

Article XLI Stormwater Management and Land Disturbance By-Law
(Adopted May 2008 – ATM, Art. 35)

A. Purpose

The purpose of this by-law is to control the adverse impacts of increased post-development stormwater runoff, nonpoint source pollution associated with development and redevelopment as well as erosion and sedimentation associated with land disturbance and construction. Increased and contaminated stormwater runoff associated with developed land uses and the accompanying increase in impervious surface are major causes of: impairment of water quality and flow, contamination of drinking water supplies, erosion of stream channels, alteration or destruction of habitat and flooding.

This bylaw seeks to meet the following objectives:

- Minimize damage to public and private property and infrastructure;
- Safeguard the public health, safety, environment and general welfare;
- Protect water resources and prevent contamination of drinking water supplies;
- Require practices that limit soil erosion and sedimentation on construction sites;
- Require practices that control volume and rate of stormwater runoff resulting from land disturbance activities;
- Establish the Town of Holliston's legal authority to ensure compliance with the provisions of this by-law through permitting, inspection, monitoring and enforcement.

B. Authority

This bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, pursuant to the regulations of the federal Clean Water Act, found at 40 CFR 122.34. This bylaw is intended to meet certain provisions of the Town's requirement to comply with the National Pollutant discharge Elimination System (NPDES) Regulations (Phase I and II Rules).

C. Applicability

No person shall undertake an activity which may include clearing, grading, excavation or other site work that will result in a land disturbance exceeding any of the following thresholds, without a Land Disturbance Permit from the Planning Board:

1. Any activity that will result in soil disturbance of 10,000 s.f. or more, or more than 25% of the parcel or lot, whichever is less;
2. Paving in excess of a total of 500 s.f. of commercial and industrial driveways, parking lots and other impervious non-roadway surfaces;
3. Any activity that will disturb over 250 s.f. of land with 10% or greater slope.
4. An alteration, redevelopment or conversion of land use involving the following: auto fueling, service and sale facilities, fleet storage yards, commercial nurseries and landscaping facilities.

D. Exemptions

1. Projects which require a Special Permit, Site Plan Review or Definitive Subdivision approval from the Planning Board or which require an Order of

Conditions from the Conservation Commission* or requires Board of Health approval of a septic system upgrade.

2. Normal maintenance and improvement of land in agricultural or logging use which is consistent with MGL, c. 40A, s. 3 and 310 CMR 10.04.
3. Construction of utilities other than drainage, which will not alter terrain or drainage patterns.
4. Maintenance of existing dwellings, including landscaping, utility connections and driveways, provided such maintenance does not alter drainage patterns.
5. Repairs to any stormwater treatment facility deemed necessary by the Planning Board and maintenance, reconstruction or resurfacing of any public way.

* For projects and/or activities within the currently regulated jurisdiction of the Conservation Commission or Planning Board as noted above, those specific application submission requirements, public notices, and fee requirements shall apply.

E. Administration

1. Authority. The primary authority for the administration, implementation, and enforcement of this bylaw lies with the Planning Board.
2. Land Disturbance Permits. The Planning Board shall have the authority to issue a permit for projects subject to this bylaw. Any such permit requirements may be defined and included as part of any Regulations promulgated as a result of this bylaw.
3. Regulations. The Planning Board shall adopt and periodically amend Regulations which establish and collect permit application fees, inspection fees, and in special cases, consultant fees for review of applications. Such regulations shall elaborate on the terms, conditions, definitions, enforcement, procedures and administration of this bylaw. For execution of the provisions of this bylaw, the Planning Board will utilize the policy, criteria and information, including specifications and standards of the latest editions of the Massachusetts Stormwater Management Policy and Technical Handbooks and Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas, or local equivalents based on improvements in engineering, monitoring and local maintenance experience. The regulations shall be adopted after a public hearing.
4. Waiver. The Board may waive strict compliance with any requirement of this bylaw where such action is allowed by federal, state and local statutes and/or regulations, is in the public interest, and is not inconsistent with the purpose and intent of this by-law.
5. Delegation of Authority. The Planning Board may choose to delegate, in writing, its authority in whole or in part, to a qualified representative.

F. General Permit Procedures and Requirements

1. Entry. Filing an application for a permit grants the Planning Board and its agents permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.
2. Fee Structure. The Board shall obtain with each submission an Application Fee established by the Board to cover expenses connected with the public hearing and application review.
3. Permits. The Planning Board shall, within 30 days of the receipt of a completed application:

- a. Approve the application upon finding that the proposed plan will protect water resources and meets the objectives and requirements of this bylaw;
- b. Approve the permit with conditions, modifications or restrictions that are required to ensure that the project will protect water resources and meets the objectives and requirements of this bylaw;
- c. Disapprove the application if the proposed plan will not protect water resources or fails to meet the objectives or requirements of this bylaw.

After an application has been submitted, no tree removal, no utility installation, no ditching, grading or construction of drives, no grading of lots or land, no excavation except for purposes of soil testing, no dredging or filling, and no construction of buildings or structures shall commence on any part of the development site until the application has been reviewed and approved in accordance with this by-law and its' implementing regulations.

4. Failure of the Planning Board to take final action upon an application within 30 calendar days of receipt of a complete application shall be deemed to be approval of such application. Upon certification by the Town Clerk that the allowed time has passed without action by the planning Board, the Permit shall be issued.
5. Project Completion. At completion of the project, the permittee shall submit as-built drawings of all structural stormwater controls and treatment best management practices required for the site. This requirement may be waived at the Planning Board's discretion. No occupancy permit shall be granted unless and until the construction of all site improvements are complete or the work remaining to be done is secured.

G. Appeals. A decision of the Planning Board shall be final.

H. Enforcement. The Planning Board or an authorized agent shall enforce this bylaw and its implementing regulations and may pursue all civil and criminal remedies for such violations. Enforcement shall be further defined and included as part of any regulations promulgated as permitted under this bylaw.

I. Severability If the provisions of any portion of this by-law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of the by-law.