

**RULES & REGULATIONS**  
**for**  
**SPECIAL PERMITS**  
**in the**  
**GROUNDWATER PROTECTION DISTRICT**



**PLANNING BOARD**

**TOWN OF ACTON**

Acton Planning Department  
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**APPENDICES**

Application for Special Permit in the Groundwater Protection District

Notice of Public Hearing

**SECTION 1**  
**GENERAL PROVISIONS**

**1.1 Authority**

These RULES are adopted by the Acton Planning Board as authorized by M.G.L. Chapter 40A and the Acton Zoning Bylaw.

**1.2 Purpose**

The purpose of these RULES is to establish uniform regulations and procedures for conducting the business of the Planning Board under its jurisdiction as a Special Permit Granting Authority for the change or extension of a use that is nonconforming in the GROUNDWATER PROTECTION DISTRICT (Section 4.3.8 of the BYLAW).

**1.3 Applicability**

Any person applying for a Special Permit under Section 4.3.8 of the BYLAW, whether or not governed by any other federal, state or local regulations, laws, permits, variances, approvals, or programs, shall comply with the provisions of these RULES.

**1.4 Definitions**

Defined terms are capitalized in these RULES.

APPLICANT:	A property owner or such person's authorized representative who files an APPLICATION for a PERMIT under the BYLAW.
APPLICATION:	All Plans, Forms, Reports, Studies or other documents which are submitted to the BOARD under these RULES by an APPLICANT.
BOARD:	The Planning Board of the Town of Acton.
BYLAW:	The Zoning Bylaw of the Town of Acton, as amended.
DECISION:	Action by the BOARD on an APPLICATION.
GROUNDWATER PROTECTION DISTRICT (GPD):	That area of the TOWN delineated for the purposes of GROUNDWATER protection under section 4.3 of the BYLAW.
PARTIES IN INTEREST:	The APPLICANT; abutters; owners of land directly opposite on any private or public STREET or way; and abutters to the abutters within three hundred feet of the property line of the APPLICANT as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town; the Acton Planning Board; and the Planning Board of every abutting city or town.
PERMIT:	A GROUNDWATER PROTECTION DISTRICT Special Permit under the BYLAW.
RULE or RULES:	The Rules and Regulations for a Special Permit in the Groundwater Protection District.
TOWN:	The Town of Acton.

Other Definitions - Refer to the BYLAW sections 1.3 and 4.3.3 for additional defined terms, which are also capitalized when used in these RULES.

### **1.5 Waiver of RULES**

Strict compliance with these RULES may be waived if the BOARD finds that the waiver is in the public interest or is irrelevant to the project, and is consistent with the intent and purposed of the BYLAW and these RULES.

Any request from an APPLICANT for a waiver from these RULES must be submitted in writing to the BOARD at the time of submission of the APPLICATION. Such requests must clearly identify the provision/s of the RULES from which relief is sought and be accompanied by a statement setting forth the reasons for the requested waivers.

### **1.6 Provision of Security**

The BOARD may require in its DECISION that security be posted with the TOWN in such form and amount as is required by the BOARD to secure the satisfactory completion of all or part of the work authorized under the PERMIT. The form of security shall be generally as required in the Town of Acton Subdivision Rules and Regulations.

### **1.7 Advice from TOWN Staff**

Any advice, opinion, or information given to the APPLICANT by a BOARD member, or by any agency, official, or employee of the TOWN shall be considered advisory only and not binding on the BOARD.

### **1.8 Amendments to the RULES**

These RULES may be amended by a majority vote of the BOARD in a public meeting.

## SECTION 2

### PRELIMINARY REVIEW

#### 2.1 Preliminary Consultations

Consultations between a prospective APPLICANT and the professional staff of the TOWN prior to the filing of an APPLICATION under these RULES with the BOARD are strongly recommended and can prevent serious delays in the processing of the final APPLICATION.

Any action or communication initiated by the APPLICANT prior to the filing of an APPLICATION with the Town Clerk and the BOARD shall not constitute an APPLICATION. The following RULES shall apply to such preliminary consultations.

#### 2.2 Form of Request

All materials to be reviewed shall be provided in electronic PDF format to the Planning Department including a letter requesting a review with the name, address, and phone number of a person who may be contacted concerning the review. All correspondence and communication must be sent through the Planning Department or a copy of said communication must be provided to the Planning Department.

#### 2.3 Scope of TOWN Staff Reviews

The TOWN staff will review preliminary materials in an attempt to avoid unnecessary technical deficiencies in the final APPLICATION and to promote efficiency in the formal review process. Staff will limit their review of such materials to technical issues appropriate to their area of expertise and to assessments of whether the project in question adequately addresses major issues of concern to the TOWN and the neighborhood. In general, staff will complete the preliminary review within 30 days. Staff will not be responsible for assuring the thoroughness, completeness, or correctness of any final APPLICATION. It is the responsibility of the APPLICANT to assure that any APPLICATION to the BOARD is complete and accurate.

Through the preliminary review process staff will make recommendations for any fee waivers or additional deposits that may be appropriate. Note that substantial changes in the project may require the alteration of these recommendations at the time of final submission. In all cases APPLICANTS shall contact the Planning Department prior to the final submission to discuss these fees.

If any other special permits are required from the BOARD for the project, then these should be discussed with the staff at this time.

#### 2.4 Fees

The first such preliminary review by staff shall be free of charge. Subsequent preliminary reviews shall require payment of a fee by the prospective APPLICANT of \$500 at the time of submission. The fee shall be submitted in check form and made payable to "Town of Acton".

## SECTION 3

### FILING REQUIREMENTS

An APPLICATION for a PERMIT which lacks information or is incomplete in any manner may be denied or seriously delayed. It is the responsibility of the APPLICANT to assure the accuracy and completeness of all information submitted to the BOARD as part of an APPLICATION. The APPLICANT shall be responsible for factually supporting all points relied upon in the APPLICATION including references for methodologies used in design calculations.

Except as otherwise noted, a complete APPLICATION for a PERMIT shall be made in electronic PDF format together with 2 paper copies and shall include the information listed in this section 3 and all its subsections.

Changes made during the course of the APPLICATION review process, and requests for amendments of previously issued PERMITS and approved PCRC site plans shall be submitted in the same manner as above with changes and amendments clearly identified.

A complete APPLICATION for a PERMIT shall include at a minimum the following items (APPLICATIONS that pertain to a single FAMILY residential USE or BUILDING must contain only the items that are denoted with "R" below):

#### **3.1 APPLICATION Form R**

Any APPLICATION for a PERMIT shall be made in writing and include the completed application form entitled "Application for a Groundwater Protection District Special Permit" (form GPD) attached to these RULES and also available from the office of the BOARD at Town Hall.

- 3.1.1 In the case where the APPLICANT is a person other than the record owner of the property, the APPLICANT must obtain the owner's signature on this form indicating that the owner has knowledge of and consents to the APPLICATION.
- 3.1.2 If the APPLICANT is acting in the name of a trust, corporation or company, a letter documenting the authorizing vote shall be attached.

#### **3.2 Certified Abutters List R**

List of the PARTIES IN INTEREST as defined in these RULES, taken from the most recent tax list of the TOWN and certified by the Town Assessor. The APPLICANT shall pay any charges required by the Town Assessor for the list.

#### **3.3 USE description**

Description of existing and proposed changed or extended USE(S). Such description shall be detailed and specific, yet understandable to a lay person. Include information on maximum number of employees, daily activities, unusual activities, handling and STORAGE of HAZARDOUS MATERIALS OR WASTE. List all existing, changed, proposed and extended USES that fall under any of the categories of Table 4.3.7.2 of the BYLAW.

#### **3.4 Other Permits, Approvals and Variances R**

List and copies of variances, permits, and other special permits previously issued by other TOWN boards or State and Federal agencies, and a list of any variances or permits required to complete the proposed work. This list should include but not be limited to any permits from the Board of Health, the Conservation Commission, the Board of Appeals, the Planning Board, the State Dept. of Public Works, the Army Corp. of Engineers, and the State Dept. of

Environmental Protection; and certificates issued by the Secretary of Environmental Affairs under the Massachusetts Environmental Policy Act.

NOTE: If any other special permits are required from the BOARD, the APPLICANT is hereby strongly advised to make the applications for such additional permits concurrently with this PERMIT APPLICATION.

### **3.5 Recorded Plans and Deeds R**

A copy of the most recently recorded plan(s) and deed(s) for the LOT(s) on which the work will take place bearing the book number(s), page number(s), and dated of recording(s) or registration(s).

### **3.6 Drainage Calculations, Renovation and Treatment of Runoff**

Storm drainage runoff calculations with written summary, and description of proposed surface runoff renovation concept. The calculations must be based on a recognized standard method (rational formula or Soil Conservation Service (SCS) method and must contain a written summary explaining the rationale of the design approach. Compliance status with Sections 4.3.6.2, 4.3.6.3 and 10.4.3.1 of the BYLAW must be clearly shown. Full documentation is required including charts, tables, diagrams and computer software used.

### **3.7 Water Balance Calculation**

A yearly Hydrologic Budget or Water Balance Calculation with written summary for pre- and post development conditions on the site including annual precipitation, evapotranspiration, runoff, recharge, septic flow.

### **3.8 Hydrogeologic Assessment**

A hydrogeologic assessment for pre- and post development conditions including a seasonal profile of GROUNDWATER elevation, the velocity and the direction of GROUND and SURFACE WATER flow.

### **3.9 Earth Removal/FILL Calculations**

Calculations with written summary for determining the volume of earth to be removed from or introduced to the site with full documentation of calculations including reference of method used. The source and description of the FILL material to be used. Compliance status with sections 4.3.5 and 4.3.6.1 of the BYLAW must be clearly shown.

### **3.10 Locus Plan R**

A locus plan at a scale no smaller than 1" = 1200' showing the area within a 1/2 mile radius of the site, GROUNDWATER PROTECTION DISTRICT Zones and boundary lines, SURFACE WATER bodies, wetlands, existing and future planned public wells, private wells, major roadways and other landmarks.

### **3.11 Site Plan R**

The Site Plan with the form and contents as set forth below shall be submitted in electronic PDF and scalable CADD formats and registered to the Massachusetts State Plane Coordinate System, plus 2 full size plans printed on 24" x 36" sheets and 11 copies thereof reduced to fit legibly on 11"x17" or 8.5"x11" sheets.

A Site Plan shall be legibly drawn to fully detail and explain the intentions of the APPLICANT. Site Plans shall be drawn at a standard scale (1 inch = 20, 40, or 50 feet) except when noted otherwise. All plans shall include a reasonable numbering system for LOTS, BUILDINGS and DWELLING UNITS. Each plan sheet shall feature a north arrow, a legend identifying any



representative symbols used on the sheet in question, an appropriate title block in the lower right hand corner, and the seal of a Registered Professional Engineer, Registered Land Surveyor, Registered Landscape Architect, Registered Professional Architect, or some combination of these as appropriate to the data on the sheet. Topography and all elevations shall be referenced to the National Geodetic Vertical Datum of 1929 with the location and elevation of the starting bench mark plus at least two additional temporary bench marks on the site.

The individual components of the Site Plan (i.e. Master Plan, Natural Features and Existing Conditions Plan, etc.) may be presented on one or more plan sheets as necessary to present clear and legible plans. Match lines shall be placed in plan locations that feature a minimum of information. Sufficient overlap between plan sheets shall be provided to permit easy reading of plans across match lines. Unless other arrangements are made with staff during the preliminary review process, the Site Plan shall contain the following:

- 3.11.1 GROUNDWATER PROTECTION DISTRICT (GPD) ZONE(S) in which the site and LOT are located. GPD - Zoning Boundary lines if on or near the LOT.
- 3.11.2 Other zoning districts and boundaries.
- 3.11.3 Total LOT area and areas of wetlands and Flood Plain District (Section 4.1 of the BYLAW) on the LOT (in percent and square feet).
- 3.11.4 Existing/Proposed areas (in percent and square feet) of IMPERVIOUS COVER, OPEN SPACE, UNDISTURBED OPEN SPACE with such areas clearly delineated on plan. Limits of clearance and disturbance as it will be staked and marked in the field for construction purposes.
- 3.11.5 Natural Features, including SURFACE WATER bodies, wetlands, Flood Plain District, natural drainage courses, ledge outcropping, vegetation, soils.
- 3.11.6 Existing and Proposed STRUCTURES and IMPERVIOUS COVER.
- 3.11.7 Pre and Post Development topography in 1 foot contours, with reference to the NGVS of 1929.
- 3.11.8 Erosion, sedimentation and siltation control devices to be utilized during construction.
- 3.11.9 Reference of location of nearest public wells and known private wells with distance and direction to them.
- 3.11.10 Existing/proposed WATER SUPPLY well on site, if any.

### **3.12 Site Plan – Additional Information**

Where the APPLICATION is not for a single FAMILY residential USE or BUILDING, the Site Plan shall include the following additional information:

- 3.12.1 Contours of MAXIMUM GROUNDWATER ELEVATIONS showing a sufficient number of test pits and test information to demonstrate reasonable accuracy of GROUNDWATER contour lines. Location of existing and proposed areas on site with the shortest distance between the surface and the MAXIMUM GROUNDWATER ELEVATION. The compliance status with Section 4.3.5 of the BYLAW must be clearly shown.
- 3.12.2 Storm drainage and runoff water renovation plan, showing the location and elevations of the various features of the site storm drainage and renovation system.

### **3.13 Wastewater disposal plan R**

- 3.13.1 Existing and proposed:
  - Level and type of wastewater treatment;
  - septage flow rates (in volume/day/1000 s.f. and total daily volume);
  - land area needed to comply with the BYLAW.

- 3.13.2 Engineering Plan with location of existing and proposed wastewater disposal system and its components; and details for proposed septic system(s), treatment plant(s), sewer manholes, pipes, leaching areas etc.
- 3.13.3 Proposed measures to minimize Nitrate loading to the GROUNDWATER.
- 3.13.4 If the site is located in ZONE 1 or ZONE 2, calculate the change in nitrate concentrations in groundwater at the nearest public and private well (not including irrigation wells) due to the proposed change or extension of the use.

### **3.14 Construction Details**

Construction details for entire site drainage and surface runoff renovation system including: pipe sizes; catch basins; manholes; detention/retention ponds with lining, vegetation and overflow structure; leaching facilities; floor drains; DIVERSION BOXES; slide gates; etc. Sedimentation, siltation, and erosion control devices. Details of tanks, containment structures, vapor recovery systems as applicable and of any other pollution control/prevention devices.

### **3.15 HAZARDOUS MATERIALS OR WASTE Management Plan**

A list of HAZARDOUS MATERIALS OR WASTE presently stored, processed or handled, or to be stored, processed or handled on the site, with maximum quantities for each substance. Complete documentation of the sources of all HAZARDOUS MATERIALS OR WASTE, of the process in which those materials are used, of the method of disposal of HAZARDOUS MATERIALS OR WASTE and of the final destination of HAZARDOUS MATERIALS OR WASTE. Identification of all areas in which HAZARDOUS MATERIALS OR WASTE will be produced, loaded, unloaded, stored or processed on site.

### **3.16 Provisions for Safeguards**

Safeguards used to prevent or contain spills or leaks; i.e. tanks, containment areas, vapor controls, emergency gates, off-site drainage system, and any other measure to protect against accidental damage, spillage, or vandalism. Monitoring and maintenance schedule for equipment, facilities and structures that serve to prevent pollution of the GROUNDWATER.

### **3.17 Emergency Response Plan**

A complete Emergency Response Plan as required in Section 4.3.9.6 of the BYLAW, with profile of events that could adversely affect the GROUNDWATER or SURFACE WATER. Location of emergency response equipment stored on site and list of equipment. Plan to educate employees on the general concept of GROUNDWATER Protection, and to train employees for the specific events expected to be incurred during an emergency situation on the site.

### **3.18 GROUNDWATER Quality Monitoring**

A 21E-Study report (or equivalent) for the site. A GROUNDWATER analysis report for priority volatile organics, nitrate, sodium chloride etc., from various locations on the site. One or more locations must be tested where the GROUNDWATER table is upgradient from any possible pollution sources on the site, and, where a USE is established on the site, one or more locations must be tested downgradient of potential pollution sources. Actual test locations shall be shown on a plan and a written description shall explain the rationale of choosing the test locations. Location of proposed monitoring wells to be installed must be shown, and proposed periodic monitoring schedule.

**3.19 Additional Information R**

Any additional information if necessary for proper plan evaluation, as deemed appropriate by the APPLICANT or as specifically requested or recommended during pre-application consultations.

## SECTION 4

### FILING PROCEDURES

#### 4.1 Who May File an APPLICATION?

Anyone may file an APPLICATION for a PERMIT provided that the property owner of record has signed the APPLICATION form thereby granting his/her consent to the filing of the APPLICATION.

#### 4.2 APPLICATION Fees

Any APPLICATION shall be accompanied by a fee to cover the expenses incurred by the TOWN in reviewing the APPLICATION. The fee is not refundable. The fee shall be submitted in check form and made payable to the "Town of Acton". The amount of the fee shall be:

\$5,000.00 if not single FAMILY residential USE or BUILDING; Part of this fee may be waived if the BOARD chooses to have some of the review work performed by outside consultants as provided below.

\$200.00 for single FAMILY residential USES or BUILDINGS.

4.2.1 Additional Review Fee Deposits - So that the BOARD may make the findings required under the BYLAW and insure that the Town's water supply will be protected, the BOARD may select and hire outside engineering, hydrogeologic, legal, or planning consultants to review an APPLICATION. To cover the cost of these reviews a review fee deposit may also be required of an APPLICANT at the time of submission or at any appropriate time in the review process. As the scope of study and review will vary according to the size of a particular project, the APPLICANT is hereby strongly advised to consult the Planning Department concerning the scope and cost of any such studies during the preliminary review. Failure to do so could result in serious delays in the processing of the APPLICATION. The amount of the fee deposit will reflect the anticipated consultant fee/s plus 10%. Note that some projects may require additional fees to cover further study if significant impacts or problems are found in the initial review. Any amount of the deposits remaining after the issuance of building permits for the proposed construction plus any remaining accrued interest will be repaid to the APPLICANT or the APPLICANT'S successor in interest.

4.2.2 Appeal from the Selection of the Consultants - The APPLICANT may appeal from the selection of an outside review consultant to the Board of Selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field. The APPLICANT must specify the specific grounds which the APPLICANT claims constitute a conflict of interest or a failure to meet minimum professional requirements.

#### 4.3 Submission to the TOWN Clerk and the BOARD

Two complete paper copies of the APPLICATION shall be submitted to the office of the Acton Town Clerk. The Clerk will certify the date and time of filing on both copies, keep one of the copies and return the other to the APPLICANT. The copy returned by the Clerk, the remaining 2 copies of full size plan, the 11 reduced size plan copies, and the required fees shall then be filed forthwith by the APPLICANT with the office of the BOARD during normal business hours. The APPLICANT may request and shall be entitled to a receipt for the materials submitted.

#### **4.4 Review of APPLICATION**

The BOARD will transmit a copy of an APPLICATION to various other TOWN departments, boards, committees, agencies or independent consultants in order to ensure full and qualified review of the APPLICATION. Thirty-five (35) days will be provided for such reviews; failure to submit comments on the APPLICATION shall be deemed an approval by the receiving party. The BOARD will make available to the APPLICANT upon request a copy of any comments or recommendations received.

If significant information that was not included in the APPLICATION is presented at a later time or at the public hearing, the hearing may be continued to allow for staff review of the new material. Additional materials shall be submitted to the Board in the same manner and form as the original APPLICATION.

## SECTION 5

### PUBLIC HEARING & DECISION

#### 5.1 Public Hearing Notice

The BOARD will hold a public hearing within 65 days of the APPLICATION filing date. Pursuant to M.G.L. ch. 40A, s. 11, the BOARD will give notice of the time and place of the public hearing and its subject matter, sufficient for identification, as follows:

- 5.1.1 By publication of the notice in a newspaper of general circulation in the Town of Acton once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the public hearing. The newspaper will send the bill for the advertisement directly to the Applicant and the Applicant shall pay the bill directly to the newspaper.
- 5.1.2 By posting the notice in a conspicuous place in the Acton Town Hall or on the official Town of Acton website for a period of not less than fourteen days before the day of the public hearing.
- 5.1.3 By mailing the notice with Accountable Mail to all PARTIES IN INTEREST.
- 5.1.3.1 At least 21 days before the day of the public hearing, the APPLICANT shall submit to the Planning Department the Accountable Mail letters containing the notice, addressed to each PARTY IN INTEREST, sender shown as the Town of Acton Planning Board, 472 Main Street, Acton, MA 01720. The envelopes are to be sealed, ready to be mailed, accompanied by one copy of the notice for the BOARD record, and payment to the Town of Acton for the cost of the Accountable Mailings. In addition, submit a duplicate set of empty, open envelopes, standard postage prepaid, addressed to each PARTY IN INTEREST, sender as above, for the mailing of the decision notice.

#### 5.2 Public Hearing Representation

An APPLICANT may appear on his/her/its own behalf or be represented by an agent or attorney. It is the responsibility of the APPLICANT or his/her/its agent to present the APPLICATION to the BOARD and to the public. In the absence of an appearance, the BOARD may decide the matter using the information it has received. Failure to appear at a public hearing could seriously jeopardize the success of an APPLICATION.

- 5.2.1 Presentation of the APPLICATION by the APPLICANT should not exceed 10 minutes in duration except for good reason. The APPLICANT may be requested to answer questions raised by the BOARD or the public. The BOARD will retain any evidence which has been introduced at the hearing for reference in its deliberations on the case.
- 5.2.2 In no case will the BOARD allow new evidence to be admitted after the close of the public hearing unless this evidence was specifically requested by the BOARD prior to the close of the public hearing.

#### 5.3 Withdrawal of APPLICATION

Any APPLICATION for a PERMIT submitted hereunder may be withdrawn without prejudice by notice in writing to the BOARD prior to the notice of a public hearing being posted or mailed pursuant to Section 5.1 above. Withdrawal of any APPLICATION thereafter requires BOARD approval. No refund of fees will be provided if an APPLICATION is withdrawn.

#### **5.4 Time Period for Deliberation**

The BOARD will act on each APPLICATION for a PERMIT within ninety (90) days after the public hearing, unless such APPLICATION has been withdrawn from consideration as set forth in Section 5.3 above.

- 5.4.1 Continuation & Extension - The period within which final action shall be taken may be extended for a defined period by written agreement between the BOARD and the APPLICANT. In the event that the BOARD determines that the APPLICATION is inadequate for the BOARD to make a finding, the BOARD may, at its discretion, continue the hearing to a later date to permit the APPLICANT to submit a revised APPLICATION. The BOARD may, at its discretion, require that an additional \$500 fee be paid by the APPLICANT prior to the close of the public hearing if such a continuation results from a deficiency in the original APPLICATION. Such a continuation may not automatically extend the 90-day period within which final action shall be taken by the BOARD unless the extension is agreed upon by both the BOARD and the APPLICANT.

#### **5.5 DECISION**

The concurring vote of five (5) of the seven (7) members of the BOARD shall be necessary to decide in favor of granting a PERMIT. Only those members of the BOARD who were in attendance at the public hearing may vote on the APPLICATION in question.

- 5.5.1 The BOARD will file its DECISION with the Town Clerk and send a copy to the APPLICANT by certified mail. The BOARD shall also send a notice of its DECISION to the property owner, to other TOWN boards and departments, to PARTIES IN INTEREST, and to those who have requested such notice at the public hearing.

#### **5.6 Recording of DECISION**

The recording of a DECISION is required by THE ZONING ACT and the BYLAW. The APPLICANT shall be responsible for recording a full copy of the DECISION in the Middlesex South District Registry of Deeds in Cambridge or the Land Court and for paying any required recording fees. A copy of the recorded DECISION, certified by the Registry of Deeds, must be submitted to the BOARD and the Building Commissioner prior to issuance of a Building Permit or the start of any work.

#### **5.7 Submission of Approved Plans, Endorsement**

Prior to the issuance of a BUILDING permit, the approved plan as amended by the BOARD in its DECISION of approval shall be submitted for endorsement to the office of the BOARD in electronic PDF and scalable CADD formats and registered to the Massachusetts State Plane Coordinate System, plus 1 full size plan printed on 24" x 36" sheets. No BUILDING Permit will be issued until the plan is found to be in compliance with the BOARD'S DECISION and such endorsement has occurred.

#### **5.8 Appeal of DECISION**

Any person aggrieved by a DECISION of the BOARD, whether or not previously a party to the proceeding, may appeal such DECISION in accordance with M.G.L. Chapter 40A, Section 17 within 20 days after the filing of the DECISION with the Office of the Town Clerk.

#### **5.9 Time Limit for PERMIT**

Any PERMIT granted by the BOARD shall lapse within two years from the date of filing of the BOARD'S DECISION with the Office of the Town Clerk unless substantial use or construction under the PERMIT has begun, except for good cause, or if the BOARD has specified a shorter time period in the DECISION.

5.9.1 A reasonable extension of said time may be granted by the BOARD where good cause is shown. Any request to the BOARD for such an extension of time must be submitted to the BOARD and a copy thereof to the Office of the Town Clerk at least 30 days prior to the date when the PERMIT is due to lapse. Failure to submit such a request as prescribed above shall be due cause for the BOARD to deny the requested time extension.

#### **5.10 As Built Plan**

Upon project completion, the APPLICANT shall provide two copies of the As Built Plan, plus electronic copies in PDF and scalable CADD formats, registered to the Massachusetts State Plane Coordinate System. The As Built Plan shall show:

5.10.1 The entire project as completed including but not limited to the drainage, irrigation, and wastewater disposal systems; final grading and limits of clearing; all driveways; parking LOTS; public and private utilities (above and below grade); storm drainage; and BUILDINGS and STRUCTURES as they exist.

5.10.2 All elevations shall refer to the National Geodetic Vertical Datum (NGVD) of 1929.

#### **5.11 Limitation of the DECISION**

The granting of a PERMIT constitutes approval only under the pertinent sections of the BYLAW. Other permits or approvals required by other governmental boards, agencies, or bodies having jurisdiction such as the Board of Health, Acton Water District, and Conservation Commission shall not be assumed or implied. The BOARD may condition any PERMIT hereunder on satisfactory demonstration of compliance with the requirements of other governmental bodies having jurisdiction prior to the start of any work on the site, the issuance of a Building Permit, or any other appropriate step in the development process. The APPLICANT is hereby encouraged to seek approvals and certificates of compliance from such other governmental bodies prior to or concurrently with the APPLICATION to the BOARD.

#### **5.12 Repetitive Petition**

Pursuant to M.G.L. Chapter 40, Sect. 16, no APPLICATION which has been unfavorably and finally acted upon by the BOARD shall be acted favorably upon within two years after the date of final unfavorable action unless four members of the BOARD vote to find that specific and material changes in the conditions upon which the previous unfavorable action was based have occurred and describe such changes in the records of the BOARD'S proceedings, and all but one member of the BOARD consents to the consideration of the matter. Notice to PARTIES IN INTEREST shall be given by the APPLICANT of the time and place of the proceedings at which the question of consent will be considered.

#### **5.13 Amending an Approved Plan or Special PERMIT**

A previously granted PERMIT may be amended by written request to the BOARD or on the BOARD'S own motion. The BOARD shall determine whether any request for further alterations to a site constitutes a minor amendment or if such request should be considered a new APPLICATION requiring a public hearing. The BOARD may amend a PERMIT without a new public hearing provided it finds that the amendment is not significant to the public interest and is consistent with the purpose and intent of the BYLAW. Consultation with the Planning Department is recommended prior to the filing of any request to amend a PERMIT. The fee for minor amendments shall be \$250.



## **APPENDIX**

Application for Special Permit in the Groundwater Protection District

Notice of Public Hearing

**APPLICATION for a  
SPECIAL PERMIT in the GROUNDWATER PROTECTION DISTRICT**

Refer to the "Rules and Regulations for Special Permits in the Groundwater Protection District" available from the Planning Department for details on the information and fees required for this application. Contact the Planning Department at 978-929-6631 with any questions concerning the Rules. Incomplete applications may be denied.

Please type or print your application.

1. Location and Street Address of Site \_\_\_\_\_

2. Applicant's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

4. Record Owner's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone \_\_\_\_\_ E-Mail: \_\_\_\_\_

5. Zoning District(s) of Parcel(s) \_\_\_\_\_

Town Atlas Map(s)/ Parcel Number(s) \_\_\_\_\_

Groundwater Protection District Zone \_\_\_\_\_

7. Deed Book & Page number(s) or Land Court Certificate number(s): \_\_\_\_\_

The undersigned hereby apply to the Planning Board for a public hearing and a Special Permit in the Groundwater Protection District under the BYLAW.

The undersigned hereby certify that the information on this application and plans submitted herewith is correct, and that the application complies with all applicable provisions of Statutes, Regulations, and Bylaws to the best of his/her knowledge. The above is subscribed to and executed by the undersigned under the penalties of perjury in accordance with Section 1-A of Chapter 268, General Laws of the Commonwealth of Massachusetts.

\_\_\_\_\_  
Signature of Applicant(s)

\_\_\_\_\_  
Signature of Applicant(s)

\_\_\_\_\_  
Date

RECORD OWNER'S KNOWLEDGE AND CONSENT

I hereby assert that I have knowledge of and give my consent to the application presented above.

\_\_\_\_\_  
Signature of Record Owner(s)

\_\_\_\_\_  
Signature of Record Owner(s)

\_\_\_\_\_  
Date

**ACTON PLANNING BOARD**  
**NOTICE OF PUBLIC HEARING**

In accordance with the provisions of Massachusetts General Laws, Chapter 40A, Section 9, the Acton Planning Board will hold a public hearing on \_\_\_\_\_ at \_\_\_\_\_ P.M., at \_\_\_\_\_, Acton, MA on the petition of \_\_\_\_\_ for approval of a SPECIAL PERMIT IN THE GROUNDWATER PROTECTION DISTRICT for the parcel located at \_\_\_\_\_ and shown on Town Atlas Map \_\_\_\_\_, parcel \_\_\_\_\_.

Please note the following information:

Such permits may be granted by the Planning Board under Massachusetts General Law, Chapter 40A and the Acton Zoning Bylaw in accordance with Section 4.3.8 and the Rules and Regulations for Special Permits in the Groundwater Protection District” all of which are available for review or purchase at the offices of the Planning Board, and the Town Clerk. A copy of the application is also available for review at these offices in Town Hall between 8:00 AM and 5:00 PM, Monday through Friday.

The applicant or his/her representative will be at the hearing to present the reason(s) why the permit should be granted.

When the applicant or his/her representative has concluded their presentation, the Chairman of the Board will allow the Board members to speak to the matter under consideration or to raise questions and concerns. Subsequently, the Chairman will give the public the same opportunity to speak to the matter under consideration or to raise questions and concerns.

The Chairman will not allow any member of the public to interrupt anyone else while they are speaking. Each person wishing to speak at the hearing should be as brief as possible and should wait his/her turn. Each person speaking should avoid repeating the comments of those who preceded them. Each person speaking should state their name and address before they make their statement or ask questions.

Any party may appear in person, by agent, or by attorney at any hearing. When all of the facts have been presented and all persons wishing to speak on the petition have been heard, the Chairman will close the hearing. In no case will the Board allow new evidence to be admitted after the close of the public hearing unless this evidence was requested by the Board prior to the close of the public hearing.