

The format of this DRAFT has been set up to hopefully assist those in review. When printed, notes may be added in the comment section. Additionally, captions were also included citing some suggestions & questions. A clean-version of the DRAFT text may be obtained by contacting the Planning office at (508) 234-2447.

Town of Northbridge
STORMWATER REGULATIONS

DRAFT

July 07, 2008

1.0 PURPOSE

The purpose of these Stormwater Regulations is to protect, maintain and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff, decreased groundwater recharge, and nonpoint source pollution associated with new development and redevelopment, as more specifically addressed in the Stormwater Management Bylaw of the Town of Northbridge.

2.0 DEFINITIONS

The definitions contained herein apply to issuance of a Stormwater Management Permit (SMP) established by the Town of Northbridge Stormwater Management Bylaw and implemented through these Stormwater Regulations. Terms not defined in this section shall be construed according to their customary and usual meaning unless the context indicates a special or technical meaning.

ALTER: Any activity, which will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Alter may be similarly represented as “alteration of drainage characteristics,” and “conducting land disturbance activities.”

APPLICANT: A property owner or agent of a property owner who has filed an application for a stormwater management permit.

BEST MANAGEMENT PRACTICE (BMP): Structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment. “Structural” BMPs are devices that are engineered and constructed to provide temporary storage and treatment

Comments:

of stormwater runoff. “Nonstructural” BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

BETTER SITE DESIGN: Site design approaches and techniques that can reduce a site’s impact on the watershed through the use of nonstructural stormwater management practices. Better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover, and using natural features for stormwater management.

CERTIFICATE OF COMPLETION (COC): A document issued by the Northbridge Planning Board after all construction activities have been completed which states that all conditions of an issued Stormwater Management Permit (SMP) have been met and that a project has been completed in compliance with the conditions set forth in a SMP.

CONVEYANCE: Any structure or device, including pipes, drains, culverts, curb breaks, paved swales or man-made swales of all types designed or utilized to move or direct stormwater runoff or existing water flow.

DEVELOPER: A person who undertakes or proposes to undertake land disturbance activities.

DEVELOPMENT: The modification of land to accommodate a new use or expansion of use, usually involving construction.

DISTURBANCE OF LAND: Any action that causes a change in the position, location, or arrangement of soil, sand, rock, gravel of similar earth material.

DRAINAGE EASEMENT: A legal right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes.

GENERAL STORMWATER MANAGEMENT PERMIT (GSMP): A permit for projects in the categories and meeting the standards and defined herein and as authorized in the Town of Northbridge Stormwater Management Bylaw. Projects in these categories that meet these generic standards and are properly implemented are assumed to meet the requirements and intent of the Town of Northbridge Stormwater Management Bylaw.

GRADING: Changing the level or shape of the ground surface.

EROSION CONTROL: The prevention or reduction of the movement of soil particles or rock fragments.

EROSION CONTROL PLAN: A plan that shows the location and construction detail(s) of the erosion and sediment reduction controls to be utilized for a construction site.

Comments:

FLOOD CONTROL: The prevention or reduction of flooding and flood damage.

FLOODING: A local and temporary inundation or a rise in the surface of a body of water, such that it covers land not usually under water.

GROUNDWATER: All water beneath any land surface including water in the soil and bedrock beneath water bodies.

HOTSPOT: Land uses or activities with higher potential pollutant loadings, such as auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots with high intensity use, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances, or marinas.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water from infiltrating through the underlying soil. Impervious surface is defined to include, without limitation: paved parking lots, sidewalks, roof tops, driveways, patios, and paved, gravel and compacted dirt surfaced roads.

INFILTRATION: The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Northbridge.

NEW DEVELOPMENT: Any construction or land disturbance of a parcel of land that is currently in a natural vegetated state and does not contain alteration by man-made activities.

NONPOINT SOURCE POLLUTION: Pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into water resource areas.

Comments:

OPERATION AND MAINTENANCE PLAN: A plan that defines the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to insure that it continues to function as designed.

OWNER: A person with a legal or equitable interest in a property.

PERSON: Any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to Town Bylaws, administrative agency, public or quasi-public corporation or body, the Town of Northbridge, and any other legal entity, its legal representatives, agents, or assigns.

PRE-DEVELOPMENT: The conditions that exist at the time that plans for the land development of a tract of land are submitted to the Northbridge Planning Board. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.) the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

POINT SOURCE: Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

POST-DEVELOPMENT: The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land. Post-development refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.

RECHARGE: The replenishment of underground water reserves.

REDEVELOPMENT: Any construction, alteration, or improvement exceeding land disturbance of 5,000 square feet, where the existing land use is commercial, industrial, institutional, or multi-family residential.

RESOURCE AREA: Any area protected under including without limitation: the Massachusetts Wetlands Protection Act, Massachusetts Rivers Act, or Town of Northbridge Wetlands Protection Bylaw.

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENTATION: A process of depositing material that has been suspended and transported in water.

SITE: The parcel of land being developed, or a designated planning area in which the land development project is located.

Comments:

~~STORMWATER AUTHORITY: Town of Northbridge Planning Board, Conservation Commission, Board of Health or other duly authorized Town entity that has the authority to administer, implement, and enforce these Stormwater Regulations. The [Stormwater Authority] is responsible for coordinating the review, approval and permit process as defined in this Bylaw. Other Boards and/or departments participate in the review process as defined in Section 5 of these Stormwater Regulations.~~

STORMWATER AUTHORITY: The Stormwater Authority is responsible for coordinating the review, approval and permit process as defined in the Stormwater Bylaw and these Stormwater Regulations. The Stormwater Authority shall be the Planning Board or its authorized delegates or agents. The Planning Board shall have the authority to delegate to other Town boards and commissions, including, but not limited to, the Board of Health and the Conservation Commission, the duties and responsibilities of the Stormwater Authority for those matters, within the regulatory jurisdiction of such other boards and commissions, as may be set forth in the Stormwater Regulations adopted in the Stormwater Bylaw. Other boards and/or departments of the Town may participate in the review process as described in these Stormwater Regulations.

Definition should be consistent with Stormwater Bylaw (adopted at SATM).

STORMWATER MANAGEMENT: The use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.

STORMWATER MANAGEMENT PERMIT (SMP): A permit issued by the Northbridge Planning Board, after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the deleterious affects of uncontrolled and untreated stormwater runoff.

STOP WORK ORDER: An order issued which requires that all construction activity on a site be stopped.

TSS: Total Suspended Solids.

WATER QUALITY VOLUME (WQ_v): The storage needed to capture a specified average annual stormwater runoff volume. Numerically (WQ_v) will vary as a function of drainage area or impervious area.

3.0 AUTHORITY

- A) The Rules and Regulations contained herein have been adopted by the Planning Board in accordance with the Town of Northbridge Stormwater Bylaw.

Comments:

- B) Nothing in these Rules and Regulations is intended to replace or be in derogation of the requirements of the Town of Northbridge Wetlands Protection Bylaw or the Town of Northbridge Floodplain Zoning Bylaw or any Rules and Regulations adopted there under.
- C) These Stormwater Regulations may be periodically amended by the Northbridge Planning Board in accordance with the procedures outlined in Section 4.0 of the Town of Northbridge Stormwater Bylaw.

4.0 ADMINISTRATION

A) The ~~[Stormwater Authority]~~ shall administer, implement and enforce these Regulations. Town Boards, including, but not limited to ~~[the Conservation Commission, Planning Board, Zoning Board of Appeals, Department of Public Works, Building Department, Board of Health, and insert any other applicable town board or department]~~ who have formally adopted these regulations, either directly, or by reference, and who issue permits and/or approvals for projects and/or activities under their specific jurisdiction and in accordance with their specific jurisdictional requirements regarding public notice, hearings and actions shall have approval authority under these Stormwater Regulations. Projects or activities approved by ~~[insert applicable board and/or department]~~ shall be deemed in compliance with the intent and provisions of these Stormwater Regulations. Each approving ~~[insert board, commission or department]~~ must forward written documentation of said approval and all conditions of approval to the ~~[Stormwater Authority]~~ within ~~[10 business days]~~ of said approval. Upon receipt of written approval from ~~[insert board, commission or department]~~, the ~~[Stormwater Authority]~~ shall issue a Stormwater Management Permit to the applicant within ~~[10 business days]~~.

May choose not to include Earth Removal Board –suggest **not** designate any SMP authority to the Earth Removal Board.

A) The Northbridge Planning Board shall administer, implement and enforce these Regulations. Town Boards, including, but not limited to, the Conservation Commission, Planning Board, Zoning Board of Appeals, Department of Public Works, Building Department, Board of Health, **and Earth Removal Board**, who have formally adopted these regulations, either directly, or by reference, and who issue permits and/or approvals for projects and/or activities under their specific jurisdiction and in accordance with their specific jurisdictional requirements regarding public notice, hearings and actions shall have approval authority under these Stormwater Regulations.

Projects or activities approved by the Conservation Commission, Planning Board, Zoning Board of Appeals, Department of Public Works, Building Department, Board of Health, **or Earth Removal Board** shall be deemed in compliance with the intent and provisions of these Stormwater Regulations. Each approving authority must forward written documentation of said approval and all conditions of approval to the Northbridge Planning Board within 10 business days of said approval. Upon receipt of written approval from the Conservation Commission, Planning Board, Zoning Board of Appeals, Department of Public Works, Building Department, Board of Health, **or Earth Removal Board**, the Northbridge Planning Board shall issue a Stormwater Management Permit to the applicant within 10 business days.

Use of “or” or “and” –model used and, perhaps it should be “or” however.

Comments: Departments who have current jurisdiction over project approval activities to continue their current review procedures, but to add a provision that would authorize these entities to review and approve stormwater management facilities designed in accordance with this Regulation. In order for this authority to be granted, each applicable Town entity must adopt these regulations either directly, or by reference which would allow applicants to receive stormwater approval for projects without making a separate application to the designative Stormwater Authority. If certain Town Boards, Commissions and/or Departments fail to adopt these Regulations they would not have review authority for stormwater management applications.

5.0 APPLICABILITY

- A) These Stormwater Regulations apply to all activities in accordance with the applicability section of the Town of Northbridge Stormwater Management Bylaw and further described in this section. Projects and/or activities not specifically under the currently regulated jurisdiction of any of the Town of Northbridge boards, commissions or departments but still within the jurisdiction of the Town of Northbridge Stormwater Management Bylaw must obtain a Stormwater Management Permit from the Northbridge Planning Board in accordance with the permit procedures and requirements defined in Section 6 of these Regulations.

For projects and/or activities within the currently regulated jurisdiction of any of the Town of Northbridge boards, commission or departments, the specific application submission requirements, public notices, and fee requirements of the applicable board, commission and/or department shall govern. Notwithstanding these requirements, the Stormwater Management Plan Contents, Operation and Maintenance Plan Contents, and Stormwater Review Fee, under Section 6.0 L) and Section 6.0 M) of these Regulations must also be met.

- ~~B) If a portion of a project or activity is within the specific jurisdiction of [insert applicable town board, commission and department] then the entire project and all related projects required as a result of the activity proposed by the applicant shall be within the specific jurisdiction of that [insert applicable town board, commission and department] and subject to the provisions of these Regulations.~~
- B) If a portion of a project or activity is within the specific jurisdiction of the Conservation Commission, Planning Board, Zoning Board of Appeals, Department of Public Works, Building Department, Board of Health, or Earth Removal Board then the entire project and all related projects required as a result of the activity proposed by the applicant shall be within the specific jurisdiction of that town board, commission or department and subject to the provisions of these Regulations.

See model language above, Section 5.0 B)

6.0 PERMIT PROCEDURES AND REQUIREMENTS

- A) Projects requiring a stormwater management permit shall be required to submit the materials as specified in this section, and are required to meet the stormwater management criteria as specified in Section 7. Applicants filing a stormwater permit application under the currently regulated jurisdiction of the Town of Northbridge Conservation Commission, Planning Board, Zoning Board of Appeals, Department of Public Works, Building Department, Board of Health, or Earth Removal Board need only to comply with Subsections 6.0 L, and 6.0 M of these Regulations.

Comments:

B) Permit Required

1. No land owner or land operator shall receive any of the building, grading or other land development permits required for land disturbance activities without first meeting the requirements of this Bylaw prior to commencing the proposed activity.
2. Should a land-disturbing activity associated with an approved plan in accordance with this section not begin during the 180-day period following permit issuance, the Stormwater Authority may evaluate the existing stormwater management plan to determine whether the plan still satisfies local program requirements and to verify that all design factors are still valid. If the authority finds the previously filed plan to be inadequate, a modified plan shall be submitted and approved prior to the commencement of land-disturbing activities.

C) Filing Application

1. The applicant shall file with Northbridge Planning Board, seven (7) copies of a completed application package for a Stormwater Management Permit (SMP). Permit issuance is required prior to any site altering activity. While the applicant can be a representative, the permittee must be the owner of the site. The SMP Application package shall include:
 - a) A completed Stormwater Management Permit Application form with original signatures of all owners;
 - b) A list of abutters, certified by the Assessors Office; (abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line of the applicant, including any in another municipality or across a body of water);
 - c) Stormwater Management Plan and project description;
 - d) Operation and Maintenance Plan;
 - e) Payment of the application and review fees;
 - f) Inspection and Maintenance agreement;
 - g) Erosion and Sediment Control Plan;

Comments:

h) Surety bond.

D) Entry

Filing an application for a permit grants the Stormwater Authority, or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with the resulting permit.

E) Fees

The Stormwater Authority shall obtain with each submission an Application Fee established by the Planning Board to cover expenses connected with the review of the Stormwater Management Permit and a technical review fee sufficient to cover professional review services for the project. The Stormwater Authority is authorized to retain a Registered Professional Engineer or other professional consultant to advise the Stormwater Authority on any or all aspects of these plans. Applicants must pay review fees before the review process may begin.

Use "Stormwater Authority" or "Planning Board"

1. Rules

- a) Application fees are payable at the time of application and are non-refundable.
- b) Application fees shall be calculated by the Stormwater Authority in accordance with the fee schedule below.
- c) These fees are in addition to any other local or state fees that may be charged under any other law, Bylaw, or local ordinance.
- d) The fee schedule may be reduced or increased by the Planning Board. Any such change shall be made at a posted public hearing of the Planning Board not less than [30] days prior to the date upon which the change is to be effective.

2. Application Fees

- a) A non-refundable application fee of the larger of [\$30.00] or \$0.0030 per square foot of the parcel to which the permit will be issued shall be due and payable to the Town of Northbridge at the time an application is filed.

Fees based on a standard calculations or Fee Schedule (suggested below)

Comments:

Stormwater Management Permit

- Fee schedule -

Land Disturbance (in square-foot)	Application Fee	Technical Review Fee ¹
5,000 SF to 14,999 SF	\$250.00 ²	\$300.00 ²
15,000 SF to 24,999 SF	\$750.00	\$500.00
25,000 SF to 34,999 SF	\$1,250.00	\$1,000.00
35,000 SF to 44,999 SF	\$1,750.00	\$1,500.00
45,000 SF or more	\$2,250.00	\$2,500.00

Suggested amounts with provision to waive based on scope

As you will see below (Section 6.0 E 2b) certain activities may be exempt (existing single-family etc)

1. Initial deposit required as part of submittal. Additional fees may be required based upon scope of work through completion of project activity.
2. Stormwater Authority may waive fee based upon scope of project

Or, the [Stormwater Authority] may adopt reasonable administrative fees and technical review fees for site plan review

- b) Application fees for permits issued under General Stormwater Management Permits (GSMP)s under Section 4 of the Town of Northbridge Stormwater Bylaw may be waived when such permits are issued for projects associated with existing single-family dwellings or [for those projects that qualify].

Section 4 of Stormwater Bylaw

General Permit. The Stormwater Authority shall have the authority to develop a General Stormwater Management Permit (GSMP) for specific types of projects, such as, without limitation Construction of a Deck, Patio, Retaining Wall, Existing Driveway Expansion, Shed, Swimming Pool, Tennis or Basketball Court. Any such General Stormwater Management Permit Requirements shall be defined and included as part of any Stormwater Regulations promulgated as a result of this Bylaw.

3. Engineering and Consultant Reviews and Fees

Comments:

- a) The **Stormwater Authority** is authorized to require an applicant to pay a fee for the reasonable costs and expenses for specific expert engineering and other consultant services deemed necessary by the **Stormwater Authority** to come to a final decision on the application. This fee is called the "Engineering and Consultant Review Fee."
- b) Payment may be required at any point in the deliberations prior to a final decision.
- c) Any application filed with the **Stormwater Authority** must be accompanied by a completed [Engineering Consultant Fee Acknowledgement] form.
- d) Consultant fees shall be determined at the time of project review based on a specific scope of work, and shall be calculated at a rate of [as the **Stormwater Authority** may determine].
- e) The services for which a fee may be utilized include, but are not limited to, wetland survey and delineation, hydrologic and drainage analysis, wildlife evaluation, stormwater quality analysis, site inspections, as-built plan review, and analysis of legal issues.
- f) The **Stormwater Authority** is authorized to require an applicant to pay reasonable costs and expenses for certain activities which utilize the services of Town Staff. This includes such activities as inquiries concerning potential projects as well as site inspections not associated with a pending permit application.
- g) The **Stormwater Authority** may require any applicant to pay an additional fee of [\$30.00] per hour for review, inspection and monitoring services for any project filing that requires an excess of two (2) hours of review, inspection, and monitoring time by a Town Staff member.
- h) Subject to applicable law, any unused portion of any fees collected shall be returned by the [Stormwater Authority] to the applicant within forty-five calendar days of a written request by the applicant, unless the [Stormwater Authority] decides in a public meeting that other action is necessary.
- i) The Engineering and Consultant Review fees collected under this section shall be deposited in a revolving account. The **Stormwater Authority** shall include a full accounting of the revolving account as part of its annual report to the Town.

Again -Use "**Stormwater Authority**" or "**Planning Board**" -authority may be other than PB, depending of project and jurisdictions

Perhaps -could replace "Stormwater Authority" with "SMP issuing authority"

Not sure how you would calculate -initial administrative fee should cover staff reviews based on scope of activity (fee schedule). Additional fees may be required for R&I.

Application fees are typically non-refundable See 6.0 E.

May be applicable to Engineering & Consultant Review at conclusion of project

Comments:

4. Revision of Fee Schedules and Regulations Governing Fees
The **Northbridge Planning Board** may review and revise its regulations and fee schedules periodically as it sees fit.

- a) Amendments shall be preceded by a public hearing.
- b) A copy of the written decision will be filed with the town clerk within [10] days after final action is taken.

F) Public Hearings

The **Stormwater Authority** need not hold a public hearing for projects or activities outside the currently regulated jurisdiction of *[insert existing town boards, commissions and/or departments]*. For projects or activities within the currently regulated jurisdiction of *[insert existing town boards, commissions and/or departments]*, the applicable town board, commission and/or department shall hold a public hearing in accordance with their own regulations and procedures.

Okay –so what does this mean? I think I know –but as it reads may suggest activity may not require SMP. Perhaps replace “accordance” with “conjunction”

G) Actions

The **[Stormwater Authority]**s action, rendered in writing, shall consist of either:

- 1. Approval of the Stormwater Management Permit Application based upon determination that the proposed plan meets the Standards in Section 7 and will adequately protect the water resources of the community and is in compliance with the requirements set forth in this Bylaw;
- 2. Approval of the Stormwater Management Permit Application subject to any conditions, modifications or restrictions required by the **[Stormwater Authority]** which will ensure that the project meets the Standards in Section 7 and adequately protects water resources, set forth in this Bylaw;
- 3. Disapproval of the Stormwater Management Permit Application based upon a determination that the proposed plan, as submitted, does not meet the Standards in Section 7 or adequately protects water resources, as set forth in this Bylaw.

The SM permit should be recordable document filed w/the Registry –Yes.

Should be “Regulations” instead of “Bylaw” or include both

Comments:

4. The [Stormwater Authority] may disapprove an application “without prejudice” where an applicant fails to provide requested additional information that in the [Stormwater Authority’s] opinion is needed to adequately describe the proposed project. Information shall generally be limited to those items listed in Section 6.0 L) of these Regulations.

H) Failure of the [Stormwater Authority] to take final action upon an Application within [30 calendar days] of receipt of a complete application shall be deemed to be approval of said Application. Upon certification by the Town Clerk that the allowed time has passed without [Stormwater Authority] action, the [Stormwater Authority] must issue a Stormwater Management Permit.

30 calendar days does not seem to be sufficient – suggest increased to 45 or 90 days

I) Plan Changes

The permittee must notify the [Stormwater Authority] in writing of any drainage change or alteration in the system authorized in a Stormwater Management Permit before any change or alteration is made. If the [Stormwater Authority] determines that the change or alteration is significant, based on the Stormwater Management Standards in Section 7 and accepted construction practices, the [Stormwater Authority] may require that an amended application be filed.

Shall consult BOH & ConCom on current decision periods under their jurisdiction

J) Appeals of Actions of the [Stormwater Authority]

Should include notation regarding re-submittal fees

A decision of the [Stormwater Authority] shall be final. Further relief of a decision by the [Stormwater Authority] made under these Regulations shall be reviewable in the Superior Court in an action filed within [60 days] thereof, in accordance with M.G.L. Ch 249. § 4. An appeal of an action by a board, commission or department that has current regulatory authority for a project and/or activity shall be conducted under the applicable appeal provisions of said board, commission and/or department of the Town of Northbridge. Such an appeal shall result in revocation of the written approval as described under Section 4 of these Regulations, until such time as the appeal process of the applicable board, commission and/or department has been resolved.

Typical appeal period is twenty (20) days

K) Project Completion

At completion of the project the permittee shall submit as-built record drawings of all structural stormwater controls and treatment best management practices required for the site as required in Section 7. The as-built drawing shall show deviations from the approved plans, if any, and be certified by a Registered Professional Engineer.

L) Stormwater Management Plan Contents

Comments:

1. The application for a stormwater management permit shall include the submittal of a Stormwater Management Plan to the **[Stormwater Authority]**. This Stormwater Management Plan shall contain sufficient information for the **[Stormwater Authority]** to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater runoff. This plan shall be in accordance with the criteria established in these regulations and must be submitted with the stamp and signature of a Professional Engineer (PE) licensed in the Commonwealth of Massachusetts.
2. The Stormwater Management Plan shall fully describe the project in drawings, narrative, and calculations. It shall include:
 - a) Contact Information. The name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the property or properties affected;
 - b) A locus map;
 - c) The existing zoning, and land use at the site;
 - d) The proposed land use;
 - e) The location(s) of existing and proposed easements;
 - f) The location of existing and proposed utilities;
 - g) The site's existing & proposed topography with contours at 2 foot intervals,
 - h) The existing site hydrology;
 - i) A description & delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which stormwater flows;
 - j) A delineation of 100-year flood plains, if applicable;
 - k) Estimated seasonal high groundwater elevation in areas to be used for stormwater retention, detention, or infiltration;
 - l) The existing and proposed vegetation and ground surfaces with runoff coefficients for each;

Comments:

- m) A drainage area map showing pre and post construction watershed boundaries, drainage area and stormwater flow paths, including municipal drainage system flows;
- n) A description and drawings of all components of the proposed stormwater management system including:
 - i. Locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization;
 - ii. All measures for the detention, retention or infiltration of water;
 - iii. All measures for the protection of water quality;
 - iv. The structural details for all components of the proposed drainage systems and stormwater management facilities;
 - v. Notes on drawings specifying materials to be used, construction specifications, and expected hydrology with supporting calculations;
 - vi. Proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable;
 - vii. Any other information requested by the **[Stormwater Authority]**.
- o) Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in this Regulation. Such calculations shall include:
 - i. Description of the design storm frequency, intensity and duration;
 - ii. Time of concentration;
 - iii. Soil Runoff Curve Number (RCN) based on land use and soil hydrologic group;
 - iv. Peak runoff rates and total runoff volumes for each watershed area;

Comments:

- v. Information on construction measures used to maintain the infiltration capacity of the soil where any kind of infiltration is proposed;
 - vi. Infiltration rates, where applicable;
 - vii. Culvert capacities;
 - viii. Flow velocities;
 - ix. Data on the increase in rate and volume of runoff for the specified design storms, and
 - x. Documentation of sources for all computation methods and field test results.
- p) Post-Development downstream analysis if deemed necessary by the [\[Stormwater Authority\]](#);
- q) Soils Information from test pits performed at the location of proposed stormwater management facilities, including but not limited to soil descriptions, depth to seasonal high groundwater, depth to bedrock, and percolation rates. Soils information will be based on site test pits logged by a Massachusetts Registered Soil Evaluator, or a Massachusetts Registered Professional Engineer;
- r) Landscaping plan describing the woody and herbaceous vegetative stabilization and management techniques to be used within and adjacent to the stormwater practice.

M) Operation and Maintenance Plan Contents

An 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 that the Massachusetts Surface Water Quality Standards, 314, CMR 4.00 are met in all seasons and throughout the life of the system. The Operation and Maintenance Plan shall remain on file with the [\[Stormwater Authority\]](#) and shall be an ongoing requirement. The O&M Plan shall include:

1. The name(s) of the owner(s) for all components of the system;
2. A map showing the location of the systems and facilities including catch basins, manholes/access lids, main, and stormwater devices;

Comments:

3. 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) An Inspection and Maintenance Schedule for all stormwater management facilities including routine and non-routine maintenance tasks to be performed;
 - d) A list of easements with the purpose and location of each;
 - e) The signature(s) of the owner(s).
4. Stormwater Management Easement(s)
 - a) Stormwater management easements shall be provided by the property owner(s) as necessary for:
 - i. Access for facility inspections and maintenance;
 - ii. Preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event;
 - iii. Direct maintenance access by heavy equipment to structures requiring regular maintenance.
 - b) The purpose of each easement shall be specified in the maintenance agreement signed by the property owner.
 - c) Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the [\[Stormwater Authority\]](#).
 - d) Easements shall be recorded with the Worcester Registry of Deeds prior to issuance of a Certificate of Completion by the [\[Stormwater Authority\]](#).

Comments:

5. Changes to Operation and Maintenance Plans

- a) The owner(s) of the stormwater management system must notify the [Stormwater Authority] of changes in ownership or assignment of financial responsibility.
- b) The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of this Regulation by mutual agreement of the [Stormwater Authority] and the Responsible Parties. 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.

7.0 POST-DEVELOPMENT STORMWATER MANAGEMENT CRITERIA

A) At a minimum all projects shall comply with the performance standards of the most recent version of Massachusetts Department of Environmental Protection (DEP) Stormwater Management Policy, as well as the following:

B) General Criteria

The following general performance criteria shall be applicable to all stormwater management plans, unless otherwise provided for in this Regulation:

1. No Untreated Discharges

All stormwater runoff generated from land development and land use conversion activities shall not discharge untreated stormwater runoff directly to a wetland, local water body, municipal drainage system, or abutting property, without adequate treatment.

2. Channel Protection

Protection of channels from bank and bed erosion and degradation shall be provided by [attenuating the 24-hour extended detention storage of runoff of the post-development 1-year, 24-hour return frequency storm event] (default option – optimal) OR [controlling the peak discharge rate from the 2-yr storm event to the pre-development rate as required by the MA DEP Stormwater Management Policy] (alternative option – minimum)

Rather technical stuff –will review existing SM regs to compare.
May want someone w/PE review & make suggestions

Comments:

3. Overbank Flooding Protection

Downstream overbank flood and property protection shall be provided by [attenuating the post-development peak discharge rate to the pre-development rate for the 10-year, 24-hour return frequency storm event as required by the MA DEP Stormwater Management Policy]. (default option - optimal)

4. Extreme Flooding Protection

Extreme flooding and public safety protection shall be provided by [attenuating the peak discharge rate from the 100-yr, 24-hour return frequency storm event to the pre-development rates] (default option - optimal) OR [controlling and safely conveying the 100-year, 24-hour return frequency storm event such that flooding is not exacerbated] (alternative option - minimum) OR [evaluating the 100-year, 24-hour return frequency storm event to demonstrate no increased flooding impacts off-site, as required by the MA DEP Stormwater Management Policy] (another alternative option - minimum)

5. Recharge

- a) Annual groundwater recharge rates shall be maintained, by promoting infiltration through the use of structural and non-structural methods. At a minimum, annual recharge from the post development site shall mimic the annual recharge from pre-development site conditions.
- b) The stormwater runoff volume to be recharged to groundwater should be determined using the methods prescribed in the latest version of [the Massachusetts DEP Stormwater Management Manual or an equivalent qualifying local manual].

The recharge requirements shall apply to all activities within the jurisdiction of this Regulation except as noted, and unless specifically waived by [Stormwater Authority]. The recharge criterion is not required for any portion of a site designated as a stormwater hotspot (see Section 7.10 of this Regulation). In addition, the [Stormwater Authority] may relax or eliminate the recharge requirement at its discretion, if the site is situated on unsuitable soils or is in a redevelopment area with documentation of prior contaminated soils.

6. Structural Practices for Water Quality

- a) Presumed Compliance with Massachusetts Water Quality Standards (default option - minimum)

Comments:

All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the most recent version of the Massachusetts DEP Stormwater Management Manual.

For other structural stormwater controls not included in the Massachusetts Stormwater Management Manual, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval from the **[Stormwater Authority]** before being included in the design of a stormwater management system.

Structural best management practices (BMPs) must be designed to remove [80%] of the average annual post development total suspended solids (TSS) and [40%] for total phosphorus [TP], and [30%] for total nitrogen (TN). It is presumed that a BMP complies with this performance goal if it is:

- i) Sized to capture the prescribed water quality volume;
 - ii) Designed according to the specific performance criteria outlined in the **[Massachusetts Stormwater Management Manual or an approved local equivalent]**;
 - iii) Constructed properly; and
 - iv) Maintained regularly.
- b) Pollutant Loading Calculation Assessment **[additional option - optimal]**
- i) For subdivisions of **[30] lots or more**, any commercial project with a building **[10,000] square feet or more**, or **[any project in an area designated by the Stormwater Authority as a sensitive/critical area]**, a pollutant loading calculation shall be conducted to document compliance with water quality standards by calculating pre-development loads, calculating uncontrolled post-development loads and then applying a prescribed pollutant removal efficiency to selected practices to arrive at a net pollutant load delivery. The post-developed load must be equal to or less than the pre-developed load.
 - ii) The methodology for this calculation shall be in accordance with **[reference approved local method/approach]**.

Suggest 18 lots or more

10,000 SF –look to BOH & others as to what threshold should be for Northbridge

Refer to Appendix A –for example methodology for calculating pollutant load and assessing compliance

Comments:

7. Water Quality Volume

The prescribed water quality volume required in the sizing of a structural stormwater practice shall be [calculated as 1.2 x total watershed area x runoff coefficient (Rv), where $Rv = 0.05 + 0.009(I\%)$ and $I\%$ = percent of impervious area] (default option – optimal) OR [0.50 inches x the total impervious area of the drainage area and 1.0 inches x the total impervious area of the drainage area in critical areas, as specified in the Massachusetts DEP Stormwater Policy] (alternative option – minimum)

8. Hydrologic Basis for Design of Structural Practices

For facility sizing criteria, the basis for hydrologic and hydraulic evaluation of development sites are as follows:

- a) Impervious cover is measured from the site plan and includes any material or structure on or above the ground that prevents water from infiltrating through the underlying soil. Impervious surface is defined to include, without limitation: paved parking lots, sidewalks, roof tops, driveways, patios, and paved, gravel and compacted dirt surfaced roads.
- b) Off-site areas shall be assessed based on their “pre-developed condition” for computing the water quality volume (i.e., treatment of only on-site areas is required). However, if an offsite area drains to a proposed BMP, flow from that area must be accounted for in the sizing of a specific practice.
- c) Off-site areas draining to a proposed facility should be modeled as "present condition" for peak-flow attenuation requirements.
- d) The length of sheet flow used in time of concentration calculations is limited to no more than 50 feet for predevelopment conditions and 50 feet for post development conditions.
- e) Detention time for the one-year storm is defined as the center of mass of the inflow hydrograph and the center of mass of the outflow hydrograph.
- f) The models TR-55 and TR-20 (or approved equivalent) will be used for determining peak discharge rates.
- g) The standard for characterizing pre-development land use for on-site areas shall be woods.

Comments:

- h) For purposes of computing runoff, all pervious lands in the site shall be assumed prior to development to be in good condition regardless of conditions existing at the time of computation.
- i) If an off-site area drains to a facility, off-site areas should be modeled, assuming an "ultimate buildout condition" upstream.
- j) Determination of flooding and channel erosion impacts to receiving streams due to land development projects shall be measured at each point of discharge from the development project and such determination shall include any runoff from the balance of the watershed which also contributes to that point of discharge.
- k) The specified design storms shall be defined as a 24-hour storm using the rainfall distribution recommended by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) or the Northeast Regional Climate Center "Atlas of Precipitation Extremes for the Northeastern United State and Southeastern Canada."
- l) Proposed residential, commercial, or industrial subdivisions shall apply these stormwater management criteria to the land development as a whole. Individual lots in new subdivisions shall not be considered separate land development projects, but rather the entire subdivision shall be considered a single land development project. Hydrologic parameters shall reflect the ultimate land development and shall be used in all engineering calculations.

ConCom may provide info re: Sensitive Areas, after which PB shall designate areas and specific criteria as part of public hearing proceedings

9. Sensitive Areas

Stormwater discharges to critical areas with sensitive resources (i.e., shellfish beds, swimming beaches, aquifer recharge areas, water supply reservoirs) may be subject to additional criteria, or may need to utilize or restrict certain stormwater management practices at the discretion of the [Stormwater Authority]. The [Stormwater Authority] may designate sensitive areas and specific criteria for these areas after conducting a public hearing in accordance with the provisions of Section 4.0 of the Town of Northbridge Stormwater Bylaw.

10. Hotspots

Stormwater discharges from land uses or activities with higher potential pollutant loadings, known as "hotspots", as defined in the most recent version of the [MA DEP Stormwater Management Manual or an equivalent qualifying local manual] –require the use of specific stormwater management BMPs as specified in the most recent version of the [MA DEP Stormwater Management Manual or an equivalent qualifying local manual]. The use of infiltration practices without pretreatment is prohibited.

Comments:

11. [Stormwater Credits

Will look to review existing municipal SM provisions for examples
See also Appendix B

The use of Better Site Design and nonstructural stormwater management measures is encouraged to minimize reliance on structural stormwater management measures. The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required and the stream channel protection volume required. The applicant may, if approved by the [Stormwater Authority], take credit for the use of stormwater better site design practices to reduce some of the requirements specified in the criteria section of these regulations. The site design practices that qualify for these credits and procedures for applying and calculating the credits are identified in Appendix B of this Model Regulation.]

8.0 WAIVERS

A) The [Stormwater Authority] may waive strict compliance with any requirement of the Town of Northbridge Stormwater Bylaw or the rules and regulations promulgated hereunder, where:

1. Such action is allowed by federal, state and local statutes and/or regulations,
2. is in the public interest, and
3. is not inconsistent with the purpose and intent of the Town of Northbridge Stormwater Bylaw.

Waiver shall be consider during hearing proceedings of complete submittal

Waiver should be requested as part of the original submittal of an application. –subsequent waivers sought during hearing may require new submittal

B) 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.

30 calendar days (from date of SMP application submittal)?

Comments:

- C) All waiver requests shall be acted on within **30 calendar days** and written finding will be provided by the **Stormwater Authority**.
- D) If in the **Stormwater Authority's** opinion, additional time or information is required for review of a waiver request, the **Stormwater Authority** may request an extension of the review period. In the event the applicant objects to an extension, or fails to provide requested information, the waiver request may be denied, "without prejudice" by the **Stormwater Authority**.

9.0 SURETY

The **Stormwater Authority** may require the permittee to post a **performance bond** before the start of **any** land disturbance or construction activity, a **surety bond, irrevocable letter of credit, cash, or other acceptable security**. The form of the bond shall be approved by town counsel, and be in an amount deemed sufficient by the **Stormwater Authority** to ensure that the work will be completed in accordance with the permit. If the project is phased, the **Stormwater Authority** may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until the **Stormwater Authority** has received the final inspection report as required by Section 11 of these Regulations and issued a Certificate of Completion.

Suggest -Cash or surety bond.

The cost associated with the review by town counsel shall be borne by the applicant/permittee –form of surety to be approved prior to closing of hearing and issuance of SM permit

10.0 CONSTRUCTION INSPECTIONS

- A) Notice of Construction Commencement. The applicant (**permittee**) must notify the **Stormwater Authority** in advance before the commencement of construction. In addition, the applicant must notify the **Stormwater Authority** in advance of construction of critical components of the SWM facility.

14 calendar days / 7 calendar days

- B) At the discretion of the **Stormwater Authority**, periodic inspections of the stormwater management system construction shall be conducted by the Town Officer or a professional engineer or their designee who has been approved by the **Stormwater Authority**. All inspections shall be documented and written reports prepared that contain the following information:

Comments:

1. The date and location of the inspection;
2. Whether construction is in compliance with the approved stormwater management plan;
3. Variations from the approved construction specifications; and
4. Any other variations or violations of the conditions of the approved stormwater management plan.

C) The *[Stormwater Authority]* or its designee shall inspect the project site at the following stages, at a minimum:

1. Initial Site Inspection: prior to approval of any plan;
2. Erosion Control Inspection: to ensure erosion control practices are in accord with the filed plan;
3. Stormwater Management System Inspection: An inspection will be made of the completed stormwater management system, prior to backfilling of any underground drainage or stormwater conveyance structures.
4. Final Inspection
 - a) After the stormwater management system has been constructed and before the surety has been released, all applicants are required to submit actual "as built" plans for any stormwater management facilities or practices after final construction is completed and must be certified by a Professional Engineer.
 - b) The *[Stormwater Authority]* shall inspect the system to confirm its "as-built" features. This inspector shall also evaluate the effectiveness of the system in an actual storm. If the inspector finds the system to be adequate he shall so report to the *[Stormwater Authority]* which will issue a Certificate of Completion. As built plans shall be full size plans which reflect the "as built" conditions, including all final grades, developed by a Professional Engineer. All changes to project design should be recorded in red ink on plans to define changes made. All work deleted, corrections in elevations, and changes in materials, should be shown on the as built drawings.

D) Inadequacy of System

Comments:

1. If the system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the Stormwater Management Plan, it shall be corrected by the applicant before the Certificate of Completion is released. If the applicant fails to act the [Stormwater Authority] may use the surety bond to complete the work.

Should we include language that would allow SMP Authority to restrict the issuance of building permit(s) and/or issuance of occupancy & the levying of fines?

2. If the [Stormwater Authority] determines that there is a failure to comply with the plan, the property owner shall be notified in writing of the nature of the violation and the required corrective actions. A Stop Work Order shall be issued until any violations are corrected and all work previously completed has received approval by the [Stormwater Authority].

11.0 CERTIFICATE OF COMPLETION

- A) Upon completion, the applicant is responsible for certifying that the completed project is in accordance with the approved plans and specifications and shall provide regular inspections sufficient to adequately document compliance.
- B) The [Stormwater Authority] will issue a letter certifying completion upon receipt and approval of the final inspection and reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this Regulation.

12.0 PERPETUAL INSPECTION AND MAINTENANCE

- A) Maintenance Responsibility
 1. Stormwater management facilities and practices included in a stormwater management plan with an inspection and maintenance agreement in accordance with Section 6.M of these Regulations must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the requirements of the agreement, the plan and this Regulation.
 2. The owner of the property on which work has been done pursuant to this Regulation for private stormwater management facilities, or any other person or agent in control of such property, shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sedimentation controls, and other protective devices. Such repairs or restoration and maintenance shall be in accordance with approved plans.

Comments:

~~Does this mean a drainage pond in a residential subdivision roadway (contained in an easement on private property) would be the responsibility of the individual property owner(s) –what about when the roads are accepted by the town?~~

B) Maintenance Inspections

1. All stormwater management facilities must undergo inspections to document maintenance and repair needs and ensure compliance with the requirements of this bylaw and accomplishment of its purposes as specified in the Operation and Maintenance Plan and Maintenance Agreement described under Section 6.M of these regulations.
2. At a minimum, inspections shall occur during the first year of operation and at least once every **three** years thereafter. In addition, a maintenance agreement as specified under Section 6.M of these regulations between the owner and the **[Stormwater Authority]** shall be executed for privately-owned stormwater management systems that specifies the Responsible Party for conducting long term inspections.
3. Inspection reports shall be submitted to and maintained by the **[Stormwater Authority]** for all stormwater management systems. Inspection reports for stormwater management systems shall include:
 - a) The date of inspection;
 - b) Name of inspector;
 - c) The condition of:
 - i. Pretreatment devices
 - ii. Vegetation or filter media
 - iii. Fences or other safety devices
 - iv. Spillways, valves, or other control structures
 - v. Embankments, slopes, and safety benches
 - vi. Reservoir or treatment areas

Comments:

- vii. Inlet and outlet channels and structures
- viii. Underground drainage
- ix. Sediment and debris accumulation in storage and forebay areas (including catch basins)
- x. Any nonstructural practices
- xi. Any other item that could affect the proper function of the stormwater management system

d) Description of the need for maintenance;

C) Right-of-Entry for Inspection

The terms of the inspection and maintenance agreement as specified in Section 6.M of these regulations shall provide for the [Stormwater Authority] or its designee to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. The [Stormwater Authority], its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this Regulation and may make or cause to be made such examinations, surveys, or sampling as the [Stormwater Authority] deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.

D) Records of Maintenance and Repair Activities

Parties responsible for the operation and maintenance of a stormwater management facility shall provide records of all maintenance and repairs to the [Stormwater Authority] upon request. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least [5] years. These records shall be made available to the [Stormwater Authority] during inspection of the facility and at other reasonable times upon request.

E) Failure to Maintain

1. If a responsible person (party) fails or refuses to meet the requirements of the inspection and maintenance agreement, the [Stormwater Authority], after [thirty (30)] days written notice (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient), may correct a violation of the design standards or maintenance requirements by

Comments:

performing the necessary work to place the facility or practice in proper working condition. The [Stormwater Authority] may assess the owner(s) of the facility for the cost of repair work which shall be a lien on the property.

Note: Town should investigate whether the [Stormwater Authority] would be authorized to impose a lien on property through its regulations and/or has the ability to automatically establish a lien. The authority to establish a lien is sometimes by specific statute

2. After notification is provided to the person responsible for carrying out the maintenance plan of any deficiencies discovered from an inspection of a stormwater management system, the person responsible for carrying out the maintenance plan shall have 30 days or other time frame mutually agreed to between the [Stormwater Authority] and the person responsible for carrying out the maintenance plan to correct the deficiencies. The [Stormwater Authority] shall then conduct a subsequent inspection to ensure completion of repairs.

13.0 ENFORCEMENT

- A) The [Stormwater Authority] or an authorized agent of the [Stormwater Authority] shall enforce this Bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil, criminal and non-criminal remedies for such violations.
- B) Notices and Orders
 1. The [Stormwater Authority] or an authorized agent of the [Stormwater Authority] may issue a written notice of violation or enforcement order to enforce the provisions of this Bylaw or the regulations there under, which may include requirements to:
 - a) Cease and desist from construction or land disturbing activity until there is compliance with the Bylaw and the stormwater management permit;
 - b) Repair, maintain; or replace the stormwater management system or portions thereof in accordance with the operation and maintenance plan;
 - c) Perform monitoring, analyses, and reporting;
 - d) Fix adverse impact resulting directly or indirectly from malfunction of the stormwater management system.

Comments:

2. If the enforcing person determines that abatement or remediation of adverse impacts is required, the order may set forth a deadline by which such abatement or remediation must be completed. Said order may further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Northbridge may, at its option, undertake such work, and the property owner shall reimburse the Town of Northbridge for expenses incurred.
 3. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the Town of Northbridge including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the [Stormwater Authority] 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 time in which to file a protest or within thirty (30) days following a decision of the [Stormwater Authority] affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57, after the thirty-first day at which the costs first become due.
- C) Any person who violates any provision of the Town of Northbridge Stormwater Bylaw, or regulation, order or permit issued thereunder, may be ordered to correct the violation and/or shall be punished by a fine of not more than [\$ _____]. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- D) Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town of Northbridge may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D and [the citation town enabling vote/bylaw (if applicable)] of the Town of Northbridge in which case [title or other authorized agent] of the Town of Northbridge shall be the enforcing person. The penalty for the 1st violation shall be [\$ _____]. The penalty for the 2nd violation shall be [\$ _____]. The penalty for the 3rd and subsequent violations shall be [\$ _____]. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- E) Appeals. The decisions or orders of the [Stormwater Authority] shall be final. Further relief shall be to a court of competent jurisdiction.
- F) Remedies Not Exclusive. The remedies listed in this Bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

Comments:

14.0 SEVERABILITY

The invalidity of any section, provision, paragraph, sentence, or clause of these Regulations shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

Comments: