

Chapter 7. Regulations Governing the Use of Private Property

SECTION 7-800. STORMWATER MANAGEMENT BYLAW

§ 7-801. Purpose.

A. The purpose of this bylaw is to protect, maintain and enhance the public health, safety, environment and general welfare of the Town of Northbridge 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 and redevelopment. 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. This bylaw seeks to meet that purpose through the following objectives:

- (1) Establish decision-making processes surrounding land development activities that protect the integrity of watersheds and preserve the health of water resources;
- (2) Require that new development, redevelopment and all land conversion activities maintain the after-development runoff characteristics that are 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;
- (3) Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality; establish minimum design criteria for the protection of properties and aquatic resources downstream from land development and land conversion activities from damage due to increases in volume, velocity, frequency, duration, and peak flow rate of stormwater runoff; establish minimum design criteria for measures to minimize nonpoint source pollution from stormwater runoff which would otherwise degrade water quality;
- (4) 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;
- (5) **Encourage Require** the use of nonstructural stormwater management practices, stormwater better site design practices or "low-impact development practices," such as reducing impervious cover and the preservation of greenspace and other natural areas, to the maximum extent practicable;
- (6) 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 safety;
- (7) Establish provisions to ensure there is an adequate funding mechanism, including financial security or surety, for the proper review, inspection and long-term maintenance of stormwater facilities implemented as part of this bylaw;
- (8) Establish administrative procedures for the submission, review, approval or disapproval of stormwater management plans, and for the inspection of approved active development projects, and long-term follow up; establish certain administrative

procedures and fees for the submission, review, approval or disapproval of stormwater plans, and the inspection of approved projects.

B. Nothing in this bylaw is intended to replace the requirements of either the Town of Northbridge Zoning Bylaw,^[1] the Town of Northbridge General Wetlands Protection Bylaw,^[2] or any other bylaw that may be adopted by the Town of Northbridge. Any activity subject to the provisions of the above-cited bylaws must comply with the specifications of each.

[1]

Editor's Note: See Ch. 173, Zoning.

[2]

Editor's Note: See Section 7-700 of this chapter.

§ 7-802. Definitions.

The following definitions shall apply in the interpretation and implementation of this bylaw. Additional definitions may be adopted by separate regulation:

ALTERATION

Any activity that will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Alteration may be similarly represented as "alteration of drainage characteristics," and "conducting land disturbance activities."

BEST MANAGEMENT PRACTICE (BMP)

Structural, nonstructural 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.

BETTER SITE DESIGN

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 greenspace, reducing impervious cover, and using natural features for stormwater management.

GENERAL STORMWATER MANAGEMENT PERMIT (GSMP)

A permit issued for a development project that meets a set of predetermined standards outlined in the Regulations to be adopted by the Stormwater Authority under § 7-804 of this bylaw. By meeting these predetermined standards, the proposed project will be presumed to meet the requirements and intent of this bylaw.

HOTSPOT

Land uses or activities with higher potential pollutant loadings, such as auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots with high intensity use, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances, or marinas.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY

The policy issued by the Department of Environmental Protection, as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act, MGL c. 131, § 40, and the Massachusetts Clean Waters Act, MGL 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.

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 as opposed to discrete conveyances caused by water, rainfall or snowmelt moving over or 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.

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 Northbridge, and any other legal entity, its legal representatives, agents, or assigns.

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 parcel 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-DEVELOPMENT

The conditions that exist at the time that plans for the land development of a site or parcel 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.

RECHARGE

The replenishment of underground water reserves.

REDEVELOPMENT

Any construction, alteration, or improvement involving land disturbance of more than 5,000 square feet, where the existing land use is commercial, industrial, institutional, or multifamily residential.

STORMWATER AUTHORITY

The Stormwater Authority is responsible for coordinating the review, approval and permit process as defined in this bylaw. The Stormwater Authority shall be the Planning Board or its authorized delegates or agents. The Planning Board shall have the authority to delegate to other Town boards and commissions, including, but not limited to, the Board of Health and the Conservation Commission, the duties and responsibilities of the Stormwater Authority for those matters, within the regulatory jurisdiction of such other boards and commissions, as may be set forth in the Stormwater Regulations adopted under § 7-804 of this bylaw. Other boards and/or departments of the Town may participate in the review process as described in such Stormwater Regulations.

STORMWATER CREDITS

A form of incentive for developers to promote conservation of natural and open space areas that may be included in the Stormwater Regulations adopted by the Stormwater Authority and may include provisions for reductions in stormwater management requirements in recognition of the use of techniques to reduce stormwater runoff at the site.

STORMWATER MANAGEMENT PERMIT (SMP)

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.

§ 7-803. 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.

§ 7-804. Administration.

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

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

C. Stormwater Management Manual. The Stormwater Authority will utilize the policy, criteria and information including specifications and standards of the latest edition of the Massachusetts Stormwater Management Policy, or local equivalent, for execution of the provisions of this bylaw. This policy includes a list of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice. The policy 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.

D. General permit. The Stormwater Authority shall have the authority to develop a General Stormwater Management Permit (GSMP) for specific types of projects, such as, without limitation, construction of a deck, patio, retaining wall, existing driveway expansion, shed, swimming pool, tennis or basketball court. Any such General Stormwater Management Permit requirements shall be defined and included as part of any Stormwater Regulations promulgated pursuant to this bylaw.

E. Actions by the Stormwater Authority. The Stormwater Authority may take any of the following actions on an application for a Stormwater Management Permit as may be more specifically described in the Stormwater Regulations promulgated pursuant to this bylaw: approval, approval with conditions, disapproval, or disapproval without prejudice.

F. Appeals of action by the Stormwater Authority. A decision of the Stormwater Authority shall be final. Further relief from a decision by the Stormwater Authority made under this bylaw shall be by petition to the Superior Court in an action filed in accordance with MGL c. 249, § 4.

G. Stormwater Credit System. The Stormwater Authority may adopt, as part of the Stormwater Regulations, a Stormwater Credit System. This credit system will allow applicants the option, if approved by the Stormwater Authority, to take credit for the use of stormwater better site design practices to reduce some of the requirements specified in the Regulations. Failure by the Stormwater Authority to promulgate such a credit system through its Stormwater Regulations or a legal declaration of its invalidity by a court shall not act to suspend or invalidate the provisions of this bylaw.

H. Stormwater facility charges. The Stormwater Authority may adopt, as part of the Stormwater Regulations, a system of stormwater facility charges, pursuant to MGL c. 83, § 16. The Stormwater Authority shall administer, implement and enforce the system of facility charges. Failure

by the Stormwater Authority to adopt such a system of facility charges or a legal declaration of its invalidity by a court shall not act to suspend or invalidate the provisions of this bylaw.

§ 7-805. Applicability.

A. This bylaw shall be applicable to all new development and redevelopment, including, but not limited to, site plan applications, subdivision applications, grading applications, land use conversion applications, any activity that will result in an increased amount of stormwater runoff or pollutants flowing from the a parcel of land, or any activity that will alter the drainage characteristics of a parcel of land, unless exempt pursuant to § 7-805B of this bylaw. No person shall alter land within the Town of Northbridge without having obtained a Stormwater Management Permit (SMP). All new development and redevelopment under the jurisdiction of this bylaw shall be subject to the requirement to obtain a Stormwater Management Permit.

B. For all development or redevelopment sites that disturb one acre or more, or are part of a common plan of development or redevelopment which disturbs one or more acres, post construction stormwater treatment shall meet all requirements of the latest General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in Massachusetts. All BMP designs shall meet, at a minimum, design guidance consistent with EPA Region 1's BMP Accounting and Tracking Tool (2016), other BMP performance evaluation tool provided by EPA Region 1, or other pollutant removal calculation tool consistent with these tools or the latest edition of the Massachusetts Department of Environmental Protection Stormwater Management Handbook (Massachusetts Stormwater Handbook), whichever is stricter.

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B.-C. Exemptions. The following activities shall be exempt from the requirement of a Stormwater Management Permit:

- (1) Any activity that will disturb an area less than 5,000 square feet or less than 25% of a contiguous property, whichever is less.
- (2) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation, 310 CMR 10.04, and MGL c. 40A, § 3.
- (3) Maintenance of existing landscaping, gardens or lawn areas, provided such maintenance does not include the alteration of drainage patterns or expansion of the disturbed area.
- (4) Normal maintenance and repair of Town owned public land, ways and appurtenances.
- (5) The construction of any fence that will not alter existing terrain or drainage patterns.
- (6) Construction of utilities (gas, water, electric, telephone, etc.) other than drainage, which will not alter terrain, ground cover, or drainage patterns.
- (7) Repairs to any stormwater management facility or practice to address an emergency that poses a threat to public health or safety, or as deemed necessary by the Stormwater Authority.
- (8) Any work or projects for which all necessary approvals and permits have been issued before the effective date of this bylaw.

C.-D. Redevelopment projects disturbing greater than 5,000 square feet and less than one acre are presumed to meet the stormwater management requirements specified in the Stormwater Regulations if the total impervious cover is reduced by 40% from existing conditions. Where site conditions prevent the reduction in impervious cover, stormwater management practices shall be implemented to provide stormwater controls for at least 40% of the site's impervious area. When a combination of impervious area reduction and stormwater management practice implementation is

used for redevelopment projects, the combination of impervious area reduction and the area controlled by a stormwater management practice shall equal or exceed 40%.

ED. An alteration, redevelopment, or conversion of land use to a hotspot such as, without limitation: auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots with high intensity use, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances, or marinas, shall require a Stormwater Management Permit.

§ 7-806. Permit procedures.

Permit procedures and requirements shall be as described in the Stormwater Regulations promulgated as permitted under § 7-804 of this bylaw.

§ 7-807. Enforcement.

The Stormwater Authority or an authorized agent of the Stormwater Authority shall enforce this bylaw, the Stormwater Regulations, orders, violation notices, and enforcement orders issued thereunder, and may pursue all civil and criminal remedies for such violations. Any person who violates any provision of this bylaw, the Stormwater Regulations or any order or permit issued thereunder shall be punished by a fine of not more than \$300. Each day during which a violation exists shall constitute a separate offense. As an alternative to criminal prosecution in a specific case, the Stormwater Authority may issue citations pursuant to the noncriminal disposition procedure set forth in MGL c. 40, § 21D, as adopted under § 1-109 of the Code of the Town of Northbridge. For purposes of noncriminal disposition, the penalty for a first offense shall be \$100, for a second offense \$200, and for a third and subsequent offenses \$300. Enforcement shall be further described in the Stormwater Regulations promulgated under § 7-804 of this bylaw.

§ 7-808. Severability.

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