

Memo

To: Rob Desmarais
From: M.P. Hartford *MPH*
Date: April 13, 2020
Re: Land Use Regulation Alignment – Planning & Zoning Regulations

Following is a summary of the review conducted on the City of Amesbury's Subdivision Rules & Regulations, Zoning Bylaw, and corresponding guidelines. The purpose of this review was to provide recommendations for revisions and amendments (or total overhaul) that minimize unnecessary red tape and simplify local planning and zoning regulations to make them easier to comprehend. As part of this effort, the requirements of the 2003 and 2016 MS4 Permit were incorporated by editing the relevant sections of Amesbury's existing regulations. This was necessary following the receipt of an Order for Compliance from EPA on February 4, 2020.

The subdivision regulations and zoning bylaws for several Merrimack Valley Planning Commission (MVPC) communities were also reviewed to compare the special permit and sign approval processes. Finally, interviews were conducted with various stakeholders to obtain feedback on their experience with the wetlands permitting process in Amesbury.

MS4 Permit Requirements

Both the 2003 and 2016 National Pollutant Discharge Elimination System (NPDES) General Permits for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in Massachusetts (2003 and 2016 MS4 Permits) require communities to adopt ordinances or other regulatory mechanisms to protect the State's water resources. Specifically, Part 2.3.5 of the MS4 General Permit requires the following:

- i. *An ordinance or regulatory mechanism that requires the use of sediment and erosion control practices at construction sites. In addition to addressing sediment and erosion control, the ordinance must include controls for other wastes on construction sites such as demolition debris, litter and sanitary wastes.*
- ii. *Written (hardcopy or electronic) procedures for site inspections and enforcement of sediment and erosion control measures.*
- v. *Written procedures for site plan review and inspection and enforcement.*

In addition, Part 2.3.6 of the MS4 General Permit requires the following:

- ii. *The permittee shall develop or modify, as appropriate, an ordinance or other regulatory mechanism within two (2) years of the effective date of the permit to contain provisions that are as least as stringent as outlined; and*
- iii. *At a minimum, the submission of as-built drawings no later than two (2) years after completion of construction projects.*

Following review, it was determined that the most efficient manner to incorporate the MS4 permit requirements above was to revise Amesbury's existing regulations as opposed to adopting an entirely new ordinance(s). This approach was taken since portions of the requirements above already existed within the City's regulations. Further, it was anticipated that the approval process for making the necessary changes would be easier at the Planning Board level rather than the Municipal Council if adoption of a new ordinance was required. To this end, attached are five documents which show the proposed changes that mostly apply to the Subdivision Rules and Regulations. Also attached is a marked-up version of Inspection Form O which goes together with the Site Inspections and Enforcement Procedures document. To avoid conflicting regulations, the Zoning Bylaws were revised to simply cross-reference the relevant sections of the Subdivision Rules and Regulations where the MS4 Permit requirements may be found.

Planning & Zoning in Neighboring Communities

The planning and zoning regulations of several MVPC member communities were reviewed for procedures that may streamline the project approval process in Amesbury. While there may be subtle differences between each community, the process generally consists of the following three steps:

- Applicant submits Building Permit application to Building Commissioner who determines whether Site Plan Review or Special Permit with Site Plan Review is required;
- Pre-application Conference with Planning Board as well as other municipal boards is strongly recommended; and
- Application for Site Plan Review process, including in-house review by departments and boards, public hearing, and peer review.

There were some notable differences that may improve upon the current process in Amesbury. For example, a couple of communities had established site plan review criteria for major vs. minor projects. A major project would be subject to a comprehensive review involving City boards, departments, and peer reviews whereas a minor project would rely primarily on a written recommendation from the Planning Director to the board for approval.

In addition to conducting a pre-application conference, another community strongly encourages its applicants to request a site visit by the Planning Board and/or its agents to facilitate review of the project. If requested, the Planning Board would invite other boards & committees such as the Conservation Commission, Board of Health, etc. as appropriate. Scheduling a site visit seems like a surefire approach to gaining a better understanding of the challenges associated with each project.

Overall, the most critical step in the project approval process appears to be the pre-application conference. Although Amesbury's Rules and Regulations strongly recommend that applicants confer with the Planning Board prior to filing a site plan review application, it is not mandatory. Based on feedback received during the stakeholder interviews, the City may want to consider making the pre-

application conference a requirement of all projects. This may help to streamline the process by providing all interested parties the opportunity to discuss the scope and impact of a proposed project prior to expending significant funds for engineering and other technical experts. More importantly, the City needs to present applicants with a realistic preview of the project approval process. Too many times the feedback from stakeholder interviews indicated that the difficulties encountered were not due to the written regulations, but rather, the unwritten rules.

Sign Approval Process. At the outset of the study, the Administration expressed concern with the sign approval process which currently requires approval by the Planning Board. In comparison, some of the neighboring communities delegate the approval process to the Building Commissioner with input from the Planning Director. For example, in Salisbury, sign applications are submitted to the Building Inspector first who then solicits an advisory report from the Planning Director with any recommendations. This process appears to be more efficient since it eliminates the need go before the Planning Board and it takes advantage of the fact that the design criteria for signs is well documented in the City's existing guidelines.

Street Acceptance Procedures

During the study, the Administration questioned whether there was an established procedure for street acceptance because of delays that occurred in the release of funds held by the City for the Locke Hill and Quimby Lane projects. While the writer did not investigate the background history of these projects, at first glance it would appear that the delays in releasing the funds in a timely manner was the result of transferring the responsibility from one department to another without a tracking system to ensure compliance. In any event, the writer obtained a copy of the City's street acceptance procedures that were previously developed by Mr. Mike Soraghan, a former Town Engineer. For reference purposes, a copy of the City's street acceptance procedures is attached.

Stakeholder Interviews

A series of phone interviews were conducted with a variety of stakeholders familiar with the permitting process for proposed projects in Amesbury. In general, the stakeholders raised the same issues for planning type projects as those previously noted in the memo on the wetlands permitting process. The peer review process was a major source of frustration due to the associated cost and schedule impacts, the direction provided to peer reviewers by the Planning Department (i.e., working in concert), and the difficulties associated with the City's contracting process. Most stakeholders expressed frustration with the lack of concern for the cost and schedule impacts associated with repeated requests for changes and/or hearing continuances. Some questioned whether the materials submitted in support of permit applications were fully reviewed prior to the public hearing. Others voiced concerns that the Planning Board relies heavily on the Planning Director, and he may have a significant role in the design of projects. Duplication of effort with respect to stormwater peer reviews for the Planning Board vs. the Amesbury Conservation Commission was also noted. Overall, when asked if changes to the regulations could help streamline the process, the overwhelming response was that the regulations were not the problem, but rather the people involved throughout the process.

Following the phone interviews, a meeting was scheduled on September 26, 2019 with the Chair of the Planning Board, Mr. David Frick, and the Planning Director, Mr. Nipun Jain, to review the feedback from stakeholders and to obtain suggestions for improving the permitting process. The former Director of Community and Economic Development, Mr. Bill Scott, also attended the meeting. All participants acknowledged that the peer review process has been problematic, in part due to the contracting process that the City implemented in late 2018. However, their primary objective is to promote growth

in a responsible manner, and since 2014, most of the legacy projects (i.e., Hatter's Point) with storied pasts have been moved forward and completed as evidenced by all the project write-ups on the City's website. It was agreed that requiring all projects to undergo a pre-application meeting may facilitate the approval process. It may also be helpful for the Planning Department to develop a standard set of questions for applicants to consider in preparation for the pre-application meeting. In addition, the group thought it may be helpful for Police/Fire to develop a checklist that specifically addresses public safety issues for project developers to follow.

Another area where improvements could be made to streamline the process is to develop standard easement and development agreements. Additional support from the City would also be helpful such as hiring an Environmental Monitor utilizing the various permit fees and re-organizing the departments to return the Conservation Agent to the Office of Planning & Economic Development (OCED). An open line of communication between the Administration and the OCED also needs to be maintained so that all parties understand the decision-making process throughout each step of a project. As often is the case, there is a rush to judgement without knowledge of all the relevant facts.

Meeting with Building Commissioner. A meeting was scheduled on September 18, 2019 with the former Building Commissioner, Mr. Ed Mullen, to obtain his perspective on the permitting process. Mr. Mullen expressed interest in overhauling the existing Zoning Bylaws which currently exceed 300 pages in length; largely due to all the special permit and overlay districts that have been adopted. Most recently, the City incorporated a Sports Entertainment Business Complex use into its zoning regulations to pave the way for the Atlantic Sports Center, a \$70 million, 410,000-square-foot, six-rink ice hockey facility on South Hunt Road. Over the years, the City's approach to accepting projects with new uses is to make changes to zoning as opposed to taking the time to create a Master Plan for future development.

Mr. Mullen also thought that the regulations should be reviewed to determine if approval by right criteria could be incorporated to streamline the process. To this end, Mr. Mullen provided the writer with contact information for two firms that specialize in reforming zoning bylaws. However, despite several attempts to contact the firms, they were deemed as non-responsive.

Consultation with Town Counsel. The writer participated in several phone calls with Ms. Carolyn Murray from Kopelman & Paige to discuss potential revisions to the existing regulations. Following Ms. Murray's initial review of the Table of Use Regulations, it was suggested that the City review all the zoning districts to determine if consolidation is an option to reduce the overall complexity. Subsequently, a conference call was scheduled on August 15, 2019 between the writer, Ms. Murray, and Messrs. Desmarais and Kenney to discuss next steps. During this call, it was concluded that the Administration should focus its efforts on working together with its staff and board members to improve the process as opposed to revising the regulations since the latter would not likely achieve the desired effect.

Recommendations

Based on review of the existing land use regulations and discussions with stakeholders, the following recommendations are made to facilitate the permitting process in Amesbury:

- Consider establishing criteria to differentiate between major projects that require a comprehensive review versus minor projects that may be reviewed internally by staff;

- Consider requiring applicants to schedule both a site visit and a pre-application meeting to streamline the formal application process, minimize the applicant's out-of-pocket cost, review the goals and objectives of the project, provide the opportunity for Q&A, and set expectation levels at the outset of the project;
- Revise the approval process for signs; delegating the responsibility to the Building Commissioner with advisory input from the Planning Director;
- Develop a tracking system to ensure that completed projects follow the established street acceptance procedures to completion (i.e., Mayor sponsoring a bill for Municipal Council approval);
- Re-organize the City Departments to have the Conservation Agent report to the Director of Community & Economic Development to promote interaction between the Agent and the Planning Director similar to years past;
- Require the submittal of a comprehensive package for stormwater that addresses both the conservation commission (quality) and planning board (quantity) concerns in accordance with the MS4 regulations promulgated by EPA and MassDEP;
- Select a single firm to provide peer review services on a task order basis and then issue separate purchase order for each project upon receipt of the applicant's payment;
- Consider hiring an Environmental Monitor to conduct routine inspections of active projects to eliminate financial burden placed on small projects such as the construction of single family homes and/or additions;
- Develop checklists for all aspects of Site Plan Review and post on the City's website for applicants to download and complete. Reject incomplete applications;
- Consider hiring a firm specializing in reforming zoning bylaws to complete an overhaul of the existing regulations; and
- Maintain a direct line of communication between the Administration and the OCED to address any issues or concerns raised by applicants throughout all project phases.

REVISIONS FOR INCORPORATING MS4 PERMIT REQUIREMENTS

Sediment and Erosion Control Practices

Part 2.3.5.c.i of the MS4 General Permit specifies that the permittee develop and implement “*an ordinance or regulatory mechanism that requires the use of sediment and erosion control practices at construction sites. In addition to addressing sediment and erosion control, the ordinance must include controls for other wastes on construction sites such as demolition debris, litter and sanitary wastes*”.

Section 8.08 of the Amesbury Subdivision Rules and Regulations currently requires the control of erosion and sedimentation during construction. To fully comply with the requirements outlined above, however, the regulations need to be revised to include additional controls for other wastes on construction sites. For ease of reference, the existing text from Section 8.08 is presented below in black text with proposed changes to incorporate additional controls in red italics.

8.08 EROSION AND SEDIMENTATION CONTROL

The developer shall control erosion and sedimentation during construction according to the objectives, principles and design considerations set forth in *Residential Erosion and Sediment Control*, published joint by the Urban Land Institute, the American Society of Civil Engineers and the National Association of Home Builders, 1978 and according to the guidelines for *Soil and Water Conservation in Urbanized Areas of Massachusetts*, published by the USDA, Soil Conservation Service, Amherst, 1975. These publications are hereby incorporated as a part of these regulations.

In addition to the requirements and objectives stated therein, the following must also be achieved:

1. An absolute minimum of existing vegetative cover shall be disturbed during the construction period.
2. Only the smallest practical area of land shall be exposed at any one time during development.
3. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.
4. Where necessary, as determined by Planning Board, temporary vegetation and/or mulching shall be used to protect areas exposed during development.
5. All disturbed areas shall be properly and neatly graded and shaped as soon as possible. Final grading shall include removal of all large rocks, stumps, debris, and all other deleterious materials from the finished surface.
6. At the toe of all cut and fill slopes in excess of ten (10) feet in height, baled hay or other erosion checks shall be installed.
7. All disturbed areas shall be protected from potentially erosive runoff from up-slope areas by means of Diversions, Benches, and/or other acceptable means.
8. Cuts and fills shall not endanger adjoining property.
9. Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.
10. Grading shall not be done in such a way so as to divert water onto or impound water on the property of another landowner without the written consent of landowner.
11. Fills shall not encroach on natural watercourses or constructed channels.

12. During construction, necessary measures for dust control shall be exercised.
13. *Employ only wet type equipment for saw cutting and concrete grinding to control dust nuisance.*
14. *Obtain Planning Board approval before chemicals for dust control are used. Sodium chloride is not permitted for dust control.*
15. *All trenches and disturbed areas created during construction that will produce dust shall be maintained dust free by an application of calcium chloride. The use of calcium chloride on temporary access roads is not allowed.*
16. *Temporary construction entrance pads or other measures required by Planning Board shall be provided at all sites to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains.*
17. *Wash mud from construction vehicles before leaving the construction site. Promptly clean up all dirt and mud deposited on public and/or private property due to construction.*
17. *Discharge silt-laden water from trenches or excavations onto filter fabric mat, baled hay or straw sediment traps, or into sedimentation basins to ensure that only sediment-free water is returned to watercourses.*
18. *Do not dump spoiled material into any streams, wetlands, surface waters, or unspecified locations.*
19. *Prevent indiscriminate, arbitrary, or capricious operation of equipment in streams, wetlands or surface waters.*
20. *Prevent damage to vegetation adjacent to or outside of construction area limits.*
21. *Soil stockpiles must be stabilized or covered at the end of each workday.*
22. *Provide controls for other wastes at construction sites, including but not limited to the following:*
 - A. *General: Do not dispose of trees, brush, debris, paints, chemicals, asphalt products, concrete curing compounds, fuels, lubricants, insecticides, washwater from concrete trucks or hydroseeders, or any other pollutant in streams, wetlands, surface waters, or natural or man-made channels leading thereto, or unspecified locations.*
 - B. *Sanitary Waste:*
 - i. *Adequate sanitary facilities shall be provided for the use of those employed on the Work. Such facilities shall be made available when the first employees arrive on the site of the Work, shall be properly secluded from public observation, and shall be constructed and maintained during the progress of the Work in suitable numbers and at such points and in such manner as may be required.*
 - ii. *The Developer shall maintain the sanitary facilities in a satisfactory and sanitary condition at all times and shall enforce their use. He shall rigorously prohibit the committing of nuisances on the site of the Work, on the lands of the Owner, or on adjacent property.*

C. Protection of Storm Drains: Prevent construction material (including liquid wastes such as oil, chemicals, paints), pavement, concrete, earth, or other debris from entering existing storm drain pipes or structures.

D. Disposal of Excess Excavated and Other Waste Materials:

- i. Excess excavated material not required or not suitable for backfill and other waste material shall be disposed of in accordance with local regulatory requirements.*
- ii. Provide watertight conveyance for liquid, semi-liquid or saturated solids which tend to bleed during transport. Liquid loss from transported materials is not permitted, whether being delivered to construction site or hauled away for disposal. Fluid materials hauled for disposal must be specifically acceptable at selected disposal site.*
- iii. Transport dusty materials in covered haulage vehicles.*

E. Use of Chemicals:

- i. Chemicals used during project construction or furnished for project operation, whether herbicide, pesticide, disinfectant, polymer, reactant or of other classification, shall be approved by U.S. EPA or U.S. Department of Agriculture and any other applicable regulatory agency.*
- ii. Use and disposal of chemicals and residues shall comply with manufacturer's instructions.*

F. Cleaning of Equipment:

- i. Keep construction equipment clean so that no debris is deposited on any public roadway. Identify a designated vehicle cleaning area within the limit of work. Contain all construction debris in this designated area only, and dispose of debris off-site at an approved location.*
- ii. Debris cleaned from equipment cannot gain access to storm drains and watercourses.*

G. Fuels and Lubricants:

- i. Comply with local, state, and federal regulations concerning transportation and storage of fuels and lubricants. Minimize use of potentially hazardous materials including fuels and lubricants.*
- ii. Designate an area within the working limits to be used exclusively for fueling of construction equipment and carry out all refueling in this area only.*
- iii. Establish procedures for the interception and rapid clean-up and disposal of fuel spillages which may occur. Ensure that the materials required for the clean-up of fuel spillages are readily accessible on site at all times.*
- iv. Report spills or leaks from fueling equipment or construction equipment and clean-up as required by local, state or federal regulations.*
- v. Keep motorized equipment in good working order with no fuel or lubricant leakage. Protect ground surface from leakage using tarps or other methods.*

- vi. *Do not change oil on equipment or store or dispose of fuels, solvents, lubricants, or other potentially hazardous materials on site.*

H. Construction Waste Management:

- i. *Provide appropriately marked containers or bins for controlling recyclable and construction waste, trash, and debris until they are removed from the site. Include list of acceptable and unacceptable materials at each container and bin. Inspect containers for contamination and remove contaminated materials if found.*
- ii. *Designate and label specific areas on site necessary for separating materials that are to be salvaged, recycled, reused, donated, sold or disposed of.*
- iii. *Separate recyclable waste by type at site to the maximum extent practical. For waste that cannot be separated at site, co-mingle with waste which is to be separated later at a recycling facility.*
- iv. *Except for items or materials to be salvaged, recycled, or otherwise reused, remove waste materials from site and legally dispose of them in a landfill or incinerator acceptable to authorities having jurisdiction. Do not burn waste materials on site.*
- v. *Do not allow waste materials that are to be disposed of accumulate on site.*
- vi. *Remove and transport debris in a manner that will prevent spillage on adjacent surfaces and areas.*

Procedures for Site Inspections and Enforcement of Sediment and Erosion Control Measures

Part 2.3.5.c.ii of the MS4 General Permit specifies that the permittee develop and *implement “written (hardcopy or electronic) procedures for site inspections and enforcement of sediment and erosion control measures”*.

Section 6.05 of the Amesbury Subdivision Rules and Regulations establishes procedures for the preparation and submittal of an erosion and sedimentation control plan as well as the posting of a performance guarantee to insure proper implementation of sediment and erosion control measures during construction. The use of a performance guarantee is the principal means of enforcement provided in the current regulations, but this type of arrangement involves the City having to perform the remedial work required to bring the site back into compliance. Another approach would be to provide the Planning Board or its authorized agent with the ability to issue written orders to enforce the regulations. To this end, the City should consider incorporating additional provisions to strengthen the current regulations and to fully comply with MS4 permit requirements.

Sections 6.11 and 8.02 of the Amesbury Subdivision Rules and Regulations establish the basis and schedule for site inspections to occur at specific milestones during construction, or as approved by the Planning Board. In addition, the regulations include an Inspection Form to be completed by the developer which lists each milestone and the responsible agency (i.e., Planning Board, DPW, etc.) for inspection sign-off, a copy of which is attached to the back of this document. However, neither the schedule of inspections nor the inspection form included specific references to sediment and erosion control measures. Therefore, the City should also consider revising both the schedule of inspections and inspection form accordingly.

For ease of reference, the existing text from each relevant section of the Amesbury Subdivision Rules and Regulations are presented below in black text with proposed changes to incorporate additional provisions in red italics.

6.05 EROSION AND SEDIMENTATION CONTROL PLANS

A plan for erosion and sedimentation control covering all proposed excavation, filling and grade work for improvements shall be required. Said plan shall be prepared and certified by a Registered Professional Engineer.

Requirements for Erosion Control. Such plans shall show proper measures to control erosion and reduce sedimentation, as set forth in Section 8.08. Such Erosion and Sedimentation Control Plan shall consist of:

1. All Construction Plan Contents plus,
2. Location of areas to be stripped of vegetation and other exposed or unprotected areas.
3. A schedule of operations to include starting and completion dates for major development phases, such as land clearing and grading, street, sidewalk, and storm sewer installation, and sediment control measures.
4. Seeding, sodding, or revegetation plans and specifications for all unprotected or unvegetated areas.
5. Location and design of structural sediment control measures, such as diversions, waterways, grade stabilization structures, debris basins, etc.
6. General information relating to the implementation and maintenance of the sediment control measures.

Enforcement of Sediment and Erosion Control Measures. The Planning Board or its authorized agent may issue a written order to enforce the provisions of this regulation as set forth in Section 8.02.

In certain circumstances, the Planning Board may require the Applicant to post a performance guarantee, to insure proper implementation of the Erosion and Sedimentation Control Plan during construction. The intent of the performance guarantee is to provide the Planning Board with a specific surety designated for:

- a. Construction and ongoing maintenance of measures outlined in the Erosion and Sedimentation Control Plan,
- b. Construction and maintenance of additional erosion and sedimentation controls, as may be warranted by particular site conditions,
- c. Construction of interim measures, as may be required, for stabilization of disturbed areas and/or repairs to eroded areas.

If, in the opinion of the Planning Board, the Developer fails to adequately execute the Erosion and Sedimentation Control Plan, or fails to satisfactorily control sediment at the site, the proceeds of the performance guarantee shall be made available to the Town of Amesbury, for the purpose of correcting sedimentation and erosion control issues, and for the purpose of bringing the site into compliance with the Erosion and Sedimentation Control Plan.

The form of the performance guarantee shall be as agreed by the Planning Board and shall be maintained and extended by the Applicant/Developer until such time as earthwork operations are completed and all disturbed areas have been adequately vegetated. The dollar amount of the performance guarantee shall be based on the area of land to be disturbed, as shown on the Definitive Plans, (unless otherwise determined by the Board) times the unit price established in the 'Fee Schedule'. Release of the performance guarantee shall be in accordance with the procedures outlined in Section 6.09.E of these Regulations.

6.11 INSPECTIONS

1. Purpose. Inspections of the quality of materials used and methods of installation of the improvements within a subdivision by the Board are required to protect the health and welfare of the future subdivision residents, and of the Town.
2. Access. The applicant will provide safe and convenient access to all parts of the subdivision, for the purposes of inspection, to representative of the board or other Town agencies and Boards.
3. Responsibility The applicant is responsible for requesting inspections at the proper stage in the process of installation of improvements (see Section 8.02). Should an inspection not be performed due to the failure of the applicant to notify the Planning Board, the applicant will be required to uncover the improvements. No work will be accepted that has **been** covered before inspection.
4. Inspection fee. A fee shall be charged to cover the cost of inspections. This fee shall be based upon the time spent by the Planning Board's representative in making the required inspections.
5. *Sediment and Erosion Control Measures. The applicant or his/her agent shall make regular inspections of all control measures in accordance with the inspection schedule outlines in the approved Erosion and Sedimentation Control Plan. The purpose of such inspections will be*

to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections shall be documented in written form and submitted to the Planning Board at the time interval specified in the permit decision.

8.02 INSPECTIONS *AND ENFORCEMENT*

A. Schedule.

It is assumed that under normal conditions work will proceed in accordance with the following construction schedule and site inspections will occur as indicated, or as approved by the Planning Board. The contractor will provide the Planning Board with a detailed construction schedule. Additional inspections may be required as determined by the Planning Board or their designated representative, The Planning board or designated representative must be given 48 hours-notice prior to the inspection.

1. Establish Construction Control; *including installation of sediment and erosion control measures.*

SITE INSPECTION

2. Clearing and grubbing; including excavating or stripping poor material.
3. Preparation of sub-base; including necessary cuts and fills.

SITE INSPECTION

4. Installation of drainage pipes.
5. Installation of other underground utilities.

SITE INSPECTION *PRIOR TO BACKFILLING OPERATIONS*

6. Application of material for sub-base.
7. Application of gravel in or above sub-base.

SITE INSPECTION

8. Application of oil or other binding material where needed as determined by the Planning Board.
9. Removal or application of material for slopes.
10. Application of bituminous concrete base course.

SITE INSPECTION

11. Installation of granite curbing.
12. Application of gravel in sidewalks.
13. Application of and installation of concrete sidewalks.
14. Application of bituminous concrete finish course.
15. Application of loam for lawns and slopes.

16. Installation of bounds.

17. Clean up.

SITE INSPECTION

As part of the final inspection, and prior to the release of the performance guarantee, the effectiveness of the stormwater management system as installed shall be evaluated in an actual storm. If the inspection finds the system to be adequate, the Planning Board will issue a Certificate of Completion. However, if the system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in approved plan, it shall be corrected by the applicant before the performance guarantee is released. If the permittee fails to act, the City of Amesbury may use the surety bond to complete the work. Examples of inadequacy include, but shall not be limited to: errors in the infiltrative capability, errors in the maximum groundwater elevation, failure to properly define or construct flow paths, or erosive discharges from basins.

B. Fees

A fee shall be charged to cover the cost of inspections. This fee shall be based upon the time spent by the Planning Board representative in making the required inspections.

C. Enforcement

- 1. The Planning Board or its authorized agent shall enforce its regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.*
- 2. Orders. The Planning Board or its authorized agent may issue a written order to enforce the provisions of this Bylaw or the regulations there under, which may include:*
 - a. A requirement to cease and desist from the land disturbing activity until there is compliance with the regulations or provisions of the land disturbance permit;*
 - b. Maintenance, installation or performance of additional erosion and sediment control measures;*
 - c. Monitoring, analyses, and reporting;*
 - d. Remediation of erosion and sedimentation resulting directly or indirectly from the land disturbing activity;*
 - e. Compliance with the Operation and Maintenance Plan.*
 - f. If the enforcing person determines that abatement or remediation of erosion and sedimentation is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the City of Amesbury may, at its option, undertake such work, and the property owner shall reimburse the town's expenses. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the City of Amesbury, including administrative costs. The violator or property owner may file a*

written protest objecting to the amount or basis of costs with the Board within thirty (30) days of receipt of the notification of the costs incurred.

- g. Fines. Any person who violates any provision of this regulation, order or permit issued there under, shall be punished by a fine of not more than \$ 300.00. Each day or part there under that such violation occurs or continues shall constitute a separate offense.*
- h. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Planning Board may elect to utilize the noncriminal disposition procedure set forth in G.L. Ch. 40, §21D, which has been adopted by the City, in which case the Planning Board or authorized agent shall be the enforcing person. The penalty for each violation shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.*

Amesbury

PLANNING BOARD

Town Hall, Amesbury, MA 01913

FORM O TOWN OF AMESBURY INSPECTION FORM

Name of Subdivision _____ From Sta. _____ To Sta. _____
 Name of Applicant _____ Phone of Applicant _____

	Subject	Responsible Agency	Initials of Agent	Date of Inspection
	<i>1. Sediment & Erosion Control Installation</i>	<i>Conservation Commission</i>		
1.	Clearing of Right-of-Way	Planning Board	_____	_____
2.	Sub-grade Preparation	Planning Board	_____	_____
3.	Drainage (below-grade) Installation	Planning Board and DPW	_____	_____
4.	Water Installation	Planning Board and DPW	_____	_____
5.	Fire Alarm Installation	Fire Department and Planning Board	_____	_____
6.	Grading of Lots	Planning Board	_____	_____
7.	Curb Installation	Planning Board	_____	_____
8.	Binder Course	Planning Board	_____	_____
9.	Finish Course	Planning Board	_____	_____
10.	Sidewalk Construction	Planning Board	_____	_____
11.	Street Trees and Planting	Planning Board	_____	_____
12.	Grass Strips	Planning Board	_____	_____
13.	Street Lights	Planning Board	_____	_____
14.	Street Signs and Monuments	Planning Board	_____	_____
15.	Final Clean-up	Planning Board	_____	_____

Responsible agency and Planning Board shall be notified in writing at least 48 hours before each required inspection as listed. No inspection may be waived except by joint approval of Planning Board and responsible agency.

Note: Inspections by the Planning Board may be delegated to a Planning Board Agent, at the discretion of the Board.

Procedures for Site Plan Review and Inspection and Enforcement

Part 2.3.5.c.v of the MS4 General Permit specifies that the permittee develop and *implement "written procedures for site plan review and inspection and enforcement"*.

For the most part, the permit requirement above is currently addressed in Section XI.C of the Amesbury Zoning Bylaw. However, the bylaw should be revised to consolidate the MS4 permit requirements for Construction Site Stormwater Runoff Control (Part 2.3.5) and Stormwater Management in New Development and Redevelopment (Part 2.3.6) into the Amesbury Subdivision Rules and Regulations. This will eliminate the potential for conflicts between the requirements of the Zoning Bylaw and the Subdivision Rules and Regulations.

To some extent, the consolidation of requirements has already been incorporated into the Zoning Bylaw. For example, under Section 8, Development and Performance Standards, there are separate criteria established for stormwater runoff and erosion control under Paragraphs E and F, respectively. At the same time, Paragraph P specifies that *"the design and construction of stormwater management, erosion control plan, drainage, water, and utilities shall comply with Section 7 (Design Standards) and Section 8 (Construction Standards) of the Amesbury Subdivision Rules and Regulations"*.

For ease of reference, the existing text from the Site Plan Review regulations under Section XI.C of the Amesbury Zoning Bylaw are presented below in black text with proposed changes to consolidate the MS4 permit requirements in red italics.

1. INTENT:

These regulations recognize that certain developments of land, though generally suitable for location in a particular zoning district are, because of their nature, size, complexity or other reasons of probable impact, capable of adversely affecting the stated purposes of this Bylaw, unless careful consideration is given to certain critical design elements. It is the intent of these regulations to provide a mechanism for the review of an applicant's attention to such critical design elements within developments that are subject to review.

2. PURPOSES:

- A. To promote highway traffic safety and protect the capability of state and local roads to conduct traffic smoothly and efficiently;
- B. To promote attractive and viable commercial, industrial or multi-family development projects;
- C. To protect the character, aesthetic visual qualities and property values of the City and abutting residential districts;
- D. To discourage unlimited commercial "strip development" and curb cuts along highways, and to encourage commercial growth in nodes and clusters;
- E. To allow for the preservation of open space; and the protection of natural features and environmentally sensitive areas.

3. APPLICABILITY:

- A. Site Plan Review shall be required where so indicated in Section V.D. Table of Use Regulations. Further, where a special permit is required an approved Site Plan pursuant to XI.C shall be required as a condition of granting said permit.
- B. An applicant for Site Plan Review shall not be issued a building permit and/or occupancy permit unless in conformance with an approved Site Plan or unless the Planning Board has

authorized changes to an existing Site Plan and/or facility, including change of uses pursuant to Section XI.C.9.

- C. Reviewable Projects for Design Review. All projects submitted to the Planning Board which are either listed as "Site Plan Required" under the Table of Use Regulations, Section V.D., or a sign application, shall be reviewed by the Design Review Committee and shall be subject to the design standards contained within the Site Plan Review (SPR), Section XI.C. and the Sign Bylaw, Section VII. All applicants are encouraged to contact the DRC within a pre-application hearing for SPR.

4. PROCEDURE:

- A. Submittal Requirement: An applicant shall file a Building Permit Application with the Building Inspector/Code Enforcement Administrator. If said official determines that a Site Plan Review or special permit with Site Plan Review is required, the applicant shall submit the appropriate application to the Planning Board.
- B. Pre-application Conference: Prior to submission of an application it is strongly recommended that the applicant confer with the Planning Board to determine the applicability of the information requirements of this subsection and to obtain other information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys and other data. If the applicant decides to forgo the pre-application for Site Plan Review, the information and materials for review as noted in Sections 5 and 6 shall be required. If the applicant schedules a pre-application conference the Planning Board suggests that the information provided by the applicant be designed to assist the Planning Board to understand the scope and impact of the project. Said information may include a conceptual drawing of the proposed project indicating general building design, potential locations of curb cuts, parking areas, signs, wetlands, the location and type of surrounding uses and information regarding environmental access or infrastructure issues relevant to the project.
- C. Application for Site Plan Review:
1. Filing: An application for Site Plan shall be filed by the current owner of record to the Planning Board on the form provided by the Planning Board, along with application fee(s) which shall be set forth in the Planning Board Regulations.
 2. Required Submittals: An applicant shall file the Site Plan Review application, required materials for review and other submittals as set forth in the Planning Board regulations with the Planning Board in one (1) original and fourteen (14) copies. The application, Site Plans and all supporting documents shall also be submitted in Portable Document File (PDF) format on Compact Disk (CD).
 3. Application Completeness: Upon receipt of an application, the Board shall determine if the application is complete, including information and requirements listed under Sections XI.C.5 and XI.C.6. If it is determined that the application is incomplete, the Board shall take no further action on said application. An application which is determined to be incomplete may be revised and resubmitted at a subsequent meeting of the Board.
 4. Circulation to Town Departments and other Boards: Within seven (7) days of receipt of a complete application, the Board shall transmit a copy to the Design Review Committee, Engineering Department, Board of Health, Building Inspector/Code Enforcement Officer, Fire Department, Police Department, Conservation Commission, Town Planner and Town Clerk for comments. The Boards and Departments herein named shall review the application and report their recommendations in writing to the Board no later than twenty-one (21) days after receipt of the application and information required by this subsection.

5. Public Hearing: The Planning Board shall hold a public hearing within sixty-five (65) days of submission of a completed application for which notice has been given as provided in Section X.J.3 of the Bylaw. The decision of the Board shall be made within ninety (90) days of completion of the public hearing, except where the application has submitted a written request for extension of time.
6. Peer Review: The applicant shall be required to pay for reasonable consulting fees to provide peer review of the Site Plan Review application, pursuant to GL chapter 40a Section 53G. Such fees shall be held by the Town of Amesbury in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to, attorneys, civil engineers, landscape and urban designers, traffic engineers and others. Any surplus remaining after the completion of such review, including any interest accrued shall be returned to the applicant forthwith. (2012-032)

5. MATERIALS FOR REVIEW:

All Site Plans shall be prepared by a registered architect, landscape architect, or professional engineer who shall sign and date a designer's certificate (Form D) as required by the Town's subdivision regulations and place their seal upon all pertinent documents unless this requirement is waived by the Planning Board because of unusually simple circumstances. All original Site Plans shall be prepared on standard 24" x 36" mylar sheets at a minimum scale of 1" = 40'. Elevations drawings, where required, shall be drawn at a minimum scale of 1" = 8'.

The Planning Board may waive any information requirements it judges to be unnecessary to the review of small scale developments. Said waiver(s) shall be made to the applicant in writing with stated reasons for granting the waiver. The following information shall be included in the Site Plan set:

- A. Parcel Information: The location and boundaries of the lot, adjacent public or private ways, total parcel area, frontage, setback boundaries, required open space and parking, other applicable information from Section VI - Dimensional and Density Regulations, easements affecting the use, access and building layout on the parcel, the location and owners names of all adjacent properties.
- B. Topography and existing land features: Existing and proposed topography including contours (two foot intervals), the location of wetlands, streams, water bodies, aquifers, aquifer recharge areas, marshes, drainage swales, areas subject to flooding, and unique natural land features, including all trees over eight (8) inches in caliper, and the general location of the tree line. Existing walls, fences, culverts, bridges, recreation trails, land- fills, gravel pits and other significant man-made features.
- C. Buildings: Existing and proposed structures, including dimensions, footprint, total gross floor area, number of stories, floor finished elevations and building height(s).
- D. Parking & driveways: The location of parking and loading areas, driveways, access and egress points from existing ways.
- E. Sidewalks, bike paths, and recreation trails: Walkways between building and parking areas, pedestrian access to and from the site to existing sidewalks and bike paths.
- F. Utilities: The locations and description of all existing and proposed septic systems, sanitary sewer water supply, storm drainage systems (including method and calculations for 10 and 100-year storm events), utilities, and refuse and other waste disposal methods.

- G. Grading and stormwater drainage: Limit of work, proposed finished elevations, slopes, stabilization measures, storm water and erosion control structures and features.
- H. Landscaping: Proposed landscape features including the locations and a description of buffer areas, screening, fencing, and plantings. A planting plan shall be prepared by a registered landscape architect, unless a licensed plant nursery person is deemed appropriate by the Planning Board.
- I. Lighting: Existing and proposed lighting, including locations, lighting source, and fixture types. The Planning Board may require photometric analysis of proposed lighting.
- J. Signs: The location, dimensions, height, and characteristics of proposed signs.
- K. Open Space: The location and description of proposed open space or recreation areas.
- L. Traffic Generation: The plan shall describe estimated daily and peak hour vehicle trips to be generated by the site and traffic flow patterns for vehicles and pedestrians showing adequate access to and from the site and adequate circulation within the site.
- M. Building Facades and Floor Plans: Architectural elevations of all sides of all new buildings and of those sides of existing buildings which are proposed to be altered; roof plans and floor plans showing existing and/or proposed uses with floor areas for each use. Elevation drawings should indicate exterior material and colors, size and spacing of windows, doors and other openings. (2012-032)

6. ADDITIONAL REVIEW MATERIALS:

In each case where a new building(s) or a use of more than 15,000 square feet total floor area is proposed, the following information shall be required and submitted along with the information and documents required under paragraph 5. If a project requires review under MEPA and issuance of a Certificate on Environmental Notification Form or Environmental Impact Report, a complete information package as required under the MEPA Certificate on ENF of Draft EIR shall also be submitted to the Board. In all other circumstances related to significant environmental or public safety issues or where the proposed intensity of use requires more detailed review, the Planning Board shall require materials or information in paragraph 6 it deems necessary. If not requested at the time of the pre-application conference this information shall be requested not more than 28 days from the date of submission and will not extend the review period, unless mutually agreed.

- A. Surface and water pollution: A report on the impact of storm water runoff on adjacent and downstream water bodies, subsurface ground water and water tables.
- B. Soils: A report on the potential dangers of erosion and sedimentation caused by the operation and maintenance of the proposed development and the mitigation efforts proposed. To this end, high intensity soil mapping, i.e., test borings and analysis, may be required.
- C. General environmental impact: A report on the relationship of the proposed development to the major botanical, zoological, geological, and hydrological resources on the site, and compatibility of the proposed development with adjacent or surrounding land uses and neighborhoods. At the discretion of the Planning Board, an EIS required through the MEPA process which addresses the Planning Board's concerns may be substituted in lieu of this report.
- D. Traffic impacts: A report on existing traffic volume, composition, peak hour levels, and existing street capabilities, analysis of existing and resulting level of services (LOS) for:

1. The nearest and/or most impacted public roadway intersection.
2. Estimated average daily traffic generation composition, peak hour levels.
3. Directional flows resulting from the proposed development.
4. Proposed methods to mitigate the estimated traffic impact.
5. The methodology and sources used to derive existing data and estimations.

Further, in an instance where the proposed project will result in an intersection level of service below a rating of LOS D, or result in a roadway volume to capacity rating greater than 1.0; then the applicant shall provide detailed plans (including reconstruction concepts), that when implemented would result in an intersection level of service rating of D or better. The Planning Board may engage a traffic consultant to review said report and make its recommendations to the Planning Board thirty (30) days before final action is required.

- E. Architectural Drawings: Building elevations, roof plans and other drawings and documentation, architectural elevations of all sides of all new buildings and of those sides of existing buildings which are proposed to be altered in any way. The elevations shall be prepared by a registered architect who shall sign the plan and place his/her seal upon it. The drawings shall be prepared at a minimum scale of 1/8" = 1' and shall show the following:
1. Exterior material and colors.
 2. Type and pitch of roofs.
 3. Size and spacing of windows, doors and other openings.
 4. Size, location, colors, and copy of signs affixed to or hanging from the building.
 5. The relationship in bulk and height of other existing structure in the vicinity.
 6. Renderings (or model may be provided at the option of the applicant).
 7. Cross-sections of the site and buildings.
 8. Product literature on proposed light fixtures.
- F. Legal Documents: Drafts of deeds, easements, agreements and other legal documents, including the following where applicable:
1. Deeds of land to be conveyed to the Town for streets or other public purposes.
 2. Deeds of easement and right-of-way.
 3. Covenants and any other agreements affecting the use of the site.
 4. Articles of incorporation of a landowner's association and the by-laws of the association.
 5. Agreements between the applicant and the Town regarding public improvements or other matters.

G. Additional Information: Certification of the following:

1. Any and all actions of the Zoning Board of Appeals relative to the application.
2. Assurances from public utility companies that necessary non-municipal utilities will be installed in accordance with plans submitted with the application.
3. A listing of state and federal permits, licenses, and approvals necessary to include an estimated schedule of application and approval. Final actions of said permits shall be filed with the Planning Board as a matter of record.
4. Copies of permits previously issued by local, state and federal agencies, as applicable.
(2012-032)

7. SITE PLAN REVIEW CRITERIA:

A. In reviewing and evaluating the Site Plan, and in making a final determination regarding Site Plan approval, the Planning Board shall consider the following criteria:

1. The Site Plan complies with the Development and Performance Standards contained in Subsection 8.
2. The Site Plan minimizes traffic and safety impacts of the proposed development on adjacent highways or roads, and maximizes the convenience and safety of vehicular and pedestrian movement with the site.
3. The proposed development, to the extent feasible:
 - a. Is integrated into the existing landscape;
 - b. Minimizes adverse environmental impacts on such features as wetlands, floodplains, and aquifer recharge areas;
 - c. Minimizes obstruction of scenic views from publicly accessible locations;
 - d. Preserves unique natural or historical features;
 - e. Minimizes tree, vegetation and soil removal and grade changes;
 - f. Maximizes open space retention;
 - g. Screens objectionable features from neighboring properties and roadway; and
 - h. Minimizes noise and odors associated with commercial/industrial activities.
4. The architectural design of the proposed development is in harmony with the vernacular architecture of the City.
5. The proposed development is served with adequate water supply and waste disposal systems and will not place excessive demands on City services and infrastructure.
6. The Site Plan shows or includes adequate measures to prevent pollution of surface or groundwater, to minimize erosion and sediments, and to prevent changes in groundwater levels, increased run-off and potential for flooding.

8. DEVELOPMENT AND PERFORMANCE STANDARDS

In order to receive Site Plan approval, all projects or uses must demonstrate compliance with the development and performance standards of the Amesbury Department of Public Works and the following criteria:

- A. Access and Traffic Impacts: Applicants must demonstrate that the project will minimize traffic and safety impacts on City roads.
1. The number of curb cuts on state and local roads shall be minimized. To the extent feasible, access to businesses shall be provided via one of the following:
 - a. Access via a common driveway serving adjacent lots or premises.
 - b. Access via an existing side street.
 - c. Access via a cul-de-sac or loop road shared by adjacent lots or premises.
 2. One access driveway per development site that is a lot or a combination of several lots, shall be permitted as a matter of right. Except as noted in Section VIII.G.9, and Section VIII.G.20, the Planning Board may, in certain circumstances, allow more than one driveway as part of the Site Plan Approval process.
 3. Curb cuts shall be limited to the minimum width for safe entering and exiting, and shall in no case exceed 24 feet in width.
 4. All driveways shall be designed to afford motorists exiting to highways with safe sight distance.
 5. The proposed development shall assure safe interior circulation within its site by separating pedestrian and vehicular traffic.
 6. In each case where a new building(s) or new use of more than 3,000 square feet total floor area is proposed, or where any proposed enlargement of a building would result in a building have more than 3,000 square feet total floor area, a traffic impact statement shall be prepared containing the following information:
 - a. A detailed assessment of the traffic impacts of the proposed project or use on the carrying capacity of any adjacent highway or road(s) and associated intersection.
 - b. A plan to minimize traffic and safety impacts through such means as physical design and layout concepts, promoting use of public transportation, or other appropriate means.
 - c. An interior traffic and pedestrian circulation plan designed to minimize conflicts and safety problems.
 7. Adequate pedestrian and bicycle access shall be provided as follows:
 - a. Sidewalks shall be provided to allow access to adjacent properties and between individual businesses within a development;
 - b. If the property directly abuts a bikeway right-of-way, paved access route to the bikeway shall be provided.
 8. The anticipated impacts of a proposed development, and the effects of the proposed mitigation, should be evaluated using standard performance indicators which will

include but not be limited to: level-of-service, delay, and volume to capacity ratio, as defined in the Highway Capacity Manual. The adequacy of existing and proposed roadways and intersections should be based on but not limited to: left turn lane guidelines, right turn lane guidelines, traffic signal warrants, and stopping sight distances. The design of all proposed improvements shall take into consideration:

- a. The Manual on Uniform Traffic Control Devices (Federal Highway Administration),
 - b. A Policy on Geometric Design of Highways and Streets (American Association of State Highway and Transportation Officials),
 - c. Massachusetts Department of Transportation rules and procedures,
9. Regardless of project size or traffic generation, measured sight distances at access/egress locations with public ways for all new developments shall, at a minimum, meet Massachusetts Department of Transportation (MassDOT) and American Association of State Highway Transportation Officials (AASHTO) standards for safe stopping sight distance.
 10. Adjacent commercial uses shall share access points and provide connections between parcels so as to minimize curb cuts, driveways, and vehicular turning maneuvers, where appropriate.
 11. Internal site circulation shall be designed to accommodate the appropriate design vehicle for the project.
 12. Roadway access for new development and redevelopment must be consistent with the functional classification of the road.
- B. Parking: Proposed projects or uses must comply with Parking and Off-Street Loading requirements in Section VIII and the following standards:
1. To the extent feasible, parking areas shall be located to the side or rear of the structure, and be shared with adjacent businesses.
 2. No parking shall be permitted within the required front yard setback.
- C. Landscaping:
1. Except for driveways, internal pedestrian walkways, plazas or seating areas, a continuous landscaped buffer, at least ten (10) feet wide, shall be located within the front-yard setback to visually separate parking, loading and other such uses from the public way. Along all parking areas, the buffer strip shall be planted with a year-round vegetative landscape screening forming a solid screen at least 42 inches in height. Except where waived by the Board in instances where a vegetative screen is impractical due to topographical conditions on the site, the Board may approve the use of decorative fencing, shade trees, planting beds, or a combination thereof, where appropriate along the front-yard setback. At all street or driveway intersections, trees, shrubs or other planting shall be set back a sufficient distance from such intersections so that they do not present an obstruction to vehicular sight-lines.
 2. A continuous landscaped buffer strip between commercial and industrial districts and any residential districts and/or property lines shall be provided consistent with the following:
 - a. For lots 10,000 square feet or less the buffer shall be ten (10) feet;
 - b. For lots 10,001 to 20,000 square feet the buffer shall be fifteen (15) feet;

- c. For lots over 20,000 square feet the buffer shall be twenty-five (25) feet in width.

In particular circumstances where said criteria may be impractical to apply, given safety, land use, lot shape or historic preservation considerations, the Planning Board may vary the landscape buffer requirements, but in all cases some type of buffer shall be required. The landscape buffer strip shall be measured from the commercial/industrial district line and extend into the commercial/industrial district. The landscape buffer strip shall be of a density to screen ninety percent (90%) of the development in question from view, along the zoning district line in question. Plantings shall be of various approved evergreen species only and shall be planted at an initial height of six (6) feet. Fencing may be allowed in conjunction with plantings. Design and height of said fencing shall be subject to the approval of the Planning Board.

3. Retaining walls shall be allowed as follows:

- a. Within the front yard setback and along public ways: No more than three (3) feet in height from the finished grade of the abutting public way. Only natural stone or pre-cast concrete landscape forms that are similar to natural stone walls shall be allowed.
 - b. All other areas or if abutting zoned residential districts: No more than six (6) feet in height. Walls abutting public ways but not within the front yard setback shall be terraced every three (3) feet, except as provided in (c) below.
 - c. Only if site conditions require elevation changes of greater than six (6) feet, the Board may allow retaining walls greater than six (6) feet in height towards the rear of the property, provided, i) the retaining walls are terraced at every six (6) feet and ii) landscaped with medium height (no less than 18 inches in height at the time of planting), hardy evergreen shrubs, continuously along the length of the terrace and at each terrace. Terracing will not be required if the top of retaining wall is no more than three (3) feet from the finished grade established along the property frontage.
 - d. Retaining walls shall be natural stone, concrete masonry units, or precast concrete landscape forms that are similar to natural stone walls. Vertical cast in place concrete shall not be permitted.
4. See Section VIII-F.16 for the landscaping requirements of all parking areas containing over 20 parking spaces.
5. Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and structures and other unsightly uses shall be screened from view from neighboring properties and streets using dense, hardy evergreen plantings, or earthen berms, or wall or tight fence complemented by evergreen plantings.
6. All landscaped areas shall be properly maintained. Shrubs or trees which die shall be replaced within one growing season.

D. Site Plan and Architectural Design:

- 1. Where feasible buildings shall be located away from sensitive areas so as to preserve open space and natural scenic views. Where appropriate large continuous buildings shall be avoided and massing of buildings should be broken or staggered to reflect the historic scale of existing buildings.

2. Where feasible parking areas shall be located to the side or behind buildings so as to provide an appropriate setting for the building within the context of the site and neighborhood. The Planning Board may require alternative studies of parking lot layouts.
 3. Building design shall be compatible with the vernacular structure, historic character, and scale of buildings in its surrounding neighborhood. This shall be accomplished through the use of appropriate building materials, screening, breaks in roof lines, roof forms, wall lines.
 4. All proposed projects or uses requiring site plan review shall be reviewed by the Design Review Committee according to the guidelines established in the "*Amesbury Design Guidelines*" manual available at the Building Inspector's Office and Planning Board.
 5. All proposed projects or uses within an Historic District shall require a Certificate of Appropriateness from the Historical Commission.
 6. Rooftop mechanical equipment shall be screened from view by roof forms or other appropriate screening devices.
- E. Stormwater Runoff: *The management and control of flow and pollutant loads from stormwater runoff discharges shall comply with the requirements of Section 7 (Design Standards) and Section 8 (Construction Standards) of the Amesbury Subdivision Rules and Regulations.*
- ~~1. The rate of surface water run-off from the site shall not be increased after construction. If needed to meet this requirement and maximize groundwater recharge, increased run-off from impervious surfaces shall be recharged on site by being diverted to vegetated surfaces for infiltration or through the use of retention ponds. Dry wells shall be used only where other methods are unfeasible and shall require oil, grease, and sediment traps to facilitate removal of contaminants.~~
 - ~~2. Neighboring properties shall not be adversely affected by flooding from excessive run-off.~~
- F. Erosion Control: *The development and implementation of a sediment and erosion control plan shall comply with the requirements of Section 6 (Definitive Subdivision Plans) and Section 8 (Construction Standards) of the Amesbury Subdivision Rules and Regulations. Erosion of soil and sedimentation of streams and water bodies shall be minimized using the following erosion practices:*
- ~~1. Exposed or disturbed areas due to stripping of vegetation, soil removal, and regarding shall be permanently stabilized within six months of occupancy of a structure.~~
 - ~~2. During construction, temporary vegetation and/or mulching shall be used to protect exposed area from erosion. Until a disturbed area is permanently stabilized, sediment in run-off water shall be trapped by using staked hay bales or sedimentation straps.~~
 - ~~3. Permanent erosion control and vegetative measures shall be in accordance with the erosion/ sedimentation/vegetative practices recommended by the Soil Conservation Service.~~
 - ~~4. All slopes exceeding 15% resulting from site grading shall be either covered with 4 inches of topsoil and planted with a vegetative cover sufficient to prevent erosion or to be stabilized by a retaining wall.~~

~~5. Dust control shall be used during grading operations if the grading is to occur within 200 feet of an occupied residence or place of business. Dust control methods may consist of grading fine soils on calm days only or dampening the ground with water.~~

G. Water Quality: Groundwater recharge shall be maximized and groundwater quality shall be protected. Various techniques may be required to maximize recharge, such as perforated drain pipes, reduction of paved areas, reduction of building coverage; or to improve water quality, such as installing grease traps, or gas/oil separators. Where the groundwater elevation is close to the surface extra site grading precautions may be taken to maintain the protective function of the overburden.

H. Hazardous Materials and Explosive Materials: The storage, use, transportation, and removal of all hazardous materials and explosive materials shall be consistent with the requirements specified by the Amesbury Fire Department plus all relevant state and federal regulations.

I. Lighting:

1. The goal of exterior lighting shall be to make development feel safe and identify and accent key elements in the project's design.
2. The maximum height of outdoor lighting luminaries on poles shall not exceed ten (10) feet in pedestrian areas and sixteen (16) feet in all other areas, such height being the vertical distance from the finished grade directly below the centerline of the luminaire to the lowest direct light emitting part of the luminaire. Light poles shall be no greater in height than four times the distance to the property line. Luminaries used for roadway lighting, parking lots and for exterior building illumination shall be Dark Sky Certified or Compliant and designed to provide the minimum illumination recommended by the IESNA in the most current edition of the Illuminating Engineering Society of North America (IESNA) Lighting Handbook.
3. Light fixtures shall be located no closer to the property line than four times the mounting height of the fixture. Light levels at the property line shall not exceed 0.1 footcandles (fc) adjacent to non-residential properties and 0.05 fc at residential property boundaries. Lumen cap for projects in residentially zoned districts, C and CBD zoning districts shall not exceed 10,000 per acre and for all other zoning districts shall not exceed 25,000 per acre. The pole heights shall determine the overall spacing of the poles.
4. Lighting poles and structures should be appropriately scaled and styled for the project. Lamp type should be metal halide to provide a natural uniform quality of light. Parking and pedestrian light fixtures should be compatible with the building lighting to provide for a contiguous appearance of the project.
5. Whenever practicable, outdoor lighting installation shall include times, dimmers, and /or motion sensors to reduce overall energy consumption and eliminate unneeded lighting, particularly after 11 p.m.
6. A photometric analysis of site lighting shall be prepared by a registered engineer or a lighting consultant as per requirements of the Amesbury Subdivision Rules and Regulations, as amended.

J. Environmental Performance Standards:

1. Emissions shall be completely and effectively confined within the building, or so regulated as to prevent any nuisance, hazard, or other disturbance from being perceptible (without the use of instruments) at any lot line of the premises on which the use is located.

2. All activities and all storage of flammable and explosive materials at any point shall be provided with adequate safety devices against fire and explosion and adequate fire-fighting and fire suppression devices and equipment.
3. No activities that emit dangerous radioactivity at any point; no electrical disturbance adversely affecting the operation of any point, or any equipment other than that operation at any point, or any equipment other than that of the creator of such disturbance shall be permitted.
4. No emission of visible smoke of a shade darker than No 1 on the Ringlemann Smoke Chart as published by the U.S. Bureau of Mines shall be permitted.
5. No emission which can cause any damage to health of animals or vegetation or which can cause excessive soiling at any point, or in no event any emission of any solid or liquid particles in concentration exceeding 0.3 grains per cubic foot of conveying gas or air shall be permitted.
6. No discharge, at any point, into a private sewerage system, stream, the ground, or a municipal sewerage disposal system of any material in such a way, or of such a nature or temperature as can contaminate any running stream, water supply, or otherwise cause the emission of dangerous or objectionable elements and accumulation of wastes conducive to the breeding of rodents or insects shall be permitted.
7. No vibration which is discernible to the human sense of feeling for three (3) minutes or more in any hour between 7:00 A.M. and 7:00 P.M. or for thirty (30) seconds or more in any hour between 7:00 P.M. to 7:00 A.M. shall be permitted. No vibration at any time shall produce an acceleration of more than 0.1 gram shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, U. S. Bureau of Mines Bulletin N.442.
8. No emission or odorous gases or odoriferous matter in such quantities as to be offensive shall be permitted. Any process which may involve the creation and/or emission of any odors shall be provided with a secondary safeguard system. No objectionable odor greater than that caused by 0.001202 per thousand cubic feet of hydrogen sulfide or any "odor threshold" as defined in Table III in Chapter 5 of Air Pollution Abatement Manual, copyright 1951, by Manufacturing Chemists Association, Inc., of Washington, D. C. shall be permitted.
9. No direct or sky-reflected glare, whether from floodlights, or from high temperature processes such as welding shall be permitted.

K. Noise:

1. Excessive noise at unreasonable hours shall be muffled so as not to be objectionable due to volume, frequency, shrillness, or intermittence.
2. The maximum permissible sound pressure level of any continuous, regular, or frequent source of sound produced by any use or activity shall not exceed the following limits at the property line or district line. whichever is more restrictive of the source:

Frequency Band (Cycles Per Second)	Sound Pressure Level (Decibel re.0.002 dyne/CM)
20 – 75	65
75 – 100	54
150 – 300	47

300 – 600	41
600 – 1200	37
1200 – 2400	34
2400 – 4800	31
4800 – 10000	28

If this sound is not smooth and continuous, the following corrections should be added to each of the actual decibel levels given:

- a. Daytime Operation Only: +5
- b. Noise source operations less than 20% of any hour period: +5

Note: Only one (1) of above corrections may be applied.

Sound pressure level shall be measured at all major lot lines, at a height of at least four (4) feet above the ground surface. Noises shall be measured with a sound level meter meeting the standards of the American Standards Institute, ANSI SI.4-1961 "American Standard Specification for General Purpose Sound Level Meters." The interment shall be set to the A-weight response scale. Measurements shall be conducted in accordance with ANSI SI.2-1962 "American Standard Meter for the Physical Measurements of Sound."

- 3. Sound levels specified shall not be exceeded for more than 15 minutes in any one day, except for temporary construction or maintenance work, agricultural activity, timer harvesting, traffic, church bells, emergency warning device, parades, or other similar special circumstances.
 - 4. No person shall engage in or cause very loud construction activities on a site abutting residential use between the hours of 9 P.M. of one day and 7 AM. of the following day.
- L. Wetlands: When wetlands replacement or mitigation is required, a plan and description of proposed measures shall be prepared by a biologist or wetlands scientist.

M. Utilities:

- 1. Electric, telephone, cable TV and other such utilities shall be underground from existing roadway utilities.
- 2. The applicant must demonstrate that the proposed development will not overburden public sewer, water, and other service systems. If sewerage is to be treated on site, the applicant shall submit plans and specifications for said treatment system and shall demonstrate that the system will not negatively impact adjacent properties or aquifer recharge areas.

N. Roadways and Sidewalks:

- 1. All roadways and sidewalk construction within the site shall comply with Section 7 (Design Standards) and Section 8 (Construction Standards) of the Amesbury Subdivision Rules and Regulations.
- 2. All off-site construction on state roadways shall comply with the Department of Massachusetts Highway standards, specifications, or special conditions as applicable.

- O. Marina or Docking Facilities: For marina or docking facilities the Site Plan criteria shall include the following additional information:
1. A plan of the proposed facility and the location of all boats.
 2. A parking plan for the related off-street parking.
 3. A plan indicating the shore frontage to be used and any alterations required.
 4. Any other docking or mooring facility existing or planned with 75 feet of the outermost edge of the proposed facility.
 5. The water storage location of any docks, floats, boats and associated equipment.
- P. Specific Design and Construction Standards: The design and construction of stormwater management, erosion control plan, drainage, water and utilities shall comply with Section 7 (Design Standards) and Section 8 (Construction Standards) of the Amesbury Subdivision Rules and Regulations as amended. Low Impact Development strategies for managing stormwater shall be in accordance with standards promulgated by Massachusetts Department of Environmental Protection and any design manuals produced by the Amesbury Department of Public Works. (2009-060)

9. MODIFICATION TO THE SITE PLAN

Before approval of a Site Plan, the Planning Board may require the applicant to make modification in the proposed design of the project to ensure that the above criteria are met. Where existing buildings, including non-conforming buildings or uses are being enlarged or altered, an applicant may apply to make changes to the project as allowed below:

A. Minor Change:

1. An applicant may apply to make minor changes in a Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, expansion or alteration of uses in the existing facility. Such minor changes must be submitted to the Board shown on an existing conditions or approved plan, reflecting the proposed change, and on application forms provided by the Board. The Board may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The Board shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the applicant for filing with the City Clerk;
2. No building permit and/or occupancy permit shall be issued in any case where a building is to be erected or externally enlarged, except if such addition and/or structure is permitted by right and is under 1,000 square feet gross area and does not abut a residential use. If said building abuts a residential use, the exemption shall be reduced to 500 square feet. No parking, loading, or vehicular service requiring an addition of more than five (5) off-street spaces shall be permitted without an approved Site Plan endorsed by the Planning Board.

- B. Major Change: Those changes deemed by the Board to constitute a major change in a Project because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the Planning Board as a new application for Site Plan Approval pursuant to the provisions of Section XI.C.

10. FINAL ACTION ON SITE PLAN REVIEW

- A. The Planning Board shall determine that the following conditions have been fulfilled and shall make recommendations in writing to the Building Inspector or Code Enforcement Officer after considering the following matters:
1. The proposed project is consistent with the purposes set out in paragraph 2.
 2. The proposed project has been reviewed and approved by the Planning Board as to its design and architectural consistency regarding, among other things, the architectural value and significance of the site, building or structure, the general design, arrangement and texture, materials and color of the features involved and the relation to each feature to similar features of building and structures in the surrounding area.
 3. In the case of new construction or additions to existing buildings or structures, the Planning Board shall consider the appropriateness of the size and shape of the buildings or structures both in relation to the land area upon which the building or structure is situated and to the buildings and structures in the vicinity.
 4. The protection and enhancement of important existing site features.
 5. Protection of adjoining premises against detrimental uses by provision of surface water drainage, sound and sight buffers and preservation of views, light and air.
 6. Convenience and safety of vehicular and pedestrian movement within the site, the location of driveway openings in relation to traffic and to adjacent streets.
 7. Adequacy of the arrangement of parking and loading spaces.
 8. Adequacy of the methods of disposal of refuse and other wastes.
 9. Relationship of structure and open space to the natural landscape and existing buildings.
 10. Prevention of pollution of surface and groundwater, soil erosion, increased run-off and flooding.
 11. The Planning Board may require dimensional and setback requirements in addition to those required by this Bylaw, in order to address the intent and purposes of Site Plan Review if said additional setbacks do not alter the allowed use, diminish the permitted intensity of use, or cause the applicant to seek additional forms of regulatory relief. The Planning Board shall not consider interior arrangement or architectural features not subject to public view.
- B. The Planning Board's final action on Site Plan Review shall consist of either:
1. Approval based on a determination that the proposed project will constitute a suitable development and is in compliance with the criteria and design performance standards set forth in this Bylaw.
 2. Approval subject to any Site Plan and design performance conditions, modification and restrictions the Planning Board may deem necessary to ensure the health, safety, and welfare of the community.
 3. A written denial of the application for the reasons of an incomplete application.
 4. Applicants receiving a denial shall be permitted to resubmit the Site Plan at their discretion.

C. Performance Guarantee

1. The Planning Board may require that the applicant file with the Board, as a condition of approval, a bond or other such surety acceptable, in form and amount, to the Planning Board. This surety is to cover costs of construction such as streets, utilities and other site improvements but not limited to erosion control measures and off-site environmental impacts, which left incomplete or improperly constructed, present a public health and safety hazard or nuisance. Further, a performance agreement between the applicant and the City will specify the manner in which the on or off-site improvements will be completed and the specific manner in which the surety will be released.
2. Release of Performance Guarantee: Upon completion of all or a portion of the improvements required by a performance agreement entered under Section XI.10.c.1 of the Bylaw, the applicant may request either partial or full release of his/her bond or other such surety as has been posted by applicant pursuant to Section XI.10.c.1 by sending a statement of completion and request for release by registered mail to the Planning Board and to the City Clerk. If the Planning Board determines that said construction has been completed, it shall release the interest of the City in such bond or other security and return it to the person who furnished it.
3. Refusal of Release: If the Planning Board determines that said site improvements have not been either fully or adequately completed, it shall specify in a notice sent by registered mail to the applicant and to the City Clerk the details wherein said site improvements fail to comply with the requirements of these Zoning Bylaws.

11. **INSPECTIONS AND ENFORCEMENT**

The Planning Board or its authorized agent shall conduct site inspections and enforce this Bylaw and its regulations as specified in Section 8.02 of the Amesbury Subdivision Rules and Regulations.

- ~~A.—Prior to the start of construction an inspection fee shall be submitted in accordance with the schedule established by the Planning Board.~~
- ~~B.—Record plans stamped by a professional engineer shall be submitted to the Building Inspector and the Planning Board. Said plans shall be accompanied with a letter certifying that what was constructed is consistent with approved plans and conditions set forth by the Planning Board as part of Site Plan Review.~~
- ~~C.—Prior to the granting of an Occupancy Permit, the Planning Board shall certify to the Building Inspector or Code Enforcement Officer that the project has been constructed in accordance with the criteria and design and performance standards herein and that all conditions have been met.—To facilitate Planning Board review, the developer shall be required to complete and submit to the Planning Board Form O of the Subdivision Rules and Regulations, as applicable.~~
- ~~D.—The Planning Board may require the developer to submit all drawings and plans in computer-assisted design (CAD) formats. Specific file format shall be .DXF unless otherwise allowed.~~

Post-Construction Stormwater Runoff

Part 2.3.6.a.ii of the MS4 General Permit specifies *that “the permittee shall develop or modify, as appropriate, an ordinance or regulatory mechanism”* to incorporate design standards to address post-construction stormwater runoff impacts from new development and redevelopment sites.

Design standards for stormwater management systems are provided in Section 7.10 of the Amesbury Subdivision Rules and Regulations. To fully comply with the MS4 permit requirements, however, the regulations need to be revised to incorporate the specific criteria to reduce the discharge of pollutants found in stormwater as outlined in the permit. For ease of reference, the existing text from Section 7.10 is presented below in black text with proposed changes to incorporate additional design standards in red italics.

7.10 DRAINAGE

A. General Approach

Storm drains, culverts, and related facilities shall be designed to permit the unimpeded flow of all natural water courses, to ensure adequate drainage at all low points along streets, to control erosion, and to intercept stormwater run-off along streets at intervals reasonably related to the extent and grade of the area being drained. To the maximum extent feasible, storm water must be recharged utilizing structures designed to prevent water quality degradation, rather than piped to surface water. In areas identified as high yielding, aquifer and aquifer recharge areas, recharge is especially critical. Peak stream and channel flows and overland runoff at the boundaries of the development in the twenty-five (25) and one hundred (100) year frequency storm shall be no higher following development than prior to development.

Where the water table is not too high and where the soil is reasonably permeable to adequate depths, drainage shall feature swales, detention/retention ponds and multi-use areas. Open drainage systems may be required for recharge of aquifers and recharge areas provided that runoff is not seriously polluted. Open drainage featuring grassed areas will be preferred as providing better filtration than pits and shafts.

B. Design Basis

Storm sewers shall be designed to convey peak discharge of the 25-year frequency storm, and culverts shall be designed to convey the peak discharge of the 100-year frequency storm. Detention ponds shall be designed to provide no increase in peak discharge to any off-site area in both the 25 years and 100 year storms. Retention ponds shall be designed such that the combined storage and 24-hour recharge volumes are greater than the inflowing runoff volume. *In accordance with the 2016 MS4 permit, the design of all stormwater management systems shall also meet the following design criteria:*

- 1. Low Impact Development (LID) site planning and design strategies must be used to the maximum extent feasible.*
- 2. The design of treatment and infiltration practices should follow the guidance in Volume 2 of the Massachusetts Stormwater Handbook, as amended, or other federally or State approved BMP design guidance.*
- 3. Stormwater management systems on new development sites shall be designed to:*
 - a. Not allow new stormwater conveyances to discharge untreated stormwater in accordance with Massachusetts Stormwater Handbook Standard 1;*

- b. *Control peak runoff rates in accordance with Massachusetts Stormwater Handbook Standard 211;*
- c. *Recharge groundwater in accordance with Massachusetts Stormwater Handbook Standard 312;*
- d. *Eliminate or reduce the discharge of pollutants from land uses with higher pollutant loads as defined in the Massachusetts Stormwater Handbook in accordance with Massachusetts Stormwater Handbook Standard 5;*
- e. *Protect Zone II or Interim Wellhead Protection Areas of public water supplies in accordance with Massachusetts Stormwater Handbook Standard 613;*
- f. *Implement long term maintenance practices in accordance with Massachusetts Stormwater Handbook Standard 9; and*
- g. *Require that all stormwater management systems be designed to:*
 - i. *Retain the volume of runoff equivalent to, or greater than, one (1.0) inch multiplied by the total post-construction impervious surface area on the site AND/OR*
 - ii. *Remove 90% of the average annual load of Total Suspended Solids (TSS) generated from the total post-construction impervious area on the site¹⁴ AND 60% of the average annual load of Total Phosphorus (TP) generated from the total post-construction impervious surface area on the site¹⁴. Pollutant removal shall be calculated consistent with EPA Region 1's BMP Performance Extrapolation Tool or other BMP performance evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the planned or installed BMP performance any federally or State approved¹⁵ BMP design guidance or performance standards (e.g. State stormwater handbooks and design guidance manuals) may be used to calculate BMP performance.*

4. Redevelopment Requirements

- a. *Stormwater management systems on Redevelopment sites shall meet the following sections of part 2.3.6.a.ii.3 to the maximum extent feasible:*
 - i. *Part 2.3.6.a.ii.3(a) (Massachusetts Stormwater Standard 1);*
 - ii. *Part 2.3.6.a.ii.3(b) (Massachusetts Stormwater Standard 2);*
 - iii. *Part 2.3.6.a.ii.3(c) (Massachusetts Stormwater Standard 3); and*
 - iv. *The pretreatment and structural best management practices requirements of 2.3.6.a.ii.3(d) and 2.3.6.a.ii.3(e) (Massachusetts Stormwater Standards 5 and 6).*
- b. *Stormwater management systems on Redevelopment sites shall also improve existing conditions by requiring that stormwater management systems be designed to:*
 - i. *Retain the volume of runoff equivalent to, or greater than, 0.80 inch multiplied by the total post-construction impervious surface area on the site AND/OR*
 - ii. *Remove 80% of the average annual post-construction load of Total Suspended Solids (TSS) generated from the total post-construction impervious area on the*

site AND 50% of the average annual load of Total Phosphorus (TP) generated from the total postconstruction impervious surface area on the site. Pollutant removal shall be calculated consistent with EPA Region 1's BMP Performance Extrapolation Tool or other BMP performance evaluation tool provided by EPA Region 1 where available. If EPA Region 1 tools do not address the planned or installed BMP performance any federally or State approved BMP design guidance or performance standards (e.g. State stormwater handbooks and design guidance manuals) may be used to calculate BMP performance.

- c. Stormwater management systems on redevelopment sites may utilize offsite mitigation within the same USGS HUC10 as the redevelopment site to meet the equivalent retention or pollutant removal requirements in part 2.3.6.a.ii.4(b).*
- d. Redevelopment activities that are exclusively limited to maintenance and improvement of existing roadways, (including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems, and repaving projects) shall improve existing conditions where feasible and are exempt from part 2.3.6.a.ii.4(a), part 2.3.6.a.ii.4(b) and part 2.3.6.a.ii.4(c). Roadway widening or improvements that increase the amount of impervious area on the redevelopment site by greater than or equal to a single lane width shall meet the requirements of part 2.3.6.a.ii.4(a) – (c) fully.*

C. Design Method

Storm Drainage calculations shall be based upon the rational method and the modified soil cover complex method with Storm Drainage design based upon the objectives, principles and design considerations set forth in the current edition of Urban Hydrology for Small Watersheds, published by the USDA, Soil Conservation Service, Technical Release 55 (TR 55). This publication is hereby incorporated as a part of these regulations. In cases where TR 55 does not apply the Planning Board, after consulting with the Director of Public Works, may base design methods upon other pertinent references.

Water velocities in pipes and gutters shall be between three (3) and ten feet per second. (see §8.04.B.)

When determining the extent of development, all undeveloped, off-site tributary areas shall be assumed to be fully developed in accordance with the Amesbury Zoning Bylaw and these Subdivision Regulations.

D. Connections

Proper connections shall be made with any existing drains in adjacent streets or easements which must be proven, by the developer, to be adequate to accommodate the drainage flow from the subdivision. In the absence of such facilities, or inadequacy 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 to be proper by the Board. Should any such outlet extend onto adjoining privately owned property, the developer should obtain all necessary easements running to the Town of Amesbury in a manner approved by the Board. Any connection to existing facilities shall also meet the requirements of the Director of Public Works and the Town Engineer.

E. Flood Hazard Avoidance

Any subdivision located partially or wholly within the Zone A of the Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency (FEMA) shall comply with the following:

1. Subdivision design shall be consistent with the need to minimize flood damage within the flood-prone area, through use of clustering, open space reservation, street profile design, and drainage.
2. All public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located and constructed to minimize or eliminate flood damage.
3. Drainage systems shall be designed in consideration of possible flooding to the Base Flood Elevation.

As-Built Drawings

Part 2.3.6.a.iii of the MS4 General Permit specifies *that “the permittee shall require, at a minimum, the submission of as-built drawings no later than two (2) years after completion of construction projects”.*

The permit requirement above is currently addressed in both the Amesbury Zoning Bylaw and the Amesbury Subdivision Rules and Regulations. Section 11, Paragraph b of the Site Plan Review regulations under Section XI.C of the Amesbury Zoning Bylaw states the following:

- b. Record plans stamped by a professional engineer shall be submitted to the Building Inspector and the Planning Board. Said plans shall be accompanied with a letter certifying that what was constructed is consistent with approved plans and conditions set forth by the Planning Board as part of Site Plan Review.*

Similarly, Section 6.12 of the Definitive Subdivision Plan requirements under the Amesbury Subdivision Rules and Regulations states the following:

6.12 AS BUILT PLANS

Upon completion of construction, and before release of the performance guarantee, the subdivider shall have prepared and submitted As-Built Plans at the same scale as the street plans, which shall indicate the actual locations of street line; traveled wad edges; path locations; permanent monuments; inverts and location of require utilities and drainage; location of all underground utilities. The accuracy of such As-Built Plans shall be certified by a Registered Land Surveyor and Registered Professional Engineer retained by the subdivider. The Planning Board shall be provided with one mylar copy and two blueline copies of the As-Built Plan (record plan).

As indicated above, the release of the performance guarantee is conditioned upon the submittal of As-Built Plans. Therefore, it is not necessary to incorporate the two-year time requirement specified in Part 2.3.6.a.iii of the MS4 General Permit.

STREET ACCEPTANCE PROCEDURES

STREET ACCEPTANCE PROCEDURES

This paper contains the guidelines and procedures to be followed by those applicants wishing to submit subdivision streets to the Town for acceptance at Municipal Council Meeting.

It is imperative that applicants, attorneys and engineers review, understand and follow these procedures, especially as to documents required and deadlines, in order to eliminate confusion and delay to all parties.

Final approval of the Form C plan does not constitute the laying out or acceptance by the Town of streets within a subdivision, nor entitle the streets to such acceptance. Street acceptances within a subdivision are the financial and legal responsibility of the applicant.

A. CONDITIONS TO BE MET PRIOR TO SUBMITTING REQUEST

1. All subdivision improvements should have been installed and inspected by the Department of Public Works and the Engineering Department prior to submitting the engineering and legal documents required for street acceptance
2. Any fines and costs associated with emergency snow plowing or trash pickup service(s) provided by the Town on the subdivision road prior to street acceptance shall be paid in full as per latest schedule established by the DPW

A. PROCEDURE SEQUENCE

1. The applicant shall submit all required documents and materials accompanied by a letter explaining what subdivision you are requesting street acceptance on to the Planning Department as outlined in Section B-Street Acceptance Documentation, and to the Town Engineer for review and written approval. This information should include legal documents as required (all deeds, easements, conveyance of open space land to the town, certificate signed by the applicant's attorney certifying that all necessary parties have signed all easement instruments, street deeds and open space deeds, etc.) to verify completion of all infrastructure and on-site improvements as per plan approved by the Planning Board. The Engineering Department then verifies if the deeds and easements match up to those depicted on the as-built plans.
2. The documents shall be reviewed by the Town Engineer and shall notify the Planning Board and the applicant in writing of approval or disapproval of these documents. The applicant shall be notified about any missing information or incomplete or document at this time. Incorrect or incomplete documents shall be returned to the applicant for revisions.

Revised documents and additional information, if requested, should be submitted to the Town Engineer. One (1) copy of revised documents or additional information shall also be sent to the Planning Department.

3. If the applicant has received written approvals from Engineering Department, DPW, and the Planning Department, and all necessary documents have been received by both the Town Engineer and the Planning Board, the Mayor shall sponsor a bill for street acceptance before the Municipal Council.
4. The bill shall then be acted upon as per the Rules and Procedures of the Municipal Council for action on a bill before the Council.

B. STREET ACCEPTANCE DOCUMENTATION

The applicant shall submit the following documents and materials to the Planning Department:

- a) Certificate of Completion request to the Planning Board relative to the Subdivision. A copy of this request shall also be made simultaneously to the Department of Public Works and/or the inspecting agent.
- b) Memorandum to the Planning Board and DPW requesting a final punch list of outstanding items to be completed within the Subdivision.
- c) Copy of the stone bound certification.
- d) Mylar of as-built plans and layout plans showing the street or streets to be accepted. The layout plans (not to be confused with the as-built plans) shall show the streets and all appurtenant easements by courses and distances. The plans shall be labeled individually; one being titled "Street As-Built Plan" and the other being titled "Street Layout Plan". The Municipal Council will endorse the layout plan therefore a signature block must be provided for them to endorse the plans.
- e) Certificate of Compliance with conditions imposed on the development by the Conservation Commission under the Wetlands Protection Act.
- f) Certificate of Compliance with conditions of approval as per decision of the Planning Board for on-site improvements and public infrastructure.
- g) Instruments suitable for recording running to the "Inhabitants of the City of Amesbury" for all easements which are not a part of the street or streets (drainage, sewer, water). These instruments must be signed by all parties having any rights or interest in such easements.
- h) Deed for the street itself, running to the "Inhabitants of the City of Amesbury". This deed shall contain a legal description of the street named in the request and shall be signed by all parties having any rights or interests in such street.

- i) Deed of gift in trust for “open space” parcels (if applicable) running to the “Inhabitants of the City of Amesbury” in a form acceptable to the Planning Board.
- j) Certificate(s) signed by the applicant’s attorney certifying that all necessary parties have signed all easement instruments, street deeds, and open space deeds.
- k) Name and addresses of each property owner and mortgagee having rights or interests in the streets, easements, and open space, and the names and addresses of each abutter thereto, along with a Request for a Public Hearing by the Municipal Council for Street Acceptance pursuant to Massachusetts General Laws, Chapter 82, Section 22.
- l) Certificate of Notice signed by the applicant’s attorney that all property owners, mortgages, and abutters have been notified of a Public Hearing pursuant to the provisions of Massachusetts General Laws, Chapter 82, Section 22 with a return to the Municipal Council not less than seven (7) days before the Public Hearing. Said notice to be in the following form:

“Notice is hereby given that the Municipal Council of the Town of Amesbury will hold a Public Hearing on _____ in the _____ in the matter of the layout of _____ as a Public Way.”

C. SPECIAL REQUIREMENTS

1. For streets and ways within a subdivision of land, title to which or any portion of which has been registered under Massachusetts General Laws, Chapter 185 by the Land Court, the applicant shall submit to the Board an easement reading the following: “an easement running to the ‘Inhabitants of the City of Amesbury for all purposes of a public way or street including the right to install, repair, maintain, alter, and operate sanitary sewerage, drainage, water lines and other appurtenant utilities in, into, upon, over, or across said land as shown on Land Court Plan No. (sheets) filed in the Essex Registry of Deeds in Land Court. Book No. , drawn by , dated , as modified and approved by the Court, filed in the Essex Registry of Deeds, a copy of which is filed with Certificate of Title No. .”

2. All property taxes owed to the Town for the Open Space lot(s), if any, must be paid before the Town will recommend the street for acceptance. Proof of this payment must be provided by the applicant to the Planning Department through virtue of a receipt from the Treasurer’s Office.

D. WORK TO BE COMPLETED AFTER ACCEPTANCE BY MUNICIPAL COUNCIL;

1. Following street acceptance by Municipal Council:

- a. Developer brings original recorded deeds and easements and original mylar of endorsed plans to the Planning Board; and
- b. Planning Board will release final bond monies (usually maintenance monies) upon request of developer.