



Town of Middleton

Stormwater Permit Handbook



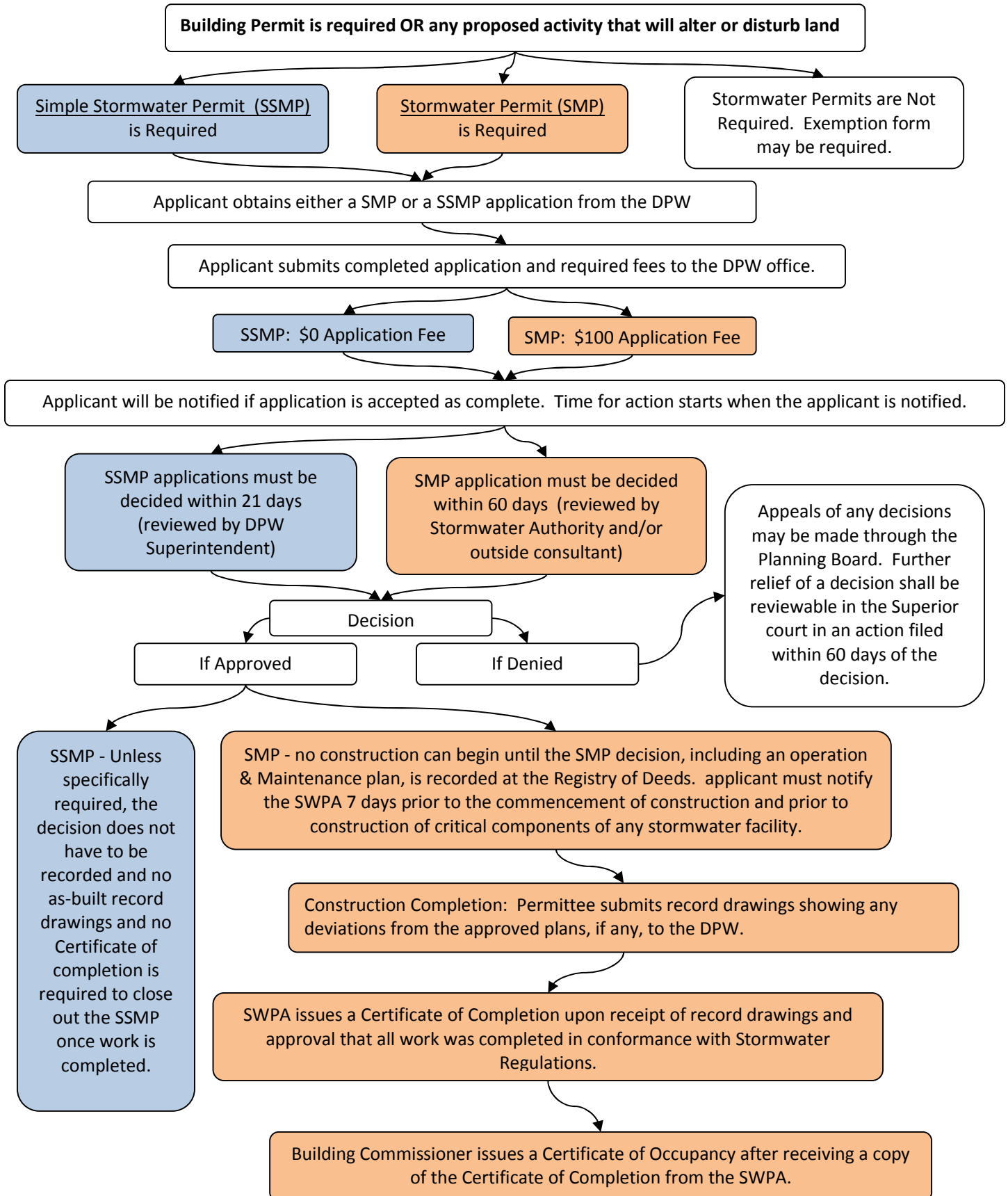
September 2014

Town of Middleton

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TOWN OF MIDDLETON STORMWATER PERMIT REVIEW



APPLICATION FORMS

IS A STORMWATER PERMIT REQUIRED FOR MY PROJECT?

What is the purpose of the Stormwater management Bylaw?

The town of Middleton adopted a Stormwater Bylaw to protect the Town's waters from the harmful effects of stormwater runoff that can occur with new development and redevelopment. Stormwater from roads, homes, and business is the leading cause of water pollution in our area and contributes to flooding. We recommend that you review the Stormwater bylaw and Regulations and the Middleton Stormwater Permit Handbook for more information at http://www.townofmiddleton.org/Pages/MiddletonMA_planning/stormwater.

Does this project require a Stormwater Permit?

Some development projects may require a Stormwater Permit or Simple Stormwater Permit to assure that stormwater runoff will be properly managed during construction and after development is complete. Please complete this worksheet to determine whether the proposed project will require a Stormwater Permit. This worksheet is only to be used as a guide and does not, in any way, supersede or replace any requirements in the Stormwater Management Bylaw and/or Regulations.

A. Fill out this section:

Project/Site Name _____ Date _____
Project Street/Location _____ Map/Lot _____
Estimated area of land to be disturbed (sq. ft.): _____
Total area of impervious surfaces (sq. ft) including paving, parking, decks, roofs, pools, etc.:
Existing: _____ Proposed: _____

B. Check all that might apply to your proposed project:

1. This is a new development or redevelopment project.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Maybe <input type="checkbox"/>
2. Increased stormwater runoff or pollutants will flow from this parcel of land due to the project.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Maybe <input type="checkbox"/>
3. Activities on this site will alter the drainage characteristics of this parcel of land.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Maybe <input type="checkbox"/>
4. This project will disturb or alter land.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Maybe <input type="checkbox"/>

If you checked "No" to all of the above statements, **STOP**. The Middleton Stormwater bylaw does not apply to your project, and you do not need to obtain a Stormwater Permit. If you checked "Yes" or "Maybe" to any of the above, you may be required to meet the requirements of the Stormwater Management Bylaw (the "Bylaw") and Regulations and obtain a Stormwater Permit. **Proceed to Section C.**

C. Check all that apply to your COMPLETE project:

(EXAMPLE: If construction of a fence is part of a larger project, do not check "yes" for #4 below.)

1. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act Regulation 310 CMR 10.04 and MGL Chapter 40A Section 3.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Maybe <input type="checkbox"/>
2. Maintenance of existing landscaping, gardens, driveways, roofs, or lawn areas.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Maybe <input type="checkbox"/>
3. Normal maintenance of Town owned public land, ways and appurtenances.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Maybe <input type="checkbox"/>
4. The construction of fencing that will not alter existing terrain or drainage patterns.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Maybe <input type="checkbox"/>
5. Construction or maintenance and repair of utility service lines (gas, water, electric, telephone, fire alarms, etc.) other than drainage lines or systems, which will not alter terrain, ground cover, or drainage patterns.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Maybe <input type="checkbox"/>
6. Emergency repairs in any situation that poses a threat to public health or safety, or as deemed necessary by the Stormwater Permitting Authority.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Maybe <input type="checkbox"/>
7. Any work or projects for which all necessary approvals and permits, including building permits, have been issued before the effective date of the Bylaw.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Maybe <input type="checkbox"/>
8. Construction of decks, patios, walkways, driveways, sheds, swimming pools, sports courts, tennis courts, basketball courts, replacement of wells, or replacement of septic systems on lots having an existing dwelling, provided that the total increase in the area of new impervious surface after the date the bylaw is adopted is less than 600 square feet.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Maybe <input type="checkbox"/>
9. An increase in the footprint of a house, commercial building, or other structure by less than 600 square feet.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Maybe <input type="checkbox"/>
10. Repair or upgrade of septic systems when required by the Board of Health for the protection of public health.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Maybe <input type="checkbox"/>
11. Activities conducted in accordance with a Forest Stewardship Plan approved by the Massachusetts Department of Conservation and Recreation.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Maybe <input type="checkbox"/>
12. Any construction activity or project completely within the jurisdiction of the Conservation Commission, provided that plans include stormwater management provisions, an Order of Conditions or Determination of Applicability has been issued for the site, and that the activity is in compliance with any additional performance standards contained in the Regulations promulgated to implement the By-Law.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Maybe <input type="checkbox"/>

Continued on next page

13. Any construction activity or project requiring approval under the Subdivision Control Law where the Planning Board has approved an application for a definitive subdivision approval and any construction activity requiring Site Plan Review and/or a Special Permit, provided that the plans include stormwater management provisions and that the activity is in compliance with any additional performance standards contained in the Regulations promulgated to implement the By-Law.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Maybe <input type="checkbox"/>
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If you checked "yes" to any of the boxes in Section C, **STOP**. You are exempt from Middleton's Stormwater Bylaw and Regulations and do not need to obtain a Stormwater Permit. **However**, if you checked "Yes" to either #12 or #13, you must submit a **Stormwater Exemption Form**. If you did not check "Yes" to any of the above exemptions, you must apply for either a **Stormwater Permit** or a **Simple Stormwater Permit**. Please proceed to Section D.

D. Check all that apply to your proposed project.		
1. This project will disturb or alter 20,000 sq. ft. or more of land	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2. This project will disturb or alter less than 20,000 sq. ft. of land	Yes <input type="checkbox"/>	No <input type="checkbox"/>

If you checked "yes" to #1, you must apply for a **Stormwater Permit (SMP)**. If you checked "yes" to #2, you must apply for a **Simple Stormwater Permit (SSMP)**.



OFFICE USE ONLY:	SSMP# _____
Approved: _____	Date: _____

**SMP APPLICATION
STORMWATER MANAGEMENT PERMIT**

The undersigned hereby submits three (3) copies and one portable document file (PDF) copy of a completed application package (including plans) required for a Stormwater Management Permit (SMP) by the Stormwater Management Bylaw of the Town of Middleton and Section 248-6. of the Stormwater Management Rules and Regulations adopted thereunder. The filing fee for filing a Stormwater Permit application is \$100. Each application for a Stormwater Management Permit shall include the following information: 1) Stormwater Management Plan, 2) Erosion and Sediment Control Plan, and 3) Operation and Maintenance Plan.

I (we) understand that the submittal of this application authorizes members and agents of the Stormwater Permitting Authority or its designee to conduct site visits, monitor site construction work and inspect that the systems continue to function as proposed.

Contact Information for responsible party including email & telephone number available 24 hours per day:

NAME	PHONE NUMBER
------	--------------

Name, signature, address, and telephone number of owner and/or applicant having a legal interest in the property:

OWNER
OWNER
SIGNATURE
ADDRESS
TELEPHONE
EMAIL

APPLICANT
APPLICANT
SIGNATURE
ADDRESS
TELEPHONE
EMAIL

ENGINEER

PROFESSIONAL ENGINEER	ENGINEER SIGNATURE	DATE
ENGINEER ADDRESS	ENGINEER EMAIL	ENGINEER TELEPHONE

PROJECT LOCATION	ASSESSOR'S MAP/LOT#
ZONING CLASSIFICATION	RESEVOIR WATERSHED DISTRICT? YES/NO
PROPOSED PRINCIPAL USE	ESTIMATED AMOUNT OF DISTURBANCE (sq. ft.)

1. Describe briefly proposed recharge:

Will 100% recharge as defined in Appendix E be satisfied? yes ☐ no ☐

For office use only	
Due back by: _____	Signature
	Date
	Planning Coordinator: _____
	Director of Public Health: _____
Building Commissioner: _____	
Conservation Agent: _____	



OFFICE USE ONLY:	SSMP# _____
Approved: _____	Date: _____

**SSMP APPLICATION
SIMPLE STORMWATER MANAGEMENT PERMIT**

The undersigned hereby submits three (3) copies and one portable document file (PDF) copy of a completed application package required for a Simple Stormwater Management Permit (SSMP) by the Stormwater Management Bylaw of the Town of Middleton and the Stormwater Management Rules and Regulations adopted thereunder. There is no filing fee for Simple Stormwater Permits. Before any occupancy permits are granted, a Simple Stormwater Certificate of Completion (see next page) shall be signed by the applicant.

I (we) understand that the submittal of this application authorizes members and agents of the Stormwater Permitting Authority or its designee to conduct site visits, monitor site construction work and inspect that the systems continue to function as proposed.

Contact Information for responsible party including email & telephone number available 24 hours per day:

NAME

PHONE NUMBER

Name, signature, address, and telephone number of owner and/or applicant having a legal interest in the property.

OWNER

OWNER
SIGNATURE
ADDRESS
TELEPHONE
EMAIL

APPLICANT

APPLICANT
SIGNATURE
ADDRESS
TELEPHONE
EMAIL

PROJECT LOCATION	ASSESSOR'S MAP/LOT#
ZONING CLASSIFICATION	RESEVOIR WATERSHED DISTRICT? YES/NO
PROPOSED PRINCIPAL USE	ESTIMATED AMOUNT OF DISTURBANCE (sq. ft.)

1. Attach a sketch or plan that describes the project and the proposed Stormwater Management methods.
2. Briefly describe the project and explain how the project meets eligibility requirements:



OFFICE USE ONLY:

SSMP# _____

3. Describe plans to prevent erosion and control sediments during construction (Attach detail sheet(s) for control methods):

4. Describe plans to perpetually inspect and maintain the stormwater management systems

DO NOT WRITE BELOW THIS LINE

Before an occupancy permit is granted and after the stormwater structures are installed, the applicant shall certify below that all Stormwater structures associated with the permit were appropriately installed by signing the area below.

**SIMPLE STORMWATER
CERTIFICATE OF COMPLETION**

Applicant Name: _____

Address of Project: _____

I hereby certify that myself or a person under my direct supervision inspected the subject project site and stormwater structures associated with this Simple Stormwater Permit at sufficient intervals of construction progress to determine that they have been installed according to the proposed plan.

Applicant Signature: _____ **Date:** _____

Simple Stormwater Management Permit Application Checklist

The Stormwater Management Permitting Authority has 21 days to issue a permit from the date of submission of a complete application.

A complete application includes the following:

- ☐ A completed Simple Stormwater Management Application (three (3) copies and one portable document file (PDF) copy) one of which must contain an original signature of the owner (a person with legal interest in the property).
- ☐ Description or plan that indicates location of the project and assessor map and parcel information
- ☐ A plan or sketch that describes the project
- ☐ A brief description of the project, explaining how the project meets eligibility requirements
- ☐ A brief description of plans to prevent erosion and control sediments during construction
- ☐ A brief description of plans to perpetually inspect and maintain the stormwater management systems
- ☐ Detail sheets for Stormwater Infiltration and Erosion Control Methods. Sample detail sheets are available at the Planning Office and website; however, you may propose methods not included in the samples as long as a detail sheet is supplied and the method is approved by the Stormwater Management Permitting Authority.



OFFICE USE ONLY:	EXSMP# _____
Approved: _____	Date: _____
SWP/date: PB _____	ZBA _____ CC _____

EXEMPTION FORM STORMWATER MANAGEMENT

Project location: _____

The undersigned hereby submits the following information under section 204-2.4.: Exemptions from the Stormwater Management Bylaw of the Town of Middleton and the Rules and Regulations adopted thereunder:

I (we) understand that the submittal of this application authorizes members and agents of the Stormwater Permitting Authority or its designee to conduct site visits, monitor site construction work and inspect that the systems continue to function as proposed.

Contact Information for responsible party including email & telephone number available 24 hours per day:

NAME PHONE NUMBER

Name, signature, address, and telephone number of owner and/or applicant having a legal interest in the property.

OWNER

OWNER
SIGNATURE
ADDRESS
TELEPHONE
EMAIL

APPLICANT

APPLICANT
SIGNATURE
ADDRESS
TELEPHONE
EMAIL

PROJECT LOCATION	ASSESSOR'S MAP/LOT#
ZONING CLASSIFICATION	RESEVOIR WATERSHED DISTRICT? YES/NO
PROPOSED PRINCIPAL USE	ESTIMATED AMOUNT OF DISTURBANCE

1. If project is exempt under Sections 2.4.12 (Wetlands Act) and/or 2.4.13 (Definitive Subdivision, Site Plan Review), submit a copy of the recorded approval(s), conditions, plans specified under each section:

- one (1) digital version (email permissible) of the recorded board/commission decision, including any easements, stormwater plan text, and all plans;
- one (1) hard copy of all of the above information with proof of recording at SERD.

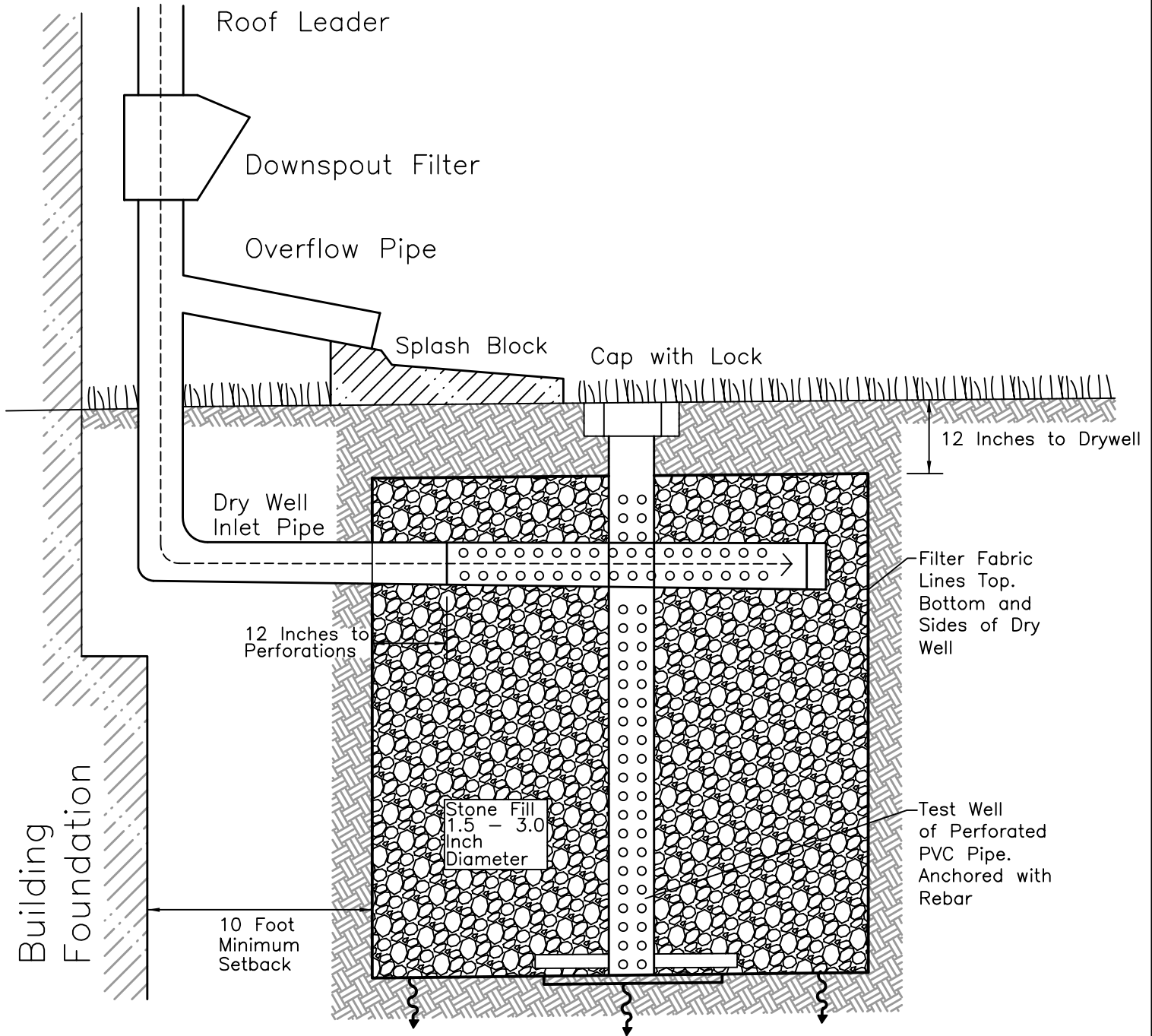
2. If exempt under Section 2.4.13 (Subdivision or Site Plan Approval), does the proposed area of impervious surface for this lot exceed, by more than 600 ft., the impervious surface area depicted for the lot in the approved Stormwater Management Plan?

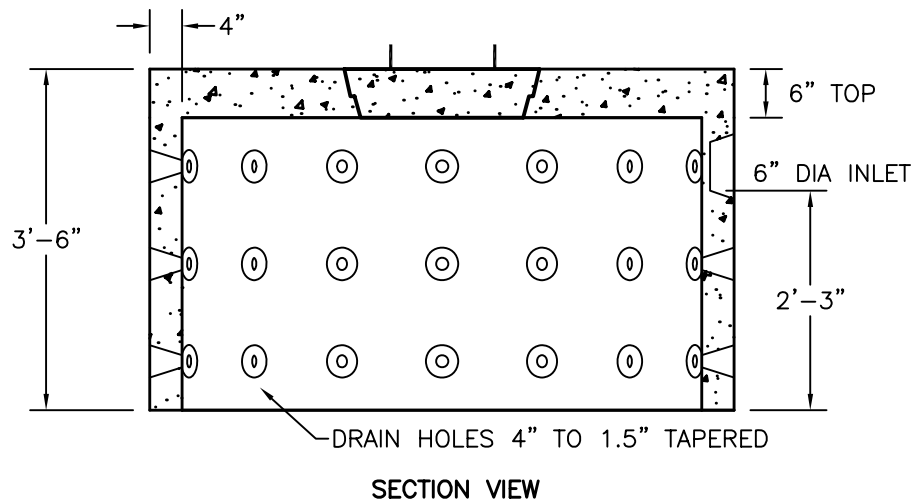
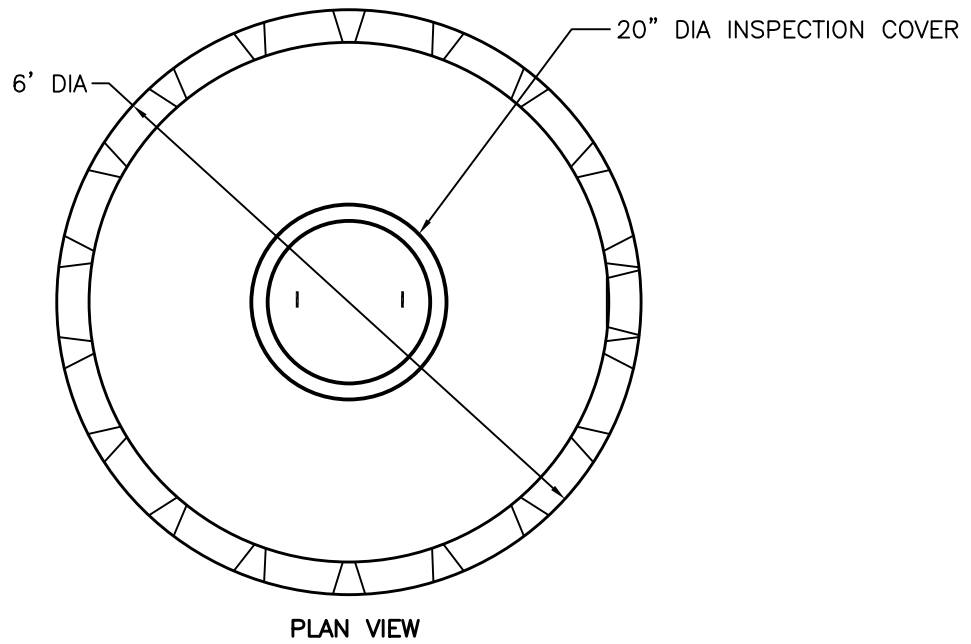
yes ☐ no ☐

3. Briefly describe the project and explain why you feel the project is exempt from obtaining a Stormwater Permit under Section 2.4 of the Bylaw:

INFILTRATION & EROSION CONTROL METHODS SAMPLE DETAIL SHEETS

Side View





ITEM NO.			WEIGHT
500 GALLON	DW-500SDW	STANDARD	4,770#
	DW-500SDWH	H-20	4,770#
3' STACKABLE	DW-3SS		2,008#

NOTES:

1. CONCRETE: 4,000 PSI MINIMUM AFTER 28 DAYS.
2. AVAILABLE IN H-20 LOADING.
3. CAPACITY INCREASES IN INCREMENTS OF 500 GALLONS FOR EACH 3' SECTION ADDED.

STORMWATER - BY LAW
DRAINAGE INFILTRATION

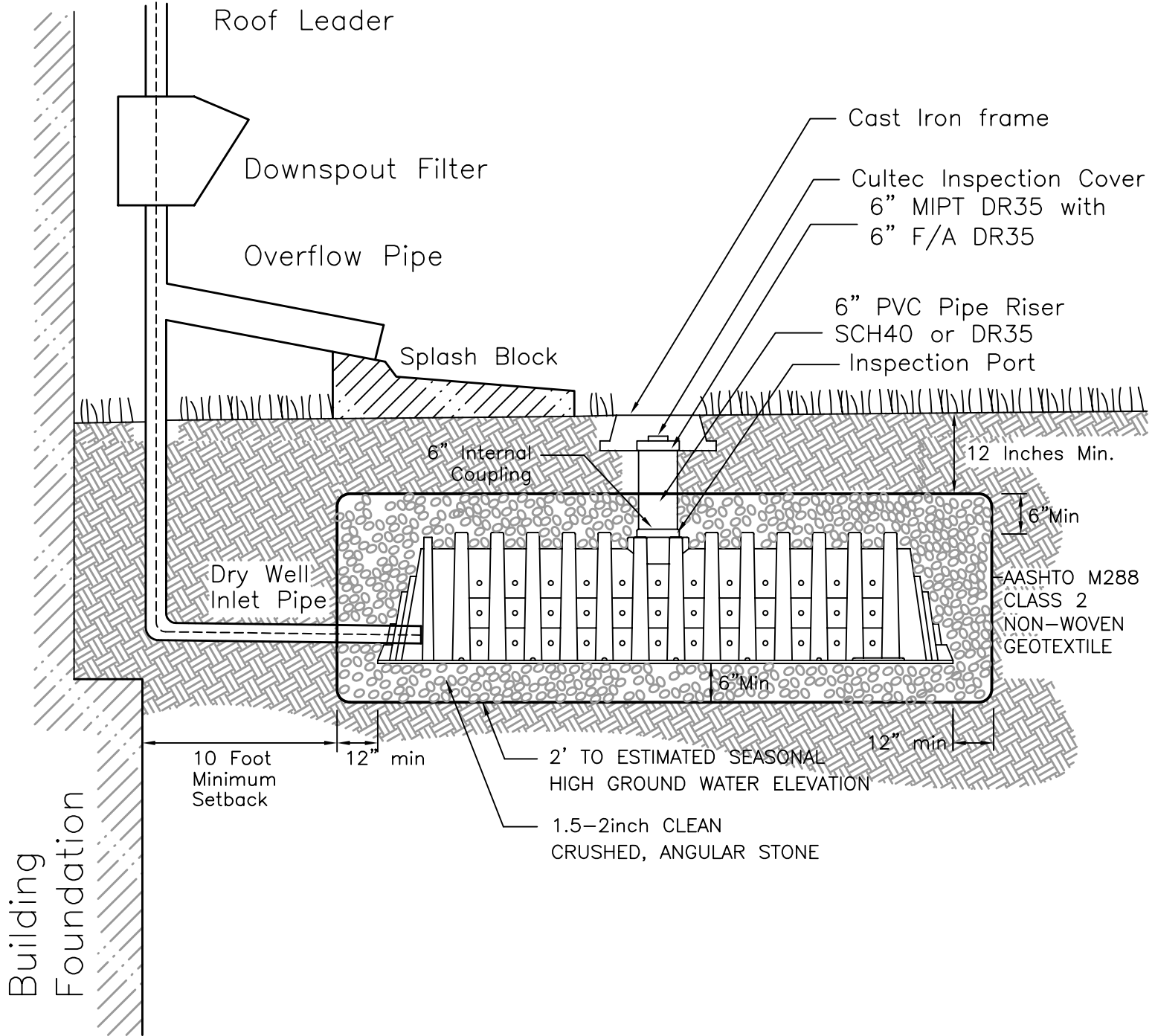
DRYWELL
500₃GAL

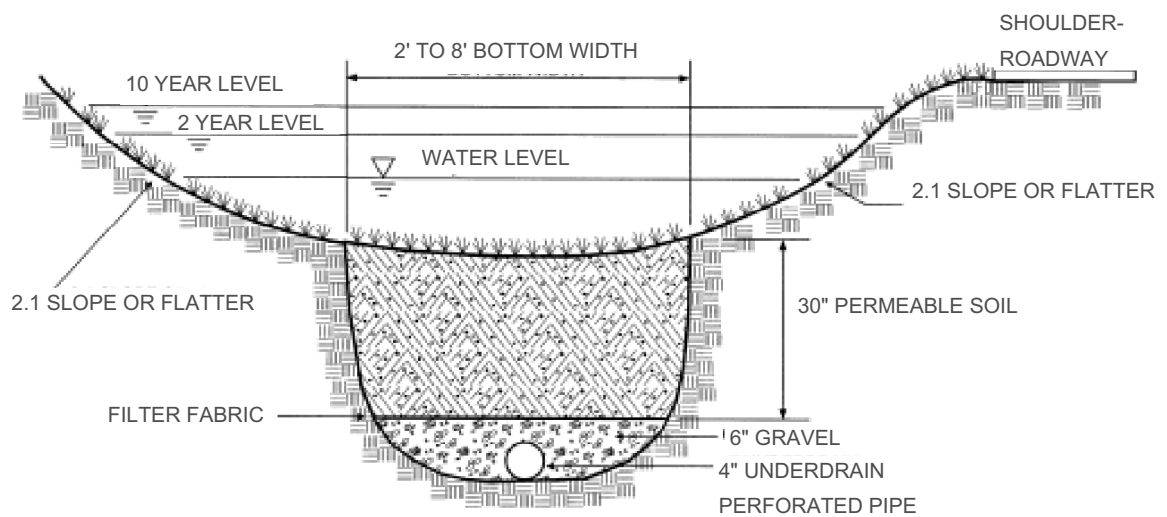
N.T.S.

#SHEETS

2

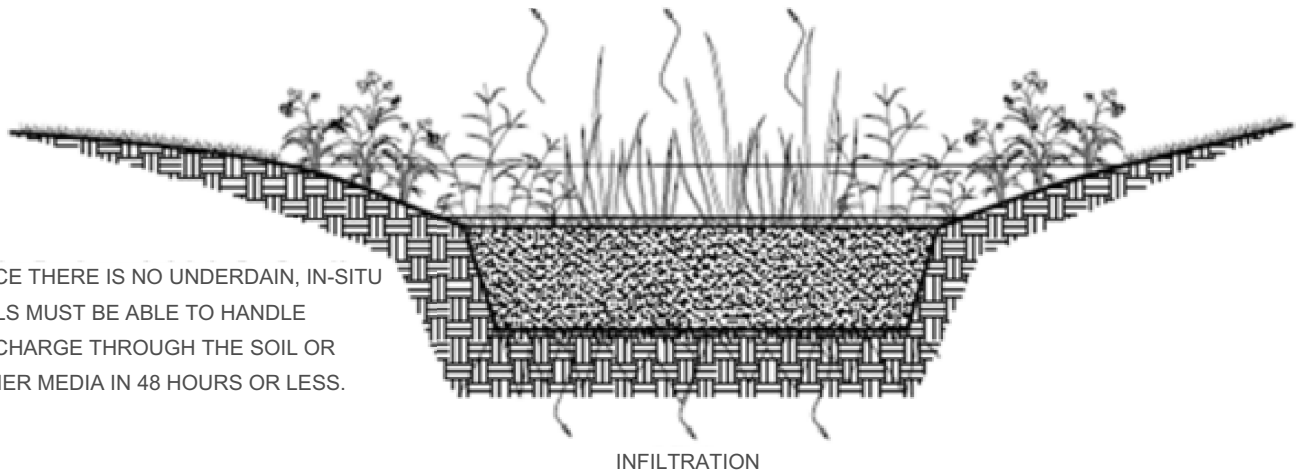
SIDE VIEW





BIOINFILTRATION - THERE IS NO UNDERDRAIN, SO ALL RUNOFF THAT FLOWS INTO THE BASIN AND DOES NOT OVERFLOW INTO AN OVERFLOW STRUCTURE IS ABSTRACTED FROM THE STORMSEWER SYSTEM THROUGH INFILTRATION OR EVAPOTRANSPIRATION.

EVAPOTRANSPIRATION



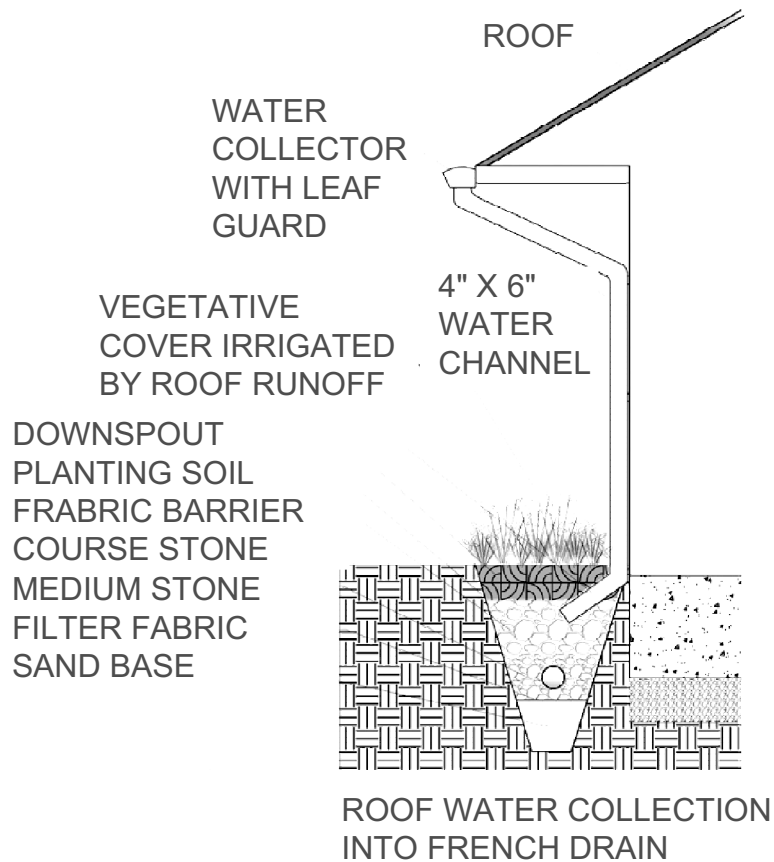
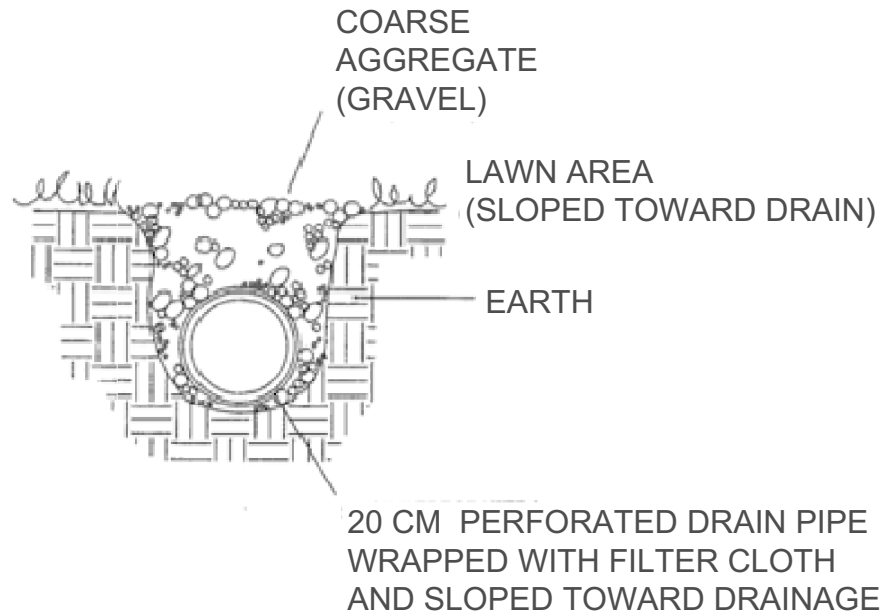
SINCE THERE IS NO UNDERDRAIN, IN-SITU SOILS MUST BE ABLE TO HANDLE DISCHARGE THROUGH THE SOIL OR OTHER MEDIA IN 48 HOURS OR LESS.

STORMWATER - BYLAW
DRAINAGE INFILTRATION

SWALE - DRY & WET

#SHEETS

4



STORMWATER - BYLAW
DRAINAGE INFILTRATION

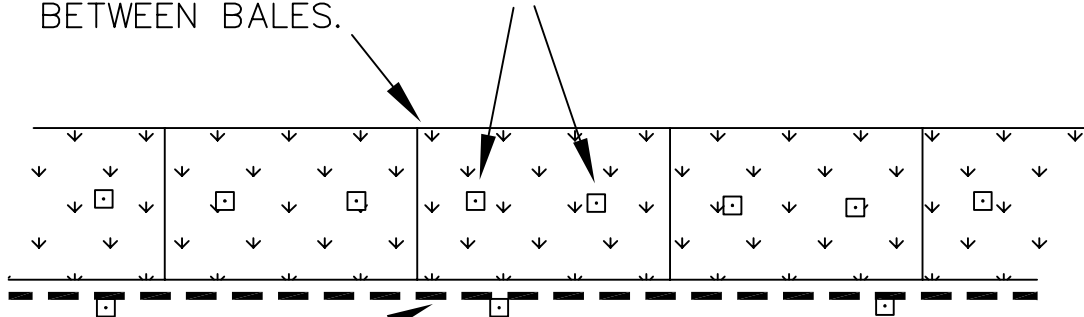
FRENCH DRAIN

#SHEETS

5

BUTT BALES OF
HAY TOGETHER.
WEDGE LOOSE HAY
BETWEEN BALES.

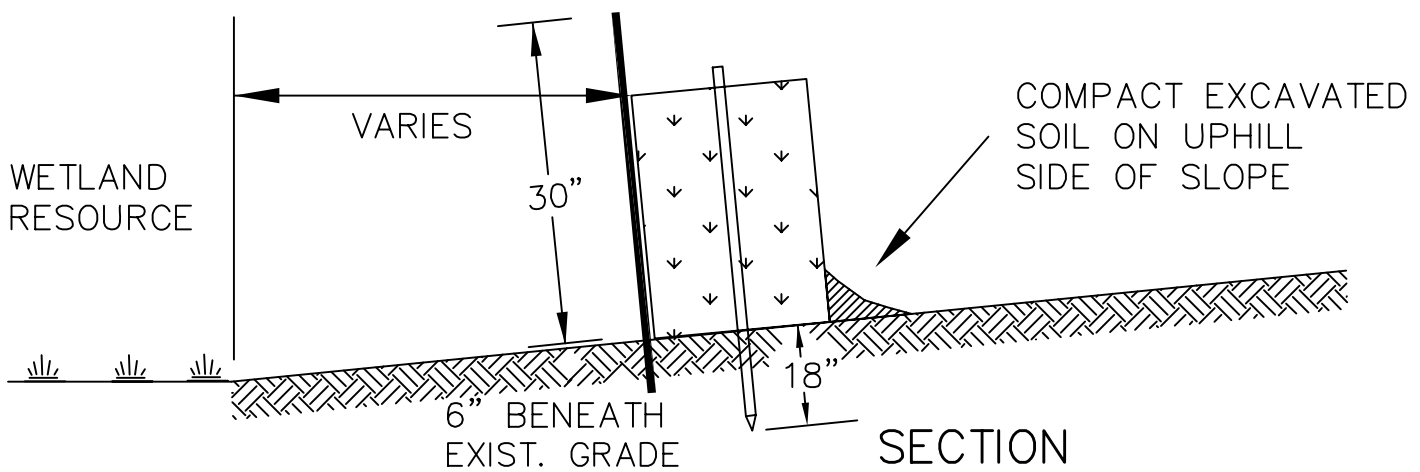
TWO (2) 1"x1"x3' STAKES
EACH BALE



MIRAFI SILT
FENCING WITH
SUPPORT POSTS
SPACE AT 7-6"
MAXIMUM.

PLAN VIEW

LIMIT OF WORK IS TO
BE HAYBALE LINE.



SECTION

STRAW BALE/SILT FENCE (T.E.C.)
TEMPORARY EROSION CONTROL (T.E.C.)

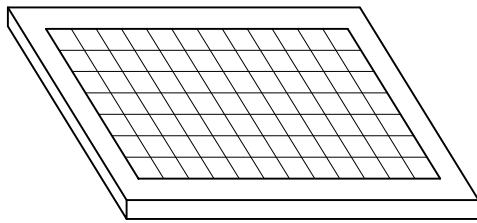
STORMWATER
EROSION CONTROLS

STRAW BALE/
SILT FENCE

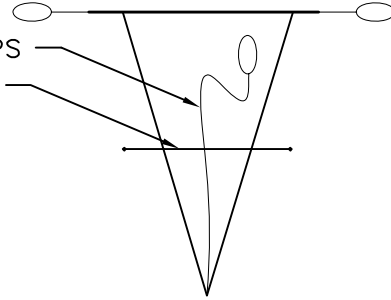
N.T.S

#SHEETS

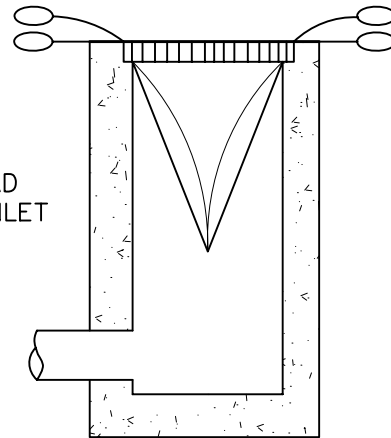
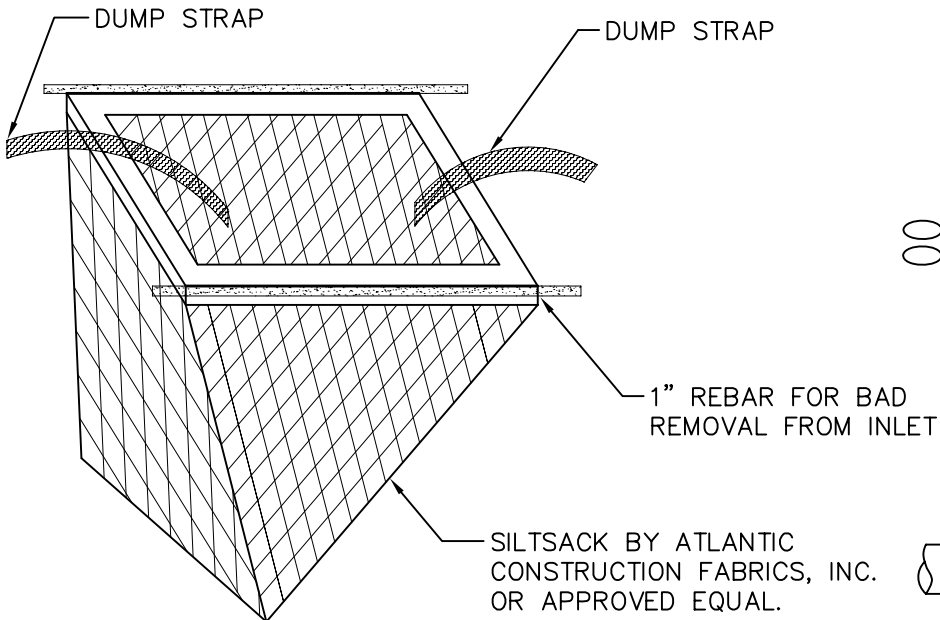
1



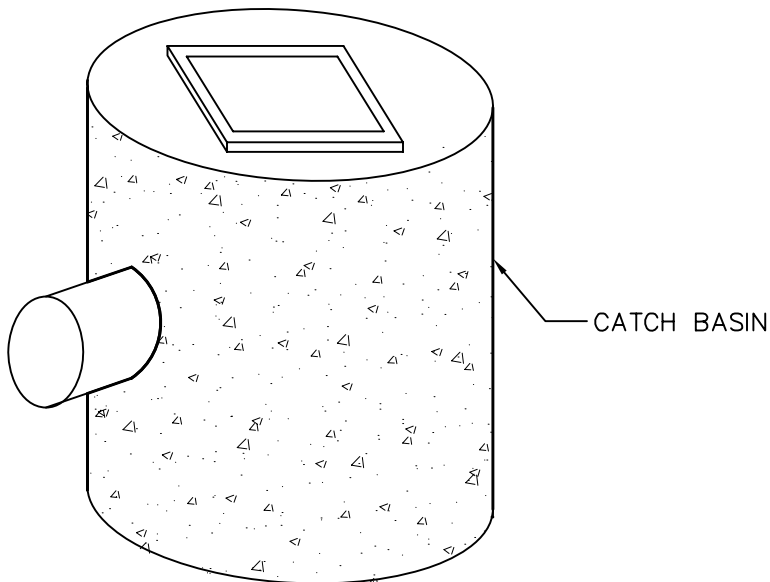
2 EACH DUMP STRAPS
EXPANSION RESTRAINT
(1/4" NYLON ROPE
2" FLAT WASHERS)



BAG DETAIL
N.T.S



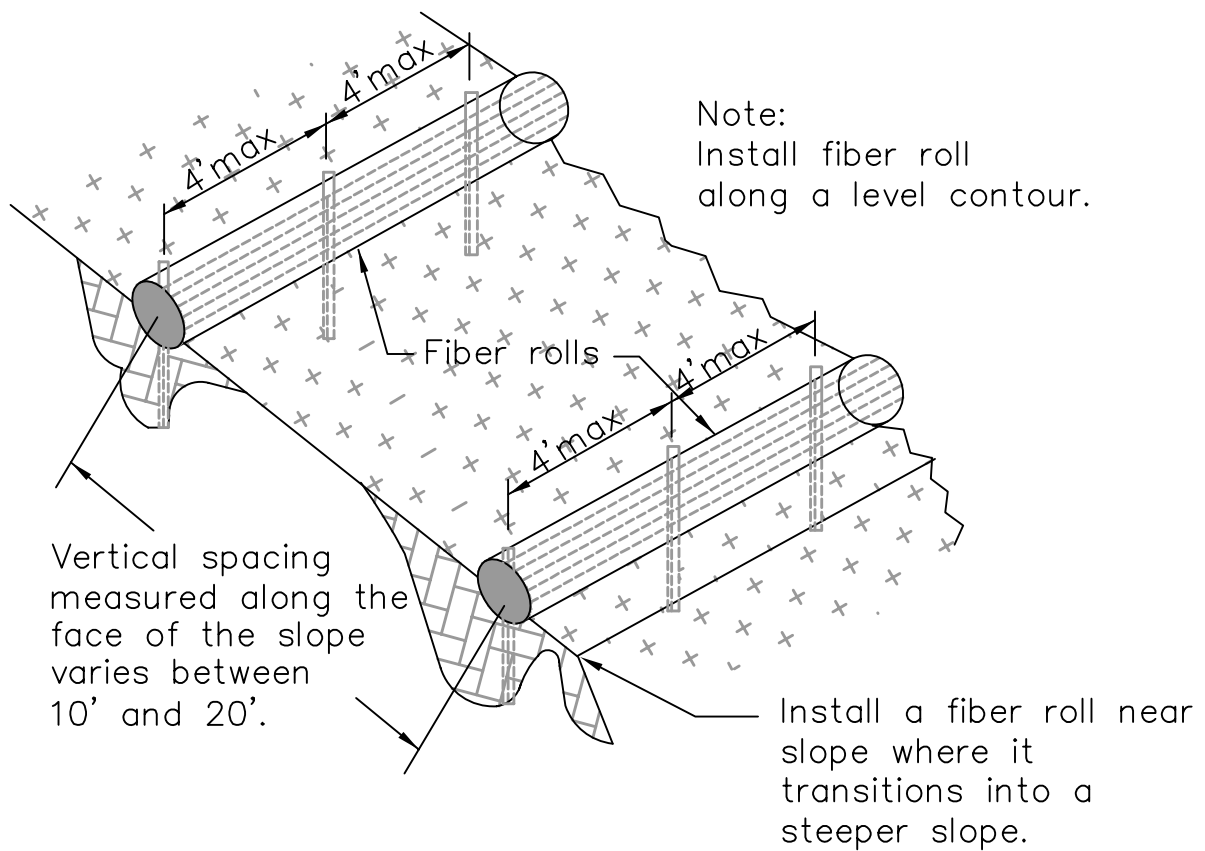
INSTALLATION DETAIL
N.T.S



NOTE:

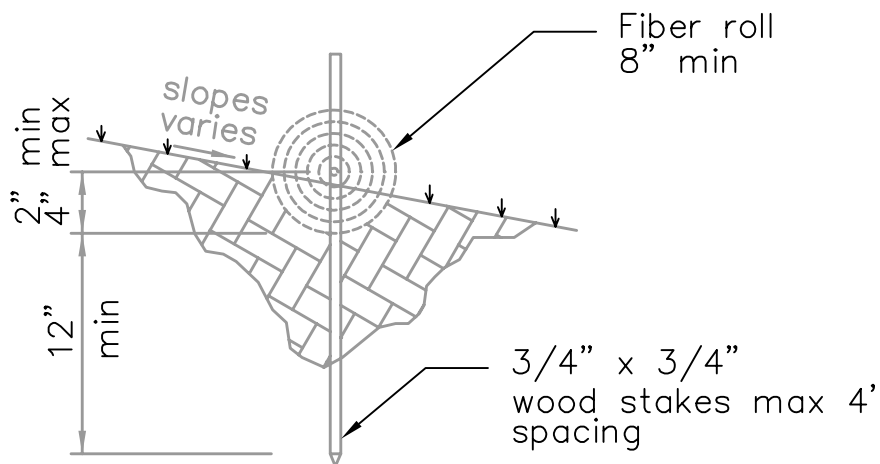
1. SILTSACKS SHALL BE INSTALLED IN ALL CATCH BASIN UNTIL DRAINAGE AREA HAS BEEN FULLY STABILIZED.

SILTSACK DETAIL
N.T.S



TYPICAL FIBER ROLL INSTALLATION

N.T.S



ULTRA–StormWattle

Installation Guide

Locate Ultra–StormWattles on level contours spaced as follows:

- Slope inclination of 4:1 (H:V) or flatter: Fiber rolls should be placed at a maximum interval of 20 ft.
- Slope inclination between 4:1(H:V) and 2:1(H:V): Fiber Rolls should be placed at a maximum interval maximum interval of 15 ft. (a closer spacing is more effective).
- Slope inclination 2:1 (H:V) or greater: Fiber rolls should be placed at a maximum interval of 10 ft. (a closer spacing is more effective.).
- Turn the ends of the fiber roll up slope to prevent runoff from going around the roll.
- Stake fiber rolls into a 2 to 4 in. deep trench with a width equal to the diameter of the fiber roll.
- Drive stakes at the end of each fiber roll and spaced 4 ft maximum on center.
- Use wood stakes with a nominal classification of 0.75 by 0.75 in. and minimum length of 18 in.
- If more than one fiber roll is placed in a row, the rolls should be overlapped, not abutted.

Inspection and Maintenance:

- Inspect BMPs prior to forecast rain, daily during extended rain events, after rain events, weekly during the raining season, and at two–week intervals during the non–rainy season.
- Repair or replace split, torn, unraveling, or slumping fiber rolls.
- If the Ultra–StormWattle fiber roll is used as a sediment capture device, or as an erosion control device to maintain sheet flows, sediment that accumulates in the BMP must be periodically removed in order to maintain BMP effectiveness. Sediment should be removed when sediment accumulation reaches one–half the designated sediment storage depth, usually one–half the distance between the top of the fiber roll and the adjacent ground surface. Sediment removed during maintenance may be incorporated into earthwork on the site or disposed at an appropriate location.
- If fiber rolls are used for erosion control, such as in a mini check dam, sediment removal should not be required as long as the system continues to control the the grade. Sediment control BMPs will likely be required in conjunction with this type of application.

Removal

- Ultra–StormWattle fiber rolls are typically left in place.

WOOD OR STEEL POST

Post length: 36" minimum
Drive into ground: 16" minimum
Locate each post: 10' maximum on center
For wood post use 2"x 2" hardwood
For steel post use "T" Type

SILT FENCE

Mirafi Filter Fabric or Approved Equal
Fasten with Ties @ Top and Mid-section

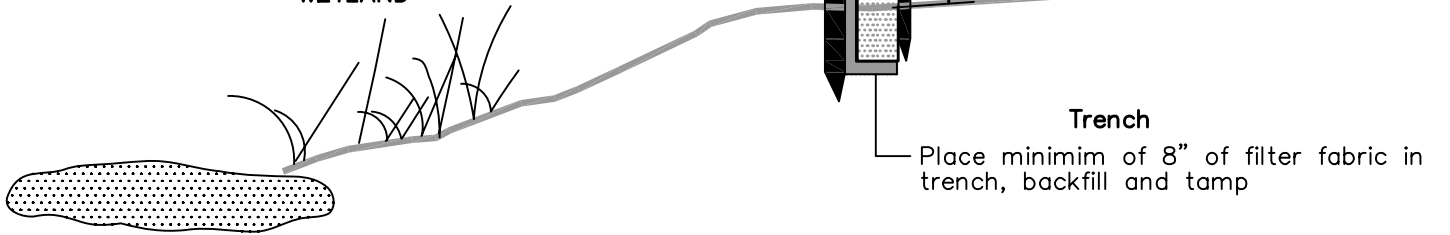
STRAW BALE

Use 2 ea. hardwood stakes per
straw bale, driven 12" into ground

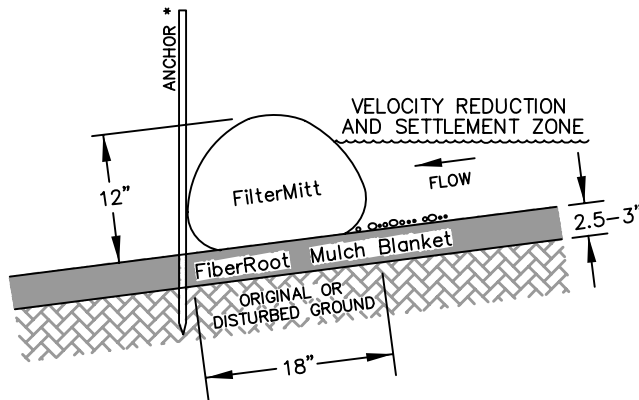
WETLAND

Trench

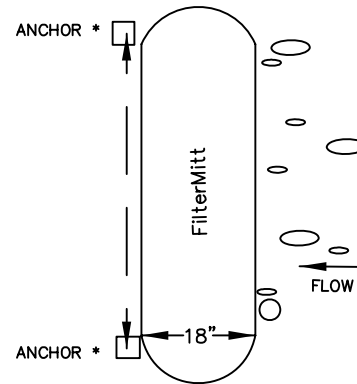
Place minimim of 8" of filter fabric in
trench, backfill and tamp



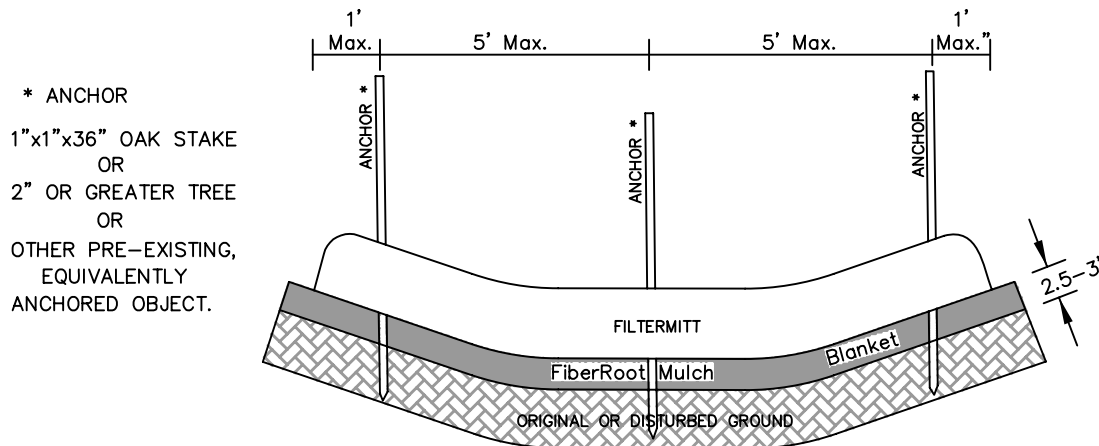
SECTION END VIEW



SECTION TOP VIEW



SECTION FRONT VIEW



FilterMitt COMPONENTS:

OUTSIDE CASING: 100% organic hessian.

FILLER INGREDIENT: *FiberRoot Mulch*

- A blend of coarse and fine compost and shredded wood material containing particles up to 2.5-3" in diameter.
- Particle size by weight shall be 100% passing a 6" screen AND a minimum of 70%, maximum 85%, passing a 0.75" screen.
- Weight: 850 LBS. per Cu. Yd. (Avg 30 lbs/lb)

FilterMitt INSTALLATION:

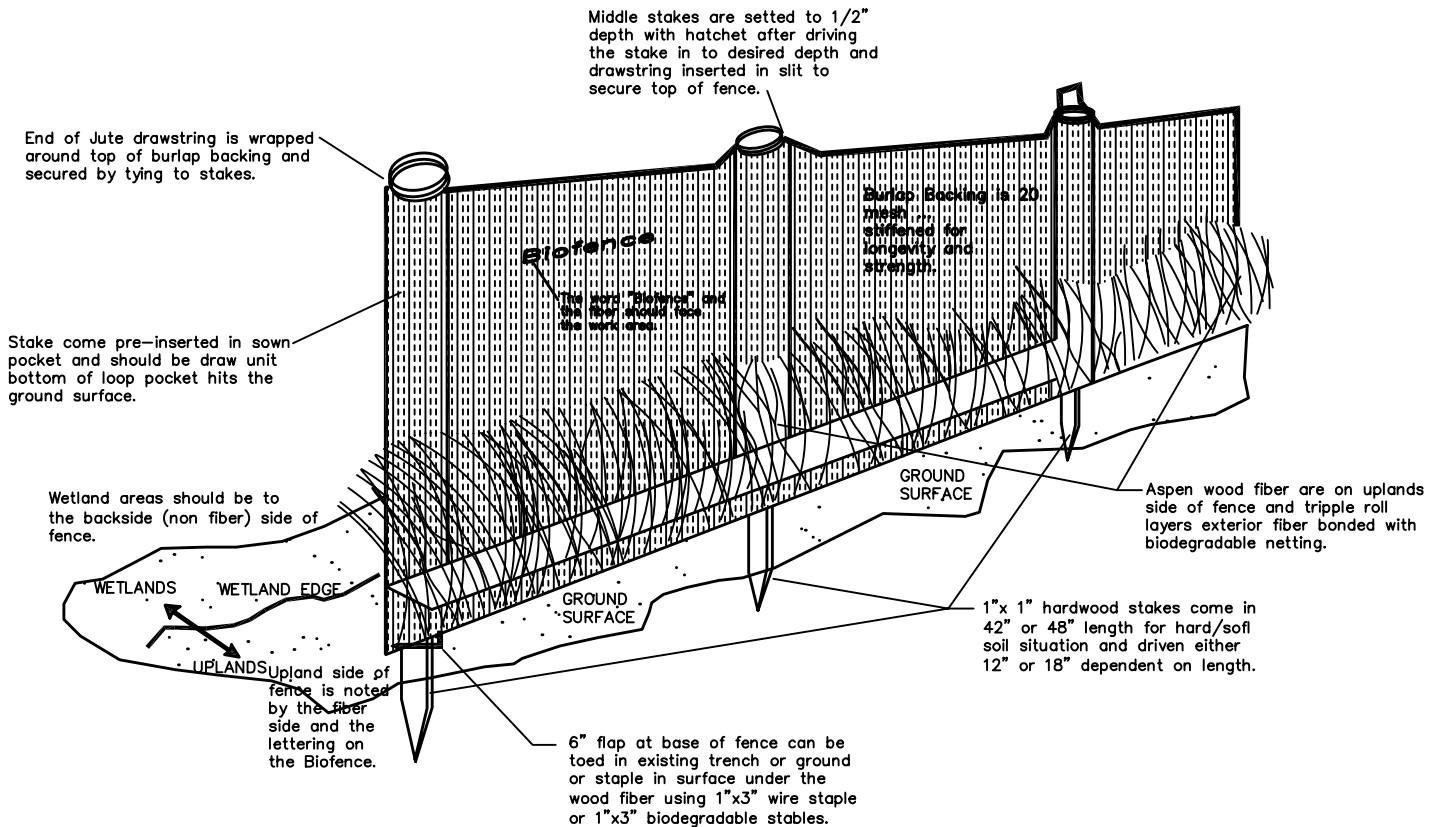
Sections can be constructed on site with the newest technology and equipment in lengths ranging from 1' to 100'.

Sections can also be delivered to the site in lengths ranging from 1' to 8'.

The flexibility of FilterMitt allows it to conform to any contour or terrain while holding a slightly oval shape at 12" high by 18" wide.

Anchors shall also be placed at 5' intervals (Max.) on the down gradient (or protected side) to prevent slippage.

BIOFENCE SPECS & TYPICAL INTSTALLATION N.T.S



1. Biofence is shipped in 50 foot rolls with either 42" or 48" stakes
2. Unroll Biofence with point of stakes facing uplands
3. Drive stakes in until bottom of burlap loop meets ground insuring that material between stakes is stretched as taut as possible, and ensure burlap seam is spaced evenly on the stake. Stake should be driven 18" min for 48" stake, 12" for 42".
4. Tighen drawstring after all stakes driven, securing top of burlap seam to top of stake by inserting drawstring into a hatchet created slit in to of stake, and/or, stapling top of burlap to top of stakes over the drawstring creating a "no sag" appearance. From behind the fence, kick bottom of fence forward so that the flap on base is facing the uplands and can be secured.
5. Secure bottom of Biofence by inserting the 6 inch flap at bottom of fence into a created trench or secure via erosion blanket staples in rough terrain as conditions merit. Let wood fibers settle down over flap.
6. Adjacent second roll of Biofence uses end of drawstrings to tie abutting end stakes together.
7. Fence is allowed to biodegrade in place. Some maintenance of drawstring may be required after storm events. After work period, burlap may be allow to settle to base of stakes to accelerate the biodegrading period.

SAMPLE OPERATION & MAINTENANCE AGREEMENT

STORMWATER MANAGEMENT
OPERATION, MAINTENANCE, AND INSPECTION AGREEMENT

Town of Middleton, MA

THIS AGREEMENT, made and entered into this _____ day of _____, 20____, by and between (Insert Full Name of Owner) _____ hereinafter called the "Landowner", and the Town of Middleton, hereinafter called the "Town".

WITNESSETH, that WHEREAS, the Landowner is the owner of certain real property at (Street Address)

_____ as described as (Town of Middleton Assessors Map/Parcel/Lot Number)
_____ as recorded by deed in the land records of Southern Essex County, Massachusetts, Deed Book _____ Page _____, hereinafter called the "Property". WHEREAS, the Landowner is proceeding to build on and develop the property; and WHEREAS, the Site Plan/Subdivision Plan/Project known as _____, (Name of Plan/Development) hereinafter called the "Plan", which is expressly made a part hereof, as approved or to be approved by the Town, which provides for the conveyance, treatment, and/or detention of stormwater within the confines of the Property; and

WHEREAS, the Town and the Landowner, its successors and assigns, including any homeowners association, agree that the health, safety, and welfare of the residents of the Town of Middleton, Massachusetts, require that on-site stormwater management facilities be constructed and maintained on the Property; and

WHEREAS, the Town requires that on-site stormwater management facilities as shown on the Plan be constructed and adequately maintained by the Landowner, its successors and assigns, including any homeowners association.

NOW, THEREFORE, in consideration of the foregoing premises, in accordance with the Middleton Stormwater Management Bylaw (Chapter 204 of the Town's Code), the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The on-site stormwater management facilities shall be constructed by the Landowner, its successors and assigns, in accordance with the plans and specifications identified in the Plans and documents reviewed and approved by the Stormwater Permitting Authority (SWPA).
2. The Landowner, its successors and assigns, including any homeowners association, shall adequately maintain the stormwater management facilities according to the maintenance schedule described in Attachment A. This includes all pipes and channels built to convey stormwater to the facility, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the stormwater. Adequate maintenance is herein defined as good working condition so that these facilities are performing their design functions and so that water quality standards are met in all seasons and throughout the life of the stormwater system.
3. The Landowner, its successors and assigns, hereby grant permission to the Town, its authorized agents and employees, to enter upon the Property and to inspect the stormwater management facilities whenever the Town deems necessary. The purpose of inspection is to follow-up on reported deficiencies, inspect the stormwater management facilities when annual reports have not been submitted and/or to respond to citizen complaints. The Town shall provide the Landowner, its successors and assigns, copies of the inspection findings and a directive to commence with the repairs if necessary.

4. In the event the Landowner, its successors and assigns, fails to maintain the stormwater management facilities in good working condition acceptable to the Town, and if after notice by a SWPA representative to correct a violation requiring maintenance work, satisfactory corrections are not made by the Landowner, its successors and assigns within thirty days, the Town may enter upon the Property and perform all necessary work to place the facility in proper working condition and assess the costs of such work and any penalties to the Landowner, its successors and assigns. This provision shall not be construed to allow the Town to erect any structure of permanent nature on the land of the Landowner outside of the easement for the stormwater management facilities. It is expressly understood and agreed that the Town is under no obligation to routinely maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the Town.

5. In the event the Town pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner, its successors and assigns, shall reimburse the Town upon demand, within thirty (30) days of receipt thereof for all actual costs incurred by the Town hereunder.

6. This Agreement imposes no liability of any kind whatsoever on the Town; and further the Landowner agrees to hold the Town harmless from any liability in the event the stormwater management facilities fail to operate properly.

7. The Landowner, its successors and assigns, including any homeowners association, shall provide stormwater management easements as necessary for all areas used for off-site stormwater control, preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event, and access for facility maintenance and inspection. A list of easements with the purpose and location of each shall be specified in Attachment B. The Landowner, its successors and assigns shall record all easements in the land records of the South Essex Registry of Deeds, Commonwealth of Massachusetts.

8. The Landowner, its successors and assigns, shall notify the SWPA of any changes in ownership, assignment of financial responsibility, reconstruction of the approved stormwater management facilities and/or amendments to the maintenance schedule described in Attachment A. The maintenance schedule described in Attachment A may be amended to achieve the purpose of the Middleton Stormwater Management Bylaw by mutual agreement of the SWPA and the Landowner, its successors and assigns. Amendments shall be in writing and signed by the SWPA and all responsible parties.

9. This Agreement shall be recorded by the property owners or at the property owners expense among the land records of Essex County, Commonwealth of Massachusetts, and shall constitute a covenant running with the land, and shall be binding on the Landowner, its administrators, executors, assigns, heirs and any other successors in interests, including any homeowners association.

WITNESS the following signatures and seals:

Company/Corporation/Partnership Name (Seal)

By: _____

(Type Name)

(Type Title)

COMMONWEALTH OF MASSACHUSETTS

County of Essex

On this ____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which was a Driver’s License, to be the person whose name is signed on the proceeding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

NOTARY PUBLIC

My Commission Expires: _____

TOWN OF MIDDLETON

By: _____

_____, Chairman Board of Selectmen

COMMONWEALTH OF MASSACHUSETTS

County of Essex

On this ____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which was a Driver’s License, to be the person whose name is signed on the proceeding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

NOTARY PUBLIC

My Commission Expires: _____

STORMWATER MANAGEMENT BYLAW

**TOWN CODE
DIVISION 2, GENERAL BYLAWS
PART II, GENERAL LEGISLATION
CHAPTER 204**

ARTICLE I

STORMWATER MANAGEMENT BYLAW

§ 204-1. AUTHORITY, PURPOSE AND DEFINITIONS

1.1 AUTHORITY

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34, and as authorized by the residents of the Town of Middleton at Town Meeting, dated May 13, 2014.

1.2 PURPOSE

The purpose of this Bylaw is to regulate discharges to the Municipal Separate Storm Sewer System (MS4) to protect the Town of Middleton's water bodies and groundwater and to safeguard the public health, safety, welfare and the environment. Increased and contaminated stormwater runoff associated with construction sites, developed land uses, and the accompanying increase in impervious surface are major causes of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater. This is accomplished through the following:

- 1.2.1 Protect groundwater and surface water from degradation
- 1.2.2 Promote groundwater recharge
- 1.2.3 Require practices to control the flow of stormwater from new and redeveloped sites into the Town storm drainage system in order to prevent flooding and erosion
- 1.2.4 Require practices that eliminate soil erosion and sedimentation and control the volume and rate of stormwater runoff resulting from land disturbance activities
- 1.2.5 Prevent pollutants from entering the Town's municipal separate storm sewer system (MS4) and minimize discharge of pollutants from the MS4
- 1.2.6 Ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained;
- 1.2.7 Ensure adequate long-term operation and maintenance of structural stormwater best management practices so that they work as designed
- 1.2.8 Comply with state and federal statutes and regulations relating to stormwater discharges; and
- 1.2.9 Establish the Town's legal authority to ensure compliance with the provisions of this Bylaw through inspection, monitoring, and enforcement.

Nothing in this Bylaw is intended to replace the requirements of the Town of Middleton Zoning Bylaw, General Bylaw, or any other Bylaw that may be adopted by the Town of Middleton. Any activity subject to the provisions of the above-cited Bylaws must comply with the specifications of each.

1.3 DEFINITIONS

Definitions that apply in the interpretation and implementation of this Bylaw shall be included as part of any Stormwater Regulations promulgated as permitted under Section 3.2 of this Bylaw.

§ 204-2. APPLICABILITY

- 2.1** This By-law shall be applicable to all new development and redevelopment, land disturbance, and any other activity that may result in an increased amount of stormwater runoff or pollutants, or changes to drainage characteristics causing any increases in runoff flowing from a parcel of land, unless exempt pursuant to Section 2.4 of this Bylaw.

This by-law shall apply to common plans for development if the total land-disturbing activities on the parcels, considered as a whole, would presently or ultimately exceed the minimum thresholds in Section 2.2 and/or 2.3

and are not exempted by Section 2.4. A development shall not be segmented or phased in a manner to avoid compliance with this By-law.

2.2 Stormwater Management Permit (SMP)

A Stormwater Management Permit (SMP) is required for the following:

2.2.1 Any activity that will disturb or alter 20,000 square feet or more of land

2.3 Simple Stormwater Management Permit (SSMP)

A Simple Stormwater Management Permit (SSMP) is required for the following:

2.3.1 Any activity, except as exempted under Section 2.4, that will disturb or alter less than 20,000 square feet of land

2.3.2 Construction or maintenance and repair of utility lines or systems (gas, water, electric, telephone, fire alarms, drainage, etc.) that will disturb or alter less than 20,000 square feet of land and that will temporarily or permanently alter terrain, ground cover, or drainage patterns.

2.4 Exemptions

No person shall disturb or alter land within the Town of Middleton without having obtained a Stormwater Management Permit (SMP) or Simple Stormwater Management Permit (SSMP) for the property with the following exceptions:

2.4.1 Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act Regulation 310 CMR 10.04 and MGL Chapter 40A Section 3.

2.4.2 Maintenance of existing landscaping, gardens, driveways, roofs, or lawn areas.

2.4.3 Normal maintenance of Town owned public land, ways and appurtenances.

2.4.4 The construction of fencing that will not alter existing terrain or drainage patterns.

2.4.5 Construction or maintenance and repair of utility service lines (gas, water, electric, telephone, fire alarms, etc.) other than drainage lines or systems, which will not alter terrain, ground cover, or drainage patterns.

2.4.6 Emergency repairs in any situation that poses a threat to public health or safety, or as deemed necessary by the Stormwater Permitting Authority.

2.4.7 Any work or projects for which all necessary approvals and permits, including building permits, have been issued before the effective date of this Bylaw.

2.4.8 Construction of decks, patios, walkways, driveways, sheds, swimming pools, sports courts, tennis courts, basketball courts, replacement of wells, or replacement of septic systems on lots having an existing dwelling, provided that the total increase in the area of new impervious surface after the date this bylaw is adopted is less than 600 square feet.

2.4.9 An increase in the footprint of a house, commercial building, or other structure by less than 600 square feet.

2.4.10 Repair or upgrade of septic systems when required by the Board of Health for the protection of public health.

2.4.11 Activities conducted in accordance with a Forest Stewardship Plan approved by the Massachusetts Department of Conservation and Recreation.

2.4.12 Any construction activity or project completely within the jurisdiction of the Conservation Commission, provided that plans include stormwater management provisions, an Order of Conditions or

Determination of Applicability has been issued for the site, and that the activity is in compliance with any additional performance standards contained in the Regulations promulgated to implement this By-Law. A notice of such approval and conditions and a complete copy of the approved Stormwater Plan and provisions shall be filed with the Stormwater Management Authority before construction begins.

- 2.4.13 Any construction activity or project requiring approval under the Subdivision Control Law where the Planning Board has approved an application for a definitive subdivision approval and any construction activity requiring Site Plan Review and/or a Special Permit, provided that the plans include stormwater management provisions and that the activity is in compliance with any additional performance standards contained in the Regulations promulgated to implement this By-Law. A notice of such approval and conditions shall be filed with the Stormwater Management Authority before construction begins. Construction on a lot approved under Subdivision Control is exempt only if the proposed construction on such lot was included in the Stormwater Management Plan required as part of the Definitive Subdivision filing, and only if erosion control measures are proposed and installed prior to any disturbance. If the proposed construction was not included as part of the definitive subdivision approval, or the proposed construction exceeds the area of impervious surface depicted for the lot on the Stormwater Management Plan by more than 600 square feet, the construction is subject to the requirements of the Stormwater Management Bylaw, and requires a Stormwater Permit (SWP) or a Simple Stormwater Permit (SSWP).

§ 204-3. ADMINISTRATION

- 3.1** The Board of Selectmen shall be the appointing authority for the Stormwater Permitting Authority (SWPA). The Stormwater Permitting Authority is responsible for the administration, implementation, and enforcement of this By-Law. The SWPA shall consist of five (5) members, whom shall permanently be the Town Superintendent of Public Works, the Planning Coordinator, the Conservation Agent, the Public Health Director, and the Building Commissioner. The SWPA shall administer, implement, and enforce this By-Law. Any powers granted to or duties imposed upon the SWPA may be delegated in writing by the SWPA to any Town employee, board, or agent.

3.2 RULES AND REGULATIONS

The Planning Board may adopt, and periodically amend, Rules and Regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures, administration, and appeal process of this Stormwater Management Bylaw by majority vote, after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least seven (7) days prior to the hearing date. After public notice and public hearing, the Planning Board may promulgate Rules and Regulations to effectuate the purposes of this Bylaw. Failure by the Planning Board to promulgate such Rules and Regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this Bylaw.

3.3 STORMWATER MANAGEMENT HANDBOOK

The SWPA will utilize the policy, criteria and information, including specifications and standards, of the latest edition of the Massachusetts Stormwater Management Standards and Handbook for execution of the provisions of this Bylaw. This Handbook includes a list of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice. The standards and handbook may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Unless specifically revised in the Town of Middleton Stormwater Regulations, stormwater management practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts water quality standards. Notwithstanding any contradictions between the Stormwater Management Bylaw and the Stormwater Management Handbook, the bylaw shall prevail.

3.4 ACTIONS

The SWPA may take any of the following actions on an application for a Stormwater Management Permit: Approval, Approval with Conditions, or Disapproval.

3.5 APPEALS OF ACTIONS

Appeals of any decision of the SWPA may be made through the Middleton Planning Board. Further relief of a decision by the SWPA made under this Bylaw shall be reviewable in the Superior Court in an action filed within 60 days thereof, in accordance with M.G.L. Ch 249 § 4.

3.6 PERMITS AND PROCEDURES

Permit Procedures and Requirements shall be defined and included as part of any Rules and Regulations promulgated as permitted under Section 3.2 of this Bylaw.

3.7 WATER RESOURCES MITIGATION FUND¹

The SWPA may allow the applicant to contribute to the Town of Middleton Water Resources Mitigation Fund in lieu of onsite stormwater measures where it has been demonstrated that conditions are not suitable for onsite stormwater best management practices, and where such action is allowed by federal, state and local statutes and/or regulations, is in the public interest, or not inconsistent with the purpose and intent of the Town of Middleton Stormwater Management Bylaw. Funds may be used to design and construct stormwater projects that will improve the quality and quantity of surface waters in Middleton by treating and recharging stormwater from existing impervious surfaces that is now discharged to said waters with inadequate treatment or recharge. The fee for contribution to the fund shall be determined by the SWPA.

§ 204-4. ENFORCEMENT

4.1 Any person who violates any provision of this By-law shall be punished by a fine of \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

4.2 The SWPA or an authorized agent of the SWPA, shall enforce this Bylaw and Regulation promulgated hereunder by means including without limitation, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations. Enforcement shall be further defined and included as part of any Stormwater Regulations promulgated as permitted under Section 3.2 of this Bylaw.

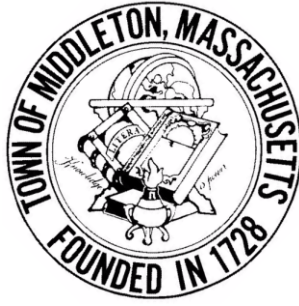
4.3 As an alternative to criminal prosecution or civil action, the SWPA may elect to use the non-criminal disposition procedure set forth in M.G.L. C. 40, S. 21D, in which case the authorized agent of the SWPA shall be the enforcing person. The penalty for violation shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

§ 204-5. SEVERABILITY

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

¹ This fund is now known as the Stormwater Management Revolving Fund

STORMWATER MANAGEMENT
RULES & REGULATIONS



STORMWATER MANAGMENT REGULATIONS

TOWN OF
MIDDLETON, MASSACHUSETTS

Approved by the Middleton Planning Board
August 13, 2014

Chairman Christine Lindberg

Clerk John Knott

Robert Aldenberg

Beverly Popielski

TOWN CODE

DIVISION 4, RULES AND REGULATIONS

PART I, Planning Board

CHAPTER 248

STORMWATER MANAGEMENT REGULATIONS

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§ 248-1. PURPOSE

The purpose of these Stormwater Regulations is to protect the Town of Middleton's water bodies and groundwater and to safeguard the public health, safety, welfare and the environment by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff, decreased groundwater recharge, and nonpoint source pollution associated with new development, as more specifically addressed in Stormwater Management Bylaw of the Town of Middleton. Increased and contaminated stormwater runoff associated with construction sites, developed land uses and the accompanying increase in impervious surface are major causes of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater. These regulations were adopted by the Stormwater Management Permitting Authority on August 13, 2014 after holding a legally posted Public Hearing.

§ 248-2. DEFINITIONS

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

§ 248-3. AUTHORITY

- 3.1 The Rules and Regulations contained herein have been adopted by the Planning Board in accordance with the Town of Middleton Stormwater Management Bylaw.
- 3.2 Nothing in the Bylaw or these Regulations is intended to replace the requirements of the Town of Middleton Zoning Bylaw, the Town of Middleton General Bylaw, any other Bylaw that may be adopted by the Town of Middleton, or any Rules and Regulations adopted there under. Any activity subject to the provisions of the above-cited Bylaws or Rules and Regulations must comply with the specifications of each.
- 3.3 These Stormwater Regulations may be periodically amended by the Planning Board in accordance with the procedures outlined in Section 204.3.2 of the Town of Middleton Stormwater Management Bylaw.

§ 248-4. ADMINISTRATION

- 4.1 The SWPA shall administer, implement and enforce these Regulations.
- 4.2 The SWPA may designate by mutual agreement another Town board, commission, or department, including but not limited to the Planning Department, Building Department, Planning Board, Conservation Commission, Board of Health, or Department of Public Works, as its authorized agent or designee for the purposes of permit approval, site inspections of the stormwater management system, erosion and sediment controls, or long-term site inspections in accordance with Sections 11.0 and 13.0 of these Regulations.
- 4.3 Town Boards or Departments, including, but not limited to the Conservation Commission, Planning Board, Zoning Board of Appeals, Department of Public Works, Building Department, Board of Health, and any other applicable town board or department may formally adopt these Regulations, or specific sections of these Regulations, either directly or by reference.
- 4.4 The Planning Board may, from time to time, amend these Regulations after holding a public hearing. Notice of the time, place and subject matter shall be published in a newspaper of general circulation in Middleton once, not less than 7 days before the day of such hearing.

§ 248-5. APPLICABILITY

- 5.1 These Stormwater Regulations apply to all activities in accordance with the Applicability Section (204-2.) of the Stormwater Management Bylaw and further described in this section. Projects and/or activities within the jurisdiction of the Town of Middleton Stormwater Management Bylaw must obtain a Stormwater Management

Permit (SMP) or Simple Stormwater Management Permit (SSMP) from the SWPA in accordance with the permit procedures and requirements defined in Sections 6.0 and 7.0 of these Regulations.

§ 248-6. STORMWATER MANAGEMENT PERMIT (SMP) PROCEDURES AND REQUIREMENTS

- 6.1 PERMIT REQUIRED PRIOR TO ACTIVITY - No land owner or land operator shall receive any of the building, or other land development permits required for land disturbance activities without first meeting the requirements of the Bylaw and these Regulations prior to commencing the proposed activity.
- 6.2 TIME FRAME TO COMMENCE ACTIVITY - Should a land-disturbing activity associated with an approved plan in accordance with this section not begin during the 36-month period following permit issuance, the SWPA may evaluate the existing stormwater management plan to determine whether the plan still satisfies local program requirements and to verify that all design factors are still valid. If the authority finds the previously filed plan to be inadequate, a modified plan shall be submitted and approved prior to the commencement of land-disturbing activities.
- 6.3 ENTRY - Filing an application for a permit grants the SWPA, its agent, or designee as specified per Section 4.0 of these Regulations, permission to enter the site throughout the term of the permit to verify the information in the application and to inspect for compliance with the resulting permit.
- 6.4 FILING APPLICATION - The applicant shall file with the SWPA, five (5) printed copies and one portable document file (PDF) copy of a completed application package for a Stormwater Management Permit (SMP) (one copy with original signatures). Permit issuance is required prior to any site altering activity. While the applicant can be a representative, the permittee must be the owner of the site. The SMP Application package shall include:
 - 6.4.1 A completed Application Form with original signatures of all owners;
 - 6.4.2 Payment of the application fees, if applicable
 - 6.4.3 Stormwater Management Plan
 - 6.4.4 Erosion and Sediment Control Plan
 - 6.4.5 Operation and Maintenance Plan

The SWPA shall review the application package for completeness before the application is formally accepted. Applicants will be notified within ten (10) days of filing of any applicable consultant fees or missing items.

6.5 FEES

- 6.5.1 The SWPA shall obtain with each submission an Application Fee established by the Planning Board to cover administrative expenses connected with the review of the Stormwater Management Permit. A non-refundable application fee of \$100 shall be due and payable to the Town of Middleton at the time an application is formally filed.
- 6.5.2 In addition to the above fee, the SWPA or its designated Reviewing Agent is authorized to require an applicant to pay an initial fee of up to \$2,500 for the reasonable costs and expenses for specific expert engineering and other consultant services deemed necessary by the SWPA or its designated Reviewing Agent to come to a final decision on the application. Payment may be required at any point in the deliberations prior to a final decision. The Reviewing Agent shall notify the applicant of such amount in writing. Failure to submit such additional amount as required by the SWPA within fourteen (14) days of receipt of said notice shall be deemed reason by the SWPA to deny said application.

If prior to final action on the plan, the SWPA or its designated Reviewing Agent finds that \$2,500 is insufficient to cover costs and expenses for consultant services necessary for review of the application, the SWPA shall seek authorization from the Planning Board at one of the Board's regular meetings to require that the applicant submit forthwith such additional amount as is deemed required by the Reviewing Agent to cover such costs. The Reviewing Agent shall notify the applicant of such additional amount in writing. Failure to submit such additional amount as authorized by the Planning Board within fourteen (14) days of receipt of said notice shall be deemed reason by the SWPA to

deny said application.

Such fee shall be held in escrow, to be used to engage independent consultants should the Reviewing Agent determine this to be necessary, based on the characteristics or complexity of the issues raised by the application. Such fee shall be governed and administered in accordance with M.G.L.,c.44, § 53G or § 53E ½.

If the actual cost incurred by the Town for review of said application is less than the amount on deposit as specified above, the Reviewing Agent shall authorize that such excess amount be refunded to the applicant concurrently with final action on said application.

The services for which a fee may be utilized include, but are not limited to, review of wetland survey and delineation, hydrologic and drainage analysis, wildlife evaluation, stormwater quality analysis, site inspections, as-built plan review, and analysis of legal issues.

- 6.5.3 These fees are in addition to any other local or state fees that may be charged under any other law, bylaw, or local codes.
- 6.5.4 The fee schedule may be reduced or increased by the Planning Board. Any such change shall be made at a posted public hearing of the Planning Board not less than 30 days prior to the date upon which the change is to be effective.

6.6 PUBLIC MEETINGS

- 6.6.1 The SWPA will review SMP applications at a regularly scheduled and posted meeting of the SWPA, unless the SWPA has designated an authorized agent or designee for the purposes of permit approval.

6.7 ACTIONS - The action of the SWPA or its designee, rendered in writing, shall consist of either:

- 6.7.1 Approval of the Stormwater Management Permit Application subject to any conditions, modifications or restrictions required by the SWPA which will ensure that the project meets the Standards in Section 8.0 of these Regulations and adequately protects water resources, set forth in the Bylaw and these Regulations. SWPA Approval shall be recorded by the Applicant on the deed for the subject property at the Southern Essex District Registry of Deeds within fourteen (14) days of issuance (see Section 6.15.1: Operations & Maintenance Plan). Commencement of work on the property is not permitted until proof of registry is received by the SWPA.
- 6.7.3 Disapproval of the Stormwater Management Permit Application based upon a determination that the proposed plan, as submitted, does not meet the Standards in Section 8.0 of these Regulations or adequately protects water resources, as set forth in the Bylaw and these Regulations.

6.8 FAILURE TO ACT - Failure of the SWPA to take final action upon an Application within sixty (60) days of the receipt of a completed application shall be deemed approval of said Application, unless an extension is granted by the Applicant.

6.9 CONSTRUCTION INSPECTIONS – Requirements for Construction Inspections and reporting for projects requiring a SMP are included in Section 11.

6.10 PLAN CHANGES - The permittee must notify the SWPA in writing of any drainage change or alteration in the system authorized in a Stormwater Management Permit before any change or alteration is made. If the SWPA determines that the change or alteration is significant, based on the Stormwater Management Standards in 8.0 of these Regulations and accepted construction practices, the SWPA may require that an amended application be filed. If any change or deviation from the Stormwater Management Permit occurs during a project, the Board may require the installation of interim measures before approving the change.

- 6.11 APPEALS OF ACTIONS OF THE SWPA - Appeals of any decisions of the SWPA may be made through the Middleton Planning Board. Further relief of a decision by the SWPA made under these Regulations shall be reviewable in the Superior Court in an action filed within 60 days thereof, in accordance with M.G.L. Ch 249. § 4. Such an appeal shall result in revocation of the written approval until the appeal process has been resolved.
- 6.12 PROJECT COMPLETION - At completion of the project the permittee shall submit two (2) printed copies and one (1) portable document file (PDF) as-built record drawings of all stormwater controls and treatment best management practices required for the site as required in Section 8.0 of these Regulations. The DPW shall receive one copy of the final as-built drawings. The as-built drawing shall show deviations from the approved plans, if any, and be certified by a Registered Professional Engineer (PE) licensed in the Commonwealth of Massachusetts.
- 6.13 STORMWATER MANAGEMENT PLAN
- 6.13.1 The Stormwater Management Plan shall contain sufficient information for the SWPA to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater runoff. This plan shall be in accordance with the criteria established in these Regulations and must be submitted with the stamp and signature of a Professional Engineer (PE) licensed in the Commonwealth of Massachusetts.
- 6.13.2 The Stormwater Management Plan shall fully describe the project in drawings, narrative, and calculations. Required contents of the Stormwater Management Plan are provided in the Appendices Section of the Regulations.
- 6.14 EROSION AND SEDIMENT CONTROL PLAN
- 6.14.1 An Erosion and Sediment Control Plan is required at the time of application, for all projects. Plan Approval by the SWPA is required prior to any site altering activity. The plan shall be designed to ensure compliance with the Permit, these Regulations, and if applicable, the NPDES General Permit for Storm Water Discharges from Construction Activities. In addition, the plan shall ensure that the Massachusetts Surface Water Quality Standards (314 CMR 4.00) are met in all seasons.
- 6.14.2 If a project requires a Stormwater Pollution Prevention Plan (SWPPP) per the NPDES General Permit for Construction Activities, the SWPA requires that the applicant submit a copy of the SWPPP, as well as monitoring reports and the permit file number.
- 6.14.3 EROSION AND SEDIMENT CONTROL PLAN CONTENTS - The Erosion and Sediment Control Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sedimentation controls. The applicant shall submit such material as is necessary to show that the proposed development will comply with the design requirements listed in Section 8.0.
- Required contents of the Erosion and Sediment Control Plan are provided in the Appendices Section of the Regulations.
- 6.15 OPERATION AND MAINTENANCE PLAN
- 6.15.1 An Operation and Maintenance plan (O&M Plan) is required at the time of application for all projects. The plan shall be designed to ensure compliance with the Permit, the Bylaw, these Regulations and the Massachusetts Surface Water Quality Standards, 314, CMR 4.00 in all seasons and throughout the life of the system. The SWPA shall make the final decision as to what maintenance option is appropriate in a given situation by considering natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, types of stormwater management structures, and potential need for ongoing maintenance. The O&M Plan shall be recorded on the deed at the Southern Essex District Registry of Deeds (see Section 6.7.1), with a copy on file with the SWPA and the Building Inspector, and shall be an ongoing requirement.
- 6.15.2 Required contents of the Operation and Maintenance Plan are provided in the Appendices Section of the Regulations.

6.15.3. Stormwater Management Access Easements

- 6.15.3.1 The SWPA may require that stormwater management easements be conveyed by the property owner(s) to the Town of Middleton for:
 - a. Access for facility inspections and maintenance
 - b. Preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event
 - c. Direct maintenance access by heavy equipment to structures requiring regular maintenance.
- 6.15.3.2 Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the SWPA.
- 6.15.3.3 Easements shall be recorded with the South Essex Registry of Deeds prior to issuance of a Certificate of Completion by the SWPA.

6.15.4 Changes to Operation and Maintenance Plans

- 6.15.4.1 The owner(s) of the stormwater management system must notify the SWPA of changes in ownership or assignment of financial responsibility 30-days in advance.
- 6.15.4.2 The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of this Regulation by mutual agreement of the SWPA 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.

§ 248-7. SIMPLE STORMWATER MANAGEMENT PERMIT (SSMP) PROCEDURES AND REQUIREMENTS

- 7.1 PERMIT REQUIRED PRIOR TO ACTIVITY - No land owner or land operator shall receive any of the building, or other land development permits required for land disturbance activities without first meeting the requirements of the Bylaw and these Regulations prior to commencing the proposed activity.
- 7.2 TIME FRAME TO COMMENCE ACTIVITY – The approved plan for the SSMP land-disturbing activity must commence within the 12-month period following permit issuance, otherwise the SWPA may evaluate the existing stormwater management plan to determine whether the plan still satisfies local program requirements and to verify that all design factors are still valid. If the authority finds the previously filed plan to be inadequate, a modified plan shall be submitted and approved prior to the commencement of land-disturbing activities.
- 7.3 ENTRY - Filing an application for a permit grants the SWPA, its agent, or designee as specified per Section 4.0 of these Regulations, permission to enter the site throughout the term of the permit to verify the information in the application and to inspect for compliance with the resulting permit.
- 7.4 FILING APPLICATION – The applicant shall file with the SWPA, five (5) copies and one portable document file (PDF) copy of a completed application package for a Simple Stormwater Management Permit (SSMP). Permit issuance is required prior to any site altering activity. While the applicant can be a representative, the permittee must be the owner of the site. The SSMP Application package shall include:
 - 7.4.1 A completed SSMP Application Form with original signatures of all owners
 - 7.4.2 Contact information, including a phone number available 24-hours per day
 - 7.4.3 Description or plan that indicates location of the project and assessor map and parcel information
 - 7.4.4 A plan or sketch that describes the project
 - 7.4.5 A brief description of the project, explaining how the project meets eligibility requirements
 - 7.4.6 A brief description of plans to prevent erosion and control sediments during construction
 - 7.4.7 A brief description of plans to perpetually inspect and maintain the stormwater management systems
 - 7.4.8 Other materials as the SWPA may require to determine the eligibility of the proposed work for a SSMP.

The SWPA shall review the application package for completeness before the application is formally accepted. Applicants will be notified within ten (10) days of filing of any missing items.

- 7.5 FEES – Permits issued under Simple Stormwater Management Permits (SSMP)s do not require an application fee.
- 7.6 PUBLIC MEETINGS - The SWPA will review SMP applications at a regularly scheduled and posted meeting of the SWPA, unless the SWPA has designated an authorized agent or designee for the purposes of permit approval.
- 7.7 ACTIONS – The action of the SWPA or its authorized agent or designee, rendered in writing, shall consist of either approval, approval with conditions, or disapproval of the permit. The SWPA will render a decision within 21 days of receipt of a complete application package. The SWPA will have the right to provide project conditions, as necessary, in addition to the required standard conditions. Unless specifically required by the SWPA, recording of the SSMP at the South Essex Registry of Deeds is not required.
- 7.8 FAILURE TO ACT - Failure of the SWPA to take final action upon an Application within twenty-one (21) days of the receipt of a completed application shall be deemed approval of said Application, unless an extension is granted by the Applicant.
- 7.9 PLAN CHANGES – The permittee must notify the SWPA in writing of any drainage change or alteration in the system authorized in a Simple Stormwater Management Permit (SSMP). If the change or alteration is significant, based on the conditions of approval and accepted construction practices, the SWPA may require that an amended application be filed. If any change or deviation from the Simple Stormwater Management Permit occurs during a project, the SWPA may require the installation of interim measures before approving the change.
- 7.10 APPEALS OF ACTIONS OF THE SWPA – Appeals shall be in accordance with appeals for a SMP as described in Section 6.11 of these Regulations.
- 7.11 CONSTRUCTION INSPECTIONS – Unless specifically required by a condition in the SSMP, permits issued under Simple Stormwater Management Permits (SSMP)s do not require construction inspection or monitoring and do not require construction inspection reporting.
- 7.12 PROJECT COMPLETION – Unless specifically required by a condition in the SSMP, no as-built record drawings and no Stormwater Certificate of Completion is required to close out the SSMP once the work is completed.
- 7.13 STANDARD PERMIT CONDITIONS – By submitting an application for a SSMP, the applicant agrees to following standard conditions. The SWPA may require additional conditions as part of the permit as necessary:
 - 7.13.1 Standard Conditions for any activity, except as exempted under Section 2.4 of the bylaw, that will disturb or alter less than 20,000 square feet of land, or which is part of a common plan for development that will disturb or alter less than 20,000 square feet of land, are as follows:
 - a. The development shall not alter the flow of stormwater runoff leaving the site, nor shall it alter the stormwater flow to any adjoining properties, public ways, or wetland resource areas.
 - b. The development shall treat and detain all stormwater runoff on site using recommended Best Management Practices in accordance with the latest edition of the Massachusetts Stormwater Handbook.
 - c. The applicant shall provide and maintain erosion and sedimentation controls until the site is permanently stabilized.
 - d. The applicant shall perpetually inspect and maintain the site and stormwater management systems.
 - e. To the maximum extent practicable, the development shall provide on-site infiltration and meet the Recharge Additional Performance Standards as specified in Appendix E

- 7.13.2 Standard Conditions for construction or maintenance and repair of utility lines or systems (gas, water, electric, telephone, fire alarms, drainage, etc.) that will disturb or alter less than 20,000 square feet of land and that will temporarily or permanently alter terrain, ground cover, or drainage patterns, are as follows:
- a. The development shall not alter the flow of stormwater runoff leaving the site, nor shall it alter the stormwater flow to any adjoining properties, public ways, or wetland resource areas.
 - b. The applicant shall treat and detain all stormwater runoff from disturbed areas on site during construction using recommend Best Management Practices, including dewatering systems.
 - c. The applicant shall provide and maintain erosion and sedimentation controls until the site is permanently stabilized.

§ 248-8. STORMWATER MANAGEMENT CRITERIA

8.1 MASSACHUSETTS DEP STORMWATER MANAGEMENT STANDARDS

At a minimum, all projects subject to a SMP or SSMP shall comply with the performance standards of the most recent version of Massachusetts Department of Environmental Protection (DEP) Stormwater Management Standards and accompanying Stormwater Management Handbook, as well as the criteria contained in this section.

8.2 POST-DEVELOPMENT ADDITIONAL CRITERIA

All projects subject to a SMP or SSMP shall comply with the performance criteria provided in the Appendices Section of the Regulations, unless otherwise provided for in the Regulations.

8.3 EROSION AND SEDIMENT CONTROL ADDITIONAL CRITERIA

All erosion and sediment controls for all projects subject to a SMP or SSMP shall comply with the performance criteria provided in the Appendices Section of the Regulations, unless otherwise provided for in the Regulations.

§ 248-9. WAIVERS

- 9.1 The SWPA may waive strict compliance with any requirement of the Town of Middleton Stormwater Management Bylaw or the Rules and Regulations promulgated hereunder, where such action is allowed by federal, state and local statutes and/or regulations, is in the public interest, or not inconsistent with the purpose and intent of the Town of Middleton Stormwater Management Bylaw. In lieu of the requirement(s) waived, the SWPA may require the applicant to contribute to the Town of Middleton Water Resources Mitigation Fund¹. The amount for contribution to the fund shall be determined by the SWPA, as authorized by Section 3.7 of the Stormwater Management Bylaw.
- 9.2 **WAIVER PROCESS** – Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the Bylaw does not further the purposes or objectives of the Bylaw or these Regulations.
- 9.3 All waiver requests shall be determined at the time of issuance of a decision for the project.
- 9.4 If in the SWPA's opinion, additional time or information is required for review of a waiver request, the SWPA may request an extension of the review period.

§ 248-10. SURETY

10.1 STORMWATER COMPLETION SURETY

¹ This fund is named the Stormwater Management Revolving fund, as approved by vote of 2014 Town Meeting; however, the Stormwater Management Bylaw refers to the same fund as The Town of Middleton Water Resources Mitigation Fund.

The SWPA may require the permittee to post before the start of or during land disturbance or construction activity, a surety bond, irrevocable letter of credit, cash, or other security acceptable to the Treasurer of the Town of Middleton. The bond shall be in an amount deemed sufficient by the Board to ensure that the work will be completed in accordance with the permit. If the project is phased, the SWPA may release part of the bond as each phase is completed in compliance with the permit, but a minimum of 10% of the original surety amount must be retained until the SWPA has received the final inspection report, issued a Certificate of Completion, and received proof of recording of the Certificate of Completion at the South Essex Registry of Deeds.

§ 248-11. CONSTRUCTION INSPECTIONS FOR SMPs

11.1 CONSTRUCTION COMMENCEMENT

11.1.1 NOTICE OF CONSTRUCTION COMMENCEMENT - The applicant must notify the SWPA 7 days prior to the commencement of construction. In addition, the applicant must notify the SWPA 7 days prior to construction of critical components of any stormwater management facility.

11.1.2 PRE-CONSTRUCTION MEETING - The SWPA shall require, unless waived by the SWPA, a pre-construction meeting prior to starting clearing, excavation, construction or land disturbing activity by the permittee. The permittee's technical representative, the general contractor or any other person with authority to make changes to the project, shall meet with the SWPA or its representative to review construction sequencing and the permitted plans and their implementation.

11.2 STORMWATER MANAGEMENT SYSTEM CONSTRUCTION INSPECTION

11.2.1 The applicant or its authorized representative is responsible for performing stormwater management system construction inspections. At the discretion of the SWPA, the SWPA or its agent will monitor the stormwater management system construction. All inspections shall be documented and, as required written reports shall be prepared in accordance with standard engineering practices.

11.2.2 The applicant or its authorized representative shall inspect the project site at the following stages, at a minimum:

11.2.2.1 Initial Site Inspection: prior to any installations.

11.2.2.2 Stormwater Management System Inspection: An inspection will be made of the completed stormwater management system, prior to backfilling of any underground drainage or stormwater conveyance structures.

11.2.2.3 Inspection of subgrade: after backfilling.

11.2.2.4 Final Inspection

11.2.3 AS-BUILT PLANS - After the stormwater management system has been constructed and before the surety has been released, all applicants are required to submit to the SWPA, per Section 6.12, actual "as built" plans, certified by a professional Engineer, for any stormwater management facilities or practices after final construction is completed. As built plans shall be full size plans, which reflect the "as built" conditions, including all final grades, and developed by a Professional Engineer registered in the Commonwealth of Massachusetts. All changes to project design should be recorded in red ink on plans to define changes made. All work deleted, corrections in elevations, and changes in materials, should be shown on the as built drawings.

11.3 EROSION AND SEDIMENT CONTROL INSPECTION

11.3.1 To ensure erosion control practices are in accord with the filed Erosion and Sediment Control Plan, Erosion Control Inspections will be conducted by the applicant or its authorized representative at least once every 30 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater from the start of construction until the site is permanently stabilized. The permittee is required to notify the SWPA of any change in inspection frequency, including termination of inspections due to site stabilization.

- 11.3.2 Inspections must be conducted by qualified personnel (provided by the operator or cooperatively by multiple operators). "Qualified personnel" means a person knowledgeable in the principles and practice of erosion and sediment controls who possesses the skills to assess conditions at the construction site that could impact storm water quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of storm water discharges from the construction activity.
- 11.3.3 Inspections must include all areas of the site disturbed by construction activity and areas used for storage of materials that are exposed to precipitation. Inspectors must look for evidence of, or the potential for, pollutants entering the storm water conveyance system. Sedimentation and erosion control measures identified in the Erosion and Sediment Control Plan must be observed to ensure proper operation. Discharge locations must be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to waters of the United States, where accessible. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site must be inspected for evidence of off-site sediment tracking.
- 11.3.4 For each inspection required above, an inspection form must be completed and kept on-site, or submitted to the SWPA upon request. The form must include the following information, at a minimum:
- 11.3.4.1 The inspection date
 - 11.3.4.2 Names, titles, and qualifications of personnel making the inspection
 - 11.3.4.3 Weather information and a description of any discharges occurring at the time of the inspection.
 - 11.3.4.4 Weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including a best estimate of the beginning of each storm event, duration of each storm event, approximate amount of rainfall for each storm event (in inches), and whether any discharges occurred.
 - 11.3.4.5 Location(s) of discharges of sediment or other pollutants from the site
 - 11.3.4.6 Location(s) of BMPs that need to be maintained
 - 11.3.4.7 Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location
 - 11.3.4.8 Location(s) where additional BMPs are needed that did not exist at the time of inspection
 - 11.3.4.9 Corrective action required including any changes to the SWPPP necessary and implementation dates
 - 11.3.4.10 Corrective actions performed
 - 11.3.4.11 Photographs
- 11.3.5 A record of each inspection and of any actions taken must be retained until a Certificate of Completion is received and recorded on the deed for the property. The inspection reports must identify any incidents of non-compliance with the permit conditions. Where a report does not identify any incidents of non-compliance, the report must contain a certification that the construction project or site complies with this permit.
- 11.3.6 All erosion and sediment control measures and other protective measures identified in the Erosion and Sediment Control Plan must be maintained in effective operating condition. If site inspections identify BMPs that are not operating effectively, maintenance must be performed as soon as possible and before the next storm event whenever practicable to maintain the continued effectiveness of storm water controls.
- 11.3.7 If existing BMPs need to be modified or if additional BMPs are necessary for any reason, implementation must be completed before the next storm event whenever practicable. If implementation before the next storm event is impracticable, alternative BMPs must be implemented as soon as possible.

11.4 INADEQUACY OF STORMWATER MANAGEMENT SYSTEM OR EROSION AND SEDIMENT CONTROLS

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

- 11.4.2 If the erosion and sediment control system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the Erosion and Sediment Control Plan, it shall be corrected by the applicant upon notice. If the SWPA determines that there is a failure to comply with the erosion and sediment control plan, the property owner shall be notified in writing of the nature of the violation and the required corrective actions. A Stop Work Order shall be issued until any violations are corrected and all work previously completed has received approval by the SWPA.
- 11.4.3 If the SWPA determines that there is a failure to comply with the stormwater management plan, the property owner shall be notified in writing of the nature of the violation and the required corrective actions. A Stop Work Order shall be issued until any violations are corrected and all work previously completed has received approval by the SWPA.

§ 248-12. STORMWATER CERTIFICATE OF COMPLETION

- 12.1 Upon completion, the applicant is responsible for certifying that the completed project is in accordance with the approved plans and specifications and shall provide regular inspection records sufficient to adequately document compliance.
- 12.2 The SWPA will issue a letter certifying completion upon receipt and approval of the final inspection and reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this Regulation.
- 12.3 The Stormwater Certificate of Completion must be recorded on the deed for the property at the Southern Essex District Registry of Deeds. Any surety held by the SWPA for the permit will be released after proof of recording of a Stormwater Certificate of Completion is received by the SWPA.

§ 248-13. PERPETUAL INSPECTION AND MAINTENANCE

- 13.1 MAINTENANCE RESPONSIBILITY - The owner of the property on which work has been performed or a project subject to a Stormwater Management Permit (SMP) for private stormwater management facilities, or any other person or agent in control of such property, shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sedimentation controls, and other protective devices. Such repairs or restoration and maintenance shall be in accordance with approved plans.
- 13.2 MAINTENANCE INSPECTIONS
- 13.2.1 Stormwater management facilities and practices included in an O&M Plan with a Maintenance Agreement in accordance with Section 6.15 of these Regulations must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the requirements of the agreement, the Plan, and these Regulations.
- 13.2.2. At a minimum, inspections shall occur during the first year of operation and in accordance with the operation and maintenance plan in the approved stormwater management permit. In addition, a maintenance agreement as specified under Section 6.15 of these Regulations between the owner and the SWPA shall be executed for privately-owned stormwater management systems that specify the Responsible Party for conducting long term inspections.
- 13.2.3 Inspection reports for all stormwater management systems shall be kept on file by the site owner and submitted to the SWPA upon request. Inspection reports for stormwater management systems shall include:
- 13.2.3.1 The date of inspection
 - 13.2.3.2 Name of inspector
 - 13.2.3.3 The condition of each BMP, including components such as:
 - a. Pretreatment devices
 - b. Vegetation or filter media
 - c. Fences or other safety devices
 - d. Spillways, valves, or other control structures

- e. Embankments, slopes, and safety benches
- f. Reservoir or treatment areas
- g. Inlet and outlet channels and structures
- h. Underground drainage
- i. Sediment and debris accumulation in storage and forebay areas (including catch basins)
- j. Any nonstructural practices
- k. Any other item that could affect the proper function of the stormwater management system

13.2.3.4 Description of the need for maintenance

13.2.3.5 Description of maintenance performed

- 13.3 RIGHT-OF-ENTRY FOR INSPECTION - The terms of the inspection and maintenance agreement as specified in Section 6.15 of these Regulations shall provide for the SWPA or its designee to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. The SWPA, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this Regulation and may make or cause to be made such examinations, surveys, or sampling as the SWPA deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.
- 13.4 RECORDS OF MAINTENANCE AND REPAIR ACTIVITIES - Parties responsible for the operation and maintenance of a stormwater management facility shall provide records of all maintenance and repairs to the SWPA upon request. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least 5 years. These records shall be made available to the SWPA during inspection of the facility and at other reasonable times upon request.
- 13.5 FAILURE TO MAINTAIN
- 13.5.1 If a responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the SWPA, after thirty (30) days written notice (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient), may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or practice in proper working condition. The SWPA shall assess the owner(s) of the facility for the cost of repair work, which may be a special assessment against the property owner or a lien on the property.
- 13.5.2 After notification is provided to the person responsible for carrying out the maintenance plan of any deficiencies discovered from an inspection of a stormwater management system, the person responsible for carrying out the maintenance plan shall have 30 days or other time frame mutually agreed to between the SWPA and the person responsible for carrying out the maintenance plan to correct the deficiencies. The SWPA shall then conduct a subsequent inspection to ensure completion of repairs.

§ 248-14. ENFORCEMENT

- 14.1 The SWPA or an authorized agent of the SWPA shall enforce the Bylaw, Regulations, orders, violation notices, and enforcement orders, and may pursue all civil, criminal and non-criminal remedies for such violations.
- 14.2 NOTICES AND ORDERS
- 14.2.1 The SWPA or an authorized agent of the SWPA may issue a written notice of violation or enforcement order to enforce the provisions of the Bylaw or Regulations there under, which may include requirements to:
- 14.2.1.1 Cease and desist from construction or land disturbing activity until there is compliance with the Bylaw and the Stormwater Management Permit (SMP) or Simple Stormwater Management Permit (SSMP)

14.2.1.2 Repair, maintain, or replace the stormwater management system or portions thereof in accordance with the operation and maintenance plan

14.2.1.3 Perform monitoring, analyses, and reporting

14.2.1.4 Fix adverse impact resulting directly or indirectly from malfunction of the stormwater management system

14.2.2 If the SWPA determines that abatement or remediation of adverse impacts is required, the order may set forth a deadline by which such abatement or remediation must be completed. Said order may further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Middleton may, at its option, undertake such work, and the property owner shall reimburse the Town of Middleton for expenses incurred.

14.2.3 Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the Town of Middleton including administrative costs. If the amount due is not received within thirty (30) days following a decision of the SWPA affirming or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57, after the thirty-first day at which the costs first become due.

14.3 CRIMINAL PENALTY - Any person who violates any provision of the Town of Middleton Stormwater Management Bylaw, regulation, order or permit issued there under, may be ordered to correct the violation and/or shall be punished by a fine of not more than \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

14.4 NON-CRIMINAL DISPOSITION - As an alternative to criminal prosecution or civil action, the Town of Middleton may elect to utilize the non-criminal disposition procedure set forth in the Town of Middleton General Bylaws under G.L. Ch. 40, §21D Chapter 1, §1-2 in which case the Middleton Police Department or other authorized agent of the Town of Middleton shall be the enforcing person. The penalty for each violation shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

14.5 APPEALS - Appeals of any decisions of the SWPA may be made through the Middleton Conservation Commission. Further relief shall be to a court of competent jurisdiction.

14.6 REMEDIES NOT EXCLUSIVE - The remedies listed in the Bylaw and these Regulations are not exclusive of any other remedies available under any applicable federal, state or local law.

§ 248-15. SEVERABILITY

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

APPENDICES
Stormwater Management Regulations
Town of Middleton, MA

APPENDIX A: DEFINITIONS

- ALTER:** Any activity, including clearing, that will measurably change the ability of a ground surface area to absorb water, will change existing surface drainage patterns, or will increase or decrease the rate or volume of flow from a site.
- APPLICANT:** A property owner or agent of a property owner who has filed an application for a stormwater management permit.
- BEST MANAGEMENT PRACTICE (BMP):** Structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment. “Structural” BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. “Nonstructural” BMPs use natural measures to reduce pollution levels and/or promote pollutant reduction by eliminating the pollutant source.
- CLEARING:** Any activity that removes or disturbs the vegetative surface cover.
- CONVEYANCE:** Any structure or device, including pipes, drains, culverts, curb breaks, paved swales or man-made swales of all types designed or utilized to move or direct stormwater runoff or existing water flow.
- DEVELOPMENT:** The modification of land to accommodate a new use or expansion of use, usually involving construction.
- DISTURB:** Any action, including removal of vegetation, that causes a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material. This also includes pavement reconstruction and any areas disturbed during construction activities.
- DRAINAGE EASEMENT:** A legal right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes.
- EROSION CONTROL:** The prevention or reduction of the movement of soil particles or rock fragments due to stormwater runoff.
- EXEMPT ACTIVITIES:** Activities not requiring a Stormwater Management Permit or a Simple Stormwater Management Permit, as listed in Section 2.4 of the Middleton Stormwater Management Bylaw.
- FLOODING:** A local and temporary inundation or a rise in the surface of a body of water, such that it covers land not usually under water.
- GRADING:** Changing the level or shape of the ground surface.
- GROUNDWATER:** All water beneath any land surface including water in the soil and bedrock beneath water bodies.
- IMPERVIOUS SURFACE:** Any material or structure on or above the ground that prevents water from infiltrating through the underlying soil. Impervious surface is defined to include, without limitation: paved surfaces (parking lots, sidewalks, driveways), rooftops, swimming pools, patios, and paved, gravel and compacted dirt surfaced roads.
- INFILTRATION:** The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.
- LOW IMPACT DEVELOPMENT (LID):** An ecosystem-based approach to land development and stormwater management that ensures that each development site is designed to protect, or restore, the natural hydrology of the site.

MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS: The Stormwater Management Standards and accompanying Stormwater Handbook issued by the Department of Environmental Protection pursuant to authority under the Wetlands Protection Act, M.G.L. c. 131, § 40, and the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26-53 (<http://www.mass.gov/dep/water/laws/policies.htm#storm>). The Stormwater Management Standards are incorporated in the Wetlands Protection Act Regulations, 310 CMR 10.05(6)(k) and the Water Quality Certification Regulations, 314 CMR 9.06(6)(a) or as amended.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM: The system 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 Middleton.

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

NORMAL MAINTENANCE: Includes activities generally recognized as relating to the use of fertilizers, compost materials and other soil amendments; mowing and brush cutting; maintenance and repair of existing fences; and the cleaning, clearing, repairing or restoring of existing man-made water management systems, such as ditches, or channels. In all cases, normal maintenance does not include placing of fill or dredging water bodies.

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

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

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

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

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

RECHARGE: The replenishment of underground water reserves.

REDEVELOPMENT: Any construction, alteration, improvement, or resurfacing on a previously developed site provided there is no net increase in impervious area or change in drainage characteristics.

RESOURCE AREA: Any area protected under, including without limitation, the Massachusetts Wetlands Protection Act.

RUNOFF: Rainfall, snowmelt, or groundwater breakout, flowing over the ground surface.

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

SIMPLE STORMWATER MANAGEMENT PERMIT (SSMP): A permit issued for an application that meets a set of pre-determined standards outlined in the Regulations to be adopted by the SWPA and authorized under Section 2.3 of the Bylaw. By meeting these pre-determined standards, the proposed project will be presumed to meet the requirements and intent of the Bylaw.

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

SLOPE: The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance (e.g. a 4:1 slope) . It can also be expressed as a percentage (vertical rise divided by the horizontal distance, e.g. a twenty-five (25) percent slope).

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

STORMWATER MANAGEMENT: The use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates. Stormwater Management includes the use of Low-Impact Development (LID) management practices.

STORMWATER MANAGEMENT HANDBOOK: All volumes of the most recent edition of the Massachusetts Stormwater Handbook issued by the Massachusetts Department of Environmental Protection (<http://www.mass.gov/dep/water/laws/policies.htm#storm>).

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

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

SUBDIVISION (NEW) : To determine the extent to which the amount of infiltration will be required within a subdivision, a division of land resulting in 5 or more lots will be considered a new subdivision and will be required to recharge 150% of the approximate annual recharge volume from pre-development conditions based on soil type as indicated in Appendix E.

TSS: Total Suspended Solids.

UTILITY SERVICE LINE: The part of a utility system that extends from a main utility line to a building or a structure.

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

APPENDIX B: STORMWATER MANAGEMENT PLAN CONTENTS

The Stormwater Management Plan shall include, at a minimum:

1. Application with contact information: The name, address and telephone number of all persons having a legal interest in the property and parcel number of the property or properties affected. A phone number available 24 hours per day shall also be provided.
2. Brief narrative description of the project and description of how and where stormwater will be controlled.
3. A locus map.
4. Existing conditions plan at 1:40 scale.
5. Stamp and signature of a Professional Engineer (PE) licensed in the Commonwealth of Massachusetts to certify that the Stormwater Management Plan is in accordance with the criteria established in the Stormwater Management Bylaw and these Regulations.
6. Proposed development plan at 1:40 scale must contain the following:
 - a. Zoning district boundaries, including the Watershed Overlay Protection District and the Conservancy District
 - b. Map and Parcel number, and owners of abutting properties
 - c. Size and location of existing and proposed easements with distances and bearings
 - d. Size and location of existing and proposed utilities
 - e. All existing and proposed topography at 2-foot contour intervals

- f. Delineation of 100-year flood plains, if applicable
 - g. Delineation of existing stormwater conveyances, impoundments, wetlands, surface water bodies, resource areas, buffer zones, drinking water resource areas, swimming beaches or other critical environmental resource areas on or adjacent to the site or into which stormwater flows
 - h. Estimated seasonal high groundwater elevation in areas to be used for stormwater retention, detention, or infiltration
 - i. Vertical datum with two benchmark elevations
7. Existing and proposed vegetation and ground surfaces with runoff coefficients for each.
 8. A drainage area map showing pre- and post-construction watershed boundaries, drainage area and stormwater flow paths, including municipal drainage system flows.
 9. A description and drawings of all components of the proposed stormwater management 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. Supply existing and proposed pipe invert elevations
 - f. Notes on drawings specifying materials to be used, construction specifications, and expected hydrology with supporting calculations
 - g. Proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable
 - h. Any other information requested by the SWPA
 10. Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in this Regulation. Such calculations shall include:
 - a. Description of the design storm frequency, intensity and duration
 - b. Time of concentration
 - c. Soil Runoff Curve Number (RCN) based on land use and soil hydrologic group
 - d. Peak runoff rates and total runoff volumes for each watershed area
 - e. Information on construction measures used to maintain the infiltration capacity of the soil where any kind of infiltration is proposed
 - f. Infiltration rates, where applicable
 - g. Culvert capacities
 - h. Flow velocities
 - i. Data on the change in rate and volume of runoff for the specified design storms
 - j. Documentation of sources for all computation methods and field test results
 11. Post-Development downstream analysis if deemed necessary by the SWPA;
 12. Soils Information from test pits performed at the location of proposed stormwater management facilities, including but not limited to soil descriptions, depth to seasonal high groundwater, depth to bedrock, and percolation rates. Soils information will be based on site test pits logged by a Massachusetts Registered Soil Evaluator.
 13. Landscaping plan describing the woody and herbaceous vegetative stabilization and management techniques to be used within and adjacent to the stormwater practice.
 14. An affidavit stating the Operation and Maintenance Plan is referenced in the deed and recorded in the Registry of Deeds should appear on the plan.

APPENDIX C: EROSION AND SEDIMENT CONTROL PLAN CONTENTS

The Erosion and Sediment Control Plan shall include, at a minimum:

1. A general location map with enough detail to identify the location of the construction site and waters of the United States within one mile of the site.
2. Legible site map, showing the entire site, identifying at a minimum:
 - a. Direction(s) of storm water flow and approximate slopes anticipated after major grading activities
 - b. Areas of soil disturbance and areas that will not be disturbed
 - c. Locations of all structural and nonstructural erosion and sediment control measures and BMPs;
 - d. Locations where stabilization practices are expected to occur
 - e. Locations for storage of materials, waste, vehicles, equipment, soil, snow and other potential pollutants
 - f. Locations of bodies of water, including wetland
 - g. Locations where stormwater discharges to a surface water (include all roads, drains and other structures that could carry stormwater to a wetland or other water body, on or offsite)
 - h. Areas where final stabilization has been accomplished and no further construction-phase permit requirements apply
 - i. Location of any storm water discharge associated with industrial activity other than construction at the site.
3. Stamp and signature of a Professional Engineer (PE) licensed in the Commonwealth of Massachusetts to certify that the Stormwater Management Plan is in accordance with the criteria established in the Stormwater Management Bylaw and these Regulations.
4. Description of the following in narrative, calculations or drawings, as appropriate:
 - a. Estimates of the total area expected to be disturbed by excavation, grading, or other construction activities, including dedicated off-site borrow and fill areas
 - b. All pollution control measures (structural and non-structural BMPs) that will be implemented as part of the construction activity to control pollutants in storm water discharges. Appropriate control measures must be identified for each major construction activity and the operator responsible for the implementation of each control measure must also be identified
 - c. The intended sequence and timing of activities that disturb soils at the site and the general sequence during the construction process in which the erosion and sediment control measures will be implemented
 - d. Structural practices to divert flows from exposed soils, retain/detain flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site. Placement of structural practices in floodplains must be avoided to the degree practicable
 - e. Interim and permanent stabilization practices for the site, including a schedule of when the practices will be implemented. Site plans should ensure that existing vegetation is preserved where possible and that disturbed portions of the site are stabilized. Use of impervious surfaces for stabilization should be avoided
 - f. Construction and waste materials expected to be stored on-site with updates as appropriate, including a descriptions of controls, including storage practices, to minimize exposure of the materials to storm water, and spill prevention and response practices
 - g. Measures to minimize, to the extent practicable, off-site vehicle tracking of sediments onto paved surfaces and the generation of dust
 - h. Measures to prevent the discharge of solid materials, including building materials, to waters of the United States, except as authorized by a permit issued under Section 404 of the Clean Water Act
 - i. Pollutant sources from areas other than construction and a description of controls and measures that will be implemented at those sites to minimize pollutant discharges
 - j. All allowable sources of non-storm water discharges listed in [Section xx of the Town of Middleton Bylaw] except for flows from fire fighting activities, that are combined with storm water discharges associated with construction activity at the site. Non-storm water discharges should be eliminated or reduced to the extent feasible. The Erosion and Sediment Control plan must identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.
5. An Operation and Maintenance Schedule for structural and non-structural measures, interim grading, and material stockpiling areas.

APPENDIX D: OPERATION AND MAINTENANCE PLAN CONTENTS

The Operation and Maintenance Plan shall include, at a minimum:

1. The name(s) of the owner(s) for all components of the system
2. A map showing the location of the systems and facilities including easements, catch basins, manholes/access lids, main, and stormwater devices
3. Maintenance agreements that specify:
 - a. The names and addresses of the person(s) responsible for operation and maintenance
 - b. The person(s) responsible for financing maintenance and emergency repairs
 - c. An Inspection and Maintenance Schedule for all stormwater management facilities including routine and non-routine maintenance tasks to be performed
 - d. A list of easements with the purpose and location of each
 - e. Provisions for the SWPA or its designee to enter the property at reasonable times and in a reasonable manner for the purpose of inspection
 - f. The signature(s) of the owner(s)

APPENDIX E: POST-DEVELOPMENT ADDITIONAL CRITERIA

All projects subject to a Stormwater Management Permit (SMP) shall comply with the following performance criteria unless otherwise provided for in the Regulations.

1. Recharge Additional Performance Standards

- a. The annual recharge volume from the post- development site shall approximate 100% of the annual recharge volume from pre-development conditions based on soil type for the following types of developments:
 - i. New residential development
 - ii. New commercial or new industrial development
 - iii. Commercial or industrial redevelopment
- b. To the maximum extent practicable, the annual recharge volume from the post- development site shall approximate 100% of the annual recharge volume from pre-development conditions based on soil type for existing single lot residential redevelopment.
- c. The above criteria are met when the stormwater management system is designed to infiltrate the required recharge volume as determined by Tables 1 and 2. For each NRCS Hydrologic Group on the site, the required recharge volume equals the recharge volume set forth multiplied by the total area within that NRCS Hydrologic Group that is impervious.

Table 1: Hydrologic Group Volume to Recharge (x Total Impervious Area)
for 100% of the Annual Recharge

Hydrologic Group	Volume to Recharge x Total Impervious Area
A	0.60 inches of runoff
B	0.35 inches of runoff
C	0.25 inches of runoff
D	0.10 inches of runoff

- d. BEST MANAGEMENT PRACTICES (BMPS) FOR RECHARGE - Infiltration must be accomplished using appropriate BMPs as defined in the latest edition of the Massachusetts Stormwater Handbook. The design of BMPs must follow the guidance provided in the Handbook. For all non-rooftop recharge, pretreatment shall be provided as specified in the Handbook.
- e. RECHARGE NOT FEASIBLE - In some instances due to soil types, groundwater elevations, contaminated sites, or other unforeseen circumstances, recharge may not be feasible on- site. If the project cannot meet the recharge requirements listed above, the applicant must demonstrate that an equivalent level of

environmental protection is provided. At the discretion of the SWPA, the applicant may contribute to the Water Resources Mitigation Fund as defined in Section 3.8 of the Bylaw.

2. Additional Performance Standards within Watershed Overlay Protection District (WOPD)

- a. To ensure protection of the Watershed Overlay Protection District (WOPD) as defined by the latest version of the Town of Middleton Zoning Bylaw, all projects located within a WOPD and subject to a SMP shall, at a minimum, comply with the performance standards of the most recent version of the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Standards and accompanying Stormwater Management Handbook. These projects shall be subject to the higher water quality standards required for projects within a Zone II area. BMPs, including those for recharge and pretreatment, must also meet the higher water quality standards and as specified in the Handbook.

3. Hydrologic Basis for Design of Structural Practices

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

- a. Impervious cover is measured from the site plan and includes any material or structure on or above the ground that prevents water from infiltrating through the underlying soil. Impervious surface is defined to include, without limitation: paved parking lots, sidewalks, rooftops, driveways, patios, and paved, gravel and compacted dirt surfaced roads.
- b. The length of sheet flow used in time of concentration calculations is limited to no more than 50 feet for predevelopment conditions and 50 feet for post development conditions.
- c. Detention time for the one-year storm is defined as the center of mass of the inflow hydrograph and the center of mass of the outflow hydrograph.
- d. The models TR-55 and TR-20 (or approved equivalent) will be used for determining peak discharge rates.
- e. For purposes of computing runoff, all pervious lands in the site shall be assumed prior to development to be in good condition regardless of conditions existing at the time of computation.
- f. If an off-site area drains to a site or a facility, off-site areas should be included in the model.
- g. Determination of flooding and channel erosion impacts to receiving streams due to land development projects shall be measured at each point of discharge from the development project and such determination shall include any runoff from the balance of the watershed, which also contributes to that point of discharge.
- h. The specified design storms shall be defined as a 24-hour storm using the rainfall distribution recommended by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) or the Northeast Regional Climate Center "Atlas of Precipitation Extremes for the Northeastern United State and Southeastern Canada."
- i. Proposed residential, commercial, or industrial subdivisions shall apply these stormwater management criteria to the land development as a whole. Individual lots in new subdivisions shall not be considered separate land development projects, but rather the entire subdivision shall be considered a single land development project. Hydrologic parameters shall reflect the ultimate land development and shall be used in all engineering calculations.

APPENDIX F: EROSION AND SEDIMENT CONTROL ADDITIONAL CRITERIA

All erosion and sediment controls for all projects subject to a Stormwater Management Permit (SMP) shall comply with the following performance criteria unless otherwise provided for in the Regulations.

1. General Erosion and Sediment Control Criteria

The following are the minimum General Erosion and Sediment Control Criteria:

- a. Minimize total area of disturbance and minimize unnecessary clearing and grading from all construction sites. Clearing and grading shall only be performed within areas needed to build the project, including structures,

utilities, roads, recreational amenities, post-construction stormwater management facilities, and related infrastructure.

- b. Whenever practicable and feasible, construction shall be phased to limit disturbance to only one area of active construction at a time. Future phases shall not be disturbed until construction of prior phases is complete and the land area is stabilized. Mass clearings and grading of the entire site shall be avoided.
- c. Interim and permanent stabilization measures 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.
- d. Steep slopes shall be protected from erosion by limiting clearing of these areas in the first place or, where grading is unavoidable, by providing special techniques to prevent upland runoff from flowing down a steep slope and through immediate stabilization to prevent gullying. Offsite runoff shall be diverted from highly erodible soils and steep slopes to stable areas.
- e. Perimeter sediment controls shall be applied to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves a construction site. Uncontaminated water shall also be diverted around disturbed areas.
- f. Sediment trapping and settling devices shall be employed to trap and/or retain suspended sediments and allow time for them to settle out in cases where perimeter sediment controls (e.g., silt fence and hay bales) are deemed to be ineffective in trapping suspended sediments on-site. Sediment basins shall also be used to minimize peak rate of runoff in accordance with the Massachusetts Stormwater Standards.
- g. Off-site transport of sediment, including off-site vehicle tracking, shall be prevented.
- h. Dust and debris shall be controlled at the site.
- i. On and off-site material storage areas, including construction and waste materials, shall be properly protected and managed.

2. Specific Erosion and Sediment Control Criteria

The following are the minimum Specific Erosion and Sediment Control Criteria:

- a. Prior to any land disturbance activities commencing on the site, the applicant or its agent shall physically mark limits of no land disturbance on the site with tape, signs, or orange construction fence, so that workers can see the areas to be protected. The physical markers shall be inspected daily.
- b. Appropriate erosion and sediment control measures shall be installed prior to soil disturbance. Measures shall be taken to control erosion within the project area. Sediment in runoff water shall be trapped and retained within the project area. Wetland areas and surface waters shall be protected from sediment.
- c. Erosion and Sediment Control measures shall be installed and maintained in accordance with the manufacturer's specifications and good engineering practices.
- d. Sediment shall be removed once the volume reaches $\frac{1}{4}$ to $\frac{1}{2}$ the height of a hay bale or sedimentation fence shows signs of failure.
- e. BMPs to be used for infiltration after construction shall not be used as BMPs during construction unless otherwise approved by the SWPA. Many infiltration technologies are not designed to handle the high concentrations of sediments typically found in construction runoff, and thus must be protected from construction related sediment loadings.
- f. Soil stockpiles must be stabilized or covered at the end of each workday. Stockpile side slopes shall not be greater than 2:1. All stockpiles shall be surrounded by sediment controls.
- g. Disturbed areas remaining idle for more than 14 days shall be stabilized with seeding, wood chips bark mulch, tarpaulins, or any other approved methods.
- h. For active construction areas such as borrow or stockpile areas, roadway improvements and areas within 50 feet of a building under construction, a perimeter sediment control system shall be installed and maintained to contain soil.
- i. A tracking pad shall be constructed at all entrance/exist points of the site to reduce the amount of soil carried onto roadways and off the site. Supplementary street sweeping shall be implemented if a tracking pad is not effective in keeping soil off roadways.

- j. On the cut side of roads, ditches shall be stabilized immediately with rock riprap or other non-erodible liners, or where appropriate, vegetative measures.
- k. Permanent seeding shall be undertaken in the spring from March through May, and in late summer and early fall from August to October 15. During the peak summer months and in the fall after October 15, when seeding is found to be impractical, an appropriate temporary mulch shall be applied. Permanent seeding may be undertaken during the summer if plans provide for adequate mulching and watering.
- l. All slopes steeper than 3:1 (h:v, 33.3%), as well as perimeter dikes, sediment basins or traps, and embankments must, upon completion, be immediately stabilized with sod, seed and anchored straw mulch, or other approved stabilization measures. Areas outside of the perimeter sediment control system must not be disturbed.
- m. Temporary sediment trapping devices must not be removed until permanent stabilization is established in all contributory drainage areas.
- n. All temporary erosion and sediment control measures shall be removed after final site stabilization. Disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized within 30 days of removal.