

**TOWN OF MILLIS**  
**STORMWATER MANAGEMENT REGULATIONS**  
**Adopted June 28, 2004, Amended June 5, 2006, Amended February 12, 2007**  
**ARTICLE I**  
**LAND DISTURBANCE AND POST-CONSTRUCTION STORMWATER**  
**MANAGEMENT**

**SECTION 1.           PURPOSE**

A. Regulation of discharges to the municipal separate storm sewer system (MS4) is necessary for the protection of water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment. 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 in lakes, ponds, streams, rivers, wetlands and groundwater. Increased and contaminated runoff is a major cause of:

1. Impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater,
2. Contamination of drinking water supplies,
3. Erosion of stream channels;
4. Alteration or destruction of aquatic and wildlife habitat; and
5. Flooding.

B. The harmful impacts of soil erosion and sedimentation are:

1. Impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;
2. Contamination of drinking water supplies;
3. Alteration or destruction of aquatic and wildlife habitat;
4. Flooding; and,
5. Overloading or clogging of municipal catch basins and storm drainage systems.

Therefore, this Regulation establishes stormwater management standards for the final conditions that result from development and redevelopment projects to minimize adverse impacts offsite and downstream which may affect abutters, townspeople and the general public.

C. The objectives of this regulation are:

1. To require practices to control the flow of stormwater from new and redeveloped sites into the town storm drainage system in order to prevent flooding and erosion and sedimentation;

2. To protect groundwater and surface water from degradation;
3. To promote groundwater recharge;
4. To prevent pollutants from entering the town's municipal separate storm sewer system (MS4) and to minimize discharge of pollutants from the MS4;
5. To ensure adequate long-term operation and maintenance of structural stormwater best management practices so that they work as designed;
6. To comply with state and federal statutes and regulations relating to stormwater discharges; and
7. To protect water resources ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained; require practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.
8. To establish the legal authority to ensure compliance with the provisions of this regulation through inspection, monitoring, and enforcement.

## **SECTION 2. DEFINITIONS**

**ABUTTER:** The owner(s) of land directly abutting and across the street from the parcel on which the activity takes place.

**AGRICULTURE:** The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act and its implementing regulations.

**ALTERATION OF DRAINAGE CHARACTERISTICS:** Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined, discrete discharge, change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

**APPLICANT:** Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government to the extent permitted by law requesting a soil erosion and sediment control permit for proposed land-disturbance activity.

**AUTHORIZED ENFORCEMENT AGENCY:** The Department of Public Works and the Building Inspector and its employees or agents designated to enforce this regulation.

**BEST MANAGEMENT PRACTICE (BMP):** An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

**BOARD:** The Board of Selectmen of the Town of Millis or its authorized agents.

**CLEARING:** Any activity that removes the vegetative surface cover.

**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 or similar earth material.

**EROSION:** The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

**EROSION AND SEDIMENTATION CONTROL PLAN:** A document containing narrative, drawings and details developed by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbance activities.

**ESTIMATED HABITAT OF RARE WILDLIFE AND CERTIFIED VERNAL POOLS:** Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act Regulations (310 CMR 10.00) and the Forest Cutting Practices Act Regulations (304 CMR 11.00).

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

**GRUBBING:** The act of clearing land surface by digging up roots and stumps.

**IMPERVIOUS SURFACE:** Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.

**LAND-DISTURBING ACTIVITY:** Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

**MASSACHUSETTS ENDANGERED SPECIES ACT:** (G.L. c. 131A) and its implementing regulations at (321 CMR 10.00) which prohibit the "taking" of any rare plant or animal species listed as Endangered, Threatened, or of Special Concern.

**MASSACHUSETTS STORM WATER 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 (M54) 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 manmade or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the town.

**OPERATION AND MAINTENANCE PLAN:** A plan setting up 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.

**OUTFALL:** The point at which stormwater flows out from a point source discernible, confined and discrete conveyance into waters of the Commonwealth.

**OUTSTANDING RESOURCE WATERS (ORWs):** Waters designated by Massachusetts Department of Environmental Protection as ORWs. These waters have exceptional sociologic, recreational, ecological and/or aesthetic values and are subject to more stringent requirements under both the Massachusetts Water Quality Standards (314 CMR 4.00) and the Massachusetts Stormwater Management Standards. ORWs include vernal pools certified by the Natural Heritage Program of the Massachusetts Department of Fisheries and Wildlife and Environmental Law Enforcement, all Class A designated public water supplies with their bordering vegetated wetlands, and other waters specifically designated.

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

**PERSON:** An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

**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.

**PRE-CONSTRUCTION:** All activity in preparation for construction.

**POST CONSTRUCTION:** The time after a final report issued under section 10.

**PRIORITY HABITAT OF RARE SPECIES:** Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act and its regulations.

**REDEVELOPMENT:** Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.

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

**SEDIMENT:** Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

**SEDIMENTATION:** The process or act of deposition of sediment.

**SITE:** Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

**SLOPE:** The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

**SOIL:** Any earth, sand, rock, gravel, or similar material.

**STABILIZATION:** The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

**STORM WATER MANAGEMENT PLAN:** A plan required as part of the application for a Stormwater Management Permit. See Section 7.

**STORM WATER:** Storm water runoff, snow melt runoff, and surface water runoff and drainage.

**STRIP:** Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

**TOWN:** Town of Millis

**TSS:** Total Suspended Solids.

**VERNAL POOLS:** Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species.

**WATERCOURSE:** A natural or man-made channel through which water flows or a stream of water, including a river, brook, or underground stream.

**WETLAND RESOURCE AREA:** Areas specified in the Massachusetts Wetlands Protection Act G.L. c. 131, § 40 and in the (city or town's) wetland regulation/ordinance.

**WETLANDS:** Tidal and non-tidal areas characterized by saturated or nearly saturated soils most of the year that are located between terrestrial (land-based) and aquatic (water based) environments, including freshwater marshes around ponds and channels (rivers and streams), brackish and salt marshes; common names include marshes, swamps and bogs; also wet meadows, marshes, swamps, bogs, areas where groundwater, flowing or standing surface water or ice provide a significant part of the supporting substrate for a plant community for at least five months of the year; emergent and submergent communities in inland waters; that portion of any bank which touches any inland water. (MGL c.131 s.40)

### **SECTION 3. AUTHORITY**

This Regulation is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes and pursuant to the regulations of the Federal Clean Water Act found at 40 CFR 122.34, and the Home Rule Charter of the Town of Millis

### **SECTION 4. APPLICABILITY**

**A.** No person may, by development or redevelopment activity, alter the drainage characteristics of one or more acres of land without a permit from the Board. The regulated projects shall include without limitation:

1. Land disturbance associated with construction or reconstruction of structures;
2. Development or redevelopment involving multiple separate activities in discontinuous locations or on different schedules if the activities are part of a larger common plan of

development that all together disturbs one or more acres.

3. Paving or other change in surface material causing a significant reduction of permeability or increase in runoff;
4. Construction of a new drainage system or alteration of an existing drainage system or conveyance serving a drainage area of one or more acres
5. Any activity that will, or may, result in increased rate or volume of stormwater runoff flowing from the property into a public way or the MS4.

**B.** This regulation shall apply to all activities that result in disturbance of one or more acres of land. Except as authorized by the Board of Selectmen or its agent, [hereafter known as Selectmen] in a Land Disturbance Permit or as otherwise provided in this regulation, no person shall perform any activity that results in disturbance of an acre or more of land. Normal maintenance and improvement of land in agricultural or aquacultural use, as defined by the Wetlands Protection Act regulation 310 CMR 10.4, are exempt.

**C. Other Exemptions**

1. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04;
2. Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling provided such maintenance does not include the addition of soil material, construction of any walls or alteration of existing grades;
3. The construction of fencing that will not alter existing terrain or drainage patterns;
4. Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain, ground cover, or drainage patterns;

**SECTION 5. ADMINISTRATION**

**A.** The Board shall administer, implement and enforce this Regulation. Any powers granted to or duties imposed upon the Board may be delegated in writing by the Board to its employees or agents.

**B. Rules and Regulations.** The Board may adopt, and periodically amend, rules and regulations relating to the procedures and administration of this Stormwater Management Regulation, by majority vote of the Board, after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least seven (7) days prior to the hearing date.

**C. Waiver.** The Selectmen may waive strict compliance with any requirement of this regulation 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 this regulation.

## **SECTION 6. PERMITS and PROCEDURE**

**A. Filing Application.** The site owner or his agent shall file with the Board of Selectmen six (6) copies and Town Clerk one (1) original of a completed application package for a Stormwater Management Permit (SMP) or Land Disturbance Permit (LDP), or both. Permit issuance is required prior to any site activity. While the applicant can be a representative, the permit tee must be the owner of the site. The SMP Application package shall include:

1. a completed Application Form with original signatures of all owners;
2. a list of abutters, certified by the Assessor's Office;
3. the Stormwater Management Plan and project description as specified below;
4. the Operation and Maintenance Plan as required by this Regulation;
5. the Erosion and Sedimentation Control Plan
6. payment of the application and review fees.
7. a certification from the Building Inspector that the application is complete.

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

**C. Other Boards.** The Selectmen shall give one copy of the application package to the Planning Board, the Conservation Commission, Department of Public Works, and Board of Health along with a request for comment.

**D. 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 of the Stormwater Management Permit and a technical Review Fee sufficient to cover professional review. The Board is authorized to retain a Registered Professional Engineer or other professional consultant to advise the Board on any or all aspects of these plans. Applicants must pay review fees before the review process may begin.

**E. Public Hearing.** The Board shall hold a public hearing within twenty-one (21) days of the receipt of a complete application from the Building Inspector and shall take final action within forty-five (45) days from the close of the hearing unless such time is extended by agreement between the applicant and the Board. Notice of the public hearing shall be given by the applicant by publication in a local paper of general circulation, by posting and by first-class mailings to abutters, certified return receipt requested, at least seven (7) days prior to the hearing. Failure of the applicant to supply return receipt notices to the Selectmen prior to the hearing shall be cause for the rejection of the application without prejudice.

**F. Actions.** The Board's action, rendered in writing, shall consist of either:

1. Approval of the Stormwater Management Permit Application or Land Disturbance Permit 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 regulation;

2. Approval of the Stormwater Management Permit or Land Disturbance Permit Application subject to any conditions, modifications or restrictions required by the Board which will ensure that the project meets the Standards in Section 7 and adequately protect water resources, set forth in this regulation;
3. Disapproval of the Stormwater Management Permit or Land Disturbance Permit Application based upon a determination that the proposed plan, as submitted, does not meet the Standards in Section 7 or adequately protect water resources, as set forth in this regulation.

**G. Failure of the Board** 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 Board action, the Board must issue a Stormwater Management Permit or Land Disturbance Permit.

**H. Plan Changes.** The permittee must notify the Board in writing of any drainage change or alteration in the system authorized in a **Stormwater Management Permit or Land Disturbance Permit** before any change or alteration is made. If the Board determines that the change or alteration is significant, based on the Stormwater Management Standards in Section 7.B. and accepted construction practices, the Board may require that an amended application be filed and a public hearing held.

**I. 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. The as-built drawing shall show deviations from the approved plans, if any, and be certified by a Registered Professional Engineer.

## **SECTION 7. PLANS**

### **7.1 STORMWATER MANAGEMENT PLAN**

**A.** The application for a stormwater management permit shall consist of submittal of a Stormwater Management Plan to the Board. This Stormwater Management Plan shall contain sufficient information for the Board 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 Massachusetts Stormwater Management Standards as set forth in Part B of this section and DEP Stormwater Management Handbook Volumes I and II. The Stormwater Management Plan shall fully describe the project in drawings, and narrative. It shall include

1. A locus map,
2. The existing zoning, and land use at the site,
3. The proposed land use,
4. The location(s) of existing and proposed easements,
5. The location of existing and proposed utilities,
6. The site's existing & proposed topography with contours at 2 foot intervals,
7. The existing site hydrology,
8. A description & delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which stormwater flows.
9. A delineation of 100-year flood plains, if applicable
10. Estimated seasonal high groundwater elevation (November to April) in areas to be used



for stormwater retention, detention, or infiltration.

11. The existing and proposed vegetation and ground surfaces with runoff coefficient for each,
12. A drainage area map showing pre and post construction watershed boundaries, drainage area and stormwater flow paths,
13. A description and drawings of all components of the proposed drainage system including:
  - a. locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization,
  - b. all measures for the detention, retention or infiltration of water,
  - c. all measures for the protection of water quality,
  - d. the structural details for all components of the proposed drainage systems and stormwater management facilities,
  - e. notes on drawings specifying materials to be used, construction specifications, and typicals, and
  - f. expected hydrology with supporting calculations.
14. Proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable,
15. Timing, schedules, and sequence of development including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization,
16. A maintenance schedule for the period of construction, and
17. Any other information requested by the Board.
18. Scale, minimum 40 scale.

## **B. Standards**

Projects shall meet the Standards of the Massachusetts Stormwater Management Policy, which are as follows:

1. No new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or water of the Commonwealth.
2. Stormwater management systems must be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates.
3. Loss of annual recharge to groundwater should be minimized through the use of infiltration measures to the maximum extent practicable. The annual recharge from the post-development site should approximate the annual recharge rate from the predevelopment or existing site conditions, based on soil types.
4. For new development, stormwater management systems must be designed to remove 80% of the average annual load (post development conditions) of Total Suspended Solids (TSS). It is presumed that this standard is met when:
  - a. Suitable nonstructural practices for source control and pollution prevention and implemented;
  - b. Stormwater management best management practices (BMPs) are sized to capture the prescribed runoff volume; and
  - c. Stormwater management BMPs are maintained as designed.
5. Stormwater discharges from areas with higher potential pollutant loads require the use of specific stormwater management BMPs (see Stormwater Management Volume I: Stormwater Policy Handbook). The use of infiltration practices without pretreatment is prohibited.

6. Stormwater discharges to critical areas must utilize certain stormwater management BMPs approved for critical areas (see Stormwater Management Volume I: Stormwater Policy Handbook). Critical areas are Outstanding Resource Waters (ORWs), shellfish beds, swimming beaches, cold water fisheries and recharge areas for public water supplies.
7. Redevelopment of previously developed sites must meet the Stormwater Management Standards to the maximum extent practicable. However, if it is not practicable to meet all the Standards, new (retrofitted or expanded) stormwater management systems must be designed to improve existing conditions.
8. Erosion and sediment controls must be implemented to prevent impacts during disturbance and construction activities.
9. All stormwater management systems must have an operation and maintenance plan to ensure that systems function as designed.

## **7.2 EROSION AND SEDIMENT CONTROL PLAN**

- A.** The Erosion and Sediment Control Plan 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 7.B. below.
- B.** The **design requirements** of the Erosion and Sediment Control Plan are:
  1. Minimize total area of disturbance;
  2. Sequence activities to minimize simultaneous areas of disturbance;
  3. Minimize peak rate of runoff in accordance with the Massachusetts Stormwater Policy;
  4. Minimize soil erosion and control sedimentation during construction, provided that prevention of erosion is preferred over sedimentation control;
  5. Divert uncontaminated water around disturbed areas;

6. Maximize groundwater recharge;
7. Install, and maintain all Erosion and Sediment Control measures in accordance with the manufacturer's specifications and good engineering practices;
8. Prevent off-site transport of sediment;
9. 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);
10. 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;
11. Prevent adverse impact from the proposed activities to 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;
12. 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;
13. Properly manage on-site construction and waste materials; and
14. Prevent off-site vehicle tracking of sediments.

**C. Erosion and Sedimentation Control Plan Content.** The Plan shall contain the following information:

1. Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan;
2. Title, date, north arrow, names of abutters, scale (40 scale minimum), legend, and locus map, Assessor's map and parcel number.
3. Location and description of natural features including:
  - (a) 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;
  - (b) Existing vegetation of various kinds including tree lines, shrub layer, ground cover and herbaceous vegetation, and trees with a caliper twelve (12) inches or larger, noting specimen trees and forest communities;
  - (c) Habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of

Rare Species within five hundred (500) feet of any construction activity.

3. Lines of existing abutting streets showing drainage and driveway locations and curb cuts;
4. Existing soils, volume and nature of imported soil materials
6. Topographical features including existing and proposed contours at intervals no greater than two (2) feet with spot elevations provided when needed;
7. Surveyed property lines showing distances and monument locations, all existing and proposed easements, rights-of-way, and other encumbrances, the size of the entire parcel, and the delineation and number of square feet of the land area to be disturbed;
8. Drainage patterns and approximate slopes anticipated after major grading activities (Construction Phase Grading Plans);
9. 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;
10. Path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable;
11. Location and description of industrial discharges, including stormwater discharges from dedicated asphalt plants and dedicated concrete plants, which are covered by this permit;
12. Stormwater runoff calculations in accordance with the Department of Environmental Protection's Stormwater Management Policy;
13. Location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures;
14. 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;
15. A description of provisions for phasing the project where one acre of area or greater is to be altered or disturbed;
16. Plans must be stamped and certified by a qualified Professional Engineer registered in Massachusetts or a Certified Professional in Erosion and Sediment Control and
17. Such other information as is required by the Selectmen.

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

### **C. Project Changes**

The permittee, or their agent, shall notify the Board in writing of any change or alteration of a land-disturbing activity authorized in a Stormwater Management Permit before any change or alteration occurs. If the Board determines that the change or alteration is significant, based on the design requirements listed in Section 7 and accepted construction practices, the Board may require that an amended Stormwater Management Permit application be filed and a public hearing held. If any change or deviation from the Stormwater Management Permit occurs during a project, the Board may require the installation of interim measures before approving the change.

## **SECTION 8. OPERATION AND MAINTENANCE PLANS**

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 Regulation 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 Board shall make the final decision of what maintenance option is appropriate in a given situation. The Board 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 Operation and Maintenance Plan shall remain on file with the Board and shall be an ongoing requirement. The O&M Plan shall include:

**A.** The name(s) of the owner(s) for all components of the system

**B.** 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 with the purpose and location of each.
5. The signature(s) of the owner(s).

**C. Stormwater Management Easement(s).**

1. Stormwater management easements shall be provided by the property owner(s) to the Town and to the property owner or association responsible for maintenance as necessary 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.
  - d. The Town shall reserve the right to perform maintenance and recover said costs from the owner or association responsible for maintenance.
2. The purpose of each easement shall be specified in the maintenance agreement signed by the property owner.
3. Stormwater management easements are required for all areas used for off-site

- stormwater control, unless a waiver is granted by the Board.
4. Easements shall be recorded with the Norfolk County Registry of Deeds prior to issuance of a Certificate of Completion by the Board.

**D. Changes to Operation and Maintenance Plans**

1. The owner(s) of the stormwater management system must notify the Board 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 regulation by mutual agreement of the Board 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.

**SECTION 9. SURETY**

The Board may require the permittee to post before the start of 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 Board to ensure that the work will be completed in accordance with the permit. If the project is phased, the Board 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 Board has received the final inspection report as required by Section 10 and issued a Certificate of Completion.

**SECTION 10. INSPECTIONS**

The Board or its designee shall inspect the project site at least at the following stages:

- A. Initial Site Inspection: prior to approval of any plan.
- B. Erosion Control Inspection: to ensure erosion control practices are in accord with the filed plan.
- C. Pre-backfill Inspection: prior to backfilling of any underground drainage or stormwater conveyance structures.
- D. Final Inspection. After the stormwater management system has been constructed and before the surety has been released, the applicant must submit a record plan detailing the actual stormwater management system as installed. The permittee shall submit a report (including certified as-built construction plans) 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 discrepancies should be noted in the cover letter. The Board 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 Board which will issue a Certificate of Completion.

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 permittee before the performance guarantee is released. If the permittee fails to act the Board may use the surety bond to complete the work. Examples of inadequacy shall be limited to: errors in the infiltrative capability, errors in the maximum groundwater elevation, failure to properly define or construct flow paths, or erosive discharges from basins.

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 town staff including the Building Inspector, Department of Public Works staff, and the Health Director, to review the permitted plans and their implementation.

The Selectmen, the Building Inspector, or DPW staff 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 the Selectmen, shall be maintained at the site during the progress of the work. In order to obtain inspections, the permittee shall notify the Building Inspector at least two (2) working days before each of the following events:

1. Erosion and sediment control measures are in place and stabilized;
2. Site clearing has been substantially completed;
3. Rough Grading has been substantially completed;
4. Final Grading has been substantially completed;
5. Close of the Construction Season; and
6. Final landscaping (permanent stabilization) and project final completion.

The permittee or his/her agent shall conduct and document inspections of all control measures) no less than weekly 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 Building Inspector in a format approved by the Selectmen. The Building Inspector shall disseminate copies of said reports to the Selectmen, DPW, Board of Health and Conservation Commission.

#### **E. Access Permission**

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

**SECTION 11. WAIVERS**

**A.** The Board may waive strict compliance with any requirement of this regulation 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 this regulation.

**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 regulation does not further the purposes or objectives of this Regulation.

**C.** All waiver requests shall be discussed and voted on at the public hearing for the project.

**D.** If in the Board's opinion, additional time or information is required for review of a waiver request, the Board may continue a hearing 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.

**SECTION 12. CERTIFICATE OF COMPLETION**

The Board will issue a letter certifying completion upon receipt and approval of the final inspection reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this Regulation.

**SECTION 13. ENFORCEMENT**

**A.** The Board or an authorized agent of the Board including but not limited to the Building Inspector, Director of Public Works, or Assistant Director of Public Works shall enforce this regulation, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

**B. Orders**

1. The Board or an authorized agent of the Board may issue a written order to enforce the provisions of this regulation or the regulations thereunder, which may include requirements to:

- a. cease and desist from construction or land disturbing activity until there is compliance with the regulation 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. remediate adverse impact resulting directly or indirectly from malfunction of the stormwater management system.

2. If the enforcing person determines that abatement or remediation of adverse impacts 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's expenses.

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, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Board 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 Board 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. Penalty.** Any person who violates any provision of this regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$100. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

**D. Appeals**

The decisions or orders of the Board shall be final. Further relief shall be to a court of competent jurisdiction.

**E. Remedies Not Exclusive**

The remedies listed in this regulation are not exclusive of any other remedies available under any applicable federal, state or local law.

**SECTION 14. SEVERABILITY**

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

## STORMWATER MANAGEMENT and LAND DISTURBANCE PLAN REVIEW FEE SCHEDULE

The following fee schedules are minimum fees. *[The Board]* may require higher fees if deemed necessary for proper review of an application or to ensure compliance.

<u>Lot Area</u>	<u>Professional Review Fee</u>	<u>Application Fee</u>
Less Than 3 Acres	\$500.00	\$500.00
3 to 10 Acres	\$1000.00	\$750.00
Greater than 10 Acres	\$1500.00	\$1000.00
Resubmittal/Amendment		
Filing Fee	\$250.00	
Review Fee	\$ at cost determined by the Board	

### GENERAL

1. Any application not accompanied by the appropriate fee shall be deemed incomplete. Payment must be made to the Town of Millis in cash, money order, bank or certified check payable to the Town.
2. An Applicant's failure to pay any additional review or inspection fee within five business days of receipt of the notice that further fees are required shall be grounds for disapproval.
3. The applicant will publish the public notice and send abutter notifications. Abutter notification shall be by certified mail-return receipt requested. The applicant shall pay all costs associated with the publication and notification requirements. The applicant must provide the Board with the return receipt cards.

Professional review fees include engineering review, legal review, and clerical fees associated with the public hearing and permit processing. A fee estimate may be provided by the Board's consulting engineer.

**STORM WATER MANAGEMENT PERMIT APPLICATION**

To the Board of Selectmen:

The undersigned wishes to submit a Stormwater Management Permit Application as defined in the Stormwater Management Regulations of the Town of Millis, Article II and requests a review and determination by the Board of the Stormwater Management Plan.

The Stormwater Management Plan involves property where owner's title to the land is

derived under deed from \_\_\_\_\_ Dated \_\_\_\_\_, and

Recorded in the [Insert] County Registry of Deeds, Book \_\_\_\_\_, Page, or Land  
Court Certificate of Title No. \_\_\_\_\_, Registered in \_\_\_\_\_ District,  
Book \_\_\_\_\_, Page \_\_\_\_\_

Give a brief summary of the nature of the project.

The property (building) is described as being located at \_\_\_\_\_  
it is currently used as \_\_\_\_\_  
and the changes proposed to be made are \_\_\_\_\_

The project is located on the parcel shown on Assessors Map \_\_\_\_\_, Parcel \_\_\_\_\_

Applicant's Signature

Applicant's Name (print)

Applicant's Address

Owners' Signature(s)

Owners' Names(s)

Owners' Address

Date Received by Building Inspector:

Date Filed with Town Clerk:

Signature

Please note: 1) An applicant for a Stormwater Management Plan Review must file with the Building Inspector a completed Stormwater Management Permit Application Form, a list of abutters, six (6) copies of the Stormwater Management Plan Package, six (6) copies of the Operation and Maintenance Plan, and the Application and Review Fees as noted in the Stormwater Management Plan Review Fee Schedule. 2) The applicant shall also file a copy of the Stormwater Management Plan, Operation & Maintenance Plan, and the Application Form with the Town Clerk. The date of receipt by the Town Clerk shall be the official filing date. 3) This application grants the Board and its agents permission to enter the property for inspection and verification of information submitted in the application.

**TOWN OF MILLIS - LAND DISTURBANCE PERMIT APPLICATION**

To the Board of Selectmen:

The undersigned wishes to submit a Land Disturbance Permit Application as defined in the Stormwater Management and Land Disturbance Regulation of the Town of Millis, and requests a review and determination by the Selectmen of said Land Disturbance Plan.

The Land Disturbance Plan involves property where owner's title to the land is derived under deed from \_\_\_\_\_ Dated \_\_\_\_\_, and recorded in the \_\_\_\_\_ County Registry of Deeds, Book \_\_\_\_\_, Page \_\_\_\_\_, or Land Court Certificate of Title No. \_\_\_\_\_, Registered in \_\_\_\_\_ District, Book \_\_\_\_\_, Page \_\_\_\_\_

Give a brief summary of the nature of the project.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The property (building) is described as being located at

\_\_\_\_\_

it is currently used as \_\_\_\_\_, and the

changes proposed to be made are

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The project is located on the parcel shown on Assessors Map \_\_\_\_\_, Parcel \_\_\_\_\_

Applicant's Signature

Owners' Signature(s)

Applicant's Name (print)

Owners' Names(s)

Applicant's Address

Owners' Address

Date Received by Town Clerk: \_\_\_\_\_

Signature

\_\_\_\_\_

Please note: 1) An applicant for a Land Disturbance Plan Review must file with the Building Inspector a completed Land Disturbance Permit Application, a list of abutters, three (3) copies of the Land Disturbance Plan Package, and the application and review fees as noted in the Land Disturbance Plan Review Fee Schedule. 2) The applicant shall also file a copy of the Land Disturbance Plan and the application with the Town Clerk. The date of receipt by the Town Clerk shall be the official filing date.