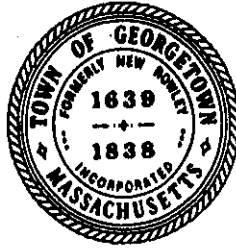
Where plaintiffs in action against corporation for alleged failure to preserve property in natural or historic state failed to state claim upon which relief could be granted even if court melted into complaint all affidavits which were filed and where even on appeal plaintiffs did not say what it was they wanted to bring to judge's attention, plaintiffs were not unfairly deprived of opportunity to respond to affidavits and other materials submitted by corporation and other defendants. *Knowles v. Codex Corp.* (1981) 426 N.E.2d 734, 12 Mass.App. 493.

§ 8D. Historical commission; establishment; powers and duties

A city or town which accepts this section may establish an historical commission, hereinafter called the commission, for the preservation, protection and development of the historical or archeological assets of such city or town. Such commission shall conduct researches for places of historic or archeological value, shall cooperate with the state archeologist in conducting such researches or other surveys, and shall seek to coordinate the activities of unofficial bodies organized for similar pur-

EXHIBIT 10

Town of Georgetown



TEL. (978) 352-5713

PLANNING BOARD
1 LIBRARY STREET
GEORGETOWN, MA 01833

December 22, 2010

Mike Farrell, Town Administrator
Town Hall
One Library Street
Georgetown, MA 01833

Re: Revised Draft Planning Board Budget FY12

Dear Mr. Farrell,

On December 8th, 2010, the Planning Board ("Board") voted to support submission of the attached budget worksheets as a draft budget for your review and comment. At their January 12th meeting, the Board will review, discuss and prepare a final budget figure for your review as well as submission to the Finance Committee. Importantly, at this time, the Board is supportive of your request to prepare a Performance-Based Budget based on: past trends; current service needs; an evaluation of the Board's needs (including any obligations under state or local zoning or subdivision regulations); and, the goals, objectives and strategies outlined in the 2007 Master Plan.

As a result of your efforts to change the budgeting approach in Georgetown, we have reviewed our obligations under the 43D program as well as our salary and expense accounts and we have made every effort to maintain currently service delivery levels while also reducing our annual budget allocation by nearly \$7,500 (11%). Note that any further reductions in funding would result in a reduction of hours for current employees in the Planning Department as well as reduced hours of operations for the Office.

Over the coming month we will continue to review these draft figures and will present a final budget figure to your office after the January 12th meeting. At that time, we will also include a budget narrative that outlines our goals, objectives and priorities for FY12 and how we assessed our current needs and made adjustments to meet these goals.

If you have any other questions or comments on this project or request, please feel free to contact me in the Planning Office.

Respectfully,

Nicholas Cracknell, AICP
Town Planner

Cc: Hugh Carter, Planning Board Chair

BUDGET SUMMARY - Zero-Based Budgeting / Performance-Based Budget for Planning Board

FY2012 BUDGET

Category	Department	Line Item	FY07	FY08	FY09	FY10	FY11	FY12	FY13
		Number	Actual	Actual	Actual	Actual①	Actual②	Proposed③	Estimated④
Land Use: Planning	Planning Board Salaries	11752	\$43,283.00	\$38,403.00	\$47,997.00	\$53,818.66	\$61,285.00	\$54,613.34	\$49,696.37
	Planning Board Expense	11751	\$7,453.00	\$8,734.00	\$7,816.00	\$8,000.00	\$7,980.00	\$7,200.00	\$7,200.00
SUBTOTAL FOR PLANNING			\$50,736.00	\$47,137.00	\$55,813.00	\$61,818.66	\$69,265.00	\$61,813.34	\$56,896.37

Please provide narrative detail for any increases:

- 1 Includes temporary personnel costs for 6 months of the 43D program as well as raises approved at the 2009 STM.
- 2 Total budget is level funded and level services and includes temporary personnel costs for 12 months of the 43D program.
- 3 Total budget is level funded and level services and includes temporary personnel costs for 6 months of the 43D program.
- 4 Total budget is level funded and level services and includes NO temporary personnel costs for the 43D program.

PERSONNEL - Zero-Based Budgeting / Performance-Based Budget for Planning Board

[Account #11752]

POSITION	Hours/wk		Appropriated Salary		Adjusted Salary		Appropriated Salary		Proposed Salary		Estimated Salary
	Actual FY2010	Request FY 2011	FY2010	FY2010①	FY2010①	FY2011②	FY2011②	FY2012③	FY2012③	FY2013④	
Licensing & Registration:											
Town Planner											
43D Permit Coordination	24	24	\$34,367.00	\$34,765.88	\$34,765.88	\$34,765.88	\$34,765.88	\$34,765.88	\$34,765.88	\$34,765.88	\$34,765.88
Admin Asst to Town Planner	8	8	\$0.00	\$5,794.31	\$5,794.31	\$11,588.63	\$5,794.31	\$5,794.31	\$5,794.31	\$0.00	\$0.00
Minute Taking	15	15	\$11,915.00	\$12,053.15	\$12,053.15	\$12,053.15	\$12,053.15	\$12,053.15	\$12,053.15	\$12,053.15	\$12,053.15
Minute Taking	3	3	\$2,000.00	\$1,205.32	\$1,205.32	\$2,877.34	\$2,000.00	\$2,000.00	\$2,000.00	\$2,877.34	\$2,877.34
TOTAL	50	50	\$48,282.00	\$53,818.66	\$53,818.66	\$61,285.00	\$53,818.66	\$53,818.66	\$53,818.66	\$61,285.00	\$49,696.37

- 1 Includes temporary personnel costs for 6 months of the 43D program as well as raises approved at the 2009 STM.
- 2 Total budget is level funded and includes temporary personnel costs for 12 months of the 43D program.
- 3 Total budget is level funded and includes temporary personnel costs for 6 months of the 43D program.
- 4 Total budget is level funded and includes NO temporary personnel costs for the 43D program.

OFFICE EXPENSES - Zero-Based Budgeting / Performance-Based Budget for Planning Board

[#11751]

Account Name	Category	DESCRIPTION	Actual	Actual	Actual	Actual	Actual	Proposed	Notes
			Budget FY 07	Budget FY08	Budget FY09	Budget FY10	Budget FY11	Budget FY12	
5200 Services	5210	Advertising	\$1,491	\$1,423	\$2,040	\$1,400	\$1,000	\$1,000	Public Hearing Notices
	5220	Dues/Memberships	\$426	\$265	\$447	\$500	\$500	\$500	AICP
	5230	Publications	\$516	\$602	\$349	\$400	\$500	\$500	Planning Commissioner's Journal, Land Use Law.
	5240	Training/Conferences	\$162	\$489	\$488	\$750	\$750	\$500	APA conferences and seminars
	5250	Consultants- Eng/Legal	\$675	\$1,043	\$1,542	\$1,200	\$1,300	\$2,000	Engineering review and legal fees for street acceptances
Sub-Total			\$3,270	\$3,822	\$4,866	\$4,250	\$4,050	\$4,500	
5400 Supplies	5410	Postage	\$100	\$220	\$154	\$150	\$150	\$150	Fed Ex packets, stamps...
	5420	Telephone	\$422	\$346	\$351	\$450	\$350	\$350	Verizon
	5430	Office Supplies	\$265	\$2,330	\$1,013	\$1,000	\$500	\$500	Letterhead, envelopes, business cards, folders...
	5440	Vehicle Fuel	\$37	\$32	\$34	\$50	\$80	\$50	Mileage
	5450	ZBL	\$414	\$414	\$414	\$300	\$200	\$250	Printing costs (recouped in fees)
25 books per year	5460	Subdivision Regs	\$354	\$354	\$354	\$300	\$200	\$250	Printing costs (recouped in fees)
Sub-total	1856	MWPC Picometry (\$2,150)	\$0	\$1,177	\$0	\$0	\$0	\$0	
		MWPC - MIMAP (\$1,500)	\$0	\$0	\$0	\$1,500	\$1,500	\$300	Planning Office share (33%)
Sub-total			\$1,592	\$4,873	\$2,320	\$3,750	\$2,980	\$2,050	
5700 Other	5700	Zoning Upgrade	\$135		\$600	\$0	\$450	\$500	Ecocde
5800 Capital	5800	Office Equipment	\$1,200			\$0	\$500	\$650	Printer
Sub-total			\$6,200	\$8,700	\$7,800	\$8,000	\$7,980	\$7,200	
GRAND TOTAL			\$6,200	\$8,700	\$7,800	\$8,000	\$7,980	\$7,200	

EXHIBIT II



Planning Department

- Weekly Report -

DATE: February 3, 2011

TO: Phil Trapani, Chairman of the Board of Selectmen

FROM: Nicholas Cracknell - Town Planner

RE: Thursday Report

CC: Hugh Carter - Planning Board, Ted Kottcamp - Economic Development Committee, Mike Farrell - Town Administrator, Harry LaCortiglia – Community Preservation Committee, Steve Przyjemski – Conservation Agent, Carl Shreder – Conservation Commission, Chas Waters – Affordable Housing Trust, Jeff Wade – Recreational Path Committee, Ed Desjardin – Historic Commission, Deb Rogers – Board of Health, Patty Pitari – Zoning Board of Appeals, Jon Metivier – Building Inspector.

This weekly report is intended to keep you informed of current development proposals and other noteworthy planning and development activities. The meeting schedule and summaries for next week are as follows:

Meetings at a Glance:

Monday 2/7/10	NA
Tuesday 2/8/10	<ul style="list-style-type: none"> ▪ Community Preservation Committee, 7:30 p.m., 3rd Floor Meeting Room, Town Hall
Wednesday 2/9/10	<ul style="list-style-type: none"> ▪ Planning Board, 7:30 p.m., 3rd Floor Meeting Room, Town Hall ▪ Affordable Housing Trust, 7:00 p.m., 2nd floor, Town Hall
Thursday 2/10/10	<ul style="list-style-type: none"> ▪ Development Review Committee, 10:00 a.m., 2nd floor, Town Hall ▪ Recreational Path Committee, 7:00 p.m., 2nd floor, Town Hall

- **Community Preservation Committee:** The Community Preservation Committee is meeting to continue the review of Project Suggestions for funding in FY12. Project Suggestions to be reviewed at this meeting include: 1) GAA Turf suggestion for the High School and 2) Park and Recreation's suggestion for Phase 1 of the Main Street Facility. **Contact Harry LaCortiglia at 978 352 5527 or hlcortiglia@comcast.net**

- **Planning Board Meeting:** The Planning Board agenda includes the following items: 1) Continuation of the public hearing for the proposed revisions to the Subdivision Regulations – including revised forms, figures and requirements for low impact drainage techniques; 2) Update on the litigation against the Bond Company for the Chaplin Hills project (under Executive Session); 3) Lot-line adjustments to Pondview Estates due to requirements from Natural Heritage; 4) Update on the land donation for 34 Thurlow Street; and 5) the release of lots from the Harmony Lane subdivision. **Contact Nicholas Cracknell at 978.352.5713 or ncracknell@georgetownma.gov**

- **Affordable Housing Trust:** The Affordable Housing Trust will meet to discuss: 1) the ongoing status of the affordable housing unit located at 201 Central Street; 2) the Housing Production Plan with LDS Consulting, and 3) establishing SOP for the resale of affordable housing units. **Contact Paul Nelson at 978.352.5713 or paul_nelson@comcast.net.**

- **Development Review Committee:** As part of the 43D Expedited Permitting Process, the Development Review Committee (DRC) will continue to meet with and discuss development plans for a 70 acre property located on Spofford Street. The Committee will also review the proposed changes to the Pondview Estates Subdivision Plan and discuss streets being considered for acceptance at the ATM. The DRC will also discuss progress on the final submission of the Town's 2011 Commonwealth Capital Application. **Contact Nicholas Cracknell at 978.352.5713 or ncracknell@georgetownma.gov.**

- **Recreational Path Committee:** The Recreational Path Committee is meeting to review the status of the National Grid License Agreement and the Memorandum of Understanding (MOU) with MassDOT. The committee will also meet to discuss the Historic Commission's review as well as the overall project schedule and milestones. **Contact Jeff Wade at 617.234.3189 or jwade@addinc.com**

EXHIBIT 12

Town of Georgetown



PLANNING BOARD
1 LIBRARY STREET
GEORGETOWN, MA 01833

TEL. (978) 352-5713

February 3, 2011

Phil Trapani, Chairman
Board of Selectmen
Town Hall
One Library Street
Georgetown, MA 01833

Re: Acceptance of the Deeds for the Village Lane Definitive Subdivision Plan

Dear Mr. Trapani,

As part of the Town's continued effort to complete the Street Acceptance process, I am forwarding a copy of the Acceptance Form that now needs to be formally accepted and signed by the Board of Selectmen in order to be recorded with the Quitclaim Deed at the Essex South Registry of Deeds. Since approval of the Order of Layout and the Street Acceptance Article at the Special Town Meeting on November 15th, attorneys for both the Village Lane Homeowner's Association and the Town have coordinated to prepared the final: 1) Acceptance Form for the deed to the roadway; 2) a Quitclaim Deed; 3) a Certificate of Trustees form; and, 4) a Certificate of Title (see Exhibit 1). Having now completed these items, we are now requesting that the Board accept and approve the attached Quitclaim Deed in order for Village Lane to be added to the Town's Official Street List as a "public" street.

In closing, we have reviewed the plans, deeds and these documents and recommend this roadway be formally accepted as a public street. Thus, we respectfully request the Board review this information and vote to accept the deed as provided. Recall that the Town has 120 days from the vote of Town Meeting to prepare these documents and sign the Acceptance Form and record the deed. This provides a window for acceptance until March 21st. If you have any questions or comments on this request, please feel free to contact me or Town Counsel - Mr. Jonathan Eichman, Esq.

Sincerely,

Nicholas Cracknell, AICP
Town Planner

Cc: Hugh Carter, Planning Board Chairman
Mike Farrell, Town Administrator
Peter Durkee, Highway Surveyor
Jonathan Eichman, Esq. Town Counsel

EXHIBIT 1

- 1. Village Lane – Aerial Layout (1,900 Feet)**
- 2. Village Lane – Definitive Subdivision Plan**
- 3. Village Lane – Order of Layout**
- 4. Village Lane – Article 2: Town Meeting Warrant Article**
- 5. Village Lane – Attorneys Certificate of Title**
- 6. Village Lane – Acceptance Form**
- 7. Village Lane – Quitclaim Deed**
- 8. Village Lane – Certificate of Trustees**



- MVPC Bo
- Georgetown Boundary
- ▭ Parcels
- ▭ Streams
- ▭ Wetlands



1" = 247 ft



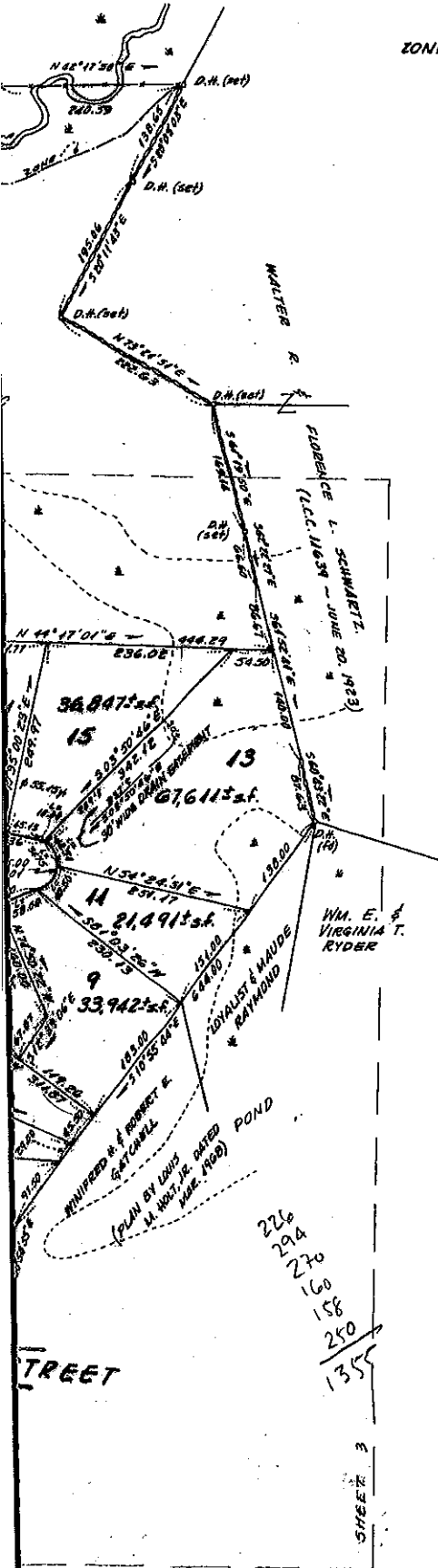
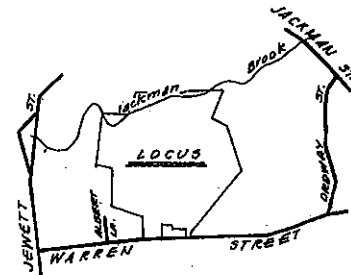
Horizontal Datum: MA Stateplane Coordinate System, Datum NAD83.
 Meters Data Sources: The data for this map was produced by Merrimack Valley Planning Commission (MVPC) using data provided by the Town of Georgetown. Additional data provided by the Executive Office of Environmental Affairs/MassGIS. The information depicted on this map is for planning purposes only. It may not be adequate for legal boundary definition or regulatory interpretation. THE TOWN OF GEORGETOWN MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE TOWN OF GEORGETOWN DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION

86/177

TOTAL AREA OF SUBDIVISION = 41.0509± ACS.
 NUMBER OF LOTS PROPOSED ~ 21
 NUMBER OF DWELLINGS PROPOSED ~ 21

ZONING DISTRICT ~ RB

LOCUS MAP
 SCALE: 1"=1000'



NOTES:

- LOT NUMBERS ALSO SERVE AS HOUSE NUMBERS.
- CONCRETE BOUNDS (20) TO BE SET AT INTERSECTION OF ALL LOT CORNERS AND VILLAGE LANE LAYOUT EXCEPT AS FOLLOWS:
 GRANITE BOUND (2) TO BE SET AT INTERSECTION OF OPEN SPACE ACCESS RIGHT OF WAY AND VILLAGE LANE LAYOUT.
 GRANITE BOUNDS (2) ALSO TO BE SET AT INTERSECTION OF WARREN STREET AND VILLAGE LANE LAYOUTS.

900
800
200
1900

FOR REGISTRY USE

PLAN BOOK 177 PLAN 86

LAND REGISTRY OF MASS., ED. DIST. BALM, MASS.

Recorded April 23, 1983
 with Deed: *[Signature]*
[Signature]
 No. B 70977 (P)

Agent: *[Signature]*

"KEY SHEET"

DEFINITIVE PLAN
 VILLAGE LANE

SCALE: 1"=100' DECEMBER 10, 1982
 REVISED FEB. 19, 1983

GEORGETOWN, MASS.

APPLICANT: BOXFORD OLDE FARMS CORP.
 ENGINEER: FRANK C. HANCOCK
 HANCOCK SURVEY ASSOCIATES, INC.
 65 MAPLE STREET - DANVERS, MASS.

SEE COVENANT (AGREEMENT) RECORDED HEREIN WITH AS TO LOT AND HIGHWAY BOUNDS SIGN, WATER SYSTEM, GRANITE, FIRE ALARM BONES, CATCH BASINS, SIDEWALK, STREET AND OTHER CONSTRUCTION MATTERS. SEE SECTION 3 OF GEORGETOWN SUBDIVISION REGULATIONS RECORDED IN BEECH SOUTH DISTRICT REGISTRY OF DEEDS BOOK 334 PAGE 689 AND BOOK 58 89 PAGE 358.

GEORGETOWN PLANNING BOARD
 EM: *[Signature]* DEFINITIVE PLAN FILED Jan 5, 83
 Public Hearing Held Jan 15, 83
 PLAN VOTED APPROVED Feb 11, 83
 PLAN ENDORSED March 3, 83



I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

[Signature]
 R. J. Leager

CERTIFICATE
 I CERTIFY UNDER G.L. CH. 41A, SECTION THAT NO APPEAL HAS FILED WITHIN 10 DAYS AFTER NOTICE OF APPROVAL WAS GIVEN.
 TOWN CLERK: *[Signature]* MAR 9 1983 SHEET NO 1 OF 5

TOWN OF GEORGETOWN
ORDER OF LAYOUT

VILLAGE LANE

The Board of Selectmen of the Town of Georgetown, acting pursuant to G.L. c. 82, §§21-24, and having determined that common convenience and necessity require the layout of Village Lane as a public town way, hereby order that said Village Lane be laid out as a public way in the location shown on the plan entitled:

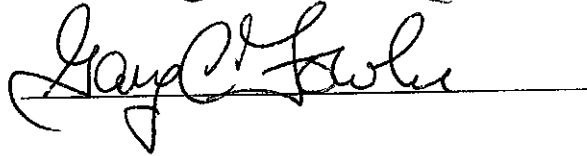
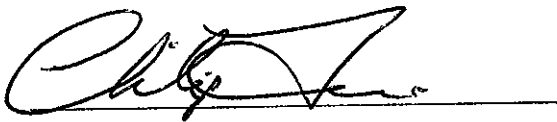
“Definitive Plan Village Lane Georgetown, Mass.”, prepared by Hancock Survey Associates, Inc., dated December 15, 1982, with a final revision date of February 19, 1983, and recorded with the Essex South District Registry of Deeds in Plan Book 177, Plan 86,

which plan is presently on file with said Board of Selectmen and incorporated herein. The layout has been referred to the Planning Board for its report.

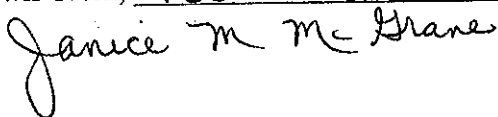
The herein Order, together with a copy of the aforementioned plan, shall be immediately forwarded to the Town Clerk for filing, and reported to the Town for acceptance.

Adopted: October 18, 2010

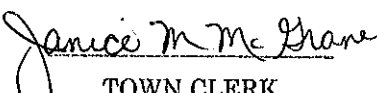
TOWN OF GEORGETOWN
BOARD OF SELECTMEN



Filed in the office of the
Town Clerk, Feb 3 2011, ~~2010~~ Town Clerk, Attest



A TRUE COPY ATTEST


TOWN CLERK
GEORGETOWN, MASSACHUSETTS



ARTICLE 2: Village Lane Definitive Subdivision/ Street Acceptance

To see if the Town will vote to accept as a public way the roadway known as "Village Lane", as heretofore laid out by the Board of Selectmen and shown on a plan of land entitled: "Definitive Plan Village Lane, Georgetown, Massachusetts" prepared by Hancock Survey

Associates, Inc., dated December 19, 1982, with a final revision date of February 19, 1983, and recorded with the Essex South District Registry of Deeds in Plan Book 177, Plan 86, a copy of which is on file with the Town Clerk and to authorize the Board of Selectmen to acquire, on behalf of the Town, by purchase, gift, eminent domain or otherwise, rights sufficient to use said way for all purposes for which public ways are used in the Town of Georgetown, or to take any other action in relation thereto. (STM11-02)

MOTION: Harry LaCortiglia moved and it was seconded by Evan O'Reilly to accept as a public way the roadway known as "Village Lane", 1900 +/- feet in length, as heretofore laid out by the Board of Selectmen as shown on the plans referenced in the warrant which are on file with the Town Clerk and to authorize the Board of Selectmen to acquire, on behalf of the Town, by purchase, gift, eminent domain or otherwise, rights sufficient to use said ways for all purposes for which public ways are used in Town.

Finance Committee voted unanimously to approve this article.

The Planning Board voted 5-0 to approve this article.

There was no discussion.

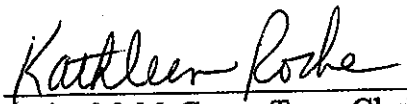
By a show of hands, the Moderator declared this passed by a majority vote.

The Moderator called for a motion to adjourn.

Evan O'Reilly moved and it was seconded by Sandy Gerraughty to adjourn tonight's Special Town Meeting.

The time is 8:05 PM

True Copy Attest:



Janice M. McGrane, Town Clerk
Asst Town Clerk

ELIZABETH G. ROSE
ATTORNEY AT LAW
21 ELM PARK
GROVELAND, MASSACHUSETTS 01834

Admitted in MA & NH

tel: 978-374-1300
Fax: 978-374-1395

ATTORNEYS CERTIFICATION OF TITLE

Certification Date: February 11, 1981 through October 27, 2010

This office is co-counsel with Dennis Spurling, Esq., legal counsel for Patricia Moran, Glen Johnson and Joanne Vallone, as Trustees of Village Lane Trust, under Declaration of Trust dated September 15, 1983 and recorded with the Essex South Registry of Deeds at book 7217, page 460, (Owner) in connection with the conveyance of all of its right, title and interest in and to the Roadway known as Village Lane; as well as the drainage easements shown on lots 10 and 13; and shown on plan entitled "Definitive Plan-Village Lane Georgetown, Mass." Dated December 15, 1982, revised February 19, 1983, Applicant: Boxford Olde Farms Corp., Engineer Frank C. Hancock, Hancock Survey Associates, Inc., 85 Maple Street, Danvers, MA recorded with said Registry of Deeds in Plan Book 177, Plan 86 (the "Plan"); including with respect thereto all improvements thereon and appurtenances thereto, including all drainage structures and utilities that are located over, under, on, in through across and along said Roadway; and further subject to any notes, restrictions or covenants set forth on said Plan of record. The Roadway is further described in a deed from Owner to the Inhabitants of the town of Georgetown, MA to be recorded with Essex South District Registry of Deeds.

The undersigned hereby certifies to the Town of Georgetown that this office has examined title to the Roadway, and lots 10 and 13, in the appropriate Registries of Deeds and Probate in accordance with the standards of local practice. The undersigned further certifies that the record title for the Roadway is good, clear and marketable, free from all encumbrances that would materially affect the title, up through the Certification Date recited herein, excepting the items set forth below in Schedule A or otherwise set forth in this certification. Additionally the owners warrant that the aforesaid drainage easements located on lots 10 and 13 are free and clear of all liens or encumbrances and that they have good title to transfer the same.

SCHEDULE A

Standard Exceptions:

1. Any condition, discrepancy, error in description, encroachment, overlap, boundary line dispute or other fact which an examination or survey of the actual premises might reveal.
2. Real estate taxes and assessments, as the same are due and payable, other municipal taxes, assessments and liens that are not a matter of record, and any errors or omissions in Certificates of Municipal Liens.
3. Any law, ordinance or government regulation including but not limited to building, local zoning bylaws and local, state and federal health codes and environmental laws.
4. Rights or claims of parties in possession, and easements, licenses and profits a pendre, not a matter of record, and other matters not properly indexed and/or recorded.
5. Rights of eminent domain or governmental rights of police power unless notice of the exercise of such rights appears of record in said Registry.
6. Any liability for mechanics or materialmen's liens not a matter of record at the time of this Certification.
7. Any liens, defects, encumbrances, adverse claims or other matters, including but not limited to, matters of bankruptcy or insolvency that (a) may not appear of record in said Registry of (b) are attached or created subsequent to the date of this Certification.
8. Those encumbrances referred to in Massachusetts General Laws, Chapter 185, Section 46 whether or not title to the property is registered, if record notice of such encumbrances is not properly indexed and recorded.
9. The presence or absence of any materials and/or liens, procedures or liabilities established or governed by or subject to jurisdiction pursuant to:
 - (i) The Massachusetts Oil and Hazardous Materials Release Prevention and Response Act (M.G.L. Chpt 21E);
 - (ii) The Comprehensive Environmental Response Compensation and Liability Act ("CERCLA") 42 USC, secs 9601-9675; and/or
 - (iii) Other Environmental Laws, Rules or Regulations.
10. Forgeries, interests of missing heirs, probates, unauthorized execution of documentation, documents or instruments executed under duress, and county or state agency (including Registry of Deeds) filing and indexing errors.

Specific Exceptions:

This certification is subject to and with the benefit of the following: recorded easements and restrictions: Easement to the Haverhill Gas Company dated 5/17/83 and recorded at said Registry of Deeds in book 7112, page 576; Town of Georgetown to maintain electric/water mains/hydrants etc dated 5/17/83 and recorded at said Registry of Deeds in book 7112, page 575; Essex County Gas Co., dated 7/17/83 and recorded at said Registry of Deeds in book 7124, page 189; New England Telephone and Telegraph dated 7/13/83 and recorded in said Registry of Deeds in book 7159, page 537; and any easements, drainage easements, restrictions or notes set forth on Plan 86 of Plan book 177; Declaration of Restrictive Covenants dated 9/15/83 and recorded in said Registry of Deeds in book 7217, page 454

Once the quitclaim deed from the Owner to the Town is recorded the Town will hold the fee interest in the Roadway subject to the specific exceptions set forth herein.

As of the Certification Date, other than as may be listed above, the undersigned certifies that I know of no dispute as to the validity of said title to the Roadway, and know of no question being raised or claim asserted with respect thereto.

This Certification is current for the Certification Period set forth above and shall be limited in its use to the Town of Georgetown, and does not extend to any subsequent conveyance, mortgage or other transaction.

Dated this day of December, 2010

Elizabeth G. Rose

QUITCLAIM DEED

We, **Glen Johnson**, of 9 Village Lane, Georgetown, Massachusetts, **Joanne Vallone**, of 5 Village Lane, Georgetown, Massachusetts, and **Patricia Moran**, of 7 Village Lane, Georgetown, Massachusetts, as Trustees of the Village Lane Trust, a Massachusetts Realty Trust, under Declaration of Trust dated September 15, 1983, and recorded with the Essex South Registry of Deeds at Book 7217, Page 460, having a mailing address of 21 Wingate Street, Haverhill, Massachusetts, 01830,

For consideration paid of ten (\$10.00) dollars

Grant to the Town of Georgetown, Massachusetts, a municipal corporation organized under the laws of the Commonwealth of Massachusetts, having a mailing address of One Library Street, Georgetown, Massachusetts, 01833, and its successors or assigns

With Quitclaim Covenants

The fee in that land in Georgetown, Essex County, Massachusetts, known as Village Lane, and being shown as the unnamed way on a plan entitled "Definitive Plan, Village Lane, Georgetown, Mass." Dated December 15, 1982, revised February 19, 1983, recorded with the Essex South Registry of Deeds in Plan Book 177, Plan 86, to which plan reference is made for a more particular description of said fee;

and further assign to the Town perpetual drainage easements in the two areas shown on the above-described plan as "30' Wide Drain Easement" and encumbering Lots 10 and 13, which easements shall be for all purposes incidental to directing, collecting and disposing of drainage waters, said purposes including, but not limited to, the right to construct, inspect, operate, maintain, repair, remove, replace, and abandon in place any and all drainage facilities and appurtenances incidental to such use, and to enter upon the Drainage Easement Premises from time to time by foot, motor vehicle and with heavy equipment to effectuate such purposes.

The aforementioned conveyance is made together with the benefit of, and subject to, any and all easements, agreements, restrictions and rights of record.

No deed stamps are due pursuant to M.G.L.A. ch. 64D, §1.

Page 2 of 2

The Grantor is not classified as a corporation for federal tax purposes for the current taxable year.

For Grantor's title see deed from Robert M. Nippe, Trustee of Locust Hill Trust, said deed dated September 15, 1983, and recorded with the Essex South District Registry of Deeds at Book 7217, Page 485.

Witness our hands and seals this day of February, 2011.

VILLAGE LANE TRUST

By: _____
Glen Johnson, Trustee

Joanne Vallone, Trustee

Patricia Moran, Trustee

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

On this day of February, 2011, before me, the undersigned Notary Public, personally appeared the above-named **Glen Johnson**, Trustee as aforesaid, personally known to me or proved to me through satisfactory evidence of identification, which was a driver's license, to be the person whose name is signed to the preceding document and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public:
My Commission Expires:

CERTIFICATE OF TRUSTEES

We, Glen Johnson, Joanne Vallone, and Patricia Moran, as Trustees of the Village Lane Trust, under Declaration of Trust dated September 15, 1983, and recorded at the Essex South Registry of Deeds at Book 7217, Page 460, of 21 Wingate Street, Haverhill, Massachusetts, 01830, hereby certify as follows:

1. We are the sole Trustees of the Village Lane Trust;
2. That said Trust is in full force and effect as of this date.
3. We have been directed in writing by the holders of 100% of the beneficial interest in said trust to execute a deed to the Town of Georgetown of the fee in the way known as Village Lane.
4. That the undersigned Trustees have full and absolute power in said Declaration of Trust to convey any interest in personal property, real estate and improvements thereon held in said trust and no purchaser or third party shall be bound to inquire whether the trustee has said power or is properly exercising said power or to see to the application of any trust asset paid to the trustee for a conveyance thereof.
5. No beneficiary is a minor, an estate subject to taxation, a corporation conveying all or substantially all of its assets or a person under a disability.

Witness our hands and seals this day of February, 2011.

Glen Johnson, Trustee

Joanne Vallone, Trustee

Patricia Moran, Trustee

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

On this day of February, 2011, before me, the undersigned Notary Public, personally appeared the above-named Glen Johnson, Trustee as aforesaid, personally known to me or proved to me through satisfactory evidence of identification to be the person whose name is signed on the preceding document, and acknowledged that he signed it voluntarily for its stated purpose.

Notary Public:
My Commission Expires:

EXHIBIT 13

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.

Comment (001): The Board may want to change this if the ZBA is still going to be the permit granting authority for multiple principal structures under section 165-8.

Deleted: 12/6/2010

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).

Deleted: 12/6/2010

§ 365-14. Written notice to Town Clerk.

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

§ 365-15. Endorsement.

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

ARTICLE III Preliminary Plan

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

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

§ 365-17. Written notice to Town Clerk.

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

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

- A. A preliminary plan shall not be deemed to have been submitted to the Planning Board unless:
- (1) It has the following attached to it as described in § 365-22:
 - (a) Assessor's Map (§ 365-22B).
 - (b) USGS Map (§ 365-22D).
 - (c) Deed (§ 365-22E).
 - (d) Georgetown map (§ 365-22F).
 - (2) It contains the following as described in Article V:
 - (a) Site survey map (§ 365-39B) which shall be entitled a "preliminary plan."
 - (b) Watershed outline, drainage and infiltration plan, as described in § 365-39C(1). Deleted: and
 - (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.

Deleted: 12/6/2010

- B. In either case the preliminary plan shall be accompanied by Form C (MGL c. 41, § 81Q).
- C. Administrative fee and project review fee conforming to the most recent schedule of fees set forth in the Fee Regulations must be submitted with the application. **[Added 10-25-2000]**

§ 365-19. Planning Board action.

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

- A. Normally a first conference will be held to acquaint the Board with the general character of the development, the intent of the developer and to acquaint the developer with the overall requirements of the Board and its regulations.
- B. Normally a second conference will follow review of the preliminary plan by the Board and other interested agencies at which the Board may indicate required or suggested desirable changes and/or modifications.
- C. Tentative approval of a definitive plan does not constitute a waiver of the Board's right to require further changes in the plan nor does it constitute approval of the subdivision.
- D. When a preliminary plan has been submitted to the Planning Board and written notice has been given to the Town Clerk, such plan and the definitive plan evolved therefrom shall be governed by the regulations in effect at the time of the submission of the preliminary plan, provided that the definitive plan is duly submitted within seven months from the date on which the preliminary plan was submitted (MGL c. 41, § 81Q).

§ 365-20. Examination of preliminary plan.

[Added 7-18-1973 (Amdt. B)]

- A. Soil map will be examined for problem areas. Percentage of existing capacity of utilities that is used will be studied. Past problems in the area will be discussed with town department heads. The Comprehensive Plan will be checked as to planned roads and circulation system and other matters. Vegetation and topography, including 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.

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- 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 Procedure

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

- A. The applicant shall submit his plan as defined in Article V with the papers required under § 365-22 to the Planning Board by delivering it to a meeting of the Board; Form E may be used for the purpose. If an agent is named, notice sent to him will be deemed notice to the applicant unless subsequently the name of a new agent is submitted and its receipt acknowledged by the Planning Board. **[Amended 4-3-1996]**

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- 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

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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)]
 - (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

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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.

Comment [81U2]: Issues related to the type of security need to be discussed.

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- C. ~~If a bond or deposit is to be used, the applicant shall be prepared to discuss the amount of such security and the basis for it, based on estimated costs, by the date of the public hearing. An amount equal to double the estimated construction cost shall be deemed adequate security.~~

Comment [BU3]: The multiplier should be discussed.

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

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

Comment [BU4]: We might want to clarify how an extension request will be administered.

§ 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

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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 \$5 per linear foot of roadway shall be deposited in a savings account in a bank in Georgetown in the name of the town for a period of one year after release of all lots and until road is accepted by vote of the Town Meeting to cover repairs and to correct problems. Thereafter the deposit shall be turned over to the town treasury. [Amended 8-19-1987 (Amdt. G)]~~
- D. Final completion of the improvements shall not be considered until one year after the installation of the finished road surface or until acceptance of the road by the Town Meeting, whichever comes earlier.

Comment [B05]: This figure should be updated.

ARTICLE V Contents of 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

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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), 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-foot 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.

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§ 365-36. 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.

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- 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]**

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§ 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 width of street may be reduced 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)]**
- 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)]**

Comment [t6]: 26 feet was retained as a starting point for negotiation.

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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.

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E. The minimum width of street rights-of-way shall be 50 feet. They shall be designed as shown in Sketch B of § 365-51C(1). Greater width shall be required by the Board when deemed necessary for present and future vehicular travel. Low impact development stormwater best management practices may be located in the rights-of-way.

Comment [17]: This is new...

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.

Comment [18]: Check size to enable narrower streets

Comment [19]: Same as above

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 4-26-1996]**

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

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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. 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. To expedite approval, the applicant shall submit a copy of his plan to the Conservation Commission. Approval of the plan by the Planning Board shall constitute compliance with the Chapter 49, Earth Removal, but a subsequent notice of intent may be required under the Wetlands Protection Law (MGL c. 131, § 40) and Chapter 161, Wetlands Protection, of the Code of Town of Georgetown.
- L. Open spaces and natural features. The Board may require, as provided in MGL c. 41, § 81O, the plan to show, in proper cases, a park or parks suitably located for playground or recreation purposes or for providing light and air and not unreasonable in area in relation to the area of the land being subdivided and the prospective uses of such land, and if so determined, the Board shall by appropriate endorsement on the plan require that no building may be erected on such park or parks for a period of not more than three years without its approval, 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

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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

Comment [t10]: Too much?

[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)**

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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 ~~there 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.

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- (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 4-26-1996]**
- (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.
 - (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

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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).

[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,

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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.

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- [iv] All stormwater detention basins and similar structural facilities which store water, and/or where failure could result in damage to the facility or to downstream areas, must be constructed to safely accommodate discharges from the one-hundred-year storm event. A plan or profile of each proposed detention facility shall show the following: **[Amended 4-3-1996]**
- [A] \{a\} Depth to seasonal high groundwater and date of observation.
 - [B] \{b\} A section through the stone infiltration trench if proposed.
 - [C] \{c\} Details of the outlet structure.
 - [D] \{d\} Specific dimensions of the proposed emergency spillway.
 - [E] \{e\} Velocity reduction structures if the slope of the inlet pipe is greater than 2% or if the velocity of flow in or out of the basin is greater than five feet per second.
 - [F] \{f\} Inlet and outlet piping.
 - [G] \{g\} Headwalls.
 - [H] \{h\} Emergency overflow.
 - [I] \{i\} Other, such as earth berm details, anti-seep collar and a headwall plan view should be included on the detail sheet.
- [v] Applicants must demonstrate that the above requirements are met by submitting pre- and 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, 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

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design standard which must be applied as specified in the following practices.

Comment [t11]: The stormwater handbook talks about removal rates - I would dovetail water quality requirements to the stormwater management handbook

- (ii) Wet ponds must have a permanent pool volume at least equal to the quantity volume described in Subsection C(3)(b)[4][b][i]. The length to width ratio measured from the stormwater inlet to the pond outlet shall be at least 3:1 with an average permanent pool depth of three to six feet.
- (iii) Extended detention dry ponds must detain the water volume for a minimum of 36 hours (full volume to drawdown time). Two stage basins utilizing the lower stage for water quality and the upper stage for floodwater detention are acceptable. Basin bottoms shall not be closer than one foot to the seasonal high ground water level. The minimum length to width ratio shall be 3:1. A six-inch layer of loam (measured once compacted) shall be applied to the basin floor and sides and seeded to appropriate grass species.
- (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 1.5 feet per second and at a depth of not more than four inches. The maximum design (bank full) velocity for any vegetated swale shall not exceed five feet per second. High groundwater levels or bedrock shall occur at least two feet below the bottom of the vegetated swale.
- (vi) Stormwater discharges to certain critical areas but not limited to swimming beaches or drinking water supplies may require a higher design level to control the effects of potential pollutants such as bacteria, nutrients, soluble metals, organic compounds and toxics. The amount of impervious surface area and the scope of the proposed project all generally dictate the kind and magnitude of practices needed to achieve a goal of removing a high percentage of total suspended solids. Sites having impervious drainage areas less than 0.25 acres in size may find that vegetated swales, 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.
- (vii) Stormwater drainage catch basins shall be deep sump and be equipped with gasoline traps of a type acceptable to the Board.

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(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.

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- [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.

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G. 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 _____

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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

- ↓ 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)]

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- ↓ Erosion and sediment control plans. [Added 4-3-1996]

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- (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 bender construction.

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- [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.

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(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]

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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

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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.

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§ 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.

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

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(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.

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(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)]

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§ 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]

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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] Pervious pavement is also permitted and shall be constructed to the most recent and acceptable industry standards.**
- 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)]**

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- 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.

[Amended 4-3-1996]

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

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§ 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.)

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§ 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

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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

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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.

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§ 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.

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§ 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.

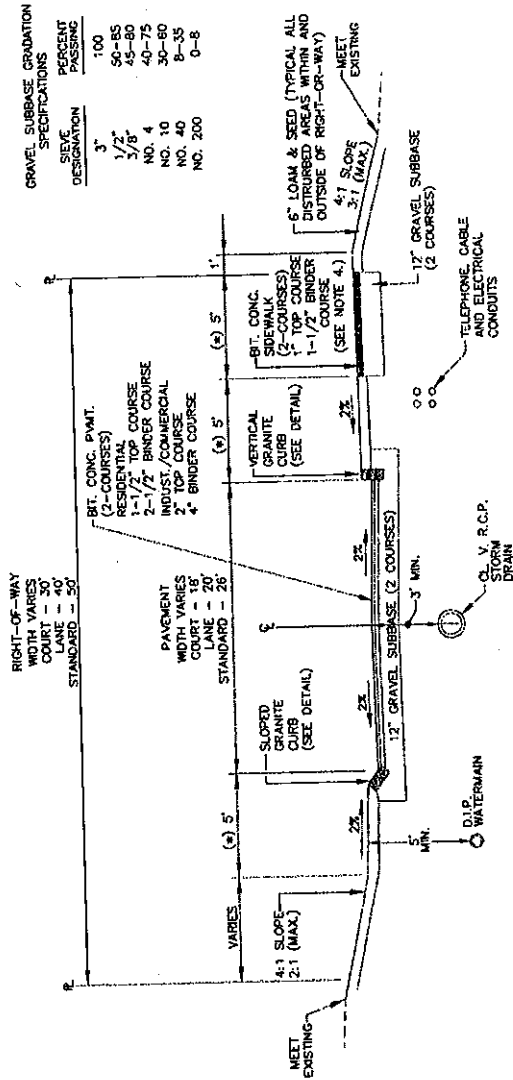
§ 365-71. Hours for road construction.

[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.

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Comment [t13]: A note should be added that this typical does not include low impact development techniques...



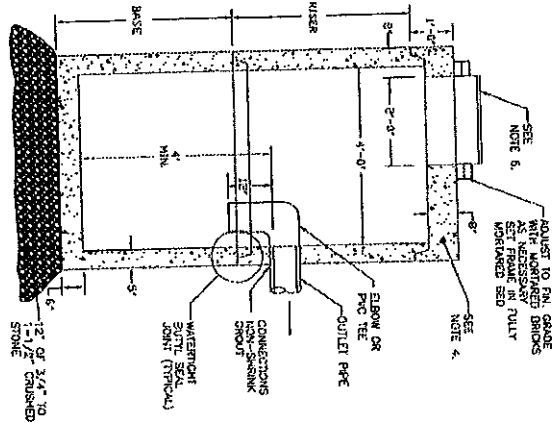
GRAVEL SUBBASE GRADATION SPECIFICATIONS

SIEVE DESIGNATION	PERCENT PASSING
3"	100
1 1/2"	50-85
3/8"	45-80
NO. 4	40-75
NO. 10	30-60
NO. 40	8-35
NO. 200	0-8

- NOTES:
1. PROVIDE IDENTIFICATION TAPE FOR ALL UTILITIES.
 2. (*) MAY VARY FOR COURT AND LANE SECTIONS.
 3. DRIVEWAY APRONS TO BE CONSTRUCTED USING TO LOT LINE. CURB OPENING MAY VARY UP TO 20 FEET AS DIRECTED BY SUBDIVISION INSPECTOR. DRIVEWAY APRONS SHALL BE SET AT THE SAME TIME AS ROADWAY PAVEMENT.
 4. SIDEWALK NOT REQUIRED FOR COURTS AND AT PLANNING BOARD'S DISCRETION FOR LANES.

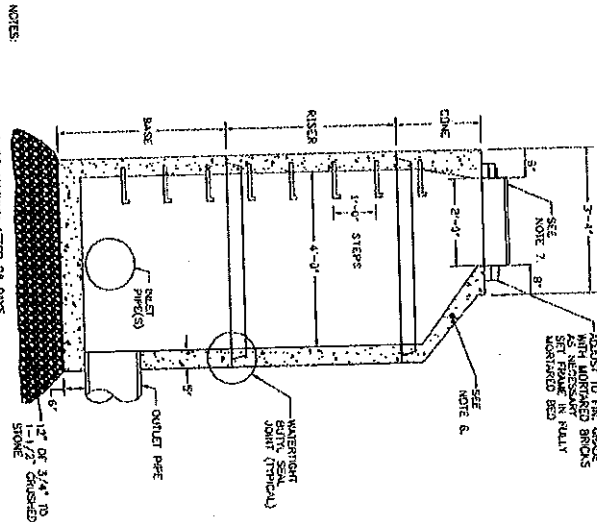
TYPICAL ROADWAY SECTION
NO SCALE

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- NOTES:
1. CONCRETE 4000 PSI MINIMUM AFTER 28 DAYS.
 2. REINFORCED STEEL CONFORMS TO LATEST ASTM A188 SPEC. 0.12 SQ. IN./SQ. FT. AND 0.12 SQ. IN. (SOFT WIRE) BAR 18010A.
 3. H-20 DESIGN LOADING PER ASTM D-1595-44; CONCRETE MANHOLE SECTIONS REINFORCED.
 4. ECCENTRIC CONE TOP MAY BE USED IN LIEU OF FLAT TOP.
 5. CATCH BASINS AT CURB JUNCTIONS REQUIRE THE PLACEMENT OF VERTICAL GRANITE CURB INLETS AND 3" FLANGE FRAMES.
 6. USE LEGGON LF-246 OR EQUAL FRAME AND GRADE.

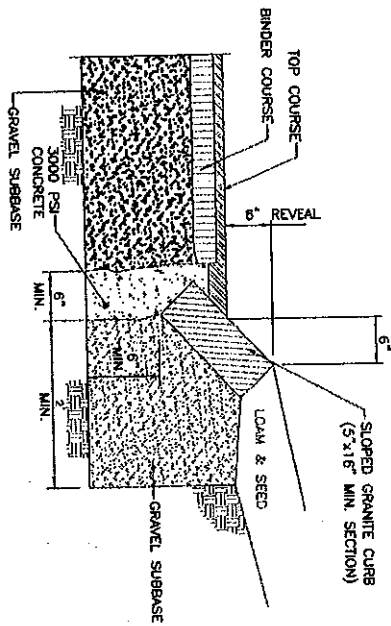
**48" PRECAST CONCRETE
CATCH BASIN DETAIL**
NO SCALE



- NOTES:
1. CONCRETE 4000 PSI MINIMUM AFTER 28 DAYS.
 2. REINFORCED STEEL CONFORMS TO LATEST ASTM A188 SPEC. 0.12 SQ. IN./SQ. FT. AND 0.12 SQ. IN. (SOFT WIRE) BAR 18010A.
 3. H-20 DESIGN LOADING PER ASTM D-1595-44; CONCRETE MANHOLE SECTIONS REINFORCED.
 4. STEEL REINFORCED CONCRETE POLYPROPYLENE PLASTIC SIBS CONFORMS TO LATEST ASTM C498 SPEC.
 5. ALL PIPE CONNECTIONS WITH NON-SINK SHORT.
 6. FLAT SLAB TOP MAY BE USED IN LIEU OF ECCENTRIC CONE TOP.
 7. USE LEGGON LF-104 OR EQUAL FRAME AND COVER.

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

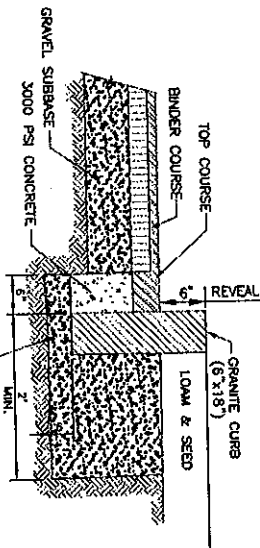
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- NOTES:**
1. REVEAL TO BE 6" UNLESS OTHERWISE NOTED.
 2. WEARING COURSE OF PAVEMENT TO BE SET ONLY AFTER CURB IS PLACED.

SLOPED GRANITE CURB DETAIL

NO SCALE



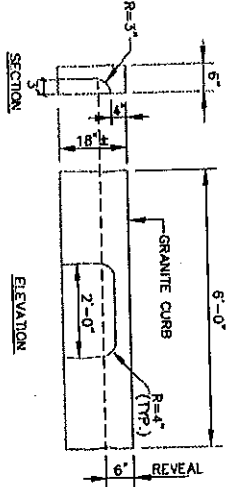
- NOTES:**
1. REVEAL TO BE 6" UNLESS OTHERWISE NOTED.
 2. WEARING COURSE OF PAVEMENT TO BE SET ONLY AFTER CURB IS PLACED.

VERTICAL GRANITE CURB DETAIL

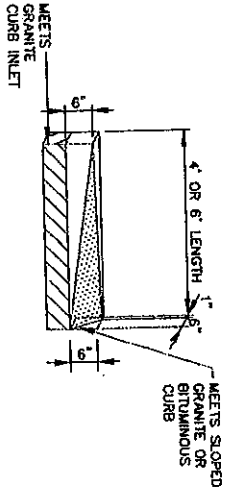
NO SCALE

Comment [t14]: What about a no curb detail – this might be important to protect edge of pavement...

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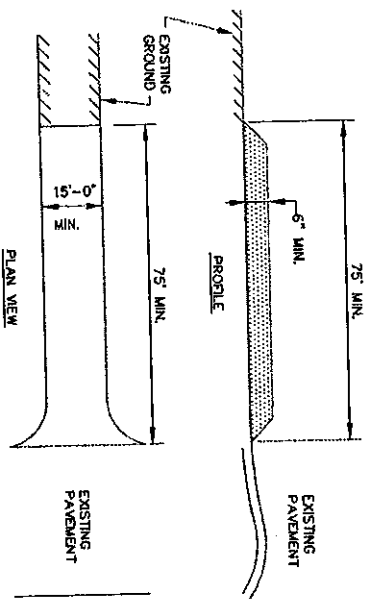
GRANITE CURB INLET DETAIL
NO SCALE



SLOPED TO VERTICAL GRANITE CURB TRANSITION 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.

Comment [t15]: It would be nice to have a pervious pavement detail here



CONSTRUCTION ENTRANCE 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 FOR HAND PRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND KEEP HAND/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.

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EXHIBIT 14

ENGINEER'S OPINION OF COST

Project No. BSC #23071.02
 Subject Opinion of Cost -REVISED
 Location Chaplin Lane, Georgetown, Massachusetts



Date 10/14/2009
 Checked by D. Varga
 Date

**CHAPLIN LANE - ORIGINAL
 GEORGETOWN, MASSACHUSETTS
 ENGINEER'S OPINION OF COST**

**FOR
 PUNCH LIST ITEMS FOR PROJECT COMPLETION
 DATED 09/02/2009 PREPARED BY DAVID VARGA, P.E., P.L.S., BSC GROUP**

Item Description	RS Means Item No.	RS Means Site Work & Landscape Cost Data, 2007, UNIT COST	Quantity	Total	Location Factor (109.4%)
All gutters need to be cleaned of debris before placing top wearing course of pavement.	32 01 30.10 6420	\$2.98 \$\$/MSF	41 MSF	\$122.18	\$133.66
All structures need to be raised to finish grade.	33 44 13.13 3000	\$279.00 \$\$/EA	25 EA	\$6,975.00	\$7,630.65
	02 41 19.25 0015	\$1.43 \$\$/LF	630 LF	\$900.90	\$985.58
	02 41 13.17 5010	\$4.35 \$\$/SY	45 SY	\$195.75	\$214.15
	32 12 16.13 0200	\$22.00 \$\$/SY	45 SY	\$990.00	\$1,063.06
Need to place top course of pavement.	32 12 16.13 0340	\$7.33 \$\$/SY	4,560 SY	\$33,424.80	\$36,566.73
Need to place top course of sidewalk pavement.	32 06 10.10 0020	\$6.50 \$\$/SY	820 SY	\$5,330.00	\$5,831.02
Left DCB #1: at Baldpate Road, replace with 3-flange double frame and grate, raise curb and re-mortar joints, Cut off 4" PVC pipe to near flush with CB wall.	Previous project	\$2,500.00 \$\$/EA	1 EA	\$2,500.00	\$2,735.00
Clean all catch basins	226. MassHighway Weighted Bid Averages - 2008	105 \$\$/EA	15 EA	\$1,575.00	\$1,723.05
Replace 4-flange frame with 3-flange frame or open back of basin in back of frame.		500 \$\$/EA	15 EA	\$7,500.00	\$8,205.00
Catch Basin Hoods		350 \$\$/EA	15 EA	\$5,250.00	\$5,743.50

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Item Description	RS Means Item No.	RS Means Site Work & Landscape Cost Data, 2007, UNIT COST	Quantity	Total	Location Factor (109.4%)
Right CB to be DCB #2: at Baldpate Road. Remove 4" ID and replace with 5" ID; replace with new 3-flange double frame and grate, new granite curb inlet stone, 9 joints to be reset and mortared.	210.02 MassHighway Weighted Bid Averages - 2008	\$300.00 \$\$/EA	1 EA	\$300.00	\$328.20
No street trees have been installed.	210. MassHighway Weighted Bid Averages - 2008	\$850.00 \$\$/EA	1 EA	\$850.00	\$929.90
No street monuments (bounds) found.	Previous project	\$4,000.00 \$\$/EA	1 EA	\$4,000.00	\$4,376.00
CB to be DCB #17 across Baldpate Road. replace 4" ID to 5" ID with new 3 flange double frame and grate, grade berm to direct runoff into basin.	Previous project	\$2,500.00 \$\$/EA	1 EA	\$2,500.00	\$2,735.00
No stop sign as required.	Previous project	\$210.00 \$\$/EA	75 EA	\$15,750.00	\$17,230.50
shim coat on south side for about 75 feet to flow to DCB #2	02 21 13.13 0600	\$400.00 \$\$/EA	16 EA	\$6,400.00	\$7,001.60
Place Concrete inverts in all DMH's. Full seal all spaces around pipes in CB's and DMH's with mortar.	210.02 MassHighway Weighted Bid Averages - 2008	\$850.00 \$\$/EA	1 EA	\$850.00	\$929.90
Adjust gate sleeves as directed by Water Department.	210. MassHighway Weighted Bid Averages - 2008	\$4,000.00 \$\$/EA	1 EA	\$4,000.00	\$4,376.00
Tack coat before paving.	Previous project	\$2,500.00 \$\$/EA	1 EA	\$2,500.00	\$2,735.00
Seal roadway binder pavement cracks.	10 14 53.20 0012	\$96.50 \$\$/EA	1 EA	\$96.50	\$105.57
Replace missing 5 +/- slope edging on inside of cul-de-sac.	10 14 53.20 1500	\$32.00 \$\$/EA	1 EA	\$32.00	\$35.01
Reset slope edging.	32 06 10.10 0020	\$6.50 \$\$/SY	100 SY	\$650.00	\$711.10
Bus shelter	33 44 13.13 3500	\$250.00 \$\$/EA	10 EA	\$2,500.00	\$2,735.00
	358 MassHighway Weighted Bid Averages - 2008	\$100.00 \$\$/EA	25 EA	\$2,500.00	\$2,735.00
	482.25 MassHighway Weighted Bid Averages - 2008	\$150.00 \$\$/EA	3 EA	\$450.00	\$492.30
	31 37 13.10 0100	\$1.00 \$\$/SY	4,560 SY	\$4,560.00	\$4,988.64
	02 41 19.25 0015	\$3.50 \$\$/LF	2,220 LF	\$7,770.00	\$8,500.38
	32016040.13	\$52.50 \$\$/CY	4 CY	\$210.00	\$229.74
		\$1.43 \$\$/LF	100 LF	\$143.00	\$156.44
		\$40.00 \$\$/LF	5 LF	\$200.00	\$218.80
		\$20.00 \$\$/EA	45 EA	\$900.00	\$984.60
		\$5,000.00 \$\$/EA	1 EA	\$5,000.00	\$5,470.00

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Item Description	RS Means Item No.	RS Means Site Work & Landscape Cost Data, 2007, UNIT COST	Quantity	Total	Location Factor (109.4%)
Check out status of 4 street lights	02 41 19.25 0015	Street light status \$7,500.00 \$\$/LS	1 LS	\$7,500.00	\$8,205.00
Cut out at the match pavement at Baldpate Road pavement.	02 41 13.17 5010	Saw Cut Pavement Remove Pavement \$40.00 \$\$/LF \$4.35 \$\$/SY	5 LF 6 SY	\$200.00 \$26.10	\$218.80 \$28.55
	32 12 16.13 1000	Pavement Replacement over trench \$62.00 \$\$/SY	6 SY	\$372.00	\$406.97

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SUBTOTAL \$135,023.23 \$146,365.18
MOBILIZATION AND DEMOBILIZATION 5% \$7,318.26
CONTINGENCY 15% \$23,052.52
CHAPLIN LANE TOTAL \$176,735.96

AS-BUILT SURVEY PLAN (Assume 5 crew days to perform survey, as-built of basin, As-built plans and profile, layout plans for recording after Town Meeting. Suggested deed descriptions) \$15,200.00
 STREET ACCEPTANCE PLANS \$5,120.00
 BID PACKAGE PLAN PREPARATION (Assume 40 hrs for Plan Preparation) \$3,072.00
 SPECIFICATIONS (Assume 24 hrs for Specification Preparation) \$1,024.00
 BID ASSISTANCE (Assume 8 hrs for Bid Assistance) \$5,120.00
 CONSTRUCTION OBSERVATIONS (Assume 40 hrs for Construction Support) \$29,536.00
 Subtotal \$32,489.60
CONTINGENCY 10% \$3,248.96
ENGINEERING AND SURVEY SUPPORT \$32,489.60

TOTAL OPINION OF ENGINEERING AND CONSTRUCTION COSTS \$209,225.56