

TOWN OF MEDWAY
WARRANT FOR JUNE 8, 2020
ANNUAL TOWN MEETING

NORFOLK ss:

To either of the Constables of the Town of Medway

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in Town affairs to meet at the **Medway High School, 88 Summer Street**, on **Monday, June 8, 2020**, at 7:30 PM, then and there to act on the following articles:

ARTICLE 1: (Debt Stabilization Fund Transfer)

To see if the Town will vote to transfer the sum of \$341,000 from the Debt Stabilization Fund to the Fiscal Year 2021 operating budget for the purpose of offsetting a portion of debt exclusion projects, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 2: (Transfer from Ambulance Receipts to General Fund)

To see if the Town will vote to transfer \$600,000 from Ambulance Receipts Reserved for Appropriation to the Fiscal Year 2021 General Fund Operating Budget, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 3: (Appropriation: FY21 Operating Budget)

To see if the Town will vote to fix the salary and compensation of all elected officers of the Town, provide for a Reserve Fund, and determine what sums of money the Town will raise and appropriate, including appropriation from available funds, to defray charges and expenses of the Town including debt and interest, for the Fiscal Year ending June 30, 2021, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 4: (Appropriation: FY21 Water Enterprise Fund)

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$3,564,134 for the maintenance of the Water Department Enterprise Fund as follows, or act in any manner relating thereto.

Direct Costs

	Amount
Salaries	\$ 791,326
Expenses	664,100
Debt	1,718,165
Direct Costs Total	\$ 3,173,591

Indirect Costs

Indirect costs consisting of health insurance, workers' compensation, Medicare, liability insurance, administrative and operational services.

Indirect Costs Total	\$390,543
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Total	\$3,564,134
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And further that the above listed appropriations be funded as follows:

Fees for Service [User Fees]	\$3,564,134
Total	\$3,564,134

WATER SEWER COMMISSION

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 5: (Appropriation: FY21 Sewer Enterprise Fund)

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$1,860,315 for the maintenance of the Sewer Department Enterprise Fund as follows, or act in any manner relating thereto.

Direct Costs

	Amount
Salaries	\$ 296,236
Expenses	1,077,950

Debt	325,549
Direct Costs Total	\$1,699,735

Indirect Costs

Indirect costs consisting of health insurance, workers' compensation, Medicare, liability insurance, administrative and operational services.

Indirect Costs Total	\$160,580
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Total	\$1,860,315
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And further that the above listed appropriations be funded as follows:

Fees for Service [User Fees]	\$1,842,881
Sewer Betterment Stabilization	17,434
Total	\$1,860,315

WATER SEWER COMMISSION

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 6: (Appropriation: FY21 Solid Waste Enterprise Fund)

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$1,462,135 to operate the Solid Waste/Recycling Department Enterprise Fund as follows, or act in any manner relating thereto.

Direct Costs

	Amount
Salaries	\$ 159,792
Expenses	1,198,500
Debt Service	54,893
Direct Costs Total	\$1,413,185

Indirect Costs

Indirect costs consisting of health insurance, workers' compensation, Medicare, liability insurance, administrative and operational services.

Indirect Costs Total	\$ 48,950
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Total	\$1,462,135
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And further that the above listed appropriations be funded as follows:

Trash Recycling Fees/Bag Revenues	\$1,400,000
Retained Earnings	62,135
Total	\$1,462,135

PUBLIC SERVICES DEPT.

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 7: (Free Cash Appropriation: Capital and Other Items)

To see if the Town will vote to appropriate the sum of \$1,768,121 from Certified Free Cash for the purpose of funding the following capital and other items, including associated engineering, personnel, maintenance and legal service costs, or act in any manner relating thereto.

Project	Department	Cost
Roads & Sidewalks	DPW	\$750,000
Flail Mower/Tractor	DPW	133,000
Various Bridge Improvements	DPW	100,000
Replace 2009 Ford F350 (312-P-2)	DPW/Parks	65,000
New Econovan	DPW/Bldg. Maint.	30,000
Replace Ambulance (A-3)	Fire	157,831
Inflatable Boat	Fire	15,000
Server Upgrades	Police	13,424
Cruiser Radios/Radar Recording Counter	Police	11,226
HVAC Upgrade at Burke-Memorial School	School	90,000
Roof Preventative Maintenance	School	25,000
High School Outdoor Running Track Drainage Repair	School	50,000
Roof Schematic Design	School	40,000
Middle School Auditorium Lighting	School	25,000
Paint McGovern School Pods	School	25,000
Handicap Ramp Railing	Library	12,000
Desktops/Laptops (75)	Info. Services	90,000
Chromebooks (350)	Info. Services	110,000
Munis Payroll Software	Treasurer	25,640
Free Cash Total		<u>\$1,768,121</u>

**CAPITAL IMPROVEMENT
PLANNING COMMITTEE**

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 8: (Transfer – Ambulance Receipts Reserved for New Ambulance)
To see if the Town will vote to transfer \$193,919 from Ambulance Receipts Reserved for Appropriation to fund a portion of the purchase of a new ambulance, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 9: (Raise & Appropriate: Roads & Sidewalks)
To see if the Town will vote to raise and appropriate the sum of \$800,000 for the purposes of making repairs to various roads, sidewalks, bridges and related appurtenances, and to fund, as needed, design, engineering, and construction management services, and for the payment of all other costs incidental and related thereto, or act in any manner relating thereto.

**CAPITAL IMPROVEMENT
PLANNING COMMITTEE**

BOARD OF SELECTMEN RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Dismiss**

ARTICLE 10: (Free Cash Appropriation: Zoning Consulting Services)
To see if the Town will vote to appropriate the sum of \$15,000 from Certified Free Cash or other available funds for the purpose of funding consulting services to develop new zoning regulations for Medway's Central Business Zoning District, or to act in any manner relating thereto.

**PLANNING AND ECONOMIC
DEVELOPMENT BOARD**

BOARD OF SELECTMEN RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 11: (Borrowing – Water Enterprise – Brentwood Area and Wellington St)
To see if the Town will vote to raise and appropriate, borrow or transfer from available Water Enterprise funds a sum of money for the purpose of funding the permitting and construction of water infrastructure improvements in the Brentwood neighborhood area and Wellington Street, including the associated legal and technical services costs, and for the payment of all other costs incidental and related thereto, any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or act in any manner relating thereto.

PUBLIC SERVICES DEPT.

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 12: (Free Cash Appropriation: Design – Parks and Fields Improvement Projects)

To see if the Town will vote to appropriate the sum of \$80,000 from Certified Free Cash for the design and engineering of pickle ball courts, a softball field at Medway Middle School, and drainage improvements at Center Street field, and for the payment of all other costs incidental and related thereto, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 13: (General Stabilization Appropriation)

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$100,000 to be allocated to the General Stabilization Fund, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Dismiss

ARTICLE 14: (Appropriation: OPEB Trust)

To see if the Town will vote to raise and appropriate the sum of \$300,000 to the Town of Medway Other Post-Employment Benefits (OPEB) Trust account, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 15: (Appropriation: Medway Day)

To see if the Town will vote to raise and appropriate the sum of \$15,000 for Medway Day, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Dismiss

ARTICLE 16: (Appropriation: Community Preservation Committee)

To see if the Town will vote to act on the report of the Community Preservation Committee for the Fiscal Year 2021 Community Preservation budget and to appropriate, or reserve for later appropriations, monies from the Community Preservation Fund annual revenues or available funds for the administrative expenses of the Community Preservation Committee, the payment of debt service, the undertaking of community preservation projects and all other necessary and proper expenses for the Fiscal Year 2021, as follows:

CPC Administrative Expenses	\$15,000
CPC Salaries	5,000
CPC Debt Expense	436,625
Total Direct Costs	\$456,625

Reserves:	10% of Estimated Fund Revenues
Open Space	\$120,320
Community Housing	\$120,320
Historical Preservation	\$120,320

or act in any manner relating thereto.

COMMUNITY PRESERVATION COMMITTEE

BOARD OF SELECTMEN RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 17: (Revolving Funds –Authorize FY21 Spending Limits)

To see if the Town will vote, pursuant to Massachusetts General Laws Chapter 44, Section 53E1/2, to set Fiscal Year 2021 spending limits for revolving funds as follows:

Program or Purpose	FY2021 Spending Limit
Self-supporting parks and recreation services, including salaries and benefits	\$420,000
Dial-a-ride van service for seniors and disabled; shuttle service to Norfolk commuter rail station, and other necessary transportation services	\$130,000
Library printer, copier and fax expenses	\$3,000
Library meeting room	\$1,000
Thayer Homestead partial self-support of property, including salaries and benefits	\$70,000
Tobacco license compliance inspections	\$2,500

Self-supporting food services, including salaries and benefits	\$12,000
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or act in any manner relating thereto.

**BOARD OF SELECTMEN
(For the Various Departments Indicated)**

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 18: (Purchase Real Property – 13 and 15R Populatic St)
 To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, eminent domain, and/or purchase and to accept the deed to the Town of a fee simple interest in all or a portion of land located at 13 Populatic Street, identified as Parcel 61-052 on the Town of Medway’s Assessors’ Map and containing 4.2 acres more or less, and/or 15R Populatic Street, identified as Parcels 71-025 and 71-026 on the Town of Medway’s Assessors’ Map and containing 0.834 acres more or less, upon such terms and conditions as the Board of Selectmen shall determine to be appropriate, said property to be under the care, custody, management and control of the Board of Selectmen for water supply and general municipal purposes and further, to transfer from available funds or appropriate a sum of money for the acquisition of the property and up to \$10,000 for any expenses related thereto, including legal fees, and authorize the Board of Selectmen and Town officers to take all related actions necessary or appropriate to carry out this acquisition, including the submission, on behalf of the Town, of any and all applications deemed necessary for grants and/or reimbursements from any state or federal programs and to receive and accept such grants or reimbursements for this purpose, and/or any other purposes in any way connected with the scope of this Article, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 19: (Accept MGL Ch. 138, Sec. 33B – Sunday Morning Alcohol Sales by On-Premise Licensees)
 To see if the Town will vote accept the provisions of Massachusetts General Laws chapter 183, section 33B relative to sales of alcoholic beverages by on-premise licensees on Sundays and certain legal holidays; sales between 10:00 A.M. and 12:00 noon, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 20: (Amend General Bylaws – Article XII, Penal Laws, and XX, Noncriminal Disposition)

To see if the Town will vote to amend the General By-laws, Article XII, Penal Laws, Section 12.12(a) by deleting the last sentence as follows: (deleted text in ~~striketrough~~):

“(a) No person without a permit or license from the Board of Selectmen shall store, keep or allow to remain on his premises more than one unregistered automobile, truck, or the body or chassis of a motor vehicle unless that same is stored or kept in a garage. ~~Violation of this By-law shall be subject to a fine of not more than \$50.00.~~”

And by amending the General By-laws, Article XII, Penal Laws, Section 12.15 as follows (new text in **bold**, deleted text in ~~striketrough~~):

“(a) The penalty for the violation of any ~~Penal Law~~ **Medway General By-law as to which no other fine is provided therein** shall be a fine not exceeding ~~\$100.00~~ **\$300.00** for each offense. **Each day during which any portion of a violation continues shall constitute a separate offense.** All forfeitures under any of the By-laws of the Town shall be recovered by complaint and shall inure to the use of the Town of Medway. **As an alternative, for violation of any Medway General By-law, non-criminal disposition of violations as provided for in Article XX of the Medway General By-laws may be used, in accordance with the following schedule of non-criminal penalties, unless the specific By-law otherwise provides for non-criminal penalties:**

First offense: warning (verbal or written)
Second offense: \$100.00
Third offense: \$200.00
Fourth and subsequent offenses: \$300.00”

And by amending the General By-laws, Article XX, Noncriminal Disposition of Violations of By-laws, Rules and Regulations, Section 20.3, as follows (new text in bold, deleted text in ~~striketrough~~):

“Section 20.3.

(a) Any person notified to appear before the Clerk of the District Court as herein before provided, and as provided in said Chapter 90G, may so appear and confess the offense charged, either personally or through a duly authorized agent or by mailing to the clerk together with the notice such specific sum of money not exceeding ~~two~~ **three** hundred dollars as the Town may fix as the penalty for violation of the By-law, rule or regulation. The payment to the clerk shall operate as a final disposition of the case and shall not be deemed to be a criminal proceeding.”

And by amending the General By-laws, Article XII, Penal Laws, Section 12.21(a) by changing the first sentence to read as follows (new text in **bold**, deleted text in ~~striketrough~~):

“(a) Every outdoor swimming pool having 24 inches or more in depth or a surface area of

250 square feet or more, whether or not filled with water, shall be completely surrounded at all times by a fence or wall not less than ~~5~~ **four** feet above grade.”

BUILDING COMMISSIONER

BOARD OF SELECTMEN RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 21: (Amend General Bylaws – Stormwater Management and Land Disturbance)

To see if the Town would vote to amend the Town’s General Bylaws, Article XXVI, Article XXVI, Stormwater Management and Land Disturbance, as follows; new text shown in **bold** and deleted text is shown as ~~stricken through~~:

Amend Section 26.3 DEFINITIONS by amending the definition of “Land Disturbance”, adding a new definition “Limit of Work”, amending the definitions of “New Development” and “Redevelopment”, and deleting the definition “Small Project” as follows:

Land Disturbance – An action to alter the existing vegetation and/or underlying soil of a site, such as **demolition**, clearing, grading, site preparation (e.g., excavating, cutting and filling), soil compaction, **construction**, and movement and stockpiling of top soils.

Limit of Work – The boundaries of the full extent of the area of land to be altered or disturbed during a construction project. The boundary beyond which no construction work will take place. Includes but is not limited to the areas where trees and other vegetation will be cleared, where the sod layer and other earth materials will be removed, where excavation and grading will occur, where buildings and infrastructure will be constructed, and areas to be used for truck parking, equipment storage, and material storage during construction. Limit of Work is also known as the area encompassed by erosion controls.

New Development – Any construction activities or land alteration resulting in total land disturbances greater than acre (or activities that are part of a larger common plan of development disturbing greater than ~~one acre~~ **20,000 square feet**) on an area that has not previously been developed which will now include impervious cover.

Redevelopment – Any construction, land alteration, or improvement of impervious surfaces resulting in total land disturbances greater than ~~one acre~~ **20,000 square feet** (or activities that are part of a larger common plan of development disturbing greater than one acre) that does not meet the definition of New Development (see above).

~~Small Project – Any construction activities or land alteration resulting in total land disturbances greater than 20,000 square feet but less one acre whether or not such area has previously been developed to include impervious cover.~~

And by deleting Section 26.4.6:

Section 26.4.6.Enforcement

~~The DPW Director or the DPW Director's designee shall enforce Section 26.4 of this Bylaw, including associated regulations, and may issue orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.~~

26.4.6.1. Non-Criminal Disposition

~~As an alternative to criminal prosecution or civil action, the Town may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D and Article XX of the Town of Medway General Bylaws. The penalty for the first violation shall be a written warning. The penalty for the second violation shall be \$100. The penalty for the third and subsequent violations shall be \$200. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.~~

26.4.6.2. Criminal Penalty

~~Any person who violates any provision of this Bylaw, regulation, order or permit issued there under shall be punished by a fine of not more than \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.~~

And by amending Section 26.5, LAND DISTURBANCE AND CONSTRUCTION ACTIVITY, as follows:

SECTION 26.5 LAND DISTURBANCE AND CONSTRUCTION ACTIVITY

Section 26.5.1. Applicability. This section shall apply to all activities in which the limit of work results in disturbance of:

- a. ~~at least 20,000 square feet or more but less than 1 acre (for administrative review) or~~
- b. ~~one or more acres (or less if the activity is part of a larger common plan of development that exceeds one acre of land disturbance within a 5-year period) for review by the applicable permit granting authority.~~ **Review for removal, disturbance, alteration, or addition of 10,000 square feet or more of impervious surface.**

Section 26.5.2. Land Disturbance Permit.

26.5.2.1.

~~Except as authorized by the applicable board, or commission, department, administrative team or its agent, as specified in Section 26.5.3 and hereafter known as the "permitting authority," no person shall perform any applicable land disturbance activity without a Land Disturbance Permit. Normal maintenance and improvement of land in agricultural or aquacultural use, as defined by the Wetlands Protection Act regulations 310 CMR 10.04, are exempt. Roadway and utilities improvement and maintenance undertaken by the Town are also exempt from permitting but such road work that involves increasing impervious surface by more than a single lane width shall comply with MS4 General Permit requirements. as specified in Section 26.8.2 (3)(d).~~

26.5.2.2. Outside Consultants and Fees

In connection with Land Disturbance Permit applications involving technical, legal, or other issues as to which the permitting authority considers it necessary or desirable to engage an outside consultant or consultants, such as engineers, lawyers, planners, licensed site professionals, or other appropriate professionals, to advise the permitting authority on those issues, the permitting authority may, in its sole discretion, require that the applicant pay a reasonable review fee sufficient to enable the permitting authority to retain consultants of its choice, said fee to be deposited into a special separate account established pursuant to Mass. G.L. c. 44, Section 53G.

Section 26.5.3. Coordinated Permitting.

~~26.5.3.1 In the case of activities requiring an Order of Conditions from the~~ **The Conservation Commission shall be the permitting authority for Land Disturbance permits, except that, if or subdivision, site plan, or special permit approval from the Planning and Economic Development Board (“PEDB”); is required, and there are no activities subject to the Conservation Commission jurisdiction under the Wetland Protection Act or the Town’s Wetland Protection Bylaw, Land Disturbance Permits shall be reviewed and issued by the PEDB as a component of those other permits, including the fees, regulations, timing, notice and hearing requirements of those other permits. In cases where activities are subject to Conservation Commission jurisdiction under the Wetlands Protection Act for part of a site and activities on another part of the site are subject to the jurisdiction of the PEDB, the Conservation Commission shall have sole jurisdiction for issuing a Land Disturbance Permit for the entire site. For activities outside the jurisdiction of the Conservation Commission and that do not require subdivision, site plan or special permit approval from the PEDB (e.g. construction of a house and associated facilities on an existing lot), including Small Projects, a Land Disturbance Permit pursuant to Section 26.5.1 shall be required from an administrative team consisting of the Building Inspector, DPS Director, Community and Economic Development Director, Planning and Economic Development Coordinator and Conservation Commission Agent, and may include other Town staff or the designee of any of the preceding as appropriate depending on the nature of the project.**

~~26.5.3.2 Section 26.6 specifies procedures for administrative review. Sections 26.7 through 26.14 shall be applicable in all cases.~~

26.5.4. Application

A completed application for a Land Disturbance Permit shall be filed **in conjunction with any other permit application** to the applicable permitting authority as established in Section 256.5.3. A permit must be obtained prior to the commencement of any applicable land disturbing activity. The Land Disturbance Permit Application package shall include:

- a. a completed **Land Disturbance** Application Form with original signatures of **applicant**, all owners;
- b. ~~three (3) copies of the~~ Erosion and Sediment Control Plan as specified in ~~Section 26.7~~ **Section 26.5.6.** of this Bylaw;
- c. **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;**
- d. **Narrative on how the project meets the most current Massachusetts Stormwater Management Standards;**
- e. **Construction sequencing or phasing plan;**
- f. **Stormwater Operations and Maintenance Plan during Construction;**
- g. ~~three (3) copies of the~~ Post-Construction Stormwater Management Plan as specified in ~~Section 26.8~~ **Section 26.5.8.** of this Bylaw;
- h. ~~three (3) copies of the~~ **Long-Term** Stormwater Operations and Maintenance Plan ~~for both during construction and post construction~~ as specified in ~~Section 26.9~~ **Section 26.5.9.** of

this Bylaw;

- i. Other permits already received for the project;**
 - j. Request for Waivers from the provisions of Section 26.5 of this Bylaw if necessary;**
 - k. Application and/or filing fee when applicable; payment of the application and review fees; and**
 - ~~l. one (1) copy of the Application Form filed with the Town Clerk.~~
- l. An electronic copy of all materials submitted.

SECTION 26.6 ADMINISTRATIVE REVIEW

~~26.6.1. Applicability. Administrative review is provided to address those land disturbance activities that fall outside the jurisdiction of any other reviewing authority as defined in Section 26.5.3.1, including Small Projects.~~

~~26.6.2. Entry. Filing an application for a permit grants the administrative team or its designee, permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.~~

~~26.6.3. Other Boards. The administrative team shall notify the Town Clerk of receipt of the application, and shall give one copy of the application package to and may seek input from the Planning and Economic Development Board, the Conservation Commission, Department of Public Services and/or other Town departments or boards as needed or appropriate.~~

~~26.6.4. Administrative Team Meeting. The Land Disturbance Permit application shall be made available for inspection by the public at Town Hall during its normal business hours. The applicant shall be invited to a review meeting which shall be held within 14 days of the receipt of a complete application and final action shall be taken within 14 days of the review meeting unless such time is extended by agreement between the applicant and the administrative team.~~

~~26.6.5. Information requests. The applicant shall submit all additional information requested by the administrative team in order to issue a decision on the application.~~

26.6.6. Waivers

~~26.6.6.1. The administrative team may waive strict compliance with any requirement of this by law or the rules and regulations promulgated hereunder, where:~~

- ~~a. such action is allowed by federal, state and local statutes and/or regulations;~~
- ~~b. is in the public interest, and~~
- ~~c. is not inconsistent with the purpose and intent of this by law.~~

~~26.6.6.2. Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the by law does not further the purposes or objectives of this Bylaw.~~

~~26.6.6.3. All waiver requests shall be discussed and voted on at the review meeting for the project.~~

~~26.6.6.4. If in the opinion of the administrative team, 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. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.~~

26.6.7. Action

The administrative team may:

- ~~a. Approve the Land Disturbance Permit Application and issue a permit if it finds that the proposed plan will protect water resources and meets the objectives and requirements of this by law;~~
- ~~b. Approve the Land Disturbance Permit Application and issue a permit with conditions, modifications or restrictions that it determines are required to ensure that the project will protect water resources and meets the objectives and requirements of this by law;~~
- ~~c. Disapprove the Land Disturbance Permit Application and deny the permit if it finds that the proposed plan will not protect water resources or fails to meet the objectives and requirements of this by law.~~

~~26.6.8. Failure to take final action. Failure of the administrative team to take final action upon an Application within the time specified above shall be deemed to be approval of said Application. Upon certification by the Town Clerk that the allowed time has passed without action, the Land Disturbance Permit shall be issued by the administrative team.~~

~~26.6.9. Appeals. Decisions of the administrative team may be appealed to the Conservation Commission within 20 days of filing the decision with the Town Clerk. The Conservation Commission may adopt rules and regulations for hearing such appeals but shall consider the appeal at a public meeting held within 30 days of receipt.~~

~~26.6.10. Fee Structure. Each application must be accompanied by the appropriate application fee as established by the Department of Community and Economic Development. Applicants shall pay review fees as determined by the administrative team sufficient to cover any expenses connected with the review of the Land Disturbance Permit Application before the review process commences. The administrative team is authorized to retain a Registered Professional Engineer or other professional consultant to advise it on any or all aspects of the Application.~~

~~26.6.11. Project Changes. The permittee, or their agent, must notify the Department of Community and Economic Development in writing of any change or alteration of a land disturbing activity authorized in a Land Disturbance Permit before any change or alteration occurs. If the administrative team determines that the change or alteration is significant, based on the design requirements listed in Section 26.7.2 and accepted construction practices, the administrative team may require that an amended Land Disturbance Permit application be filed and a new review meeting be held. If any change or alteration from the Land Disturbance Permit occurs during any land disturbing activities, the administrative team may require the installation of interim erosion and sedimentation control measures before approving the change or alteration.~~

Section 26.5.5. Waivers

The permitting authority may waive strict compliance with any requirement of this Bylaw or the rules and regulations promulgated hereunder, where:

- a. such action is allowed by federal, state and local statutes and/or regulations, and
- b. is in the public interest, and/or
- c. is not inconsistent with the purpose and intent of this Bylaw.

Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the Bylaw does not further the purposes or objectives of this Bylaw. 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. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request may be denied after thirty days.

~~SECTION 26.7. EROSION AND SEDIMENT CONTROL PLAN~~

Section 26.5.6. Erosion and Sediment Control Plan

26.5.6.1. Applicability

An Erosion and Sediment Control Plan (ESCP) is required of all construction site operators performing land disturbance activities under the jurisdiction of this ~~by-law~~ **Bylaw**. The ~~Erosion and Sediment Control Plan~~ **ESCP shall be submitted with the Land Disturbance permit 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 shall submit such material as is necessary to show that the proposed development will comply with the design requirements listed in ~~Section 26.7.2.~~ **Section 26.5.6.2.** below.

~~26.7.2.~~ **26.5.6.2. Design Requirements**

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

- a. Minimize total area of disturbance and protect natural resources;
- b. Sequence activities to minimize simultaneous areas of disturbance;
- c. 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;
- d. Protect slopes on the construction site;
- e. Protect all storm drain inlets and armor all newly constructed outlets;
- f. Divert uncontaminated water around disturbed areas;
- g. Install and maintain all Erosion and Sediment Control measures in accordance with the manufacturers specifications and good engineering practices;
- h. Use perimeter controls to prevent off-site transport of sediment;

- i. Stabilize construction site entrances and exits to prevent off-site vehicle tracking of sediment;
- j. Inspect and report stormwater controls at consistent intervals.
- k. Protect and manage on and off-site material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project);
- l. Comply with applicable Federal, State and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control;
- m. 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;
- n. 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;
- o. 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 MS4.

~~26.7.3.~~ **26.5.6.3.** Erosion and Sedimentation Control Plan Content

The Plan shall contain the following information:

- a. Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan;
- b. Title, date, north arrow, names of abutters, scale, legend, and locus map;
- c. Location and description of natural features including:
 - 1) Watercourses and water bodies, wetland resource areas and all floodplain information, including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map, or as calculated by a professional engineer for areas not assessed on these maps;
 - 2) Existing vegetation including tree lines, canopy layer, shrub layer, and ground cover, and trees with a caliper twelve (~~42~~) inches or larger, noting specimen trees and forest communities; and
 - 3) 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 (~~500~~) feet of any construction activity.
- d. Lines of existing abutting streets showing drainage and driveway locations and curb cuts;

- e. Existing soils, volume and nature of imported soil materials;
- f. Topographical features including existing and proposed contours at intervals no greater than two (2) feet with spot elevations provided when needed;
- g. 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;
- h. Drainage patterns and approximate slopes anticipated after major grading activities (~~Construction Phase Grading Plans~~);
- i. ~~A plan showing the~~ Limit of work with a calculation indicating its area;
- j. Location and details of erosion and sediment control measures with a narrative of the construction sequence/phasing of the project, including both operation and maintenance for structural and non-structural measures, interim grading, and material stockpiling areas;
- k. Path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable;
- l. Location and description of industrial discharges, including stormwater discharges from dedicated asphalt plants and dedicated concrete plants, which are covered by this permit;
- ~~m. Stormwater runoff calculations in accordance with the Department of Environmental Protection's Stormwater Management Policy;~~
- n. Location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures;
- ~~o. A description of construction and waste materials expected to be stored on-site. The Plan shall include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;~~
- p. A description of provisions for phasing the project where ~~one acre~~ a **20,000 square foot** of area or greater is to be altered or disturbed;
- q. Timing, schedules, and sequence of development including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization,
- r. A maintenance schedule for the period of construction,
- s. Plans must be stamped and certified by a qualified Professional Engineer registered in Massachusetts or a Certified Professional in Erosion and Sediment Control; and
- t. Such other relevant information as is required by the applicable permitting authority.

26.5.7. Stormwater Operations and Maintenance Plan during Construction

26.5.7.1. Applicability

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

26.5.7.2. Stormwater Operations and Maintenance Plan during Construction Contents

The narrative shall include:

- a. Good housekeeping practices, such as but not limited to, street sweeping, erosion control repairs, inspections of any pre-existing stormwater systems;
- b. Storage of materials and waste products inside or under cover;
- c. Routine inspections and maintenance of stormwater best management practices (BMPs);
- d. Spill prevention and response;
- e. Proper management of deicing chemicals and snow;
- f. Protection and stabilization of soils;
- g. Storage use and use of fertilizers, herbicides, and pesticides;
- h. Operations and maintenance of septic systems.

26.5.7.3. Reports

Reports shall be submitted bi-weekly to the permitting authority and after any storm event resulting in 0.25 inches of precipitation or more within twenty-four hours.

~~SECTION 26.8. POST CONSTRUCTION STORMWATER MANAGEMENT PLAN~~

26.5.8. Post-Construction Stormwater Management Plan

~~26.8.1.~~ **26.5.8.1. Application Applicability**

The application for a Land Disturbance Permit shall include a Post-Construction Stormwater Management Plan, including a Long-Term Operations and Management Plan. This Post-Construction Stormwater Management Plan shall contain sufficient information for the applicable reviewing 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 as set forth in ~~Section 26.8.3~~ **Section 26.5.8.3** and DEP Stormwater Management Handbook Volumes I and II.

~~26.8.2~~ **26.5.8.2. Post-Construction Stormwater Management Plan Contents**

The Plan shall fully describe the project in drawings, and narrative. It shall include:

- a. A locus map,
- b. The existing zoning, and land use at the site,
- c. The proposed land use,
- d. The location(s) of existing and proposed easements,
- e. The location of existing and proposed utilities,
- f. The site’s existing & proposed topography with contours at \pm two foot intervals,
- g. The existing site hydrology,
- h. A description & delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which stormwater flows,
- i. A delineation of 100-year flood plains, if applicable,
- j. Estimated seasonal high groundwater elevation (November to April) in areas to be used for stormwater retention, detention, or infiltration,
- k. The existing and proposed vegetation and ground surfaces with runoff coefficients for each,
- l. A drainage area map showing pre and post construction watershed boundaries, drainage

- area and stormwater flow paths,
- m. A description and drawings of all components of the proposed drainage system including:
 - 1) locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization,
 - 2) all measures for the detention, retention or infiltration of water,
 - 3) all measures for the protection of water quality,
 - 4) the structural details for all components of the proposed drainage systems and stormwater management facilities,
 - 5) notes on drawings specifying materials to be used, construction specifications, and typicals, and
 - 6) expected hydrology with supporting calculations.
 - n. Proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable,
 - o. Timing, schedules, and procedures to ensure proper functioning and operation of the system,
 - p. A maintenance schedule,
 - q. Documentation of consideration of the use of low impact design and green infrastructure,
 - r. A final (and for longer term projects an annual) report documenting compliance with the plan, including receipts as applicable, and
 - s. Any other relevant information requested by the applicable permitting authority.

~~26.8.3.~~ **26.5.8.3. Stormwater Design Requirements**

Projects shall use Low Impact Development (LID) site planning and design strategies to the maximum extent feasible and shall comply with the following requirements:

- a. No new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the Commonwealth.
- b. For new development, stormwater management systems must be designed to:
 - 1) Not allow new stormwater conveyances to discharge untreated stormwater in accordance with Massachusetts Stormwater Handbook Standard 1;
 - 2) Control peak runoff rates in accordance with Massachusetts Stormwater Handbook Standard;
 - 3) Recharge groundwater in accordance with Massachusetts Stormwater Handbook Standard;
 - 4) 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;
 - 5) Protect Zone II or Interim Wellhead Protection Areas of public water supplies in accordance with Massachusetts Stormwater Handbook Standard 6;
 - 6) Implement long term maintenance practices in accordance with Massachusetts Stormwater Handbook Standard 9; and
 - 7) Require that all stormwater management systems be designed to:
 - a) 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
 - b) 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.

c. For redevelopment sites:

- 1) Stormwater management systems on Redevelopment sites shall meet the following sections of part 2.3.6.a.ii.3 of the MS4 General Permit as most recently amended, to the maximum extent feasible:
 - a) Part 2.3.6.a.ii.3(a) (Massachusetts Stormwater Standard 1);
 - b) Part 2.3.6.a.ii.3(b) (Massachusetts Stormwater Standard 2)
 - c) Part 2.3.6.a.ii.3(c) (Massachusetts Stormwater Standard 3); and
 - d) 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).
- 2) Stormwater management systems on Redevelopment sites shall also improve existing conditions by requiring that stormwater management systems be designed to:
 - a) 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
 - b) 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.
- 3) 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) of the [MS4 General Permit](#), as most recently amended,.
- 4) 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(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) of MS4 General Permit as most recently amended fully.

d. All stormwater management systems must have a Long-Term Operation and Maintenance plan prepared in accordance with ~~26.8.5~~ **Section 26.5.9.** to ensure that systems function as designed.

When one or more of the Standards cannot be met, an applicant may demonstrate that an equivalent level of environmental protection will be provided.

~~26.8.4.~~ **26.5.8.4.** Recording

The Post-Construction Stormwater Management Plan shall be recorded at the Registry of Deeds along with the decision of the applicable permitting authority.

~~26.8.5.~~ **26.5.9. Long-Term Operation and Maintenance Plans**

26.5.9.1. Applicability

A Long-Term Operation and Maintenance Plan (O&M Plan) is required at the time of application for all projects. The maintenance plan shall be designed to ensure compliance with the Permit, this 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 shall be an ongoing requirement. ~~The O&M Plan shall include:~~

~~26.8.5.1.~~ **26.5.9.2. Plan Contents**

The Long-Term Operation and Maintenance Plan shall include:

- a. The name(s) of the owner(s) for all components of the system;
- b. Maintenance agreements that specify:

~~26.8.5.2. Maintenance agreements that specify:~~

1. The names and addresses of the person(s) responsible for operation and maintenance
2. The person(s) responsible for financing maintenance and emergency repairs.
3. A Maintenance Schedule for all drainage structures, including swales and ponds.
4. A list of easements to the town with the purpose and location of each.
5. The signature(s) of the owner(s).

~~26.8.5.3.~~ **26.5.9.3. Stormwater Management Easement(s).**

1. Stormwater management easements may be required for areas used for off-site stormwater control, unless a waiver is granted by the applicable permitting authority.
2. Stormwater management easements shall be provided to the Town by the property owner(s) as necessary to comply with the Post-Construction **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 ~~maintenance~~ **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 Completion by the applicable permitting authority.

~~26.8.5.4.~~**26.5.9.4.** Changes to **Long-Term** Operation and Maintenance Plans

1. The owner(s) of the stormwater management system must notify the Department of Public ~~Services~~ **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 this ~~by-law~~ **Bylaw** by mutual agreement of the Department of Public ~~Services~~ **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 as defined in ~~Section 26.12.~~ **Section 26.5.12.**
3. A report shall be provided annually to the Department of Public ~~Services~~ **Works** on the anniversary date of the permit. The Report shall include documentation of compliance with the Plan, including photographs, and receipts as applicable.

~~26.8.4.~~ **26.5.9.5. Recording**

The Long-Term Operation and Maintenance Plan shall be recorded at the Registry of Deeds along with the decision of the applicable permitting authority and the Post-Construction Stormwater Management Plan.

~~SECTION 26.9. INSPECTION AND SITE SUPERVISION~~

Section 26.5.10. Inspection and Site Supervision

~~26.9.1.~~ **26.5.10.1.** Pre-construction Meeting

Prior to starting clearing, excavation, construction, 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.

~~26.9.2.~~ **26.5.10.2.** Construction Inspection

The applicable Town staff or its designated agent shall make inspections as hereinafter 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 at least two (~~2~~)

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 these inspections shall be provided to both the permittee and the applicable permitting authority. Such inspections may be combined with other inspections required under any other permits issued to authorize the project.

~~26.9.3.~~ **26.5.10.3.** Permittee Inspections and Reporting

The permittee or his/her agent shall conduct and document inspections of 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. The permittee or his/her agent shall submit ~~monthly~~ reports to the applicable permitting authority or designated agent ~~in a format approved by it~~ **as outlined in section 26.5.7.**

~~26.9.4.~~ **26.5.10.4.** Access Permission

To the extent permitted by ~~state~~ law, or if authorized by the owner/permittee or other party in control of the property, the applicable permitting authority its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this ~~by-law~~ **Bylaw** and may make or cause to be made such examinations, surveys or sampling as the applicable permitting authority deems reasonably necessary to determine compliance with the permit.

~~SECTION 26.10. — SURETY~~

Section 26.5.11. Surety

~~Unless otherwise provided for through a concurrent coordinated permitting process per Section 26.5.3,~~ The applicable permitting authority ~~or administrative team~~ may require the permittee to post a performance guarantee in a form acceptable to Town Counsel and the Town Treasurer before the start of land disturbance activity. The form of the ~~bond~~ **surety** shall be in an amount deemed sufficient by the applicable permitting authority to ensure that the work will be completed in accordance with the permit. If the project is phased, the applicable permitting authority may release part of the ~~bond~~ **surety** as each phase is completed in compliance with the permit but the ~~bond~~ **surety** may not be fully released until the applicable permitting authority has received the final report as required by ~~Section 26.9~~ **Section 26.5.12.** and has issued a Certificate of Completion. The amount of the ~~bond~~ **surety** shall be sufficient to ensure that the site may be stabilized, including a minimum of ~~6"~~ **six inches** of loam seeded over any disturbed area along with erosion controls plus 25% contingency.

~~SECTION 26.11. — FINAL REPORTS~~

Section 26.5.12. Final Reports

Upon completion of the work, the permittee shall submit to the applicable permitting authority ~~or administrative team~~ a report (including certified as-built construction plans in accordance with Section 2.3.6.a.iii of the of the MS4 General Permit, as most recently amended) from a Professional

Engineer (P.E.), surveyor, or Certified Professional in Erosion and Sediment Control (CPESC), certifying that all erosion and sediment control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved permit. Any deviations should be noted in the cover letter.

~~SECTION 26.12. PROJECT COMPLETION~~

Section 26.5.13. Project Completion

The issuing authority will issue a letter certifying completion upon receipt and approval of the final reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this Bylaw. Such certification may be a component of Conservation Commission Certificate of Compliance or a PEDB Certificate of Completion. A copy of the letter and Final Report shall be submitted by the issuing authority to the Department of Public ~~Services~~ **Works**.

~~SECTION 26.13. ENFORCEMENT~~

SECTION 26.6. ENFORCEMENT

Section 26.6.1. Applicability

The Director of the Department of Public Works or his designee shall enforce Section 26.4 of this Bylaw, and the applicable permitting authority or an authorized agent shall enforce Sections 26.5 of this Bylaw, (herein the “enforcing authority”), including associated regulations, and may issue orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

~~26.5.13.2.~~ **Section 26.6.2. Orders**

- a. The **enforcing authority** ~~applicable permitting authority or an authorized agent~~ may issue a written order to enforce the provisions of this ~~by law~~ **Bylaw** or the regulations thereunder, which may include:
 - 1) a requirement to cease and desist from **any unauthorized or illicit connection, or illicit discharging to the MS4** until there is compliance with the Bylaw and provisions of the **MS4 permit**;
 - 2) a requirement to cease and desist from the land-disturbing activity until there is compliance with the Bylaw and provisions of the land-disturbance permit;
 - 3) Maintenance, installation or performance of additional **stormwater BMPs or** erosion and sediment control measures;
 - 4) Monitoring, analyses, and reporting;
 - 5) Remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity.
- b. 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 Town may, at its option, undertake such work, and the property owner shall reimburse the Town expenses.
- c. Within thirty 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 Town. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Town Administrator within thirty ~~(30)~~ days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the

Forest Road in its entirety from Brigham Street to its end as shown on “Subdivision Plan of Land in Medway”, dated October 2, 1988, by DeSimone Surveying Services, Inc., as approved by the Land Court and filed in the Land Registration Office as Plan Number 6209E.

And further to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, and to accept the deed or deeds to the Town of a fee simple interest or easements in said streets and any associated drainage, utility or other easements for said streets, and for any trail or public access easements and to appropriate a sum of money for this purpose and any related expenses;

And further to authorize the Board of Selectmen and town officers to take any and all related actions necessary or appropriate to carry out the purposes of this article;

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

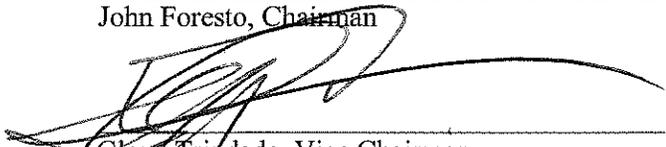
And you are hereby directed to serve this warrant by posting printed attested copies thereof at two (2) locations in each precinct at least SEVEN (7) days before the day of said meeting. Hereof fail not and make due return of this warrant with your doings thereon to the Clerk of said Town at or before the time of said meeting.

Given under our hands in Medway, this 30th day of March 2020.

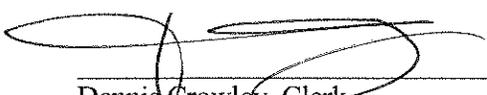
A TRUE COPY:

SELECTMEN OF THE TOWN OF MEDWAY

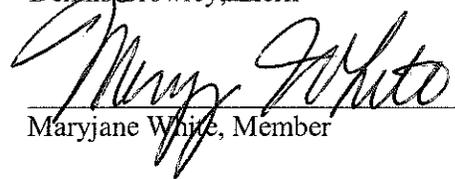
John Foresto, Chairman



Glenn Trindade, Vice Chairman



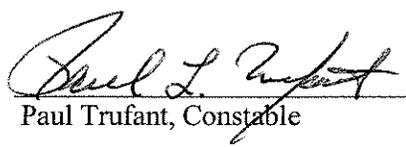
Dennis Crowley, Clerk



Maryjane White, Member

Richard D'Innocenzo, Member

ATTEST:



Paul Trufant, Constable