

TOWN OF MILLVILLE



STORMWATER MANAGEMENT REGULATIONS

Adopted October 26, 2009

1.0 PURPOSE

Erosion and sedimentation is a significant concern in Millville because of the town's hilly topography and the predominance of the Blackstone River. It is the purpose of these Stormwater Management Regulations to: 1) establish requirements and procedures to control the adverse effects of stormwater runoff, decreased groundwater recharge and non-point source pollution associated with new development and redevelopment; and 2) establish standards and measures for stormwater control to be incorporated into a site planning and design process.

2.0 DEFINITIONS

The following definitions shall apply in the interpretation and implementation of these regulations.

ABUTTER: The owner(s) of land abutting the activity.

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

BEST MANAGEMENT PRACTICE (BMP): A structural, non-structural, or vegetative measure which reduces erosion, sediment, peak storm discharge, and/or improves the quality of stormwater runoff.

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

CLEARING: Any activity that removes the vegetative surface cover.

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

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

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

GRADING: Changing the level or shape of ground surface.

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

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

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

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

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

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

PERMITTEE: The owner of the property for which a Stormwater Management Permit is being sought and who’s name will appear on the permit.

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

PRE-CONSTRUCTION: All activity in preparation for construction.

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

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

SEDIMENTATION: The process or act of deposition of sediment.

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

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

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

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

STORMWATER: Storm water runoff, snow melt runoff, and surface water runoff and drainage.

WETLANDS: Areas characterized by saturated or nearly saturated soils most of the year that are located between terrestrial (land-based) and aquatic (water-based) environments, including freshwater marshes around ponds and channels (rivers and streams), brackish and salt marshes; common names include marshes, swamps and bogs.

3.0 AUTHORITY

Under the authority vested in the Planning Board of the Town of Millville by Section III of the Stormwater Management Bylaw adopted by Town Meeting on May 8, 2006. These rules and regulations shall be effective on or after the day of October 26, 2009.

4.0 ADMINISTRATION

- A. The Planning Board shall administer, implement and enforce these regulations. Any powers granted to or duties imposed upon the Planning Board may be delegated in writing by the Planning Board to its employees or agents.
- B. The Planning Board may waive strict compliance with any requirement of this by-law or the rules and regulations promulgated hereunder, where:
 - 1. such action is allowed by federal, state and local statutes and/or regulations,

2. is in the public interest, and
 3. is not inconsistent with the purpose and intent of this by-law.
- C. The Planning Board may adopt, and periodically amend the rules and requirements to better effectuate the purposes of these regulations. Failure by the Planning Board to promulgate such rules and requirements shall not have the effect of suspending or invalidating these regulations.

5.0 APPLICABILITY

No person may undertake a construction activity, including clearing, grading and excavation that results in a land disturbance that will disturb one acre or more of land within the Town, or will disturb less than one acre of land but is part of a larger common plan of development or sale that will ultimately affect one acre or more of land, without first obtaining a Stormwater Management Permit (SMP) from the Planning Board.

The following routine maintenance and/or minor improvement projects are exempted from these regulations:

- A. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.14 and MGL Chapter 40A, Section 3.
- B. Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling; construction of patios, walkways, driveways, swimming pools, or replacement wells or septic systems on lots having an existing dwelling.
- C. Repair or replacement of an existing roof on a single family or multiple-family dwelling.
- D. The construction of any fence that will not alter existing terrain or drainage patterns.
- E. Construction of utilities (gas, water, electric, telephone, etc.) other than drainage, which will not alter terrain, ground cover, or drainage patterns.
- F. Emergency repairs to any utilities, stormwater management facility or practice that poses a threat to public health or safety, or as deemed necessary by the Planning Board.
- G. As authorized in the Phase II Small MS4 General Permit for Massachusetts, storm water discharges resulting from activities identified in Section 4 that are wholly subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Storm Water Management Policy as reflected in an Order of Conditions issued by the Conservation Commission are exempt from compliance with this Bylaw.
- H. Any work or projects for which all necessary approvals and permits have been issued before the effective date of this Bylaw.

6.0 PERMIT PROCEDURES AND REQUIREMENTS

Projects requiring a stormwater management permit are required to submit the materials as specified in this section, and are required to submit an Erosion and Sediment Control Plan that meets the design standards specified in Section 7.0B.

A. Filing Application:

The applicant shall file with the Planning Board ten (10) copies of a completed application package for a Stormwater Management Permit (SMP). Issuance of a permit is required prior to any site disturbance activity. The Stormwater Management Permit package shall include:

1. Completed application form with original signatures
2. List of abutters, certified by the Assessors Office
3. Erosion and Sediment Control Plan and project description
4. Payment of application and technical review fees

B. Entry

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

C. Fees:

The Planning Board shall obtain with each submission, a non-refundable application fee to cover expenses connected with its review of the application package and the holding of a public hearing. In addition, a fee to cover the technical review of the Erosion and Sediment Control Plan by a registered professional engineer or other professional consultant must be paid before the review process begins. Fees shall be submitted in accordance with the Planning Board's Fee Schedule.

D. Public Hearings:

The Planning Board must hold a public hearing to receive input from abutters and other interested residents prior to taking action on an application for a SMP.

1. If the SMP is associated with a proposed subdivision, the public hearing will be held concurrently with the hearing for a Definitive Plan.
2. If the SMP is associated with an application for a Special Permit or any other development meeting the land disturbance threshold, a public hearing will be held within 90 days of receipt of the application package.

Notice of the public hearing shall be given by publication and posting and by first-class mailings to abutters at least fourteen (14) days prior to the hearing. The Planning Board shall make the application available for inspection by the public during business hours at the Millville Town Hall.

E. Actions - The Planning Board may:

1. Approve the Stormwater Management Permit Application and issue a permit if it finds that the proposed plan will protect water resources and meets the objectives and requirements of this by-law;
2. Approve the Stormwater Management Permit Application and issue a permit with conditions, modifications or restrictions that the Planning Board determines are required to ensure that the project will protect water resources and meets the objectives and requirements of this by-law;
3. Disapprove the Stormwater Management Permit Application and deny the permit if it finds that the proposed plan will not protect water resources or fails to meet the objectives and requirements of this by-law.

F. Failure to Act

Failure of the Planning Board to take final action upon an Application within the time specified above shall be deemed to be approval of said Application. Upon certification by the Town Clerk that the allowed time has passed without the Planning Board's action, the Stormwater Management Permit shall be issued by the Planning Board.

G. Project Changes

The permittee, or their agent, must notify the Planning Board in writing of any change or alteration of a land-disturbing activity authorized in a Stormwater Management Permit before any change or alteration occurs. If the Planning Board determines that the change or alteration is significant, based on the design requirements listed in Section 7.0B. and accepted construction practices, the Planning Board may require that an amended application be filed.

7.0 EROSION AND SEDIMENT CONTROL PLAN

The Erosion and Sediment Control Plan (ESCP) shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sedimentation controls. The applicant shall submit such material as is necessary to show that the proposed development will comply with the design requirements listed in Section 7.0B. Plans must be stamped and certified by a qualified Professional Engineer registered in Massachusetts or a Certified Professional in Erosion and Sediment Control.

A. Plan Contents:

1. Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan and responsible for the site development;
2. Locus map of sufficient scale to include title, date, north arrow, zoning, land use, names of abutters, and legend;
3. Location and description of natural features including:
 - (a) Watercourses and water bodies, wetland resource areas and all floodplain information, including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map, or as calculated by a professional engineer for areas not assessed on these maps;

- (b) Existing vegetation including tree lines, canopy layer, shrub layer, and ground cover, and trees with a caliper twelve (12) inches or larger, noting specimen trees and forest communities; and
 - (c) Habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species within five hundred (500) feet of any construction activity.
4. Lines of existing abutting streets showing drainage and driveway locations and curb cuts;
 5. Existing soils, volume and nature of imported soil materials;
 6. Topographical features including existing and proposed contours at intervals no greater than two (2) feet with spot elevations provided when needed;
 7. Surveyed property lines showing distances and monument locations, all existing and proposed easements, rights-of-way, and other encumbrances, the size of the entire parcel, and the delineation and number of square feet of the land area to be disturbed;
 8. Drainage patterns and approximate slopes anticipated after major grading activities (Construction Phase Grading Plans);
 9. Location and details of erosion and sediment control measures with a narrative of the construction sequence/phasing of the project, including both operation and maintenance for structural and non-structural measures, interim grading, and material stockpiling areas;
 10. Path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable;
 11. Stormwater runoff calculations in accordance with the Department of Environmental Protection's Stormwater Management Policy;
 12. Location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures;
 13. A description of construction and waste materials expected to be stored on-site. The Plan shall include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
 14. A description of provisions for phasing the project where one acre of area or greater is to be altered or disturbed;
 15. Proposed schedule for inspections and maintenance of erosion control measures throughout the construction period;
 16. Such other information as may be required by the Planning Board.

B. Design Requirements:

1. Minimize total land area of disturbance;
2. Sequence activities to minimize simultaneous areas of disturbance;
3. Minimize peak rate of runoff in accordance with the Massachusetts Stormwater Policy;
4. Minimize soil erosion and control sedimentation during construction, provided that prevention of erosion is preferred over sedimentation control;
5. Divert uncontaminated water around disturbed areas;

6. Maximize groundwater recharge;
7. Install and maintain all Erosion and Sediment Control measures in accordance with the manufacturers specifications and good engineering practices;
8. Prevent off-site transport of sediment;
9. Protect and manage on and off-site material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project);
10. Comply with applicable Federal, State and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control;
11. Prevent significant alteration of habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or Of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species from the proposed activities;
12. Institute interim and permanent stabilization measures, which shall be located on a disturbed area as soon as practicable but no more than 14 days after construction activity has temporarily or permanently ceased on that portion of the site;
13. Properly manage on-site construction and waste materials;
14. Prevent off-site vehicle tracking of sediments;
15. Provide a description of provisions for phasing the project where one acre of area or greater is to be altered or disturbed;

C. Deadline

The Stormwater Management Permit will be in effect for two (2) years from date of issuance. Upon expiration of this time period, the applicant must reapply.

8.0 SURETY

The Planning Board may require the permittee to post before the start of land disturbance activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by town counsel, and be in an amount deemed sufficient by the Planning Board to ensure that the work will be completed in accordance with the permit. If the project is phased, the Planning Board may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until the Planning Board has issued a certificate of completion.

9.0 SITE INSPECTION

- A. The Planning Board's designated agent shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the land disturbance permit as approved. The Permit and associated plans for grading, stripping, excavating, and filling work, bearing the signature of approval of the Planning Board, shall be maintained at the site during the progress of the work. In order to obtain inspections, the permittee shall notify the Planning Board at least two (2) working days before each of the following events:

1. Installation of erosion and sediment control measures;

2. Completion of site clearing and grubbing activities;
 3. Substantial completion of final grading;
 4. Close of the construction season; and
 5. Completion of final landscaping (permanent stabilization).
- B. The permittee or his/her agent shall conduct and document inspections of all control measures no less than weekly or as specified in the permit, and prior to and following anticipated storm events. The purpose of such inspections will be to determine the overall effectiveness of the control plan, and the need for maintenance or additional control measures. The permittee or his/her agent shall submit monthly reports to the Planning Board or designated agent in a format approved by the Planning Board.
- C. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Planning Board its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and may make or cause to be made such examinations, surveys or sampling as the Planning Board deems reasonably necessary to determine compliance with the permit.
- D. If the system of erosion and sediment control is found to be inadequate by virtue of physical evidence of operational failure, it shall be corrected by the applicant before the Certificate of Completion is released. If the applicant fails to act, the Planning Board may use the Completion Surety to complete the work.

10.0 FINAL REPORTS

Upon completion of the work, the permittee shall submit a report (including certified as-built construction plans) from a Professional Engineer (P.E.), certifying that all erosion and sediment control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved permit. Any discrepancies should be noted in the cover letter.

11.0 CERTIFICATE OF COMPLETION

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

12.0 ENFORCEMENT

The Planning Board or an authorized agent shall enforce this by-law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations as more fully described in the Town of Millville's Stormwater Management Bylaw.

13.0 SEVERABILITY

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