

# **TOWN OF MEDWAY STORMWATER MANAGEMENT AND LAND DISTURBANCE**

## **RULES AND REGULATIONS**

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## **1. Authority**

These regulations are adopted by the Medway Planning and Economic Development Board and the Medway Conservation Commission pursuant to the authority granted by Section 26.5.2.3 of the Medway General Bylaws, Stormwater Management and Land Disturbance.

## **2. Definitions**

For purposes of these Regulations, the following terms shall be as defined herein. Other definitions are found in Article 26 of the Medway General Bylaws, Stormwater Management and Land Disturbance.

“the Bylaw”: Article 26 of the Medway General Bylaws, Stormwater Management and Land Disturbance.

“Lane width”: Twelve feet.

“MS4 Permit”: The Municipal Separate Storm Sewer System (MS4) Permit issued by the US Environmental Protection Agency to the Town.

“the Permit”: The Land Disturbance Permit issued by the Town’s Permitting Authority.

“Permitting Authority”: The Conservation Commission or Planning and Economic Development Board (PEDB) as described in Section 26.5.3.

“Permittee”: The individual or organization which will carry out the Permit; sometimes referred to herein as the applicant.

## **3. Applicability**

These rules and regulations pertain to the application and issuance of Land Disturbance Permits pursuant to Section. 26.5 of the Bylaw.

## **4. Pre-application Consultation**

A pre-application consultation between a prospective applicant and the Town’s Community and Economic Development staff is recommended. The purpose of any pre-application consultation is to provide the applicant with an opportunity to discuss the design concept of the proposed development during the early stages of the design process and to avoid unnecessary technical deficiencies in the application with a view toward promoting efficiency in the forthcoming processing and review of the proposed development project. Town staff, however, are not responsible for assuring the accuracy, correctness or thoroughness of any application provided for review during a pre-application consultation. Any opinion given to the applicant by employees of the Town during a pre-application consultation is advisory only and shall not be binding on the Permitting Authority or the Town.

## **5. Application**

The Land Disturbance Permit Application package shall be filed with the Permitting Authority and Town Clerk. One copy will be filed with the Town Clerk, two copies with the Permitting Authority, and submission of an electronic copy to the Permitting Authority. The Land Disturbance

Application Package shall include all of the following in order to be deemed a complete application:

1. A completed Land Disturbance Application Form with original signatures of the applicant and all owners;
2. Erosion and Sediment Control Plan as specified herein;
3. Drainage Calculations in compliance with the most current Massachusetts Stormwater Management Standards and the National Oceanic and Atmospheric Administration (NOAA) Atlas 14+ precipitation rates as may be updated;
4. Narrative on how the project meets the most current Massachusetts Stormwater Management Standards;
5. Construction sequencing or phasing plan;
6. Calculations of limit of work;
7. Stormwater Operations and Maintenance Plan during Construction;
8. Post-Construction Stormwater Management Plan as specified in Section 26.5.8. of the Bylaw;
9. Long-Term Stormwater Operations and Maintenance Plan as specified in Section 26.5.9. of the Bylaw;
10. Other permits already received for the project;
11. Request for Waivers from the provisions of Section 26.5 of the Bylaw if necessary; and
12. Application fee when applicable.

## **6. Erosion and Sediment Control Plan**

### **A. Applicability**

An Erosion and Sediment Control Plan (ESCP) is required of all applicants for a land disturbance permit under the jurisdiction of the Bylaw.

### **B. Contents**

The ESCP shall be submitted with the Land Disturbance Permit application and shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sedimentation controls. The applicant may submit this ESCP as a sheet within the submitted application plan set.

The Erosion and Sediment Control Plan shall contain the following information:

1. Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan;
2. Title, date, north arrow, names of abutters, scale, legend, and locus map;
3. Location and description of natural features including:
  - a. Watercourses and water bodies, wetland resource areas and all floodplain information. If project is shown to be within the 100-year flood elevation as shown on the most recent issued version of Federal Emergency Management Act (FEMA) National Flood Hazard Layer (FIRMette), then applicant shall provide topographic elevations as calculated by a professional engineer;
  - b. Tree lines and trees with a diameter of fifteen inches or greater at four and one-half feet above grade (dbh), noting specimen trees and forest communities; and
  - c. Habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species within five hundred feet of any construction activity.
4. Property lines where they abut existing streets showing drainage and driveway locations and curb cuts;
5. Existing soils; volume and nature of anticipated imported soil materials;
6. Topographical features including existing and proposed contours at intervals no greater than two feet with spot elevations provided when needed;
7. Surveyed property lines showing distances and monument locations, all existing and proposed easements, rights-of-way, and other encumbrances, the size of the entire parcel, and the delineation and number of square feet of the land area to be disturbed;
8. Location and details of all temporary and permanent erosion and sediment control measures, both structural and non-structural, with narrative of the construction sequence and phasing of the project including clearing, stripping, material stockpiling, interim grading, temporary and permanent seeding, final grading, and vegetative stabilization;
9. Narrative of the operations and maintenance procedures for all temporary and permanent erosion and sediment control measures;
10. Drainage patterns and approximate slopes anticipated after major grading activities;
11. Path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable;

12. Location and description of all discharges including discharges from industrial and commercial uses;
13. Plans must be stamped and certified by a qualified Professional Engineer registered in Massachusetts and a Massachusetts Registered Land Surveyor; and
14. Such other relevant information as is required by the applicable Permitting Authority.

C. Design Requirements

The design requirements of the Erosion and Sediment Control Plan are:

1. Minimize total area of disturbance and impacts to protected natural resources;
2. Sequence activities to minimize simultaneous areas of disturbance;
3. Minimize soil erosion and control sedimentation during construction and document that proposed measures can handle the point precipitation frequencies for rates within a twenty-four hour period for a 100-year storm as provided in the NOAA Atlas 14+ recognizing that prevention of erosion is preferred over sedimentation control;
4. Protect slopes on the construction site;
5. Protect all storm drain inlets and armor all newly constructed outlets;
6. Divert uncontaminated water around disturbed areas;
7. Install and maintain all Erosion and Sediment Control measures in accordance with the manufacturer's specifications and good engineering practices;
8. Stabilize construction site entrances and exits, and use perimeter controls to prevent off-site vehicle tracking of sediment;
9. Protect and manage on and off-site material storage areas (overburden and stockpiles of soil, borrow areas, or other areas used solely by the permitted project are considered a part of the project);
10. Comply with applicable federal, state, and local laws and regulations including, but not limited to, waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control;
11. Properly manage on-site construction and waste materials including but not limited to, discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes. These wastes may not be discharged to the Town's MS4 stormwater management system.

12. Prevent significant alteration of habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or Of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species from the proposed activities; and
13. Institute interim and permanent stabilization measures, which shall be instituted on a disturbed area as soon as practicable but no more than 14 days after construction activity has temporarily or permanently ceased on that portion of the site.

**7. Stormwater Operations and Maintenance Plan during Construction**

A. Contents. The applicant shall submit a narrative titled "Stormwater Operations and Maintenance Plan (O&M) during Construction," which describes how the project site will be managed during construction.

The narrative shall include:

1. Good housekeeping practices, such as but not limited to, street sweeping, erosion and sediment control inspections and repairs, inspections of any pre-existing stormwater systems;
2. Storage of materials and waste products inside or under cover;
3. Routine inspections and maintenance of all stormwater control measures;
4. Routine inspections of vehicles and equipment for leaks, spills, and other sources of pollutants;
5. Spill prevention and response;
6. Proper management of deicing chemicals and snow;
7. Protection and stabilization of soils;
8. Storage use and use of fertilizers, herbicides, and pesticides;
9. Operations and maintenance of sanitary systems.

B. Rain Gauge. Construction sites shall have their own rain gauge to measure precipitation at the specific project site.

**8. Post-Construction Stormwater Management Plan**

**A. Contents**

The Post-Construction Stormwater Management Plan shall contain sufficient information for the applicable Permitting Authority to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater. The Plan shall be designed to meet the most current Massachusetts Stormwater Management Standards and utilize the NOAA Atlas 14+ precipitation rates as may be updated. Applicant's design shall reflect the most stringent requirements for stormwater management, whether it be federal, state, or local requirements.

The Post-Construction Stormwater Management Plan shall fully describe the project in drawings and narrative. It shall include:

1. A locus map,
2. Existing zoning, and land use(s) at the site,
3. Proposed land use(s),
4. The location(s) of existing and proposed easements,
5. Location(s) of existing and proposed utilities,
6. The site's existing and proposed topography with contours at two-foot intervals,
7. The existing and proposed site hydrology,
8. A description and delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which stormwater flows.
10. Delineation of 100-year flood plains, if applicable.
11. Estimated seasonal high groundwater elevation (November to April) in areas to be used for stormwater retention, detention, or infiltration,
12. The existing and proposed vegetation and ground surfaces with runoff coefficients for each,
13. A drainage area map showing pre and post construction watershed boundaries, drainage area and stormwater flow paths,
14. A description and drawings of all components of the proposed drainage system including:
  - a. locations, cross sections, and profiles of all brooks, streams, and existing stormwater Best Management Practices (BMP),
  - b. all measures for the use of low impact design and green infrastructure,
  - c. all measures for the protection of water quality,



- d. all measures for each proposed stormwater BMP including drainage catchment area (in square feet and acres), description of impervious and pervious surface area (in square feet and acres) before and after construction, hydrologic soil type, existing and proposed land use, storage volumes, infiltration rates, total suspended solids removal, and phosphorus load removals,
  - e. structural details of all components of the proposed drainage system, notes on drawings specifying materials to be used, construction specifications, and typicals, and
  - f. expected hydrology with supporting calculations.
15. Proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable,
16. Any other relevant information requested by the applicable Permitting Authority.

**B. Design Requirements**

- 1. Projects shall use Low Impact Development (LID) site planning and design strategies unless infeasible and shall adhere to the following standards:
  - a. Reduce runoff and pollutant loading by managing runoff as close to its source as possible;
  - b. Utilize integrated LID and individual small-scale stormwater management practices (isolated LID practices) to promote the use of natural systems for infiltration, evapotranspiration, the harvesting and use of rainwater, and reduction of flows to drainage collection systems;
  - c. Reduce impervious cover;
  - d. Conserve and protect natural lands, especially open space landscapes, high quality wildlife habitat, and existing farmland;
  - e. Utilize compact building design and increasing density to prevent sprawl, enhance walkability and preserve more undisturbed natural areas;
- 2. For new developments:
  - a. Stormwater management systems must be designed to meet the most current Massachusetts Stormwater Standards and Handbook and utilize NOAA Atlas 14+ precipitation rates as may be updated.
  - b. Require that all stormwater management systems be designed to:
    - i. Retain the volume of runoff equivalent to, or greater than, one inch multiplied by the total post-construction impervious surface area on the site, AND

- ii. Remove 90% of the average annual load of Total Suspended Solids (TSS) generated from the total post-construction impervious area on the site AND 60% of the average annual load of Total Phosphorus (TP) generated from the total post-construction 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. The required removal percentage is not required for each storm; it is the average removal over a year that is required.
- 3. For redevelopment sites:
  - a. Stormwater management systems on redevelopment sites shall be designed to meet the most current Massachusetts Stormwater Standards and utilize NOAA Atlas 14+ precipitation rates as may be updated.
  - b. Stormwater management systems on redevelopment sites shall also improve existing conditions and 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
    - 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 post construction 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. 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 the MS4 General Permit part 2.3.6.a.ii.4.
- 4. All stormwater management systems must have a Long-Term Operation and Maintenance plan prepared in accordance with Section 9 herein to ensure that systems function as designed.

5. No new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the Commonwealth.

## **9. Long-Term Operation and Maintenance Plan**

### **A. Applicability**

The Long-Term Operation and Maintenance Plan (O&M Plan) shall be designed to ensure compliance with the MS4 General Permit, the Bylaw and the Massachusetts Stormwater Standards are met in all seasons and throughout the life of the system. The applicable Permitting Authority shall make the final decision of what maintenance option is appropriate in a given situation. The applicable Permitting Authority will consider natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this decision. The Long-Term Operation and Maintenance Plan shall remain on file with the applicable Permitting Authority and the Department of Public Works. Adherence to the O&M Plan shall be an ongoing requirement.

### **B. Contents**

The Long-Term Operation and Maintenance Plan shall include:

1. The name(s) of the owner(s) for all components of the system;
2. Maintenance agreements that specify:
  - a. The names and addresses of the person(s) responsible for operation and maintenance,
  - b. The person(s) responsible for financing maintenance and emergency repairs,
  - c. A maintenance schedule and log sheet customized to the proposed structural and non-structural stormwater BMPs,
  - d. A list of easements to the Town with the purpose and location of each, if applicable,
  - e. The signature(s) of the owner(s) for responsibility of maintenance.

### **C. Easements**

1. Stormwater management easements may be required for areas used for off-site stormwater control.
2. Stormwater management easements shall be provided to the Town by the property owner(s) as necessary to comply with the Post-Construction Stormwater Management Plan and Long-Term Operation and Maintenance Plans for:
  - a. access for facility inspections and maintenance,
  - b. preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event,

c. direct maintenance access by heavy equipment to structures requiring regular cleanout.

3. The purpose of each easement shall be specified in the Long-Term Operation and Maintenance agreement signed by the property owner.
4. Easements along with a plan illustrating their location shall be recorded with the Norfolk County Registry of Deeds prior to issuance of a Certificate of Project Completion by the applicable Permitting Authority.

**D. Changes**

1. The owner(s) of the stormwater management system must notify the Department of Public Works of changes in ownership or assignment of financial responsibility.
2. The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of the Bylaw by mutual agreement of the Department of Public Works and the Responsible Parties. Proposed amendments must be in writing and signed by all Responsible Parties. Responsible Parties shall include owner(s), persons with financial responsibility, and persons with operational responsibility. Proposed amendments must be described in detail along with reasons why the Town should consider them. Amendments will not be considered until at least three years after Project Completion.

**10. Hearing and Decision Procedures**

**A. Public Hearing**

The Permitting Authority shall conduct a public hearing on a Land Disturbance Permit application completed in accordance with these Rules and Regulations so that the applicant and public shall have the opportunity to be heard, in person, or by agent or attorney, or in writing during the hearing. The timing of the public hearing shall be in accordance with the Permitting Authority's standard procedures. In the instance where a Land Disturbance Permit is not being reviewed in conjunction with another permit application to the Conservation Commission or the Planning and Economic Development Board, the public hearing with the Conservation Commission shall commence within 21 days of receipt of a complete application.

**B. Public Hearing Notice**

The public hearing notice shall be prepared in accordance with the Permitting Authority's standard procedures. However, in the instance where a Land Disturbance Permit is not being reviewed in conjunction with another permit application to the Conservation Commission or the Planning and Economic Development Board, no legal advertisement or abutter notification is required.

**C. Appearance of Applicant at Public Hearing**

An Applicant may appear on its own behalf or be represented by a designated representative. It is the responsibility of the Applicant or designated representative to attend the public hearing. Failure to appear at a public hearing could jeopardize approval of an application. In the absence of an appearance by the Applicant or designated representative, the Board shall decide the matter using the information it has received.

D. Public Hearing Continuation

The Permitting Authority may continue the public hearing to other dates as may be needed in accordance with the Permitting Authority's standard procedures.

E. Additional Information

1. During the course of the public hearing, the Permitting Authority may require the Applicant to provide additional information it finds necessary in order for the Permitting Authority to issue an informed decision.
2. Any items or plan revisions submitted by an Applicant in support of its application shall be submitted to the Permitting Authority no less than ten business days before the date of the continued public hearing. However, in no case shall the Permitting Authority allow new evidence or testimony to be admitted after the public hearing is closed.
3. The Permitting Authority may enter additional information into the record of the public hearing including but not limited to reports of outside consultants, comments from Town staff, boards and committees, and resource or reference materials.
4. The Permitting Authority may keep the public hearing open during the preparation and deliberation of its decision. However, the public hearing shall be closed after the Permitting Authority's vote.

F. Decision Deadline

1. Following its review, the Permitting Authority shall prepare its written decision and issue such in accordance with its standard requirements for timing and notification.
2. For projects that only need a Land Disturbance Permit, a Decision shall be made within 30 days from the close of the public hearing.

G. Deadline Extension

Extension of the deadline by which the Permitting Authority shall issue its Decision shall be in accordance the Permitting Authority's standard procedures. An extension may be granted by an applicant in writing.

H. Vote

An affirmative vote of a simple majority of the membership of the Permitting Authority shall be sufficient for the decision. The Permitting Authority may approve, approve with conditions, or deny the Permit. Any denial shall state the reasons for such disapproval. The Permitting Authority may waive provisions of these Rules and Regulations in accordance with Section 13 of these Rules and Regulations.

I. Approval Criteria

The Permitting Authority shall render a decision based on the criteria under Sections 6 through 9 unless the Permitting Authority grants a waiver under Section 13.

**J. Recording**

The Permittee shall record the Permit with the associated Stormwater Operation and Maintenance Plan for Construction at the Registry of Deeds and submit evidence of such recording to the Permitting Authority and the Building Commissioner. No construction shall be allowed to begin at the subject site until such recording verification is presented.

**11. Outside Consultants**

The Permitting Authority may determine that the assistance of outside consultants such as engineers, lawyers, planners, urban or landscape design professionals, environmental consultants or other appropriate professionals is warranted due to the size, scale, or complexity of the proposed project or its potential impact on the Town and community. The Permitting Authority may engage the services of outside consultants to assist in reviewing the application and associated project documents to ensure compliance with all relevant laws, bylaws, and regulations and to address technical, legal, or other issues. Consultants may also be retained for construction site inspections and compliance with the issued Permit. The Permitting Authority shall have full authority to select the outside consultants. If the Permitting Authority determines that such services are required, the Applicant shall pay a reasonable review fee.

The minimum qualifications for outside consultants shall consist of either an educational degree in or related to the field at issue or three or more years of practice in the field at issue or in a related field.

The applicant may appeal the selection of a particular outside consultant to the Select Board. The grounds for such an appeal shall be limited to claims that the selected consultant has a conflict of interest or does not possess the minimum required qualifications. The applicant shall identify the specific grounds which the applicant claims constitute the conflict of interest or how the consultant does not meet the minimum required qualifications. If no decision is made by the Select Board within thirty days following the filing of an appeal, the Permitting Authority's consultant selection stands.

**12. Fees**

For land disturbance applications for a project for which a notice of intent, site plan review application, and/or special permit application is also filed, there shall be no separate application fee.

For land disturbance applications for a project for which no notice of intent, site plan review, or special permit application is also filed, the application fee shall be \$125.

**13. Waivers**

**A. Standards.** The Permitting Authority may grant waivers from strict compliance with these Regulations if it determines that:

1. the Regulation requested to be waived does not apply to the particular site or situation under review; or
2. a waiver would permit a superior design; or
3. a waiver is in the best interests of the Town; or
4. a waiver is consistent with the purpose and intent of the Bylaw and these Regulations, or such action is allowed by federal, state, and local statutes and/or regulations.

B. Application. The applicant may submit a written request for waivers from these Regulations at the time of application. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that the waiver request meets the criteria of this Section. Supplemental waiver requests may be submitted during the course of the review process. If an oral request for a waiver is made during the course of the Permitting Authority's review, it shall also be submitted to the Permitting Authority as a written request.

C. Vote. All waiver requests shall be discussed and voted on at the public hearing for the project. If in the opinion of the Permitting Authority, additional time or information is required for review of a waiver request, it may continue the review to a date certain announced at the meeting.

#### **14. Inspections and Reports during Construction**

##### **A. Pre-construction Meeting**

Prior to clearing, excavating, or land disturbing activity the applicant, the applicant's technical representative, the general contractor, or any other person with authority to make changes to the project, shall meet with appropriate Town staff and/or designated agents, to review the permitted plans and their implementation.

##### **B. Permittee Inspections and Reports**

1. The Permittee or its agent shall inspect all control measures no less than weekly during construction or as specified in the Permit, and prior to and following anticipated storm events. The purpose of such inspections will be to determine the overall effectiveness of the control plan, and the need for maintenance or additional control measures.
2. Inspection reports shall be submitted bi-weekly by the Permittee to the Permitting Authority and after any storm event resulting in 0.25 inches of precipitation or more within twenty-four hours.

##### **C. Town Inspections**

1. The applicable Permitting Authority, its agents, officers, and employees may request authorization to enter upon privately owned property for the purpose of performing their duties under the Bylaw and these Rules and Regulations.
2. The applicable Town staff or its designated agent shall make inspections as required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Land Disturbance Permit as approved. The Permit and associated plans for grading, stripping, excavating, and filling work, bearing the signature of approval of applicable Permitting Authority, shall be maintained at the site during the progress of the work. In order to obtain inspections, the Permittee shall notify

applicable Permitting Authority designated agent or Town staff at least two working days before each of the following events:

- a. Erosion and sediment control measures are in place and stabilized;
- b. Site clearing has been substantially completed;
- c. Rough grading has been substantially completed;
- d. Installation of physical control measures;
- e. Final grading has been substantially completed;
- f. Close of the construction season; and
- g. Final landscaping (permanent stabilization) and project final completion.

A written report of the inspections shall be provided to both the Permittee and the applicable Permitting Authority by the Town staff or designated agent. Such inspections may be combined with other inspections required under any other permits issued to authorize the project.

## **15. Project Completion, Long-Term Maintenance, and Reporting**

### **A. Project Completion**

The Permitting Authority may issue a Certificate of Project Completion which certifies compliance with the issued Permit.

1. The applicant shall submit a Request for a Certificate of Project Completion to the appropriate Permitting Authority once all the requirements of the issued permit have been completed. The applicant shall submit with the application:
  - a. **Final Report**  
A Final Report from the Professional Engineer of Record (P.E.) certifying that the project has been completed in accordance with the conditions of the approved Permit and the approved plans. Any deviations should be noted in the cover letter. The Final Report shall include the Long-Term Operation and Maintenance Plan as described in Section 9 of these Rules and Regulations.
  - b. **Certified As-built Plans**  
The As-built Plans must depict all on site controls, both structural and non-structural, designed to manage stormwater and demonstrate that the proposed work was completed in accordance with the approved Land Disturbance Permit. As-built construction plans must be stamped by a Professional Engineer (P.E.) and a Massachusetts Land Surveyor.
2. Applications for a Request for a Certificate of Project Completion shall be filed as a single request or may be filed in conjunction with a request for a Conservation Commission Certificate of Compliance or a Planning and Economic Development Board Certificate of Completion.
3. A copy of the As-built and Final Report shall be submitted by the Permitting Authority to the Department of Public Works.



**B. Recording**

The Certificate of Project Completion, Post-Construction Stormwater Management As-built Plan and Post-Construction Long-Term Operation and Maintenance Plan (document) shall be recorded at the Registry of Deeds by the Permittee.

**C. Long-Term Operation and Maintenance Annual Report**

A report shall be provided to the Permitting Authority and the Department of Public Works annually before December 15. The Report shall include documentation of compliance with the Long-Term Operation and Maintenance Plan, including photographs and receipts of cleaning activities as applicable.

**16. Severability**

If any provision, paragraph, sentence, or clause of these regulations shall be held invalid for any reason, all other provisions shall continue in full force and effect.

Approved by vote of Planning and Economic Development Board

Dated: November 14, 2023

Approved by vote of the Conservation Commission

December 14, 2023