RULES AND REGULATIONS
FOR THE
MANAGEMENT OF STORMWATER
WEBSTER, MASSACHUSETTS

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Section 1 General

1.1 Authority

These Rules and Regulations are promulgated by the Webster Planning Board under the authority of the Stormwater Management and Erosion Control Bylaw, Chapter 570. Stormwater Management, Article I, of the General Bylaws of the Town of Webster, Massachusetts.

1.2 Purpose

The purpose of these Rules and Regulations is to effectuate the purposes of the Bylaw. The failure of these Rules and Regulations to address all aspects of the Bylaw, or a legal declaration of their invalidity, shall not act to suspend or invalidate the effect of the Bylaw.

1.3 Waivers

a) The Planning Board may waive strict compliance with any requirement of these Rules and Regulations promulgated hereunder, where such action is:

   i. allowed by federal, state, and local statutes and/or regulations and the MS4 Permit; and

   ii. in the public interest; and

   iii. not inconsistent with the purpose and intent of these Rules and Regulations.

b) Any person seeking a waiver must submit a written waiver request. In all circumstances, the Applicant shall have the burden of demonstrating that a waiver meets the requirements of these Rules and Regulations. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrate that strict compliance with these Rules and Regulations is not necessary to meet the purposes or objectives of the Bylaw.

c) All waiver requests shall require a public hearing.

d) If in the opinion of the Planning Board or its authorized agent, additional time or information is required for review of a waiver request, the Planning Board may continue a hearing to a date certain announced at the meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

1.4 Amendments

These Rules and Regulations, or any portion thereof, may be amended from time to time in accordance with the General Bylaws § 570-3.B.

Section 2 Definitions

The following definitions shall apply in the interpretation and implementation of these Regulations. Refer to the Chapter 570. Stormwater Management Bylaw and the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.00) for additional definitions.

Construction Activity: Disturbance of the ground by removal of surface cover, grading, excavation, clearing or filling.

Design Storm: A rainfall event of specified size and return frequency that is used to calculate the Runoff volume and Peak Discharge.

Detention: The temporary storage of Stormwater Runoff in a BMP, which is used to control the Peak Discharge rates, and which provides gravity settling of Pollutants.

Discharge of Pollutants: The addition from any source of any Pollutant or combination of Pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth.

Drainage Area: That area contributing Runoff to a single point measured in a horizontal plane, which is enclosed by a Ridgeline.

Groundwater: Water beneath the surface of the ground.

Infiltration: The downward movement of water from the surface to the subsoil.

Low Impact Design (LID): a Stormwater management strategy designed to maintain site hydrology and mitigate the Adverse Impacts of Stormwater Runoff and nonpoint source pollution. LID actively manages Stormwater Runoff by mimicking a project site's pre-development hydrology using design techniques that infiltrate, store, and evaporate Runoff close to its source of origin. LID strategies provide decentralized hydrologic source control for Stormwater Runoff. In short, LID seeks to manage the rain, beginning at the point where it falls. This is done through a series of techniques that are referred to as LID Integrated Management Practices (LID-IMPs). The LID-IMPs are distributed small scale controls that closely mimic hydrological behavior of the pre-project sites for a Design Storm event.

Massachusetts Stormwater Management Standards: The requirements described in the Massachusetts Stormwater Handbook, as they may be amended from time to time, that address water quality (pollutants) and water quantity (flooding, low base flow and Recharge) by establishing standards that require the implementation of a wide variety of Stormwater management strategies. These strategies include environmentally sensitive site design and LID techniques to minimize impervious surface and land disturbance, source control and pollution prevention, structural Best Management Practices, construction period erosion and sedimentation control, and the long-term operation and maintenance of Stormwater management systems. The Stormwater Management Standards have been 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).

Massachusetts Stormwater Handbook (*Handbook*): The Stormwater Handbook, as amended from time to time, that was produced by Massachusetts Department of Environmental Protection (MassDEP) to be used as guidance for controlling Stormwater. Implementation of the Massachusetts Stormwater Management Standards shall be in accordance with the Stormwater Handbook.

Outfall: The part of a storm drain or other Stormwater structure from which the contents are released.

Peak Discharge: The maximum rate of flow during a storm.

Recharge: The process by which Groundwater is replenished by precipitation through the Infiltration of Runoff and surface water through the soil.

Retention: The holding of Runoff in a basin without release except by means of evaporation, Infiltration, or emergency bypass.

Ridgeline: The maximum elevation that connects the boundary of a watershed.

Runoff: That portion of water resulting from precipitation that is not absorbed by the ground and moves parallel to the ground surface.

Stormwater Control Measure (SCM): Synonymous with structural Best Management Practice (BMP). See also the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.00).

Stormwater Management Facility: A structural Stormwater management measure, including Stormwater management basins and filtration or other treatment systems.

Swale: A depression or wide shallow ditch used to temporarily store, route, or filter Runoff.

Town: The Town shall mean the Town of Webster, its officials and designated employees and agents.

Uncontaminated Water: Water containing no Pollutants.

Section 3 Permit Application Process

3.1 Stormwater Permit Application Requirements

Unless exempt under § 570-5 of the Bylaw, or eligible for a Simplified Stormwater Permit Application under Section 3.3 of these Rules and Regulations, prior to commencement of construction activities that will result in the disturbance of 10,000 square feet or more of land, will increase the amount of Impervious Surface to more than 25% of the lot, or result in the Alteration, redevelopment or conversion of land use in a Hotspot Area, an Applicant shall submit five (5) paper copies and an electronic copy of a completed application package for a Stormwater Management Permit to the Planning Board.

The Stormwater Management Permit Application shall consist of the following:

a) A properly executed Application Form signed by the Applicant and owner(s) of record and providing all information requested. See Application Form on file with the Planning Board.

b) Each of the following plans:
   i. Stormwater Management Plan (as described in Section 3.1.1);
   ii. Erosion and Sediment Control Plan (as described in Section 3.1.2); and
   iii. Operation and Maintenance Plan (as described in Section 3.1.3).

c) A list of requested waivers, if applicable.

d) A non-refundable application fee, payable to the Town of Webster, in the amount calculated as follows:

Project Type	**Permit Review and Inspection Fee**
Simplified Permit Application	$50
Single or Multifamily Residential Project	$100
Commercial or Residential Subdivision (less than 5 acre disturbed)	$500
Commercial or Residential Subdivision (greater than 5 acre disturbed)	$500 + $100 per acre above 5 acres

3.1.1 Stormwater Management Plan

e) The Stormwater Management Plan shall contain sufficient information for the Planning Board or Building Inspector to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the Applicant for reducing Adverse Impacts from Stormwater post-construction, including Low Impact Development site planning and design strategies. The Stormwater Management Plan shall fully describe the project in drawings and narrative.

f) The Stormwater management measures described in the Stormwater Management Plan shall, at a minimum, be designed to meet Massachusetts Stormwater Management Standards 1-6 (for new development) or 7 (for

redevelopment). In addition, Low Impact Development site planning and design strategies (as described in Section 2) shall be incorporated unless infeasible in order to reduce the discharge of Stormwater. To the extent that the Town's NPDES Stormwater discharge permit contains post-construction requirements that go beyond the Massachusetts Stormwater Management Standards, additional design requirements implementing the NPDES permit requirements may be adopted by the Planning Board in the Bylaw developed under § 570-13. The Rules and Regulations may specify the precipitation estimates to be used when calculating Stormwater Runoff for drainage system design; the precipitation data set specified shall be one that is regionally appropriate and widely used, such as those published by the National Oceanic and Atmospheric Administration and the Northeast Regional Climate Center.

g) Site plan. The Stormwater Management Plan shall include a site plan, stamped and certified by a qualified Professional Engineer registered in Massachusetts, containing the following information:

iv. Names, addresses, and telephone numbers of the owner, Applicant, and Person(s) or firm(s) preparing the plan;

v. Title, date, north arrow, scale, legend, and locus map;

vi. The site's existing and proposed topography with contours at two-foot intervals;

vii. The existing site hydrology, including any existing Stormwater conveyances or impoundments;

viii. Estimated seasonal high Groundwater elevation (November to April) in areas to be used for Stormwater Retention, Detention, or Infiltration;

ix. The existing and proposed vegetation and ground surfaces with Runoff coefficient for each;

x. A Drainage Area map showing pre- and post-construction watershed boundaries, Drainage Area and Stormwater flow paths;

xi. Identification of all critical areas and tributaries to critical areas within the geographic area shown on the plan;

xii. Drawings of all components of the proposed drainage system; and

xiii. Such other information as is required by the Board.

3.1.2 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 and other pollution prevention measures. A Stormwater Pollution Prevention Plan that meets the requirements of the U.S. Environmental Protection Agency Construction General Permit and the design requirements set forth below shall be considered to meet this requirement.

b) The erosion and sediment control and pollution prevention measures set forth in the Erosion and Sediment Control Plan shall be designed to meet Standard 8 of the Massachusetts Stormwater Standards, minimize the total area of disturbance, and properly manage construction and waste materials.

c) Site plan. The Erosion and Sediment Control Plan shall include a site plan, stamped and certified by a qualified Professional Engineer registered in Massachusetts or a Certified Professional in Erosion and Sediment Control, containing the following information:

i. Names, addresses, and telephone numbers of the owner, Applicant, and Person(s) or firm(s) preparing the plan;

ii. Title, date, north arrow, scale, legend, and locus map;

iii. Locations of watercourses and water bodies;

iv. Lines of existing abutting streets showing drainage (including catch basins), driveway locations and curb cuts;

v. Property lines showing the size of the entire parcel, and a delineation and number of square feet of the land area to be disturbed;

vi. Drainage patterns and approximate slopes anticipated after major grading activities (construction phase grading plans);

vii. Location and details of erosion and sediment control measures, including both structural and non-structural measures, interim grading, and material stockpiling areas;

viii. Location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures; and

ix. Such other information as is required by the Board.

3.1.3 Operation and Maintenance Plan

a) An Operation and Maintenance Plan (O&M Plan) is required at the time of application for all projects. The O&M Plan shall be designed to ensure that all aspects of the Stormwater management system operate as designed throughout the life of the system. The Planning Board shall make the final decision regarding what maintenance requirements are appropriate in a given situation. Each parcel must have its own O&M Plan. The O&M Plan shall remain on file with the Planning Board and shall be an ongoing requirement, enforceable against the owner of the parcel to which it applies, pursuant to the provisions of these Rules and Regulations.

b) The O&M Plan shall include:

i. The name(s) of the owner(s) of the parcel for which the O&M Plan is being submitted.

ii. Maintenance specifications, including:

a. Name(s) and address(es) of the Person(s) responsible for operation and maintenance;

b. The Person(s) responsible for financing maintenance and emergency repairs;

c. Maintenance schedule for all drainage structures, including Swales and ponds; and

d. List of easements with the purpose and location of each.

i. Easements are necessary for: access for facility inspections and maintenance; preservation of Stormwater Runoff conveyance, Infiltration, and detention areas and facilities, including flood routes for the 100-year storm event; and direct maintenance access by heavy equipment to structures requiring regular cleanout or maintenance.

ii. Easement requirements:

1. Purpose of each easement shall be specified in the maintenance agreement signed by the property owner.
2. Stormwater management easements are required for all areas used for off-site Stormwater control.
3. Easements shall be recorded with the registry of deeds prior to issuance of a certificate of completion at the expense of the Applicant, and certified copies of the recorded easements shall be filed with the Planning Board.

iii. The signature(s) of the owner(s).

c) In the case of Stormwater BMPs that are serving more than one lot, the Applicant shall include a mechanism for implementing and enforcing the O&M Plan. The Applicant shall identify the lots or units that will be serviced by the proposed Stormwater BMPs. The Applicant shall also provide a copy of the legal instrument (deed, declaration of trust, articles of incorporation, etc.) that establishes the terms of and legal responsibility for the operation and maintenance of Stormwater BMPs. In the event that the Stormwater BMPs will be operated and maintained by an entity or Person other than the sole owner of the lot upon which the BMPs are placed, the Applicant shall provide a plan and easement deed that provides a right of access for the entity or Person to be able to perform said operation and maintenance functions.

d) The Planning Board may require that notice of the O&M Plan be recorded with the Registry of Deeds.

e) The Planning Board may require that the property owner submit an annual report documenting maintenance activities.

f) Changes to Operation and Maintenance Plans.

i. The owner(s) of the parcel to which an O&M Plan applies must notify the Board of any changes in ownership of the parcel.

ii. In the case of a Stormwater BMP that serves more than one lot, the owners of the parcels served by the BMP must notify the Board of any change to the entity or Person operating or maintaining the BMP or the legal instrument that establishes terms and legal responsibility for the operation and maintenance of the BMP.

iii. The O&M Plan may be amended to achieve the purposes of these Rules and Regulations by mutual agreement of the Planning Board and the parcel owner(s). Amendments must be in writing and signed by all owners and the Planning Board.

g) Maintenance Responsibility.

i. The owner of the property on which work has been done pursuant to this by-law for private Stormwater Management Facilities, or other Person or agent in control of such property, shall maintain in good condition and promptly repair and restore grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures and other protective devices. Such repairs or restoration and maintenance shall be in accordance with approved plans.

ii. A maintenance schedule shall be developed for the life of the Stormwater Management Facility and shall state the maintenance to be completed, the time period for completion, and who shall be legally responsible to perform the maintenance. This maintenance schedule shall be printed on the Stormwater Management and Erosion Control Plan.

iii. Records of installation shall be maintained on-site in perpetuity. Records of maintenance shall be maintained on-site for a period of at least five years. Installation and maintenance records shall be made available for inspection by the enforcement agency.

iv. Failure to maintain Best Management Practices shall be considered a violation of these Rules and Regulations and enforceable under Section 6.

3.2 Simplified Stormwater Permit

A Simplified Stormwater Permit (SSP) may be issued for specific types of projects subject to the Applicability in § 570-4 of the Stormwater Management Bylaw, as defined in Section 3.2.1 of these Rules and Regulations. The SSP process under these Rules and Regulations eliminates many of the standard requirements for minor residential projects, including the Stormwater Management Plan and the Erosion and Sediment Control Plan.

3.2.1 Simplified Stormwater Permit Eligibility

An SSP may be issued for the following projects:

a) Projects associated with single or two-family residences and meeting specific design standards in Section 3.2.3, or

b) Projects associated with single or two-family residences disturbing less than 1,000 SF of the site, while controlling construction phase erosion and sedimentation from the site and retaining increased drainage on-site and incorporating LID to the extent practical.

If the project does not meet these minimum standards, then the Applicant must submit an application for a standard Stormwater Permit as described in Section 3.1.

Projects involving Alteration, redevelopment or conversion of land use in a Hotspot Area are not eligible for an SSP.

3.2.2 Simplified Stormwater Permit Requirements

The SSP Application shall consist of the following:

a) A properly executed SSP Application Form signed by the Applicant and owner(s) of record and providing all information requested. See SSP Application Form on file with the Planning Board.

b) Any Applicant seeking an SSP shall submit to the Director of Planning and Building Inspector such information, plans, drawings, specifications, photographs, or other materials as required to determine the eligibility of the proposed work for an SSP.

c) The SSP shall be subject to the Projects Design Standards (Table 1) and all the other purposes, standards, and requirements of these Rules and Regulations.

Table 1 Projects Design Standards

Project Type	Design Standards
New Deck Construction	Section 3.2.3.1
New Patio Construction	Section 3.2.3.2
New Retaining Wall Construction	Section 3.2.3.3
Expansion of Existing Paved Driveway	Section 3.2.3.4
New Additions	Section 3.2.3.5
New Swimming Pool	Section 3.2.3.6

Unless specifically required by a condition in the SSP, no Stormwater Management Certificate of Completion is required to close out the SSP once work is completed.

3.2.3 Simplified Stormwater Permit Design Standards

Minimum design standards for projects potentially eligible for an SSP are contained in the subsections below.

3.2.3.1 New Deck

Minimum design standards for construction of a raised deck associated with an existing single or two-family residence:

a) The ground area beneath the proposed deck shall not be paved or otherwise made impervious if it is presently bare ground or landscaped, including lawn. Note: patio blocks or pavers installed over compacted gravel are considered impervious.

b) If the ground area is presently paved or impervious, it may remain so after construction of the deck and will still qualify for this SSP.

c) There shall be no roof constructed over the proposed deck.

d) The proposed deck shall be constructed in such a manner to allow rainfall to pass through to the ground below. An example of this is the typical wooden deck with expansion spaces between the boards that form the deck surface.

3.2.3.2 New Patio

Minimum design standards for construction of a patio associated with an existing single or two-family residence:

a) The patio shall be constructed of brick, stone, or other materials that allow Infiltration of rainfall to the soil below. This includes the base materials that the patio surface is placed on. Note: compacted gravel is considered impervious.

b) The patio surface shall not create a concentrated Runoff discharge point for Stormwater that is not infiltrated through the surface. Stormwater Runoff must flow evenly off the edge(s) of the patio.

3.2.3.3 New Retaining Wall

Minimum design standards for construction of new retaining walls greater than 4 feet high associated with an existing single or two-family residence:

a) A building permit application is filed with the Webster Building Department and a building permit is subsequently issued. The Massachusetts State Building Code requires building permits for retaining walls greater than 4 feet.

b) The retaining wall shall not alter the flow direction of Stormwater Runoff leaving the site, nor shall it alter the Stormwater flow to any wetland resource areas on the project site or adjoining properties.

c) Construction of the retaining wall will not increase the amount of Stormwater Runoff flowing off of the property, to a public street, or onto other publicly owned properties.

3.2.3.4 Driveway Expansion

Minimum design standards for expansion of an existing paved or gravel driveway associated with an existing single or two-family residence:

a) Expansion of the driveway surface shall not result in additional Stormwater Runoff flowing off of the property, to a public street, or onto other publicly owned properties.

3.2.3.5 New Building Addition

Minimum design standards for construction of a building addition associated with an existing single or two-family residence:

a) Construction of the building addition shall not result in additional Stormwater Runoff flowing off of the property.

b) Downspout drainage is retained onsite.

c) LID elements shall be incorporated to the extent possible.

3.2.3.6 New Swimming Pool

Construction of a swimming pool associated with an existing single or two-family residence, providing that the following criteria are met:

a) Pool water will not be discharged to a public street or into any Resource Area.

b) A detailed plan shall be included with the SSP showing the location of the proposed pool, accessory structures, including decks and sidewalks. The plan should also show or address discharge of water from the pool.

3.3 Review Procedures

3.3.1 Stormwater Management Permit Review Procedure

Review of Applications for Stormwater Management Permits shall follow the procedures provided below.

a) A complete Stormwater Management Permit Application shall be submitted to the Planning Board for review and approval. Five (5) clearly labeled copies and an electronic copy shall be submitted.

b) The Planning Board or its designated representative shall review the application for administrative completeness. If found incomplete, it shall be returned by First Class Mail to the Applicant within 10 (ten) business days of filing, with written notice of the deficiencies.

c) The Planning Board, as authorized permitting agency, shall distribute copies of the Stormwater Management Permit application to the Town Engineer, Conservation Commission, and Building Inspector for review, as deemed appropriate, and shall consider comments submitted by said Town Engineer, Conservation Commission, and Building Inspector during the review period.

d) The Planning Board shall take final action within 60 days of the determination the application is complete unless such time is extended by agreement between the Applicant and the Planning Board.

e) The Planning Board must find that the Stormwater Management Application meets the following criteria:

   i. The Stormwater Management Application is consistent with the purposes and objectives of these Rules and Regulations;

   ii. The Stormwater Management Application meets the performance standards described in Section 4.

f) The Planning Board's action, rendered in writing, shall consist of either:

   i. Approval of the Stormwater Management Permit application based upon determination that the proposed plan meets the purposes in Section 1.2 and the standards in Section 4 of these Rules and Regulations, and shall adequately protect the water resources of the community and is in compliance with the requirements set forth in this by-law;

   ii. Approval of the Stormwater Management Permit application subject to conditions, modifications or restrictions required by the Planning Board which shall ensure that the project meets the purposes in Section 1.2 and the standards in Section 4 of these Rules and Regulations, and adequately protects water resources, set forth in this by-law;

   iii. Disapproval of the Stormwater Management Permit application based upon a determination that the proposed plan, as submitted, does not meet the purposes in Section 1.2 and the standards in Section 4 or adequately protect water resources, as set forth in these Rules and Regulations.

   iv. If the Planning Board modifies or disapproves such a plan, it shall state in writing its reasons for its action and shall rescind such disapproval when the plan has been amended to conform to the Rules and Regulations of the Planning Board.

g) As-Built Plans. Upon completion of the work, the permittee shall submit a report, including certified as-built construction plans in hard copy and electronic format in the format required by the Board, from a Professional Engineer (P.E.), certifying that all site improvements, Stormwater management practices, 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. The as-built plans must depict all on-site controls, both structural and non-structural, designed to manage the Stormwater associated with the completed site. The as-built plans must be submitted no later than two (2) years after the completion of construction

projects. As-built plan submission and approval requirements for performance guarantee release are described in Section 3.5. This provision shall not apply to activity approved pursuant to a Simplified Stormwater Application.

h) Certificate of Completion. The Board shall issue a Certificate of Completion which certifies 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 this Bylaw. This provision shall not apply to activity approved pursuant to a Simplified Stormwater Application.

i) Failure of the authorized permitting agency to take final action upon an application within the time specified above shall be deemed to be an approval of said application.

3.3.2 Simplified Stormwater Permit Review Procedure

Applicant may consult with the Director of Planning, Building Inspector or their designated representative to determine if the project qualifies for a Simplified Stormwater Permit Application. A completed Simplified Stormwater Permit Application with required supporting materials and application fee shall be submitted to the Director of Planning and Building Inspector for approval. Applications may be submitted concurrent with a building permit. The Building Inspector will approve, approve with conditions, or deny the permit. If a Simplified Stormwater Permit is denied, the Applicant may apply to the Planning Board without prejudice for a regular Stormwater Management Permit following application procedures and requirements described in Section 3.1.

3.4 Consultant Fee

If, in the judgment of the Planning Board, and pursuant to Chapter 44, Section 53G of the Massachusetts General Laws, the Stormwater Permit Application is subject to third party review ("Consultant"), the Applicant shall, prior to a determination on an application, deposit with the Town, an amount determined by the Planning Board to be sufficient to cover the full costs of such services.

a) Selection of Consultant and Determination of Initial Consultant Fee

i. Upon receipt of a complete Application, Planning Department staff shall forward a copy of the Application to an individual with expertise in engineering and Stormwater management (the "Consultant"). Selection of a Consultant shall be within the discretion of the Planning Department, subject to the following requirements:

1. The Consultant must possess either (a) a college degree in science or engineering including coursework relevant to Stormwater management, or (b) three years of experience in the field of Stormwater management.

2. The Consultant must not have a conflict of interest that would prevent him or her from making a fair and impartial technical evaluation of the Applicant's Application and supporting materials. Previous or concurrent engagement by the Town of Webster on other matters does not constitute a conflict of interest.

ii. The Consultant shall provide a written scope of services and cost estimate to the Planning Department for some or all of the following, as directed by Planning Department staff: reviewing the Application; providing written

comments to the Planning Board; recommending the amount of cash bond to be required based on estimated costs of completion of Stormwater management measures; attending a meeting of the Planning Board; providing a written response to questions/comments from the Planning Board, questions/comments from other Town boards and departments, and comments by the Applicant; conducting inspections during construction; reviewing as-built plans; and any other tasks specified by the Planning Department. The amount specified in such cost estimate shall be the initial Consultant Fee. The Consultant shall also provide a statement of qualifications.

iii. Within ten (10) calendar days of receipt of a complete Application, Planning Department staff shall notify the Applicant of the initial Consultant Fee and shall provide the Applicant a copy of the scope of services, cost estimate and statement of qualifications received from the Consultant. Such notification shall be made by e-mail to the e-mail address specified by the Applicant in the Application.

b) Appeal of Selection of Consultant

i. Pursuant to M.G.L. c. 44, § 53G, the Applicant may appeal the selection of a Consultant to the Select Board. The grounds for such an appeal shall be limited to claims that the Consultant selected has a conflict of interest or does not possess the minimum required qualifications set forth in Section 3.4.a.i.1 of these Rules and Regulations.

ii. To appeal the selection of a Consultant, the Applicant shall, within seven (7) calendar days of the date that the Planning Department sends the selection notification e-mail, send by certified mail or hand deliver a letter to the Webster Select Board, with a copy to the Planning Department. The letter shall state the specific grounds for the appeal and provide evidence of the Consultant's alleged conflict of interest or lack of qualifications.

iii. If the Webster Select Board, upon consideration of such an appeal, directs the Planning Department to select another Consultant, the Planning Department shall do so. In the event that no decision on the appeal is made by the Webster Select Board within one month following the submission of the appeal, the selection made by the Planning Department shall stand.

iv. The required time limits for action upon an Application by the Planning Department (if any) shall be extended by the duration of any such appeal regarding the selection of a Consultant to review the Application.

v. Any of the following shall constitute a final Consultant selection decision:

1. Selection by the Planning Department that is not appealed by the Applicant within seven (7) calendar days of the date of the Planning Department's selection notification e-mail;

2. Issuance by the Webster Select Board of a written decision upholding the Planning Department's selection; or

3. Failure of the Webster Select Board to issue a written decision on the appeal of the selection of a Consultant within one month of the submission of the appeal.

c) Payment and Administration of Consultant Fee

i. Within seven (7) calendar days of the date that the selection of a Consultant has become final as set forth in Section 3.4.b.v, the Applicant shall submit the initial Consultant Fee to the Planning Department. The Planning Department shall then engage the Consultant to review the Application.

ii. The Consultant Fee shall be deposited in a special account established by the municipal treasurer in the municipal treasury and shall be kept separate and apart from other monies. The special account, including accrued interest, shall be used by the Planning Department solely to pay the Consultant for services in connection with the Application. Any excess amount in the account attributable to a specific project, including any accrued interest, at the completion of said project shall be repaid to the Applicant or to the Applicant's successor in interest and a final report of said account shall be made available to the Applicant or to the Applicant's successor in interest.

d) Additional Consultant Fee

i. During review of the Application, the Planning Board may determine that additional consulting services are required from the Consultant. In that event, the Planning Board shall specify the additional services needed and explain why they are necessary. The Planning Department shall request a scope of services and cost estimate from the Consultant. Such cost estimate shall be an additional Consultant Fee. Planning Department staff shall notify the Applicant of the additional Consultant Fee and shall provide the Applicant a copy of the scope of services and cost estimate. Within seven (7) calendar days of this notification, the Applicant shall submit the additional Consultant Fee to the Planning Department.

3.5 Performance Guarantee

The Stormwater Authority may require the Applicant to file a performance guarantee in the form of a cash bond or other acceptable security prior to issuance of a building permit. The form of the security shall be approved by Town Counsel and the Stormwater Authority. A performance guarantee for the project under the Subdivision Control Law will meet this criterion. The amount of the security shall not be less than the total estimated construction cost of the Stormwater Management Facility. The bond so required in this Section shall include provisions relative to forfeiture for failure to complete work specified in the approved Stormwater Management Plan, compliance with all the provisions of this by-law and other applicable laws and regulations, and any time limitations. If the project is phased, the Stormwater Authority may release part of the security as each phase is completed in compliance with the permit, but the bond shall not be fully released without a final inspection of the completed work by the Building Inspector, submission of "as-built" plans, and certification of completion by the Planning Board of the Stormwater Management Facilities being in compliance with the approved plan and the provisions of this by-law.

3.6 Plan Changes

The Applicant must notify the Planning Board in writing of any changes related to erosion control or Stormwater management in the project authorized in a Stormwater Management Permit before any change or Alteration is made. The Planning Board may approve changes, or if the Board determines that the change or Alteration is significant,

based on the Stormwater Management requirements of these Rules and Regulations and accepted construction practices, the Board may require that an amended Application be filed and reviewed. If any change or Alteration from the Stormwater Management Permit occurs during construction activities, the Board may require the installation of interim measures before approving the change or Alteration.

3.7 Permit Extensions

A Stormwater Management Permit shall be valid for two years from the date the permit is issued, except that compliance with the Operation and Maintenance Plan shall be a continuing and ongoing requirement. The Planning Board may grant extensions for additional time upon written request submitted no later than 30 days prior to the expiration of the permit.

Section 4 Performance and Design Standards

At minimum, all projects subject to a SMP 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, requirements of the Town's NPDES Small MS4 General Permit, as well as the criteria contained in this Section. In the case of conflicting requirements with applicable Federal, State, and Local regulations, the more restrictive or more protective of human health and the environment shall take precedence.

4.1 General Performance Standards for all Sites

a) Low Impact Development (LID)

   i. LID site planning and design strategies must be utilized to the maximum extent feasible.

   ii. Projects must use LID techniques where adequate soil, Groundwater, and topographic conditions allow. These may include but not be limited to reduction in Impervious Surfaces, disconnection of Impervious Surfaces, bioretention (rain gardens), and Infiltration systems.

   iii. Refer to Stormwater Handbook for additional applicable criteria for Environmentally Sensitive Site Design.

b) Landscape Design. Site plans and landscape plans for all proposed projects must take appropriate steps to minimize water use for irrigation and to allow for natural Recharge of Groundwater. Native species and habitat-creating species shall be used in all landscape plans to the maximum extent possible as site conditions allow. Invasive species shall not be planted under any circumstances.

c) The selection, design and construction of all pre-treatment, treatment and Infiltration BMPs shall be in accordance with Massachusetts Stormwater Handbook as amended, and shall be consistent with all elements of the Massachusetts Stormwater Standards including but not limited to those regarding new Stormwater conveyances, peak Runoff rates, Recharge, land uses with higher potential Pollutant loads, discharges to Zone II or interim wellhead protection areas, sediment and erosion control, reduction of the creation of impervious area, and Illicit Discharges.

4.2 Performance Standards for New Development

a) Stormwater management systems on new development shall be designed to meet an average annual Pollutant removal equivalent to 90% of the average annual load of Total Suspended Solids (TSS) related to the total post-construction impervious area on the site AND 60% of the average annual load of Total Phosphorus (TP) related to the total post-construction Impervious Surface area on the site. Average annual Pollutant removal requirements shall be achieved through one of the following methods:

   i. installing Stormwater BMPs that meet the Pollutant removal percentages required in 1.a based on calculations developed consistent with EPA Region

1's BMP Accounting and Tracking Tool (2016) or other BMP performance evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the planned or installed BMP performance, then any federally or State-approved BMP design guidance or performance standards (e.g., State Stormwater handbooks and design guidance manuals) may be used to calculate BMP performance; or

ii. retaining the volume of Runoff equivalent to, or greater than, one (1.0) inch multiplied by the total post-construction Impervious Surface area on the new development site; or

iii. meeting a combination of Retention and treatment that achieves the above standards.

4.3 Performance Standards for Redevelopment Sites

a) Stormwater management systems on redevelopment sites shall be designed to meet an average annual Pollutant removal equivalent to 80% of the average annual postconstruction load of Total Suspended Solids (TSS) related to the total post-construction impervious area on the site AND 50% of the average annual load of Total Phosphorus (TP) related to the total post-construction Impervious Surface area on the site. Average annual Pollutant removal requirements shall be achieved through one of the following methods:

i. installing BMPs that meet the Pollutant removal percentages based on calculations developed consistent with EPA Region 1's BMP Accounting and Tracking Tool (2016) or other BMP performance evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the planned or installed BMP performance, then any federally or State-approved BMP design guidance or performance standards (e.g., State Stormwater handbooks and design guidance manuals) may be used to calculate BMP performance; or

ii. retaining the volume of Runoff equivalent to, or greater than, 0.8 inch multiplied by the total post-construction Impervious Surface area on the redeveloped site; or

iii. meeting a combination of Retention and treatment that achieves the above standards.

b) Partial Redevelopment. If both new development and redevelopment are proposed for a project site, the redevelopment work shall be conducted in accordance with the provisions in this Section and the new development work shall be conducted in accordance with the provisions for New Development.

c) Unless specifically exempt from the Stormwater Management Bylaw under § 570-5 of the Bylaws, redevelopment activities that are exclusively limited to maintenance and improvement of existing roadways (including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems, and repaving projects) shall improve existing conditions where feasible and are exempt from Section 4.3.a and may be exempt from Massachusetts Stormwater Standards 1, 2, 3, 5 and 6.

4.4 Sensitive Areas – Additional Design Criteria

a) Stormwater discharges to Critical Areas with sensitive resources as defined in the Massachusetts Stormwater Management Standard No. 6 are subject to additional criteria, and may need to utilize or restrict certain Stormwater Management practices at the discretion of the Planning Board. The Planning Board may designate additional Sensitive Areas and specific criteria for these areas by amending these Rules and Regulations.

The Planning Board has also designated the following Sensitive Areas with specific design criteria:

i. Discharges to Water Quality Limited Waters

1. The Applicant must determine whether Stormwater discharges from the proposed site will contribute, either directly or indirectly, to an impaired water body with or without a final Total Maximum Daily Load (TMDL). Structural and non-structural Stormwater BMPs shall be selected that will control the discharge of the Pollutants of concern and ensure that the discharges will not cause in-stream exceedances of applicable water quality standards. Pollutants of concern refer to the Pollutant(s) identified as causing the impairment. For information on impaired waterbodies and the most recent Integrated List of Waters, see MassDEP's website. Refer to MA Stormwater Management Standards in the Stormwater Handbook for additional criteria.
2. To the extent that the project will discharge, directly or indirectly, to a water body subject to one or more Pollutant-specific TMDLs, implement structural and non-structural Stormwater BMPs that are consistent with each such TMDL.
3. To the extent the project will discharge, directly or indirectly, to an impaired water body not subject to a TMDL, implement structural and non-structural Stormwater BMPs optimized to remove the Pollutant or Pollutants responsible for the impairment.
4. Stormwater management systems designed on commercial and industrial land use area draining to waterbodies impaired by solids, turbidity, or sedimentation/siltation shall incorporate designs that allow for shutdown and containment where appropriate to isolate the system in the event of an emergency spill or other unexpected event.
5. New development and redevelopment Stormwater management BMPs that discharge directly to or within watershed areas for impaired waterbodies not subject to a TMDL shall be optimized for bacteria and pathogen removal. The Applicant shall document the BMP type, total area treated by the BMP, the design storage volume of the BMP, and the estimated bacteria and pathogens removed in mass per year consistent with Attachment 3 to Appendix F of the Small MS4 General Permit.

4.5 Hydrologic Basis for Design of Structural Practices

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

i. The rainfall amounts shall be determined using the 24-hour rainfall data taken from National Oceanic and Atmospheric Administration Atlas 14, Precipitation-Frequency Atlas of the United States (Vol. 10, Northeastern States, published 2015, revised 2019), as it may be amended or rainfall data as specified by the MA Stormwater Handbook, whichever is more stringent.

ii. The models TR-55 and TR-20 (or approved equivalent) will be used for determining Peak Discharge rates and volume of Runoff from predevelopment to post development conditions.

iii. Off-site areas shall be assessed based on their "pre-developed condition" for computing the water quality volume (i.e., treatment of only on-site areas is required). However, if an offsite area drains to a proposed BMP, flow from that area must be accounted for in the sizing of a specific practice.

iv. Off-site areas draining to a proposed facility should be modeled as "present condition" for peak-flow attenuation requirements.

v. 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.

vi. Minimum time of concentration shall be six (6) minutes.

vii. 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.

viii. If an off-site area drains to a facility, off-site areas should be modeled, assuming an "ultimate buildout condition" upstream.

ix. 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.

x. 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.

xi. Projects must be designed to collect and dispose of Stormwater Runoff from the project site in accordance with Massachusetts Stormwater Management Standards, the small MS4 General Permit, Department of Public Works regulations, recognized engineering methodologies and these regulations with an emphasis on including LID techniques in the design.

xii. Projects must manage surface Runoff so that no proposed flows are conducted over public ways, nor over land not owned or controlled by the Applicant unless a drainage easement in proper form is obtained permitting such discharge.

xiii. Stormwater management systems shall be designed to avoid disturbance of areas susceptible to erosion and sediment loss, avoiding, to the greatest extent practicable: the damaging of large forest stands; building on steep

slopes (15% or greater); and disturbing land in wetland buffer zones and floodplains.

xiv. Watershed area for hydrologic analysis and BMP sizing calculations must include at a minimum the site area and all upgradient areas from which Stormwater Runoff flows onto the site.

xv. For purposes of computing Runoff, all pervious lands in the site are assumed prior to Development to be in "good hydrologic condition" regardless of the conditions existing at the time of the computation.

xvi. Soils tests to be conducted by a Registered Professional Engineer or Massachusetts Soil Evaluator, performed at the location of all proposed LID techniques and BMPs, to identify soil descriptions, depth to estimated seasonal high Groundwater, depth to bedrock, and soil texture.

xvii. The design Infiltration rate shall be determined from the on-site soil texture and Rawls rates as published in the Massachusetts Stormwater Handbook or saturated hydraulic conductivity tests.

xviii. Provide in-situ saturated hydraulic conductivity tests for Infiltration systems to receive Stormwater Runoff from 2,000 sq. ft. or more of impervious area and within Natural Resources Conservation Service (NRCS) mapped soils with a hydrologic group rating (HGR) of B or C. Conduct testing in accordance with Massachusetts Stormwater Handbook and use an exfiltration rate of 50% of the lowest test result. Infiltration systems shall not be used for Stormwater Runoff peak flow or volume mitigation in NRCS soils with an HGR of D.

xix. Size drainage pipes to accommodate the 25-year storm event and maintain velocities between 2.5 and 15 feet per second, and provide calculations using the Mannings Equation.

xx. Size drainage Swales to accommodate the 25-year storm event and velocities below 4 feet per second.

xxi. Size culverts to accommodate the 50-year storm event and design adequate erosion protection. Design stream crossing culverts in accordance with the latest edition of the Massachusetts Stream Crossing Handbook.

xxii. Size Stormwater basins to accommodate the 100-year storm event with a minimum of one foot of freeboard.

xxiii. All drainage structures are to be able to accommodate HS-20 loading.

xxiv. Catch basin structures are to be constructed as required by Town Subdivision Regulations and spaced a maximum of 300 feet apart in roadways. Refer to additional requirements related to catch basin placement, design and curbing in Town Subdivision Regulations as applicable.

xxv. All drainpipes are to be reinforced concrete pipe or High Density Polyethylene (HDPE) pipe and have a minimum diameter of 12 inches. Refer to additional requirements related to pipes, culverts and drains in Town Subdivision Regulations and follow more stringent requirement as applicable.

xxvi. Outfalls are to be designed to prevent erosion of soils, and pipes 24 inches or larger are to be fitted with grates or bars to prevent ingress.

xxvii. Drainage easements are to provide sufficient access for maintenance and repairs of system components and be at least 25 feet wide.

xxviii. Minimize permanently dewatering soils by:

1. Limiting grading within 4 feet of seasonal high Groundwater elevation (SHGWE);
2. Raising roadways to keep roadway section above SHGWE; and
3. Setting bottom floor elevation of building(s) a minimum of 2 feet above SHGWE.

4.6 Design of Erosion Controls:

Erosion controls shall address the following:

a) Minimize total area of disturbance;

b) Sequence activities to minimize simultaneous areas of disturbance;

c) Minimize peak rate of Runoff in accordance with the MassDEP Stormwater Standards;

d) Minimize soil erosion and control sedimentation during construction;

e) Divert Uncontaminated Water around disturbed areas;

f) Maximize Groundwater Recharge;

g) Design, install and maintain all Erosion and Sediment Control measures in accordance with the latest edition of the Massachusetts Erosion and Sedimentation Control Guidelines for Urban and Suburban Areas, manufacturer's specifications and good engineering practices;

h) Prevent off-site transport and vehicle tracking of sediment;

i) 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);

j) 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;

k) Avoid or minimize 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 Vernal Pools, and Priority Habitats of Rare Species from the proposed activities;

l) Institute interim and permanent stabilization measures, which shall be instituted on a disturbed area as soon as practicable but no more than fourteen (14) days after Construction Activity has temporarily or permanently ceased on that portion of the site;

m) Properly manage on-site construction and waste materials, including truck washing and cement concrete washout facilities;

n) Inspect Stormwater controls at consistent intervals in accordance with MassDEP Stormwater Handbook; and

o) Erosion and sediment controls shall be maintained until site is fully stabilized and authorization for removal is granted by Stormwater Authority.

Section 5 Inspection and Site Supervision

a) Pre-construction Meeting. Prior to starting the clearing, excavation, construction, Redevelopment 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, may be required to meet with the Building Inspector, to review the approved plans and their proposed implementation. The need for a pre-construction meeting shall be determined by the Planning Board based on the project scope.

b) Construction may not commence until the Applicant has submitted EPA's approval of the Construction General Permit Notice of Intent to the Planning Board and the final SWPPP is posted at the site.

c) Stormwater Authority Inspections. The Planning Board or its designated agent shall make inspections as herein required and shall either approve that portion of the work completed or shall notify the Applicant wherein the work fails to comply with the Erosion and Sedimentation Control Plan or the Stormwater Management Plan as approved.

i. Inspections will be conducted by a "qualified Person" from the Building Department or a third party hired to conduct such inspections. A "qualified Person" is a Person knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possesses the appropriate skills and training to assess conditions at the Construction Site that could impact Stormwater quality, and the appropriate skills and training to assess the effectiveness of any Stormwater controls selected and installed to meet the requirements of these Rules and Regulations.

ii. The approved Erosion and Sedimentation Control Plan 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.

iii. In order to obtain inspections, the Applicant shall notify the Stormwater Authority at least two (2) working days before each of the following events:

1. Erosion and sedimentation 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. Backfilling of underground drainage or Stormwater conveyance structures, subgrade soils prior to construction of Stormwater Infiltration systems;
6. Close of the Construction Season; and,
7. Final Landscaping (permanent stabilization) and project final completion.

iv. Failure to comply with the inspection procedure may necessitate removal of improvements at the expense of the Applicant or rescission of the permit.

d) The Town may conduct random inspections to ensure effective control of erosion and sedimentation during all phases of construction, when it has a reasonable

basis to believe that a violation of these Rules and Regulations is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of these Rules and Regulations.

e) Applicant Inspections. The Applicant 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 Erosion and Sedimentation Control Plan, and the need for maintenance or additional control measures as well as verifying compliance with the Stormwater Management Plan. The Applicant or his/her agent shall submit monthly reports to the Stormwater Authority or designated agent in a format approved by the Stormwater Authority.

Section 6 Enforcement and Penalties

Enforcement of these Rules and Regulations shall be conducted in accordance with § 570-7 of the Stormwater Management Bylaw. The Planning Board authorizes the Town of Webster Building Inspector to act as its agent in enforcing these Rules and Regulations.

6.1 Violations

The Building Inspector or his agent having actual knowledge or information of a violation of these Rules and Regulations that he is responsible for enforcing may, as an alternative to seeking a criminal penalty for violation of this by-law, give the offender a ticket in a form in compliance with the requirements of and in the manner established in G.L. c. 40, §21D and Chapter 260-2 of the Webster General By-laws (noncriminal disposition).

To the extent permitted by law, or if authorized by the owner or other Person in control of the property, the Building Inspector or his agent may enter onto a Person's land to inspect any work performed under a permit issued pursuant to these Rules and Regulations and Town of Webster Stormwater Management and Erosion Control General Bylaw § 570-3, to determine if such property is in violation of these Rules and Regulations if he has a good faith basis to believe an activity requiring a permit is being performed on the property without such a permit.

6.2 Stop Work Orders

Notice of the intent to suspend or terminate a Person's connection to the MS4 or a permit shall be given in writing to the owner of the property and the permit holder, if different, by delivering via hand delivery or certified mail, to the owner to the address listed for taxation purposes in the Assessor's Office, and the permit holder at the address listed in the application. A copy of the notice of hearing shall be delivered at least ten (10) business days before said Planning Board hearing date and shall, in addition, be mailed by 1st class mail, postage prepaid at least fourteen (14) calendar days before said hearing.

The notice shall contain the:

1. Name and address of the owner of the property;
2. The name and address of the permit holder if different than the owner;
3. The action contemplated;
4. Statement of violations believed to exist; and
5. A statement that the owner and permit holder may present evidence regarding alleged violations.

If the Building Inspector or his agent determines in writing that the public health, safety or welfare requires immediate action, it may suspend or terminate MS4 service and any permit immediately. However, in such a case, notice as set forth above, shall be delivered and mailed to the owner and permit holder, if different, informing them that they have fifteen (15) days from the date of the suspension or termination to appeal said action of the Building Inspector to the Planning Board.

6.3 Penalties

The Penalty for each violation for these Rules and Regulations are described in § 570-7B of the Bylaw. Each calendar day shall constitute a separate violation.

The Building Inspector, in addition to issuing said tickets, may enforce the provisions of this by-law by injunctive relief if he determines that the health, safety or welfare of any resident or member of the public or that the well being of the community is or will be endangered by the violation(s).

Any permit issued pursuant to these Rules and Regulations shall contain language requiring the Applicant to pay any and all costs, including attorney fees and expert witness fees, incurred by the town in seeking court action regarding the enforcement of this by-law and the Rules and Regulations adopted hereunder.

6.4 Restoration of Lands

A violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town shall take necessary corrective action, the cost of which shall become a lien upon the property until paid.

6.5 Severability

The invalidity of any Section or provision of these Rules and Regulations shall not invalidate any other Section or provision thereof.