



2021

Stormwater Management Rules and Regulations

TOWN OF CHARLTON, MASSACHUSETTS

Preface

These regulations are promulgated by the Charlton Conservation Commission pursuant to the authority granted to the Commission under Section 175-5(C) of the Town of Charlton Stormwater Bylaw (Adopted by the Town Meeting of Charlton 5/16/2011 ATM by Article 20). These rules and regulations complement and amplify the Bylaw and shall have the force of law upon their effective date.

The purpose of the Charlton Stormwater Regulations is to clarify and define the 2011 Stormwater Bylaw (hereafter referred to as the "Bylaw"), administered by the Charlton Conservation Commission (hereinafter "Commission"). The Bylaw and supporting Rules and Regulations are required to meet all applicable federal and state requirements of Section 2.3.4(a) of the National Pollutant Discharge Elimination System General Permits for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (as modified), United States Environmental Protection Agency (EPA), the provisions of the Clean Water Act (CWA), as amended (33 U.S.C. §1251 et seq.), and the Massachusetts Clean Waters Act, as amended (M.G.L. Chap.21 §§ 26-53). These regulations establish a uniform process by which the Commission can review and regulate activities identified by the Bylaw.

The Commission promulgated the Stormwater Regulations by a majority vote of the Commission, after a Public Hearing held on June 30, 2021 at 7:00pm. The Public Hearing was advertised in the *Southbridge Evening News* on Thursday June 17, 2021; at least seven (7) days before the hearing date as required under Section 175-5(C) of the Town of Charlton Stormwater Bylaw. The effective date of these regulations shall be June 30, 2021. These regulations apply to all applications made on or after the effective date.

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Town of Charlton, Massachusetts

Stormwater Management Rules and Regulations

Section 1.0 General Provisions

Section 1.1 Authority

- A. These Stormwater Management Rules and Regulations are promulgated by the Conservation Commission and/or their designees of Charlton, Massachusetts under Chapter 175: Stormwater Management Bylaw of the Town of Charlton (the "Bylaw") and may be so cited.

Section 1.2 Applicability

- A. These Regulations apply to all activities in accordance with the applicability sections of the Bylaw and further described herein.
- B. Every user of the municipal storm drainage system shall be subject to these Regulations, as they apply, and to any charges, rates, fees, and assessments which are or may be established by the Town. Every user of the municipal storm drainage systems shall also be subject to applicable federal, state, and local regulations. In instances where various regulations contain different requirements, the most stringent requirements shall apply.
- C. Projects and/or activities not within the jurisdiction of any of the Town of Charlton Boards, Commissions, or Departments, but still within the jurisdiction of the Bylaw must comply with these Regulations and, if applicable, must obtain a Stormwater and Erosion Control Permit in accordance with the permit procedures outlined herein.

Section 1.3 Purpose

- A. These Regulations establish procedures and standards for compliance with the Town's Stormwater Management Bylaw and are required to meet all applicable federal and state requirements of the National Pollutant Discharge Elimination System Small Municipal Separate Storm Sewer Systems General Permit, commonly known as the "NPDES MS4 permit."

Section 1.4 Severability

- A. The provisions of these Regulations are hereby declared to be severable. If any provision, clause, sentence, or paragraph of these Regulations or the application thereof to any person, establishment, or circumstances shall be held invalid for any reason, such invalidity shall not affect

the other provisions or application of these Regulations; all other provisions shall continue in full force and effect.

Section 1.5 Administration

- A. The Conservation Commission , shall administer, implement, and enforce these rules and regulations. Any powers granted to or duties imposed upon the Conservation Commission may be delegated in writing by the Conservation Commission to its employees, Commissioners, or other Town Departments.
- B. Waiver. Strict compliance with any requirement of the Bylaw or the Regulations may be waived for the reasons given, and in accordance with the procedures set forth in the Bylaw.

Section 1.6 Right to Amend Rules and Regulations

- A. The Conservation Commission may adopt and periodically amend stormwater regulations relating to receipt and content of stormwater and erosion control permit applications; review time periods, permit terms, conditions, additional definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures and administration of the Bylaw by majority vote of the Conservation Commission, 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 before the hearing date. After public notice and hearing, the Conservation Commission may promulgate rules and regulations to effectuate the purposes of the Bylaw. Failure by the Conservation Commission to promulgate such rules and regulations shall not have the effect of suspending or invalidating the Bylaw.

Section 1.7 Design and Construction Standards

- A. Design Standards. To complete the permit requirements and ensure that developers and landowners meet Massachusetts standards, the Owner shall use the following (most recent edition) references to aid in structural and non-structural best management practices design and implementation:
 - 1. Town's National Pollutant Discharge Elimination System Small Municipal Separate Storm Sewer Systems General Permit, commonly known as the "NPDES MS4 permit."
 - 2. Massachusetts Stormwater Policy and Massachusetts Stormwater Handbook, latest edition, hereinafter referred to as the Massachusetts Stormwater Policy for the purposes of these Regulations.
 - 3. Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas.

4. Massachusetts Department of Transportation Project Development and Design Guide Drainage and Erosion Control Chapter.
- B. All plans shall be drawn at scale of 1 inch equals 40 feet on sheets not larger than 24 inches by 36 inches registered to Massachusetts State Plane Coordinate System. All elevations shall refer to NAVD88. Each sheet shall have a north arrow, graphic bar scale, proposed and existing street names, sheet number (i.e., Sheet 3 of 7), and a title block. Match lines, if required, shall be shown on all sheets. Each Sheet shall be certified by a Registered Engineer with registration number(s). Plan shall indicate property bounds of parcels and streets adjoining. A more suitable scale than 1 inch equals 40 feet may be used if site conditions warrant the need. Plans shall show property bounds of the existing parcel showing distance and bearings of boundary lines and easements (along with easement purpose), existing contours at 2-foot or smaller shall be shown based on NAVD88, names and widths of streets abutting the proposed development/redevelopment and within close proximity, location of bounds and type of bounds of the existing parcel(s) of land and relevant buildings thereon, and address, map/parcel number, area of the existing parcel(s).
 - C. Construction Standards
 1. New building stormwater drain laterals, stormwater drains, special stormwater facilities, and appurtenances tributary to the municipal stormwater drainage system shall be designed and constructed in conformance with current Town of Charlton Public Works Department standards and specifications. In the absence of such specifications, the materials and procedures set forth in the Massachusetts Department of Transportation Standard Specifications for Highways and Bridges and Supplemental Specifications most recent edition; and American Society for Testing and Materials, the ASCE/WEF Manual of Practice - *Design and Construction of Urban Stormwater Management Systems* most recent edition shall apply, subject to the prior written approval of Conservation Commission.

Section 1.8 Definitions

- A. The definitions of terms in the Bylaw, as well as the following definitions, shall apply to terms used in these Regulations.
 1. ABUTTER — The owner(s) of land abutting the activity.
 2. AGRICULTURE — The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act (M.G.L. c. 131 § 40) and its implementing regulations (310 CMR 10.00).

3. ALTERATION OF DRAINAGE CHARACTERISTICS – Any activity on an area of land that changes the water quality, or the force, quantity, 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.
4. APPLICANT – Any "person" as defined below requesting a permit to be issued under the Bylaw.
5. BEST MANAGEMENT PRACTICE (BMP) – An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.
6. CLEAN WATER ACT – Often referred to as the "CWA," the Clean Water Act is found in the Federal Water Pollution Control Amendment of 1972 (33 U.S.C. § 1251 et seq.), with subsequent amendments.
7. CLEARING – Any activity that removes the vegetative surface cover. Clearing activities generally include grubbing activity as defined below.
8. CONSERVATION COMMISSION: The Conservation Commission and/or their Agent have the authority to enforce Chapter 175: Stormwater Management Bylaw and Stormwater Management Rules and Regulations.
9. CONSTRUCTION ACTIVITY – Activities subject to NPDES Construction General Permits.
10. CONSTRUCTION AND WASTE MATERIALS – Excess or discarded building or construction site materials that may adversely impact water quality, including but not limited to concrete truck washout, chemicals, litter and sanitary waste.
11. DEVELOPMENT – The modification of land to accommodate a new use or expansion of use, usually involving construction.
12. DISCHARGE OF POLLUTANTS – The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.
13. ENVIRONMENTAL SITE MONITOR – Trained professional approved by the Conservation Commission and retained by the holder of a Stormwater and Erosion Control Permit to periodically inspect the work and report to the Conservation Commission.
14. 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.

15. EROSION AND SEDIMENT CONTROL PLAN – A document containing narrative, drawings, and details developed by an Environmental Site Monitor which includes BMPs, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbances. The plan is required as part of the application for a Stormwater and Erosion Control Permit.
16. 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).
17. GRADING – Changing the level or shape of the ground surface.
18. GROUNDWATER – Water beneath the surface of the ground, including confined or unconfined aquifers.
19. GRUBBING – The act of clearing land surface by digging up roots and stumps.
20. ILLICIT CONNECTION – A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drainage system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of the Bylaw and Stormwater Rules and Regulations.
21. ILLICIT DISCHARGE – Direct or indirect discharge to the municipal storm drainage system or waters of the Commonwealth that is not composed entirely of stormwater, except as exempted in § 175-18 of the Bylaw. The term does not include a discharge regulated and in compliance with its own separate NPDES stormwater discharge permit or a surface water discharge permit, or resulting from fire-fighting activities exempted pursuant to § 175-18 of the Bylaw and *Section 2.5* of the Stormwater Management Rules and Regulations.
22. 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 roof tops. Impervious surface also includes soils, gravel driveways, and similar surfaces with a runoff coefficient (Rational Method) greater than 0.85.
23. INDUSTRIAL ACTIVITY – Activities subject to NPDES Industrial Permits.

24. LAND-DISTURBING ACTIVITY, LAND DISTURBANCE, or DISTURBANCE of LAND – Any activity, including clearing and grubbing, that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.
25. LAND USES WITH HIGHER POTENTIAL POLLUTANT LOADS (LUHPPLs) – Loads that have the potential to generate runoff with moderate to higher concentrations of oil and grease.
26. LOT – An area or parcel of land or any part thereof or combination of adjoining parcels.
27. LOW IMPACT DEVELOPMENT – An approach to environmentally friendly land use development. It includes landscaping and design techniques that attempt to maintain the natural, pre-developed ability of a site to manage rainfall. LID techniques capture water on site, filter it through vegetation, and let it soak into the ground.
28. MASSACHUSETTS ENDANGERED SPECIES ACT – (MGL 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.
29. MASSACHUSETTS STORMWATER POLICY – The Policy and guidance Handbook issued by the Department of Environmental Protection, as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act MGL c. 131 s. 40 and the Massachusetts Clean Waters Act MGL c. 21, ss. 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. The Handbook provides detailed guidance on the Policy.
30. MAXIMUM EXTENT PRACTICABLE – The limits of available technology and the practical and technical limits on an Owner in planning and designing stormwater management practices to reduce potential for pollutants to enter the municipal storm drainage system or waters of the Commonwealth.
31. MUNICIPAL STORM DRAINAGE SYSTEM or MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) – 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 Charlton.
32. MUNICIPALITY: Refers to Town of Charlton.

33. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMITS – General, group, and individual stormwater discharge permits issued by the United States Environmental Protection Agency which regulate facilities defined in federal NPDES regulations pursuant to the Clean Water Act.
34. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PERMIT FOR DISCHARGES FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES – Permit required by the EPA for construction activities that disturb one acre or more of land, either by itself or as part of a larger development. Permit requires a Notice of Intent (NOI) to be submitted to the EPA and the development of a Stormwater Pollution Prevention Plan (SWPPP).
35. NEW DEVELOPMENT – Any construction activities or land alteration on an area that has not previously been developed to include impervious cover.
36. NON-POINT SOURCE – Diffuse sources of pollutants that affect water quality and are or may be contained in runoff that is discharged into waters of the Commonwealth.
37. NON-STORMWATER DISCHARGE – Discharge to the municipal storm drain system not composed entirely of stormwater.
38. OFF-SITE MITIGATION – An approach whereby pollutant removal practices are implemented at redevelopment or retrofit sites at another location in the Town of Charlton, in the same HUC12 watershed, as approved by the Conservation Commission.
39. OPERATION AND MAINTENANCE PLAN – A plan describing the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.
40. OUTFALL – The point at which stormwater flows out from a point source discernible, confined, and discrete conveyance into waters of the Commonwealth of Massachusetts.
41. 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 Policy. 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.
42. OWNER – A person with a legal or equitable interest in property.

43. OWNER'S TECHNICAL REPRESENTATIVE – A Massachusetts Registered Professional Engineer in a competent field and retained by the holder of a Stormwater and Erosion Control Permit to certify that design, construction, and maintenance are completed in accordance with the applicable local, state, and federal stormwater requirements.
44. PERSON or PERSONS – Any 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 Commission of such person.
45. PLAN – Any announcement or piece of documentation or physical demarcation indicating construction activities may occur on a specific plot.
46. 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.
47. POLLUTANT – Any element or property of sewage, agricultural, industrial, or commercial waste, runoff, leachate, heat, or other matter, whether originating at a point or nonpoint source, that is considered toxic to humans or the environment. Pollutants shall include, but not be limited to:
- (a) Paints, varnishes, and solvents;
 - (b) Automotive oil and other fluids;
 - (c) Cleaning products and other hazardous and nonhazardous liquids.
 - (d) Solid waste, refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
 - (e) Fats and oils and grease;
 - (f) Yard waste, pesticides, herbicides, and fertilizers;
 - (g) Poisons, hazardous materials and wastes;
 - (h) Sewage, fecal coliform and pathogens;
 - (i) Dissolved and particulate metals;
 - (j) Pet and animal wastes;
 - (k) Rock, sand, salt, soils;
 - (l) Construction wastes and residues; and
 - (m) Noxious or offensive matter of any kind.

48. POLLUTION – The human-made or human-induced alteration of the quality of waters by waste to a degree which unreasonably affects, or has the potential to unreasonably affect, either the waters for beneficial uses or the facilities which serve these beneficial uses.
49. PRE-CONSTRUCTION – All activity in preparation for construction.
50. PREMISES – Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
51. PRIORITY HABITAT OF RARE SPECIES – Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act and its regulations.
52. PROCESS WASTEWATER – Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.
53. RECHARGE – The replenishment of underground water reserves.
54. REDEVELOPMENT – Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface that results in no net impervious area increase.
55. RESPONSIBLE PARTY(IES) or PERSON(S) – Owner(s), persons with financial responsibility, and persons with operational responsibility.
56. RUNOFF – Rainfall, snowmelt, or irrigation water flowing over the ground surface.
57. SEDIMENT – Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.
58. SEDIMENTATION – The process or act of deposition of sediment.
59. SITE – Any lot or parcel of land or area of property where land disturbances are, were, or will be performed.
60. SLOPE – The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.
61. SOIL – Earth materials including duff, humic materials, sand, rock, gravel or similar material.
62. STABILIZATION – The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.
63. STORMWATER – Stormwater runoff, snow melt runoff, and surface water runoff and drainage.
64. STORMWATER MANAGEMENT PLAN – A plan required as part of the application for a Stormwater and Erosion Control Permit.

65. STORMWATER POLLUTION PREVENTION PLAN (SWPPP) – plan required for permit coverage under the NPDES General Permit for Discharges from Large and Small Construction Activities. The SWPPP is a detailed plan describing how erosion and sediment controls and other BMPs will be implemented on a construction site.
66. STRIP – Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.
67. SURFACE WATER DISCHARGE PERMIT – A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.
68. TOTAL MAXIMUM DAILY LOAD or TMDL: Section 303(d) of the Clean Water Act authorizes the EPA to assist states, territories and authorized tribes in listing impaired waters and developing Total Maximum Daily Loads (TMDLs) for these waterbodies. A TMDL establishes the maximum amount of a pollutant that a water body can accept and still meet water quality standards for protecting public health and maintaining the designated beneficial uses of those waters for drinking, swimming, recreation, and fishing. A TMDL includes Waste Load Allocations for point source discharges, Load Allocations for nonpoint sources and/or natural background and must include a margin of safety and account for seasonal variations.
69. TOWN – Town of Charlton, Massachusetts.
70. TOTAL SUSPENDED SOLIDS or TSS: Undissolved organic or inorganic particles in water.
71. TOXIC OR HAZARDOUS MATERIAL OR WASTE — Any material which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious, or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as toxic or hazardous under MGL c. 21C and c. 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.
72. VERNAL POOLS – Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species.
73. WASTEWATER — Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that, during manufacturing, cleaning or processing, comes into direct contact with or results

from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

- 74. WATERCOURSE — A natural or man-made channel through which water flows, including a river, brook, or stream.
- 75. WATERS OF THE COMMONWEALTH — All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.
- 76. WETLAND RESOURCE AREA — Areas specified in the Massachusetts Wetlands Protection Act MGL c. 131, § 40.
- 77. WETLANDS — 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 (5) months of the year; emergent and submergent communities in inland waters; that portion of any bank which touches any inland water.

Section 2.0 Municipal Storm Drainage System Use

Section 2.1 Municipal Storm Drainage System

- A. The use of all municipal storm drainage systems in the Town shall be controlled by the Conservation Commission . No person shall, without prior authorization from the Conservation Commission, uncover, excavate over, block access to, make any connection with or opening into, alter, or disturb any municipal storm drainage system.

Section 2.2 Prohibited Connections to Municipal Storm Drainage Systems

- A. The construction, use, maintenance or continued existence of illicit connections to the municipal storm drainage system is prohibited.

Section 2.3 Wastewater System Connections

- A. Any wastewater system which is or has been connected to the municipal storm drainage system, or which is or has been connected to the municipal storm drainage system as a result of a false application, misrepresentation, or non-disclosure on a construction permit, or which was connected to the municipal storm drainage system by way of obtaining a wastewater system connection and plumbing permits through any means which circumvented the limitations created by these or any previous Regulations or Bylaws on the matter shall be immediately disconnected from the municipal storm drainage system by the Owner or by the municipality at the Owner's expense.

Section 2.4 Flow Obstructions Prohibited

- A. No person shall place any dam or other flow restricting structure or device in any drainage facility or watercourse without first having obtained written authorization from the Conservation Commission.
- B. No person shall place or deposit into any outfall, drainage facility, stormwater drain or watercourse within the municipality any garbage, yard waste, soil, rock or similar material, or any other substance which obstructs flow in the municipal storm drainage system or damages the system or interferes with the proper operation of the system or which constitutes a nuisance or a hazard to the public. In the event that such an obstruction occurs, the Conservation Commission may cause such obstruction to be removed or cause such damage to be repaired and to recover applicable costs pursuant to the provisions of these Regulations.

Section 2.5 Authorized Discharges to Stormwater Drains

- A. In accordance with the Bylaw, the non-stormwater discharges and flows to the municipal storm drain system and to waters of the Commonwealth found in § 175-18 of the Bylaw are exempt from the prohibition on illicit discharges, provided that, in the opinion of the Conservation Commission, the source is not a significant contributor of a pollutant to the Municipal Storm Drain System or to waters of the Commonwealth.

Section 2.6 Authorization to Discharge to Municipal Storm Drainage Systems

- A. No person shall cause or allow any non-stormwater discharges to the municipal storm drainage system without having first obtained written authorization from Conservation Commission. Discharges to stormwater drains that require written authorization include, but are not limited to, dewatering drainage, subsurface drainage, non-contact cooling water, non-contact industrial process waters, uncontaminated cooling water, uncontaminated industrial process water, or water associated with the excavation of a foundation or trench, hydrological testing, groundwater treatment/remediation, removal or installation of an underground storage tank, foundation drains, crawl space pumps, footing drains or utility access chamber discharges. The decision to approve such discharges rests entirely with the Conservation Commission. Such discharges shall comply with all other applicable requirements.
- B. Persons seeking to discharge pursuant to written authorization from Conservation Commission shall also obtain, when applicable, a NPDES Permit, coverage under a NPDES Permit or a NPDES Exclusion for the discharge. A copy of which shall be provided to the Conservation Commission.

- C. Written authorization issued to the user may stipulate special conditions and terms as deemed necessary or appropriate by the Conservation Commission.
- D. Authorization shall be denied, revoked, suspended or modified if the Conservation Commission determines that the discharge, whether singly or in combination with others, is or may cause or contribute to a water quality problem, or may cause or contribute to a violation of the Town's NPDES Permit.
- E. In the case of construction site dewatering, the duration of the permit shall not exceed the time necessary to keep a site dewatered during construction. An Owner may apply to the Conservation Commission of or an extension of authorization for construction site dewatering if so approved by the appropriate state or federal agency. Such application shall be submitted to the Conservation Commission a minimum of fourteen 14 days prior to the expiration of the existing permit.

Section 2.7 NPDES Notice of Intent and Permit

- A. The owner of any property or project located within the Town and subject to the requirements of a NPDES Permit for a Stormwater Discharge associated with Industrial Activity or for construction purposes shall submit to the Conservations Commission a copy of the completed NPDES Multi-Sector General Permit Notice of Intent or individual application as submitted to EPA, and the information identified in items 1. through 8. below, as applicable:
 - 1. Address of the building (or premises) where the discharge will take place and the name and address of the building (or premises) owner;
 - 2. Name of a contact person, title and phone number;
 - 3. A site plan or sketch which shows the location of the connection of the building stormwater drain or the point(s) of discharge to the municipal storm drainage system, including the street name, size of the stormwater drain to which the stormwater will discharge and the outfall to which the discharge will be conveyed and discharged;
 - 4. Standard Industrial Code (SIC Code) of the facility;
 - 5. A description of the product or services provided by the facility;
 - 6. A description of the nature of the discharge;
 - 7. Existing NPDES permit, if any;
 - 8. Town Utilities servicing Facility.
- B. Any person subject to a NPDES permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Conservation Commission pursuant to or as a condition of his recommendation concerning a proposed special permit,

variance, subdivision approval, site plan approval, or building permit; during any enforcement proceeding or action; or for any other reasonable cause.

Section 2.8 Waste Disposal Prohibitions

- A. No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the municipal storm drain system, or water of the Commonwealth, any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution. Wastes deposited in streets in proper waste receptacles for the purposes of collection are exempt from this prohibition.

Section 2.9 Dumping to Catch Basins

- A. No person shall directly or indirectly dump, discharge or cause or allow to be discharged into any catch basin, any solid waste, construction debris, paint or painting product, antifreeze, hazardous waste, oil, gasoline, grease and all other automotive and petroleum products, solvents and degreasers, drain cleaners, commercial and household cleaners, soap, detergent, cleaning or wash waters ammonia, food and food waste, fats, wax, oil and grease, grass or yard waste, leaves, animal feces, dirt, sand, gravel or other pollutant.
- B. Any person determined by the municipality to be responsible for the direct or indirect discharge of any of the above substances to a catch basin may be responsible for all clean-up costs and for paying any penalties assessed by the municipality or other federal state or local agencies.

Section 2.10 Disposal of Septage Prohibited

- A. No person shall discharge or cause or allow to be discharged any septage into a stormwater drain.

Section 2.11 Notification of Spills

- A. In accordance with the Bylaw, a release of materials resulting in or which may result in discharge of pollutants or illicit discharges into stormwater, to the municipal storm drainage system, or waters of the Commonwealth, the person shall take all necessary steps to ensure discovery, containment, and cleanup of the release. In the event of a release of oil or hazardous waste to the municipal storm drainage system, the person shall immediately notify the Conservation Commission and the Town's Fire and Public Works Departments and the Board of Health. In the event of a release of a non-hazardous pollutant to the municipal storm drainage system, the reporting person shall notify the Conservation Commission in person or by phone no later than 4:00 p.m. of the next business day.

Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Conservation Commission within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained in accordance with the Massachusetts Public Records Law.

Section 2.12 Sump Pump Discharges

- A. All sump pump discharges shall drain to the Owner's lawn and yard area.
- B. No person shall discharge onto an abutting property or to a public right of way.

Section 2.13 Transitional Provisions

- A. Owners shall have 60 days from the effective date of these Regulations to comply with the provisions in *Section 2.0*, provided good cause is shown for the failure to comply during that period.

Section 3.0 Land Disturbance

Section 3.1 Permits and Procedures

- A. Permit issuance is required prior to any of the following regulated land disturbance activities, but not limited to:
 - 1. Land disturbance of greater than forty-three thousand five hundred sixty (43,560) square feet, 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 forty-three thousand five hundred sixty (43,560) square feet or more of land.
 - 3. Paving or other change in surface material over an area of forty- three thousand five hundred sixty (43,560) square feet or more 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 more than forty-three thousand five hundred sixty (43,560) square feet.
 - 5. Any other activity altering the surface of an area exceeding forty- three thousand five hundred sixty (43,560) square feet that will, or may, result in increased stormwater runoff flowing from the property into a public way or the municipal storm drainage system.

- B. The Conservation Commission and shall review all applications for a Stormwater and Erosion Control Permit, conduct inspections, issue a final permit and conduct any necessary enforcement action. Following receipt of a completed application, the Conservation Commission shall seek review and comments from the Planning Board and the Public Works Department. The Conservation Commission shall not make a decision on the stormwater and erosion control permit until it has received comments from the Planning Board and Public Works Department or until fourteen (14) days have elapsed after receipt of the application materials without submission of comments thereon.
- C. The Owner is required to be the applicant of the permit, unless written authorization is granted by the Conservation Commission.
- D. The Conservation Commission and their designees will refer to the policy, criteria and information including specifications, guidance, and standards of the latest edition of the Massachusetts Stormwater Policy or the latest edition of Town of Charlton Design Standards, to be adopted and amended from time to time by the Conservation Commission, whichever is more stringent in the protection of the municipality's environmental and infrastructure resources, for execution of the provisions of these Regulations.
- E. The applicant will publish a notice in the local newspaper that the Conservation Commission is accepting comments on the Stormwater and Erosion Control Permit application. The Stormwater and Erosion Control Permit application shall be available for inspection by the public during normal business hours at the Town Hall for five (5) business days from the notice. A public hearing is not required. The public may submit their comments within the time that the Stormwater and Erosion Control Permit application is available for inspection. Comments may be submitted to the Conservation Commission during business hours.
- F. Information requests. The Owner shall submit all additional information requested by the Conservation Commission to issue a decision on the application.
- G. Actions. The Conservation Commission action, rendered in writing, shall consist of either:
 - 1. Approve the application and issue a permit if it finds that the proposed plan will protect water resources and meets the objectives and requirements of the Bylaw;
 - 2. Approve the application and issue a permit with conditions, modifications, requirements for operation and maintenance requirements of permanent structural BMPs, designation of responsible party, or restrictions that the Conservation Commission determines are required

to ensure that the project will protect water resources and will meet the objectives and requirements of the Bylaw; or

3. Disapprove the application and deny a permit if it finds that the proposed plan will not protect water resources or fails to meet the objectives and requirements of the Bylaw. If the Conservation Commission finds that the applicant has submitted insufficient information to describe the site, the work, or the effect of the work on water quality and runoff volume, the Conservation Commission may disapprove the application, denying a permit.
- H. Issuance of the Stormwater and Erosion Control Permit is subject to the following:
1. No Stormwater and Erosion Control Permit shall be issued until the required application packages are approved.
 2. As a condition of permit issuance, the Owner shall agree to allow any inspections to be conducted.
 3. Where a bond, letter of credit, or other surety is required, the Stormwater and Erosion Control Permit shall not be issued until the surety has been obtained and approved.
- I. A decision of the Conservation Commission shall be final. Further relief of a decision by the Conservation Commission made under this Regulation shall be reviewable in a Court of competent jurisdiction. The remedies listed in this Regulation are not exclusive of any other remedies available under any applicable federal, state or local law.
- J. Failure of the Conservation Commission to take final action. Failure of the Conservation Commission to take final action upon an application within 30 days of the filing (or receipt of documentation addressing comments) of the stormwater application with the Conservation Commission shall be deemed to be approval of said application. Upon certification by the Conservation Commission that the allowed time has passed without the Conservation Commission action, the Stormwater and Erosion Control Permit shall be issued by the Conservation Commission.
- K. Plan Changes. The Owner must notify the Conservation Commission in writing of any drainage change or alteration in the system authorized in a Stormwater and Erosion Control Permit before any change or alteration is made. If the Conservation Commission determines that the change or alteration is significant, based on the Stormwater Management Standards in *Sections 3.3, 3.4, and 3.5* and accepted construction practices, the Conservation Commission may require that an amended application be filed. If any change or alteration from the Stormwater and Erosion Control Permit occurs, the Conservation Commission may require the installation of interim erosion and sediment control measures before approving the change or alteration.

- L. Project Completion. At completion of the project the Owner or Owner's Technical Representative shall submit to the Conservation Commission as-built record drawings of all structural stormwater controls and treatment BMPs required for the site. The as-built drawings shall show deviations from the approved plans, if any, and be certified by a Registered Professional Engineer (PE).
- M. Intent and Consistency with Other Plans. The intent of this permit is to ensure compliance with the State and municipality's Stormwater Standards as well as compliance with the NPDES MS4 Permit issued to the municipality by the EPA. Submittals to other Town departments, boards, and commissions, State or Federal Agencies, may be utilized and supplemented to fulfill all requirements of the Stormwater and Erosion Control Permit.

Section 3.2 Stormwater and Erosion Control Permit Application

- A. The site owner or his/her Commission shall file with the Conservation Commission a completed application package for a Stormwater and Erosion Control Permit. The Stormwater and Erosion Control Permit application package shall include:
 - 1. A completed Application Form with original signatures of all owners;
 - 2. Stormwater Management Plan and project description as specified in *Section 3.3*;
 - 3. Project Narrative addressing how the Owner is in compliance and with and/or meeting the Standards set forth in *Section 1.7 Design and Construction Standards* to the best of their ability. Include with this Narrative a copy of the calculations performed to ensure compliance as defined in *Section 3.3.C*.
 - 4. Erosion and Sediment Control Plan as specified in *Section 3.4*;
 - 5. Operation and Maintenance Plan as specified in *Section 3.5*;
 - 6. If required by the EPA, NPDES General Permit for Discharges from Large and Small Construction Activities application, including the NPDES Construction General Permit Notice of Intent and Stormwater Pollution Prevention Plan (SWPPP);
 - 7. Application form, Stormwater Management Plan, Erosion and Sediment Plan, and Operation and Maintenance Plan must be filed with the Conservation Commission. The date of receipt by the Conservation Commission shall be the official filing date; and
 - 8. Payment of the application and review fee. The Conservation Commission shall obtain with each submission an Application Fee listed below. The Conservation Commission may require higher fees if deemed necessary for the Conservation Commission to complete its review.

- a) Violations: All fees associated with after the fact applications or fillings as a result of a violation and/or enforcement action shall be charged double (200%) the fees listed below.
 - b) Re-inspection services as detailed in *Section 3.7*.
9. Schedule of Fees. All fees are based on the total area of the Project Site; where the project site means the area within the parcel(s) that comprises the limit of work for ALL activities, including but not limited to, the dredging, excavating, filling, grading, the erection, reconstruction or expansion of a building or structure, the driving of pilings, the construction or improvement of roads or other ways, and the installation of drainage, stormwater treatment, environmentally sensitive site design practices, sewage and water systems.

Area of Project Site	Fee
1-5 acres	\$100
5-10 acres	\$500
10-25 acres	\$2500
25-50 acres	\$5000
Over 50 acres	\$100/acre
Re-Inspection Fee	\$150
Violation Filing's	Double (200%) the fees listed above

10. The Conservation Commission is authorized to require additional fees, in accordance with the Bylaw and as provided by G.L. Ch. 44 §53G, for the following:
- a. Purpose: As provided by G.L. Ch. 44 §53G, the Charlton Conservation Commission may impose reasonable fees for the employment of outside consultants, engaged by the Conservation Commission, for specific expert services. Such services shall be deemed necessary by the Commission to come to a final decision on an application submitted to the Conservation Commission pursuant to the requirements of the Town of Charlton non-zoning Stormwater Bylaw and its supporting regulation, as they may be amended or enacted from time to time. The Conservation Commission may also impose fees for other consultant services, related to application review, or permit conditioning or monitoring, under any of the above-referenced laws or regulations.

- b. Special Account: Funds received pursuant to these rules shall be deposited with the town treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Conservation Commission without further appropriation as provided in G.L. Ch. 44 §53G. Expenditures from this account shall be made only in connection with a specific project or projects for which a consultant fee has been collected from the applicant. Expenditures of accrued interest may also be made for these purposes.
- c. Consultant Services: Specific consultant services may include but are not limited to resource area survey and delineation, analysis of resource area values, hydrogeologic and drainage analysis, impacts on municipal conservation lands, and environmental or land use law. Services may also include on-site monitoring during construction, or other services related to the project deemed necessary by the Commission. The consultant shall be chosen by, and report only to, the Commission and/or its Agent.
- d. Notice: The Conservation Commission shall give written notice to the applicant of the selection of an outside consultant. Such notice shall state the identity of the consultant, the amount of the fee to be charged to the applicant, and a request for payment of said fee in its entirety. Such notice shall be deemed to have been given on the date it is mailed or delivered. No such costs or expenses shall be incurred by the applicant if the application or request is withdrawn within five days of the date notice is given.
- e. Payment of Fee: The fee must be received prior to the initiation of consulting services. The Commission may request additional consultant fees if necessary review requires a larger expenditure than originally anticipated or new information requires additional consultant services. Failure by the applicant to pay the consultant fee specified by the Commission within ten (10) business days of the request for payment, or refusal of payment, shall be cause for the Commission to deny the application based on lack of sufficient information to evaluate whether the project meets applicable performance standards in 310 CMR 10.00 and the Town of Charlton's Wetlands Bylaw, or its regulations. An appeal stops the clock on the above deadline; the countdown resumes on the first business day after the appeal is either denied or upheld. A denial for lack of information may be based solely on the

lack of the third party consultant review identified as necessary by the Commission. The Commission shall specify in its denial the nature of the information lacking which its chosen consultant would provide, e.g., the questions it needs answered. Failure by the applicant to pay the consultant fee specified by the Commission within ten (10) business days of the request for payment shall be cause for the Commission to deny the permit application under the PWO.

- f. Appeals: The applicant may appeal the selection of the outside consultant to the Town Council, which may only disqualify the outside consultant selected on the grounds that the consultant has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue or a related field. Such an appeal must be in writing and received by the Board of Selectmen and a copy received by the Conservation Commission, so as to be received within ten (10) days of the date consultant fees were requested by the Conservation Commission. The required time limits for action upon the application shall be extended by the duration of the administrative appeal.
- g. Return of Unspent Fees: When the Commission's review of a project is completed and an Order of Conditions issued, any balance in the special account attributable to that project shall be returned within 30 days. The excess amount, including interest, shall be repaid to the applicant or the applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Commission with appropriate documentation. A final report of said account shall be made available to the applicant or applicant's successor in interest.

Section 3.3 Stormwater Management Plan

- A. To the greatest extents practicable, the Town requires development and redevelopment project proponents to attenuate runoff and infiltrate rainfall on the property, to minimize and mitigate against runoff and contaminants leaving private properties, both during construction and once completed.

- B. The application for a Stormwater and Erosion Control Permit shall consist of submittal of a Stormwater Management Plan to the Conservation Commission. This Stormwater Management Plan shall contain sufficient information for the Conservation Commission and relevant Town Departments to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the Owner for reducing adverse impacts from stormwater. The Plan shall be designed to meet the Design and Construction Standards as set forth in *Section 1.7*. The Stormwater Management Plan shall fully describe the project in drawings, and narrative. It shall include:
1. Contact Information. Name, address, and telephone numbers of the owner, Owner, and person(s) or firm(s) preparing the Plan,
 2. A locus map showing the parcel in relation to the surrounding properties,
 3. A North arrow, scale, and date,
 4. Surveyed property lines,
 5. The existing zoning, and land use at the site,
 6. Critical area boundaries at the site,
 7. The proposed land use,
 8. The location(s) of existing and proposed easements,
 9. The location of existing and proposed utilities,
 10. The site's existing and proposed topography with contours at intervals no greater than 2-feet (NAVD 88) with spot elevations provided when needed,
 11. The existing site hydrology,
 12. A description and delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which stormwater flows,
 13. A delineation of 100-year flood plain, if applicable,
 14. Estimated seasonal high groundwater elevation (November to April) in areas to be used for stormwater retention, detention, or infiltration,
 15. The existing and proposed vegetation and ground surfaces with runoff coefficient for each,
 16. A drainage area map showing pre- and post-construction watershed boundaries, drainage areas, NRCS hydrologic soil group boundaries (A, B, C, and D soil groups), flow paths for time of concentration, points of analysis and location of soil tests.
 17. 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 typical details, and
 - (f) Expected hydrology with supporting calculations.
- 18. A description and drawings of all components of the proposed drainage system,
 - 19. Proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable,
 - 20. Timing, schedules, and sequence of development including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization,
 - 21. The name, address, and cell phone number of the best management practices manager and a proposed schedule for the inspection and maintenance of all best management practices.
 - 22. A narrative section which includes a discussion of each measure, its purpose, its construction sequence and installation timing as they apply to the site and the project proposed,
 - 23. Any other information requested by the Authorized Enforcement Agency.
- C. Standards. Projects shall meet the *Section 1.7 Design and Construction Standards* and the following standards:
- 1. Stormwater Management Design Calculations and Standards
 - (a) Drainage systems shall have adequate capacity to handle all storm water runoff presently flowing through the property/site, as well as to dispose of any additional runoff generated by the proposed development up to the 100-year storm event. Rainfall data used for stormwater design shall utilize the 24-hour event from the most recent and recognizable data by the State and Federal entities – preferably NOAA Atlas 14+.
 - (b) Calculations shall be prepared, sealed and stamped by the Owner’s Technical Representative for pre- and post-development conditions to show peak rates of runoff for the 2-,10-, 25- and 100-year storm events using software program-based SCS TR-55 and/or TR-20 stormwater modeling methods. Calculations and assumptions shall be clearly shown. Calculations shall be supported by soil logs and

USDA NRCS soil maps. The stormwater volume to be recharged to groundwater shall be determined using the methods in the Massachusetts Stormwater Policy and MS4 Permit.

- (c) Test pits shall be performed in the location of all proposed retention or detention facilities to determine depth to groundwater, depth to refusal, and soil classification. If the system proposes recharge to groundwater an infiltration test shall also be performed. Soil testing must be conducted in accordance with the Massachusetts Stormwater Policy. All soil testing shall be witnessed by the Conservation Commission or their designee. Additional testing may be required by the Conservation Commission at their discretion.
- (d) Low Impact Development (LID) site planning and design strategies must be used to the maximum extent feasible.
- (e) To the extent that the project will discharge, directly or indirectly, to a water body subject to one or more pollutant-specific Total Maximum Daily Loads (TMDLs) found in MA DEP most recent list of Integrated Waterways, implement structural and non-structural stormwater best management practices (BMPs) that are consistent with each such TMDL.
- (f) To the extent the project will discharge, directly or indirectly, to an impaired water body not subject to a TMDL, implement structural and non-structural stormwater BMPs optimized to remove the pollutant or pollutants responsible for the impairment.
- (g) The design of treatment and infiltration practices must follow the guidance in Volume 2 of the Massachusetts Stormwater Policy, as amended.
- (h) Pollutant removal shall be calculated consistent with EPA Region 1's BMP Performance Extrapolation Tool or other BMP performance evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the planned or installed BMP performance any federally or State approved BMP design guidance or performance standards (e.g. Massachusetts Stormwater Policy and design guidance manuals) may be used to calculate BMP performance.
- (i) Capacity of drainage systems shall be adequate to carry all stormwater run-off presently flowing through the proposed project area, as well as address any

additional run-off generated by the proposed project up to and including the run-off from a 100-year storm, including a minimum of one foot of freeboard, using the following methods:

- The flow from storms of up to a 25-year frequency and 24-hour duration shall be conveyed through the municipal storm drainage system on the developed site. Storm drain piping and grate inlets shall be designed for a 25-year storm event; Detention facilities and culverts shall be provided to accommodate all runoff, up to and including the run-off generated by the 100-year, 24- hour storm. Stream crossing culverts shall be designed in accordance with the latest addition of the Massachusetts Stream Crossing Handbook. As a minimum, detention basin routing calculations shall be prepared for the 10, 25 and 100-year storm events.
- (j) Drainage pipe systems shall be designed to accommodate the 25 year storm event, maintain velocities between 2.5 and 10 feet per second, provide self-cleaning flow velocities, and provide calculations using the Mannings Equation.
- (k) The combination of storage and design release rate shall not result in a storage duration of greater than seventy-two (72) hours.
- (l) Maximum total depth of detention/retention area shall be four feet (4') as measured from the lowest outlet point to the lowest point of the emergency overflow.
- (m) Outlet control structures shall be designed to minimize required maintenance for proper operation.
- (n) Each stormwater detention/retention area shall be provided with a method of emergency overflow in the event of a storm in excess of the 100-year frequency type.
- (o) Drainage swales shall be designed to accommodate the 25 year storm event and velocities below 4 feet per second.
- (p) At the discretion of the Conservation Commission, drainage system may discharge to an existing, adjacent municipal drainage system if the Owner can show that the municipal drainage system provides sufficient excess capacity to accommodate both

the existing runoff and the proposed additional runoff from the project during a 25-year frequency and a 24-hour duration storm event.

- (q) Hydraulic calculations, prepared by the Owner's Technical Representative, shall note the specific engineering and/or computer program to be used. Hydraulic calculations shall be submitted to substantiate all design features of any proposed or existing drainage system utilized by the project. Computations for run-off shall be made in accordance with standard engineering practice and in compliance with MassDEP standards. Hydraulic calculations shall include the following:
- (i) Runoff area boundaries shown on a plan
 - (ii) Methodology used
 - (iii) Soil and land use characterization and design storm parameters
 - (iv) Soil conditions and ground water
 - (v) Pipe size calculation
 - (vi) Detention and retention pond and outlet control calculations as applicable
 - (vii) Total suspended solid (TSS) removal rates and calculations
 - (viii) Infiltration calculations as applicable
 - (ix) Culvert analysis and calculation as applicable
- (r) A continuous design element (i.e. railing or hedge) shall border any detention/retention basin area with interior side slopes greater than 3:1. Drainage basins shall be designed to facilitate access for maintenance vehicles and personnel.
- (s) If it is necessary to carry drainage across lots within the development, storm drainage easements shall be provided, of such width and construction as will be adequate to accommodate the volume and velocity of the run-off. However, no such easement shall be less than twenty feet (20') in width.
- (t) If a proposed drainage system will carry water across land outside the development boundaries to an approved outfall, appropriate drainage rights shall be secured by the Owner and at the Owner's expense.
- (u) Outfalls are to be designed to prevent erosion of soils, and pipes 24 inches or larger are to be fitted with grates or bars to prevent ingress.

- (v) Retention and detention ponds, and methods of overland flow may be used to retain, detain, and treat any increased and accelerated runoff which the development may generate.
- (w) There shall be a minimum of two feet (2') of naturally occurring soils between the detention basin bottom and the maximum annual ground water table;
- (x) Intermittent surface water courses and such as swales, forebays, detention/retention basins shall be vegetated and appropriately reinforced along the low flow channel.
- (y) The use of drainage facilities coordinated with landscaped buffers, open space and conservation areas is encouraged.
- (z) Drainage easements are to provide sufficient access for maintenance and repairs of system components and be at least 20 feet wide.
- (aa) Neighboring properties shall not be negatively impacted by flooding due to excessive runoff caused by the development.

2. New Development Stormwater Management Performance and Design Standards

- (a) Stormwater management systems on New Development sites shall be designed to:
 - (i) Not allow new stormwater conveyances to discharge untreated stormwater in accordance with Massachusetts Stormwater Policy Standard 1;
 - (ii) Control peak runoff rates in accordance with Massachusetts Stormwater Policy Standard 2;
 - (iii) Recharge groundwater in accordance with Massachusetts Stormwater Policy Standard 3;
 - (iv) Eliminate or reduce the discharge of pollutants from land uses with higher pollutant loads as defined in the Massachusetts Stormwater Policy in accordance with Massachusetts Stormwater Policy Standard 5;
 - (v) Protect Zone II or Interim Wellhead Protection Areas of public water supplies in accordance with Massachusetts Stormwater Policy Standard 6;
 - (vi) Implement long term maintenance practices in accordance with Massachusetts Stormwater Policy Standard 9; and
 - (vii) Require that all stormwater management systems be designed to: (1) Retain the volume of runoff equivalent to, or greater than, one (1.0) inch multiplied by the total post-construction impervious surface area on the site

and/or 2) Remove 90% of the average annual load of Total Suspended Solids (TSS) generated from the total post-construction impervious area on the site and 60% of the average annual load of Total Phosphorus (TP) generated from the total post-construction impervious surface area on the site.

3. Redevelopment Stormwater Management Performance and Design Standards

(a) Stormwater management systems on Redevelopment sites shall meet the following Standards to the maximum extent feasible:

- (i) Massachusetts Stormwater Policy Standards 1, 2, and 3, the pretreatment and structural best management practices requirements Massachusetts Stormwater Policy Standards 5 and 6.
- (ii) Stormwater management systems on Redevelopment sites shall also improve existing conditions by requiring that stormwater management systems be designed to: 1) Retain the volume of runoff equivalent to, or greater than, 0.80 inch multiplied by the total post-construction impervious surface area on the site and/or 2) Remove 80% of the average annual post-construction load of Total Suspended Solids (TSS) generated from the total post-construction impervious area on the site and 50% of the average annual load of Total Phosphorus (TP) generated from the total postconstruction impervious surface area on the site.
- (iii) Redevelopment activities that are exclusively limited to maintenance and improvement of existing roadways, (including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems, and repaving projects) shall improve existing conditions where feasible and are exempt from *3.3.C.2.(a)(i through iii)*. Roadway widening or improvements that increase the amount of impervious area on the redevelopment site by greater than or equal to a single lane width shall meet the requirements of *3.3.C.2.(a)(i through iii)*.
- (iv) Stormwater management systems on redevelopment sites may utilize offsite mitigation within the Town of Charlton, in the same USGS HUC12 as the redevelopment site to meet the equivalent retention or pollutant removal requirements.

4. Redevelopment Offsite Mitigation Performance and Design Standards

- (a) For Redevelopment projects where the Owner proposes to utilize off-site mitigation to meet the average annual pollutant removal requirements, the Owner will describe in writing why it is not technically feasible to meet the average annual pollutant removal requirements on-site, including which on-site treatment BMPs were considered and why they were deemed not feasible.
 - (b) Off-site mitigation shall be located within the municipality and the same tributary to the maximum extent feasible. Under no circumstances will off-site mitigation be located outside the same USGS HUC12.
 - (c) The off-site mitigation project shall be designed and constructed in a manner consistent with the requirements of the Town's bylaws and related regulations.
 - (d) The Conservation Commission shall, at its discretion, identify priority areas within the watershed and/or tributary area in which offsite mitigation may be completed.
 - (e) Offsite mitigation provided at a site not owned by the municipality, requires a separate Stormwater and Erosion Control Permit covering the off-site mitigation project, the terms and conditions of which, including ongoing operations and maintenance requirements, shall run with the land where the off-site mitigation is located.
 - (f) Construction of the off-site mitigation project shall commence within 12 months of Stormwater and Erosion Control Permit issuance and be completed within 12 months of commencement.
5. When one or more of the Standards cannot be met, an Owner may demonstrate that an equivalent level of environmental protection will be provided. Additional design standards are referenced in *Section 1.7*.
6. Landscaping
- (a) All open areas, exclusive of areas to remain in an existing natural state shall be landscaped utilizing both natural and man-made materials such as grasses, trees, shrubs, paving materials and outdoor furniture that are appropriate to the local climate and anticipated uses of the project.
 - (b) Type and arrangement of street trees shall be acceptable to Conservation Commission and/or their authorized designee.
 - (c) All required landscaping shall be maintained in good condition at all times.
7. Non-structural Stormwater Management Strategies

- (a) To the maximum extent practicable, non-structural stormwater management strategies set forth in *Section 3.3.C.7.(b)* shall be incorporated into the design. The Owner shall identify the nonstructural measures incorporated into the design of the project. If the Owner contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified in *Section 3.3.C.7.(b)* below into the design of a particular project, the Owner shall identify the strategy considered and provide a basis for the contention.
- (b) Non-structural stormwater management strategies incorporated into site design shall:
- (i) Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss,
 - (ii) Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces,
 - (iii) Maximize the protection of natural drainage features and vegetation,
 - (iv) Minimize the decrease in the "time of concentration" from pre-construction to post construction,
 - (v) Minimize land disturbance including clearing and grading,
 - (vi) Minimize soil compaction,
 - (vii) Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides,
 - (viii) Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas, and
 - (ix) Provide other source controls to prevent or minimize the use or exposure of pollutants at the site, in order to prevent or minimize the release of those pollutants into stormwater runoff. Such source controls include, but are not limited to:
 - 1. Site design features that help to prevent accumulation of trash and debris in drainage systems,

2. Site design features that help to prevent discharge of trash and debris from drainage systems,
3. Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments, and
4. When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Massachusetts Stormwater Policy.

Section 3.4 Erosion and Sediment Control Plan

- A. The application for a Stormwater and Erosion Control Permit shall consist of submittal of an Erosion and Sediment Control Plan to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sediment controls. The Owner shall submit such material as is necessary to show that the proposed development will comply with the design requirements listed in *Section 3.4.B* below.
- B. The design requirements of the Erosion and Sediment Control Plan are:
 1. Minimize total area of land disturbance,
 2. Sequence activities to minimize simultaneous areas of land 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 sediment 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 manufacturer specifications and good engineering practices,
 8. Prevent off-site transport of sediment; depositing or washing soil into a waterbody or the storm drainage system is prohibited,
 9. Protect and manage on and off-site construction and waste 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 significant alteration of habitats mapped by the Massachusetts Natural Heritage and Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species from the proposed activities,
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,
14. Prevent off-site vehicle tracking of sediments. Graveled roads, access drives and parking areas of sufficient width and length are required to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday,
15. Install measures intended to keep soil on site or out of water bodies, storm drainage systems or the public right-of-way as the first step in any development. These measures shall be made functional prior to any upslope development taking place,
16. Remove any soil that enters the public right-of-way,
17. Protect stormwater inlets that are functioning during the course of the development by approved sediment control measures so that sediment-laden water cannot enter the inlets without first being filtered.
18. Apply permanent or temporary soil stabilization to denuded development site areas in conformance with the following schedule:
 - (a) All denuded sites shall immediately be provided with either temporary or permanent soil stabilization.
 - (b) Temporary erosion and sediment control measures to reduce dust and sediment transport shall be applied as soon as practicable, but in no case more than seven days after land disturbing activity occurs.
 - (c) Ground cover shall be installed on any portion of a site that is denuded for more than six months. Sports fields or playgrounds surrounded by vegetative cover or permanently installed curbing are exempt from this requirement.
 - (d) Temporary measures shall be maintained until permanent measures are established.

- (e) Permanent non-permitted land disturbing activities may achieve compliance with the standards set out in subsections (a) through (d) above, with the installation and maintenance of approved permanent BMPs.
- (f) There shall be no stockpiling of soil or other material within 30 feet of any resource area. Secure or protect soil stockpiles throughout the project with temporary or permanent soil stabilization measures. The Owner is accountable for the protection of all stockpiles on the site, and those transported from the site. Depositions of soil may be subject to additional regulations requiring permit, review or erosion and sediment control.

C. Erosion and Sediment Control Plan Content

1. Names, addresses, and telephone numbers of the Owner and person(s) or firm(s) preparing the Plan,
2. The name, address, and cell phone number of the best management practices manager.
3. Title, date, north arrow, names of abutters, scale, legend, and locus map,
4. Location and description of natural features including:
 - (a) Watercourses and water bodies, Outstanding Resource Waters (ORWs), wetland resource areas, vernal pools, and all floodplain information, including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map, or as calculated by the Owner's Technical Representative for areas not assessed on these maps,
 - (b) Existing vegetation including tree lines, canopy layer, shrub layer, and ground cover, and trees with a caliper twelve (12) inches or larger, noting specimen trees and forest communities,
 - (c) The 25-foot No Disturb Zone and the 100-foot buffer to all Bordering Vegetated Wetlands, and
 - (d) Habitats mapped by the Massachusetts Natural Heritage and 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 (500') of any construction activity.
5. Lines of existing abutting streets showing drainage and driveway locations and curb cuts,
6. Existing soils, volume and nature of imported soil materials,
7. A depiction or description of areas of soil disturbance,

8. A depiction or description of areas of cut and fill,
9. Topographical features including existing and proposed contours at intervals no greater than two 2 feet (2') with spot elevations provided when needed,
10. 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,
11. Drainage patterns and approximate slopes anticipated after major grading activities (Construction Phase Grading Plans),
12. 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, earth movement schedule, and construction and waste material stockpiling areas,
13. Proposed schedule for the inspection and maintenance of all best management practices during construction.
14. The outline of any areas, including drainage ways, steep slopes and proposed stockpile of topsoil that shall be restored and/or seeded immediately,
15. Path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable,
16. Location and description of industrial discharges, including stormwater discharges from dedicated asphalt plants and dedicated concrete plants, which are covered by this permit,
17. Stormwater runoff calculations in accordance with the Massachusetts Stormwater Policy,
18. Location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures,
19. A description of construction and waste materials expected to be stored on-site and intended disposal methods. 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,
20. A description of provisions for phasing the project where one acre of area or greater is to be altered or disturbed,
21. If a subdivision, a general note indicating the responsibility to maintain erosion/sedimentation controls during construction and, until sale of the lots involved, including the frequency of maintenance and that temporary ground cover or

erosion/siltation control shall be established on any unbuilt lots where required by the Authorized Enforcement Agency.

22. Plans must be stamped and/or certified by the Owner's Technical Representative, and

23. Such other information as is required by the Conservation Commission.

- D. Project Changes. The Owner, or their Commission, shall notify the Conservation Commission in writing of any change or alteration of a land disturbance authorized in a Stormwater and Erosion Control Permit before any change or alteration occurs. If the Conservation Commission determines that the change or alteration is significant, based on the design requirements listed in these Regulations and accepted construction practices, the Conservation Commission may require that an amended Stormwater and Erosion Control Permit application be filed. If any change or deviation from the Stormwater and Erosion Control Permit occurs during a project, the Conservation Commission may require the installation of interim measures before approving the change.

Section 3.5 Operation and Maintenance Plan

- A. Operation and maintenance of private facility construction are the responsibility of the Owner.
- B. If the Operation and Maintenance Plan identifies a person other than the Owner (for example, a public agency, private agency, or homeowners' association) as having the responsibility for maintenance, the Plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable Bylaw or regulation.
- C. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project.
- D. If the person responsible for maintenance identified under *Section 3.5.B* above is not a public agency, the operation and maintenance and any future revisions based on *Section 3.5.G* below shall be recorded upon the deed of record for each property on which the maintenance described in the Operation and Maintenance Plan must be undertaken.
- E. Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetated linings.

- F. The person responsible for maintenance identified under *Section 3.5.B* above shall maintain a detailed log as detailed in *Section 3.5.L*.
- G. The person responsible for maintenance identified under *Section 3.5.B* above shall evaluate the effectiveness of the Operation and Maintenance Plan at least once per year and adjust the Plan and the deed as needed.
- H. The person responsible for maintenance identified under *Section 3.5.B* above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the Operation and Maintenance Plan and the documentation required by *Section 3.5.L*.
- I. The requirements of *Sections 3.5.C and 3.5.D* do not apply to stormwater management facilities that are dedicated to and accepted by the municipality.
- J. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the Conservation Commission shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to affect maintenance and repair of the facility in a manner that is approved by the Conservation Commission or their designee. The Conservation Commission, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality may immediately proceed to do so and shall bill the cost thereof to the responsible person.
- K. Nothing in this *Section 3.5* shall preclude the Conservation Commission from requiring the posting of a performance or maintenance guarantee.
- L. An Operation and Maintenance Plan is required at the time of application for all projects. The Operation and Maintenance Plan shall be designed to ensure compliance with the Stormwater and Erosion Control Permit, these rules and regulations, 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 Conservation Commission shall make the final decision of what maintenance option is appropriate in a given situation. The Conservation Commission 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 Conservation Commission and shall be an ongoing requirement. The Operation and Maintenance Plan shall include:

1. The name(s) of the owner(s) for all components of the system.
2. Maintenance agreements that specify:
 - (a) The names and addresses of the person(s) responsible for operation and maintenance,
 - (b) The person(s) responsible for financing maintenance and emergency repairs,
 - (c) A Maintenance Schedule for all drainage structures, including swales and ponds,
 - (d) A cost estimate for the operation and maintenance of the stormwater drainage system, including long-term replacement costs,
 - (e) A list of easements with the purpose and location of each, and
 - (f) The signature(s) of the owner(s).
3. Map showing locations of all stormwater facilities including but not limited to catch basins, manholes, drainage piping, and stormwater devices.
4. Detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspection and copies of all maintenance-related work orders.
5. Record of annual updates.

M. Stormwater Management Easement(s)

1. Stormwater management easements shall be provided by the property owner(s) 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; and
 - (c) direct maintenance access by heavy equipment to structures requiring regular cleanout.
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 Conservation Commission.
4. Easements shall be recorded with the municipality's corresponding Registry of Deeds prior to issuance of a Certificate of Occupancy by the Building Inspector.

N. Changes to Operation and Maintenance Plan

1. The owner(s) of the stormwater management system must notify the Conservation Commission 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 these rules and regulations by mutual agreement of the Conservation Commission 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.
- O. The Owner is required to obtain an annual certification from the Owner's Technical Representative that maintenance is being performed on structural BMPs.
- P. Waivers
1. The municipality shall perform operation and maintenance of structural BMPs for public facilities only.

Section 3.6 Surety

- A. The Conservation Commission may require the Owner 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 Conservation Commission to ensure that the work will be completed in accordance with the permit. If the project is phased, the Conservation Commission 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 Conservation Commission has received the final inspection report as required by *Section 3.8* and the final inspection has been conducted as required by *Section 3.7* and issued a Certificate of Occupancy. For subdivisions, the bond may not be fully released until street acceptance.

Section 3.7 Site Inspections and Supervision

- A. Pre-construction Meeting. Prior to starting clearing, excavation, construction, or land disturbance, the Owner, the Owner's Technical Representative, the general contractor or any other person with authority to make changes to the project, shall meet with the Conservation Commission and/or their designee, to review the permitted plans and their implementation.
- B. Conservation Commission Inspections. The Conservation Commission and/or their designee shall inspect the project site with the Owner's Technical Representative, of project completeness at the following stages:
1. Initial Site Inspection. Inspection prior to approval of any plan.

2. The Conservation Commission shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the Owner wherein the work fails to comply with the Stormwater and Erosion Control Permit as approved. The Stormwater and Erosion Control Permit and associated plans for grading, stripping, excavating, and filling work, bearing the signature of approval of the Conservation Commission, shall be maintained at the site during the progress of the work. The Owner shall notify the Conservation Commission at least two (2) working days before each of the following events:
 - (a) Erosion and sediment control measures are in place and stabilized;
 - (b) Site Clearing has been substantially completed;
 - (c) Rough Grading has been substantially completed;
 - (d) Final Grading has been substantially completed;
 - (e) Close of the Construction Season; and
 - (f) Final Landscaping (permanent stabilization) and project final completion.
- C. Owner Inspections. The Owner or Environmental Site Monitor, at the sole expense of the Owner, 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 Environmental Site Monitor must be a qualified inspector and approved by the Conservation Commission, in accordance with the Definitions section of these Regulations. The purpose of such inspections will be to determine the overall effectiveness of the required plans and the need for maintenance or additional control measures. The Owner or Environmental Site Monitor shall submit (daily, weekly or monthly reports as indicated in the permit) to the Conservation Commission.
- D. Bury Inspection. Prior to backfilling of any underground drainage or stormwater conveyance structures the Conservation Commission shall be notified.
- E. Final Inspection. After the stormwater management system has been constructed, the Owner must submit a stamped record plan signed by the Owner's Technical Representative detailing the actual stormwater management system as installed, exempt to minor permits. The record plan will include a statement box on the plan certifying the site review was conducted in accordance with these rules and regulations and all items were constructed according to the approved permit. The Owner or Owner's Technical Representative shall request a final inspection site meeting with the Conservation Commission. The Conservation Commission shall visit the site with the Owner's Technical Representative to confirm its "as-built" features. As-Built drawings of structural BMPs shall be

submitted to the Conservation Commission. The final inspection shall be completed and the final report (*Section 3.8*) shall be submitted to the Conservation Commission before the surety has been released and prior to requesting the issuance of Certificate of Occupancy.

- F. Access Permission. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Conservation Commission or their Agent thereof may enter upon privately owned property for the purpose of performing their duties under these rules and regulations and may make or cause to be made such examinations, surveys or sampling as the Conservation Commission deems reasonably necessary to determine compliance with the Stormwater and Erosion Control Permit.
- G. 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 Owner before the performance guarantee is released. If the Owner fails to act the municipality 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.
- H. Re-inspection Fees. Re-Inspection Fee's: The purpose of this fee is to cover the town's cost and to account for the inconvenience imposed on the Commission and staff, for having to re-inspect a site multiple times due specifically to an applicant's negligence. Any additional site visits required during the site plan review and prior to the Commission authorizing activity to commence shall be assessed a fee of \$150/visit.
 - a) Activities that may result in a re-inspection fees include but are not limited to: the applicant failure to properly mark the site prior to a scheduled site visit, the applicants failure to prepare a site plan in accordance with Section 3 of these regulations, the applicants failure to ensure all conditions required prior to activity are completed before requesting a pre-activity inspection and work authorization (No NPDES Sign, ESC not installed properly, etc.). Failure to submit the fee will result in the denial of the project due incomplete application. Additionally, the Commission will not authorize the activities to begin until all outstanding fees are paid in full.
 - b) The Commission shall not impose a fees for the initial site visit required during the public hearing process, when multiple site visits are necessary due to project complexity, when site visit are required as a specific condition of a permit (pre-activity visit, visits to monitor replication/mitigation measures), when site visit are request by a town department to assess

compliance on permits with cross jurisdictional issues, or when it is at the Commission's discretion to revisit the site.

Section 3.8 Final Report

- A. The Owner's Technical Representative shall evaluate the effectiveness of the stormwater BMPs during an actual storm and document the findings. The final report will include certification from the Owner's Technical Representative as to the effectiveness of the installed system during storm events.
- B. Upon completion of the work, the Owner shall submit a report (including certified as-built construction plans) from the Owner's Technical Representative certifying that all stormwater BMPs, and approved changes and modifications, have been completed in accordance with the conditions of the approved Stormwater and Erosion Control Permit. Any discrepancies should be noted in the cover letter.

Section 3.9 Waivers

- A. The Conservation Commission may waive strict compliance with any requirement of these 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 these rules and regulations.
- B. Any Owner 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 these rules and regulations does not further the purposes or objectives of these rules and regulations.
- C. All waiver requests may be discussed with other municipal departments and/or voted on at a public hearing for the project.
- D. If in the Conservation Commission's opinion, additional time or information is required for review of a waiver request, the Conservation Commission may issue a written continuance for their review. In the event the Owner objects to a continuance, or fails to provide requested information, the waiver request shall be denied.
- E. A waiver may be issued by the Conservation Commission with conditions the Owner must comply with during development and redevelopment of a lot.

Section 3.10 Exemptions

- A. Pursuant to the Bylaw, the provisions of this Regulation do not apply to:
1. Normal maintenance and improvement of Town-owned public ways and appurtenances;
 2. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04;
 3. Repair of septic systems when required by the Board of Health for the protection of public health;
 4. The construction of fencing that will not substantially alter existing terrain or drainage patterns;
 5. Construction of utilities other than drainage (gas, water, electric, telephone, etc.) that will not alter terrain or drainage patterns;
 6. Construction activities waived from permit coverage under the NPDES General Permit for Stormwater Discharges from Construction Activities;
 7. Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling; and
 8. Emergency work to protect life, limb, or property.

Section 3.11 Certificate of Occupancy

- A. The Conservation Commission will issue a letter certifying completion upon receipt and approval of the final reports and/or upon otherwise determining that all work of the Stormwater and Erosion Control Permit has been satisfactorily completed in conformance with these rules and regulations, which letter shall be submitted by the Owner to the Town of Charlton Office of the Building Inspector prior to the issuance of a Certificate of Occupancy, if applicable.

Section 4.0 Enforcement

Section 4.1 Enforcement

- A. The Conservation Commission, or their Agent shall enforce these Regulations, the Bylaw, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.
- B. Civil Relief. If a person violates the provisions of these Regulations, the Conservation Commission may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

- C. Notice of Violation. Whenever the Conservation Commission finds that a person has violated a prohibition or failed to meet a requirement of these Regulations, the Conservation Commission may order compliance by written Notice of Violation to the responsible person. Written orders to enforce the provisions of the Bylaw or Regulations thereunder, which may include but are not limited to the orders listed in § 175-10 and § 175-22 of the Bylaw.

Section 4.2 Penalties

- A. Criminal Penalty. Any person who violates any provision of these Regulations regulation, order or permit issued there under, shall be punished by a fine of not more than \$300. Each day or part thereunder that such violation occurs or continues shall constitute a separate offense.
- B. Tax Liens. The Town of Charlton shall require the repayment of services provided to the responsible party which the responsible party was obligated to perform as put forth in the operation and maintenance plan. Such services may include but are not limited to the following: removing sediment from stormwater devices, repairing stormwater devices or revegetating stormwater devices. The Town will send the responsible party a bill for services provided. If the bill is not paid, the Town may impose a tax lien on the responsible party or parties' property.

Section 4.3 Appeals

- B. Notwithstanding the provisions of *Section 4.6* below, any person receiving a Notice of Violation under *Section 4.1* above may appeal the determination of the Conservation Commission. The notice of appeal must be received by the Conservation Commission within 5 days from the date of the Notice of Violation. A hearing on the appeal before the Conservation Commission shall take place within 15 days from the date of municipality's receipt of the notice of appeal. The decision of the Conservation Commission or designee shall be final. Further relief shall be to a court of competent jurisdiction.

Section 4.4 Charging Cost of Abatement/Liens

- A. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator (if different than the property owner) and the property owner shall be notified of the costs incurred by the Town of Charlton, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Conservation Commission 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 Conservation Commission 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, as provided in MGL c. 59, § 57, after the thirty-first (31st) day following the day on which the costs were due.

Section 4.5 Emergency Abatement

- A. The Conservation Commission shall require the immediate abatement of any violation of these Regulations that constitutes an immediate threat to the health, safety or welfare of the public. If any such violation is not abated immediately as directed by the Conservation Commission, to the extent permitted by law, or if authorized by the owner or other party in control of the property, the Town may enter the property and take any and all measures required to remediate the violation. Any expense related to such remediation undertaken by the municipality shall be at the expense of the property owner and/or violator, pursuant to *Section 4.1*. Any relief obtained under this Section shall not prevent the municipality from seeking other and further relief authorized under these Regulations.

Section 4.6 Compensatory Action & Restitution

- A. In lieu of enforcement proceedings, penalties, and remedies authorized by these Regulations, the Conservation Commission may accept from a violator alternative compensatory actions based on the nature of the violations and the ability of the applicant to restore damages to land. Examples include land donations, donations to the conservation trust fund, storm drain stenciling, maintenance of stormwater BMPs, participation in municipal waste or pollution reduction programs, attendance at compliance workshops, brook cleanup, etc.