

PART EIGHT – EAST BRIDGEWATER CONSTRUCTION PHASE STORMWATER MANAGEMENT AND SOIL EROSION CONTROL BYLAW

SECTION 1. PURPOSE AND OBJECTIVES

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

1. impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;
2. contamination of drinking water supplies;
3. alteration or destruction of aquatic and wildlife habitat;
4. flooding; and
5. overloading or clogging of municipal catch basins and storm drainage systems.

B. The harmful impacts of increased stormwater runoff are:

1. damage to public and private property infrastructure;
2. loss of groundwater recharge;
3. impairment of surface water quality;
4. increased flooding of wetlands, streams, rivers, ponds, and lakes; and
5. changes to the public health, public safety, and the environment.

C. The purpose of this Bylaw is to protect, maintain and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint source pollution associated with new development, redevelopment and land uses with potential for increased nonpoint source pollution. It has been determined that proper management of post-development stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, protect water and aquatic resources, and promote groundwater recharge to protect surface and groundwater drinking supplies.

D. The objectives of this bylaw are to:

1. comply with state and federal statutes and regulations relating to stormwater discharges;
2. establish the Town of East Bridgewater's legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement;
3. establish decision-making processes surrounding land development and land use activities that protect the integrity of the watershed and preserve the health of water resources;
4. require that new development, redevelopment and all land use activity maintain the after-development runoff characteristics as equal to or less than the pre-development runoff characteristics in order to reduce flooding, stream bank erosion, siltation, nonpoint source pollution, property damage, and to maintain the integrity of stream channels and aquatic habitats;
5. establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;

6. establish minimum design criteria for the protection of properties and aquatic resources downstream from land development and land use activities from damages due to increases in volume, velocity, frequency, duration, and peak flow rate of storm water runoff;
7. establish minimum design criteria for measures to minimize nonpoint source pollution from stormwater runoff which would otherwise degrade water quality;
8. establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater management standards;
9. require the use of nonstructural stormwater management with better site design practices or “low-impact development practices” such as reducing impervious cover and the preservation of green space and other natural areas to the maximum extent practicable;
10. coordinate new site design plans with existing site plans to utilize natural areas for green space;
11. establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public health and safety;
12. establish provisions to ensure there is an adequate funding mechanism, including surety, for the proper review, inspection and long-term maintenance of stormwater facilities implemented as part of this Bylaw;
13. establish administrative procedures for the submission, review, approval or disapproval of Stormwater management plans and for the inspection of approved active projects and long-term follow up;
14. establish certain administrative procedures and fees for the submission, review, approval, or disapproval of stormwater plans, and the inspection of approved projects;
15. 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; and
16. require practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.

SECTION 2. DEFINITIONS

ABUTTER: The owner(s) of land sharing a common boundary or corner with the site of the proposed activity in any direction, including the owner(s) of land within 100 feet of the proposed activity and including land located directly across a street, way, creek, river, stream, brook or canal.

ADMINISTRATIVE STORMWATER MANAGEMENT PERMIT (ASMP): A permit issued by the Stormwater Authority 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.

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

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

APPLICANT: Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision of the Commonwealth or the Federal Government to the extent permitted by law, requesting a Stormwater Management and Soil Erosion Control Permit for proposed land-disturbance activity.

AUTHORIZED ENFORCEMENT AGENCY: The Stormwater Authority, its employees or agents designated to enforce this by-law.

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

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, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

BIOSOLIDS: Wastewater Septic Treatment Plant sludge that has been treated to ensure that it can be safely applied to land as a fertilizer or soil amendment. Biosolids are further defined in EPA's "Regulations for the Use and Disposal of Sludge" (40 CFR 503), MA DEP's 310 CMR 32.00: Land Application Of Sludge And Septage and MDAR's 330 CMR 31.00: Plant Nutrient Application Requirements For Agricultural Land And Land Not Used For Agricultural Purposes.

CONSTRUCTION AND WASTE MATERIALS: Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter and sanitary waste at a construction site that may adversely impact water quality.

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) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbance activities.

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

GENERAL STORMWATER MANAGEMENT PERMIT (GSMP): A permit issued by the Stormwater Authority 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.

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

LOW IMPACT DEVELOPMENT PRACTICES: is a comprehensive land planning and engineering design approach with a goal of maintaining and enhancing the pre-development hydrologic regime of urban and developing watersheds. MA DEP: Massachusetts Department of Environmental Protection.

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 REGULATIONS: The Stormwater Regulations issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state 49 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 Stormwater Regulations address 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 East Bridgewater.

NEW DEVELOPMENT: Any construction or land disturbance of a parcel of land that is currently in a natural vegetated state and does not contain alteration by man-made activities. **NONPOINT SOURCE POLLUTION:** Pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into water resource areas. **OWNER:** A person with a legal or equitable interest in property.

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

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

PRE-DEVELOPMENT: The conditions that exist at the time that plans for the land development of a tract of land are submitted to the Stormwater Authority. 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. **PRIORITY**

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

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

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface. 50

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.

STORMWATER AUTHORITY: The Board of Selectmen of the Town of East Bridgewater through its authorized agent(s) who will administer, implement and enforce this bylaw. The Stormwater Authority is responsible for coordinating the review, approval and permit process as defined in this Bylaw.

STORMWATER MANAGEMENT PERMIT: A permit issued by the Stormwater Authority through its authorized agent under this Bylaw.

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

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

VIOLATION: A failure by any person, individual, partnership, association, firm, company, corporation, or trust to comply with an order issued by the Stormwater Authority or an agent of said Authority.

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

WETLAND RESOURCE AREA: Areas specified in the Massachusetts Wetlands Protection Act G.L. c. 131, § 40

SECTION 3. 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

SECTION 4. APPLICABILITY

This bylaw **shall be** applicable to any alteration, disturbance, development, or redevelopment of land greater than or equal to one acre. This bylaw may also be applicable to any alteration, disturbance, development, or redevelopment of land area less than one (1) acre through an administrative process further outlined in the rules and regulations of this bylaw. This By-Law **shall** also apply to construction activity or land disturbance that individually or as part of a common plan of development results in disturbance in excess of the established thresholds, including land or parcels of land that are held in common ownership (including ownership by related or jointly controlled persons or entities). As of the effective date of this Bylaw, if the total land-disturbing activities on said land or parcels, considered as a whole, would presently or ultimately exceed the minimum thresholds in the Rules and Regulations and are not exempted by this section, no such activity shall commence until a permit, if required under this By-Law, has been issued. A development shall not be segmented or phased in a manner to avoid compliance with this By-Law.

1) Administrative permit is required for disturbances between 10,000 sq ft and one acre.

2) General permit is required for any disturbance over 1 acre.

The following activities are exempt from section 4.

1) Maintenance of existing landscaping, gardens, or lawn areas associated with a single-family dwelling conducted in such a way as not to cause a nuisance or result in erosion;

2) Construction of fencing that will not substantially alter existing terrain or drainage patterns; 3) Construction of utilities other than drainage (gas, water, electric, communication, etc.) which will not alter terrain or drainage patterns or result in discharge of sediment to the MS4;

4) Normal use, maintenance and improvement of land in forestry or agricultural use, as defined by the Wetlands Protection Act 310 CMR 10.4 or MGL Ch 61 or 61A.

SECTION 5. ADMINISTRATION

A. Administrative Authority

The Stormwater Authority, through its authorized agent(s) **shall** administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Stormwater Authority shall be delegated in writing by Stormwater Authority to its employees or agents.

1. If an activity/project meets the applicable criteria and is within the specific jurisdiction of the Planning Board under M.G.L. c. 41 § 81K-GG and/or M.G.L. c. 40A § 9, then the activity/project shall be administered, implemented, and enforced by the Planning Board and/or its authorized agent(s) under this bylaw. The agent(s) authorized by the Stormwater Authority shall administer, implement and enforce all other activities/projects under this bylaw. 52

B. Waiver

The Stormwater Authority or its authorized agent may waive strict compliance with any requirement of this by-law or the rules and regulations promulgated hereunder, where:

- 1. such action is not prohibited by federal, state or 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. Rules and Regulations

The Stormwater Authority **shall** adopt, and periodically amend rules and regulations to effectuate the purposes of this by-law relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures and administration of this Stormwater Management Bylaw by majority vote of the Stormwater Authority, after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be posted on the Stormwater Authority's website and advertised in a newspaper of general local circulation, at least twenty-one (21) days prior to the hearing date. After public notice and public hearing, Stormwater Authority may promulgate rules and regulations. Failure by the Stormwater Authority to promulgate such rules and regulations shall not have the effect of suspending or invalidating this bylaw.

D. Stormwater Management Manual

The Stormwater Authority will utilize the criteria and information including specifications and standards of the latest edition of the Massachusetts Department of Environmental Protection Stormwater Management Regulation and/or an approved East Bridgewater equivalent, for execution of the provisions of this Bylaw. This manual includes a list of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice. The Stormwater Management Manual and Regulations may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Unless specifically altered in the 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.

E. Administrative Stormwater Management Permit

The Stormwater Authority shall have the authority to develop an Administrative Stormwater Management Permit (ASMP) for small, minimal impact projects. Any such Administrative Stormwater Management Permit requirements shall be further defined and included as part of any Stormwater Regulations promulgated as a result of this Bylaw.

F. General Stormwater Management Permit

The Stormwater Authority shall have the authority to develop a General Stormwater Management Permit(GSMP) for larger substantial impact types of specific projects, such as, without limitation, construction of a new parking lot, expansion of an existing parking lot, residential buildings, municipal buildings, commercial buildings, industrial buildings, access roads, subdivision roads, solar arrays, and construction or repair of any nonresidential septic system. Any such General Stormwater Management Permit requirements shall be further defined and included as part of any Stormwater Regulations promulgated as a result of this Bylaw.

SECTION 6. PERMITS and PROCEDURE

A. Application

A completed application for a Stormwater Management Permit, if required, shall be filed with the Stormwater Authority in accordance with the Stormwater Bylaw rules and regulations. **A permit must be obtained prior to the commencement of land disturbing activity** that may result in the disturbance of 10,000 S.F. or more. Stormwater Management Permits, if required, may be issued concurrently with other permits resulting from a public hearing process. The Stormwater Rules and Regulations will specify the process for all permitting.

B. Entry Filing

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

C. Other Boards

The Stormwater Authority shall give one copy of the application package to the Planning Board, the Conservation Commission the Board of Health, the Police Department, the Fire Department and The Department of Public Works.

D. Public Hearing

The Stormwater Authority may hold a public hearing within forty-five (45) days of the receipt of a Complete application and shall take final action within forty-five (45) days from the time of the close of the hearing unless such time is extended by agreement between the applicant and the Stormwater Authority. Notice of the public hearing shall be given by the Stormwater Authority by posting a public hearing notice on the Stormwater 54 Authority's Website, by posting the public hearing notice with the Town Clerk and by the applicant sending a public hearing notice by first-class mailings to abutters at least seven (7) days prior to the hearing. The Stormwater Authority shall make the application available for inspection by the public during business hours at the Stormwater Authority office.

E. Information requests

The applicant shall submit all additional information requested by Stormwater Authority to issue a decision on the application.

F. Action by Stormwater Authority The Stormwater Authority 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 Stormwater Authority determines are required to ensure that the project will protect water resources and meets the objectives and requirements of this bylaw;*
- 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.*

G. Failure of Stormwater Authority to take final action

Failure of the Stormwater Authority to take final action upon an application within the time specified above, unless such time has been extended by mutual agreement by the Stormwater Authority and the applicant, shall be deemed to be approval of said application. Upon expiration of the time period for taking final action as specified above, with granted extension(s), if any, the Stormwater Management Permit shall be issued by the Stormwater Authority.

H. Fee Structure

Each application must be accompanied by the appropriate application fee as established by the Stormwater Authority as specified in any Stormwater Regulations promulgated as a result of this Bylaw. Applicants shall pay review fees as determined by the Stormwater Authority sufficient to cover any expenses connected with the public hearing and review of the Stormwater Management Permit Application before the review process commences. The Stormwater Authority is authorized to retain a Registered Professional Engineer or other professional consultant to advise the Stormwater Authority on any or all aspects of the Application. Costs of the engineer or the consultant will be the responsibility of the applicant.

I. Project Changes

The permittee, or their agent, must notify the Stormwater Authority 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 Stormwater Authority determines that the change or alteration is significant, the Stormwater Authority may require that an amended Stormwater Management Permit application be filed and a public hearing held. If any change or alteration from the Stormwater Management Permit occurs during any land disturbing activities, the Stormwater Authority may require the installation of interim erosion and sedimentation control measures before approving the change or alteration.

SECTION 7. EROSION AND SEDIMENT CONTROL PLAN

A. The Erosion and Sediment Control Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sedimentation controls. The applicant shall submit such material as is necessary to show that the proposed development will comply with the design requirements listed in Section 7.B. below. B.

The design requirements of the Erosion and Sediment Control Plan are to:

1. minimize total area of disturbance;
2. sequence activities to minimize simultaneous areas of disturbance;
3. minimize peak rate of runoff in accordance with the Massachusetts Stormwater Regulations;
4. minimize soil erosion and control sedimentation during construction, provided that prevention of erosion is preferred over sedimentation control;
5. divert uncontaminated water around disturbed areas;
6. maximize groundwater recharge;
7. install and maintain all Erosion and Sediment Control measures in accordance with the manufacturer's specifications and good engineering practices;
8. prevent off-site transport of sediment;
9. protect and manage on and off-site material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project); 56
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 instituted on a disturbed area as soon as practicable but no more than 14 days after construction activity has temporarily or permanently ceased on that portion of the site;
13. properly manage on-site construction and waste materials; and
14. prevent off-site vehicle tracking of sediments.

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

1. names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan;
2. name of CPESC in charge of the Erosion and Sedimentation Control plan with 24 hour contact information
3. title, date, north arrow, names of abutters, scale, legend, and locus map;
4. location and description of natural features including: (a) Watercourses and water bodies, 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.
5. lines of existing abutting streets showing drainage and driveway locations and curb cuts;
6. existing soils, volume and nature of imported soil materials;
7. topographical features including existing and proposed contours at intervals no greater than one (1) feet with spot elevations provided when needed;
8. surveyed property lines showing distances and monument 57 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;
9. drainage patterns and approximate slopes anticipated after major grading activities (Construction Phase Grading Plans);
10. 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;
11. path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable;
12. location and description of industrial discharges, including stormwater discharges.
13. stormwater runoff calculations in accordance with the MA Department of Environmental Protection's Stormwater Management Regulation;
14. location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures;
15. 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;

16.a description of provisions for phasing the project where one acre of area or greater is to be altered or disturbed;

17.plans must be stamped and certified by a qualified Professional Engineer registered in Massachusetts and a Certified Professional in Erosion and Sediment Control; and

18.such other information as is required by the Stormwater Authority; and any other requirements as specified in any Stormwater Regulations promulgated as a result of this Bylaw.

SECTION 8. INSPECTION AND SITE SUPERVISION

A. Pre-construction Meeting

Prior to starting to clear, excavation, construction, or land disturbing activity the applicant, the applicant's Technical representative, the general contractor or any other person with authority to make changes to the project, shall meet with the Stormwater Authority or its authorized agent(s), to review the permitted plans and their implementation.

B. Stormwater Authority Inspection

The Stormwater Authority or its 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 Stormwater Management Permit as approved. The Permit and associated plans for grading, stripping, excavating, and Filling work, bearing the signature of approval of the Stormwater Authority, shall be maintained at the site during the progress of the work. In order to obtain inspections, the permittee shall notify the Stormwater Authority at **least two (2) working days before** each of the following events:

1. erosion and sediment control measures are in place and stabilized;

2. site clearing has been substantially completed;

3. rough grading has been substantially completed;

4. final grading has been substantially completed;

5. close of the construction season; and

6. final landscaping (permanent stabilization) and project final completion.

C. Permittee Inspections

The permittee's Certified Professional In Erosion And Sediment Control (CPESC) 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 Stormwater Authority or designated agent in a format approved by the Stormwater Authority.

D. Access Permission To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Stormwater Authority 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 Stormwater Authority deems reasonably necessary to determine compliance with the permit.

SECTION 9. SURETY

The Stormwater Authority 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 the Stormwater Authority and be in an amount deemed sufficient by the Stormwater Authority to ensure that the work will be completed in accordance with the permit. If the project is phased, the Stormwater Authority may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until the Stormwater Authority has received the final report as required by Section 10 and issued a certificate of completion.

SECTION 10. 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.), surveyor, and Certified Professional in Erosion and Sediment Control (CPESC), certifying that all erosion and sediment control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved permit. Any discrepancies should be noted in the cover letter and the as built construction plans.

SECTION 11. ENFORCEMENT

- A. The Stormwater Authority or its 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. B. Orders
1. Stormwater Authority or an authorized agent may issue a written order to enforce the provisions of this by-law or the regulations hereunder, which may include:
 - (a) a requirement to cease and desist from the land disturbing activity until there is compliance with the bylaw and provisions of the Stormwater Management Permit;
 - (b) maintenance, installation or performance of additional erosion and sediment control measures;
 - (c) monitoring, analyses, and reporting;
 - (d) remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity.
2. If the enforcing person determines that abatement or remediation of erosion and sedimentation is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of East Bridgewater through the Stormwater Authority may, at its option, undertake such work, and the property owner shall reimburse the Stormwater Authority expenses.
3. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the Stormwater Authority, 60 including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Stormwater Authority within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of Stormwater Authority affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate, as provided in G.L. Ch. 59, § 57, after the thirty-first day following the day on which the costs were due.

C. Criminal Complaint and Penalty

Any person who violates any provision of this by-law, regulation, order or permit issued there under, may be penalized by indictment or criminal complaint brought in the Brockton District Court. The penalty shall be punished by a fine of not more than \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

D. Non-Criminal Disposition

As an alternative to criminal prosecution or civil action, the Stormwater Authority may elect to utilize the non-criminal disposition procedure set forth in M.G.L. Ch. 40, §21D and enabling Bylaw of the Town of East Bridgewater, in which case the Stormwater Authority or an agent of the Stormwater Authority shall be the enforcing person under this bylaw. The penalty for the 1st violation shall be a Written Warning specifying the violation and required corrective action. The penalty for the 2nd violation shall be a fine of \$150.00. The penalty for the 3rd and subsequent violations shall be a fine of \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense. The fines issued by the Stormwater Authority under Section 11.D. of this Bylaw shall be final. Further relief of a fine under Section 11.D. of this Bylaw shall be reviewable in the Brockton District Court and if said action was filed within 21 days thereof, in accordance with M.G.L. Ch. 40, §21D.

E. Appeals

The decisions or orders of the authorized agent(s) of the Stormwater Authority under this bylaw shall be reviewable by the Board of Selectmen if an appeal of the decision or order is filed with the Town Clerk within fourteen (14) days of said decision or order. 61 F. Remedies Not Exclusive The remedies listed in this by-law are not exclusive of any other remedies available under any applicable federal, state or local law.

SECTION 12. EFFECTIVE DATE

This Bylaw shall take effect after approval of the 2022 Annual Town Meeting Articles by the Attorney General, and after the adoption of the Stormwater Authority Rules and Regulations and/or by January 1, 2023, whichever occurs first. (ART. 17 ATM 5-9-2016, App. A.G. 5-17-2016) (Art.18 ATM 5-9-2022, App. A.G. 8-23-2022)