



# Town of Boylston

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## CONSERVATION COMMISSION

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### STORMWATER CONTROL BY-LAW Introduction and Compliance Instructions

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#### INTRODUCTION:

The purpose of this document is to provide the applicant with information for completing the permitting process required under SECTION 9 of the Town of Boylston General By-Laws, THE STORMWATER CONTROL BY-LAW, hereafter referred to as the SCB.

In addition to administering the Massachusetts Wetlands Protection Act, the Conservation Commission is the regulating agency for the SCB. In cooperation with other town authorities, such as the Planning Board, the Town Building Inspector, and the Earth Removal Board, the Commission enforces the regulations promulgated under the SCB for the purpose of managing the impact of pre-, during, and post-construction stormwater discharges, as required by the Massachusetts Dept. of Environmental Protection, and the U. S. Environmental Protection Agency.

Below you will find instructions for determining if the SCB applies to your project, and, if so, how to obtain a permit for your activity. Please note that this document, the General By-laws, SCB regulations, and all SCB forms, are available from the Conservation Commission office, or on-line at the Town's website: <http://www.boylston-ma.gov>.

Completion of the SCB permitting process does not in any way relieve the applicant from complying with all other applicable Federal, State, and Town regulations. It is the applicant's responsibility to determine which regulations apply to their activity, and to complete all necessary compliance requirements. In many cases, the SCB Permit process must be completed prior to other Town authorities issuing their permits.

The Commission understands, however, that certain aspects of Stormwater Control are included in Zoning and other By-laws. Where possible, the Commission will work with other agencies to avoid redundant fees and extended approval timelines.

For further assistance in complying with the SCB, please contact the Conservation Commission office. A member for the Conservation Commission, or Stormwater Committee, will contact you. Thank you for choosing the Town of Boylston for your project.

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#### INSTRUCTIONS:

##### 1) DETERMINING THE APPLICABILITY OF THE SCB:

The applicant is required to file for a SCB Permit if any of the following criteria exist for your project:

- a) The project is a Subdivision as defined in the Town's Zoning By-laws or in Section IV of the Rules & Regulations Governing Subdivision of Land in Boylston, Massachusetts (and as amended) requiring a Definitive Plan;
- b) Any activity results in a land disturbance greater than one acre within the Town of Boylston. (Land disturbance shall mean any action that causes vegetation clearing; or a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material);

- c) Any activity results in a land disturbance less than one acre if the project is part of a larger common plan of development which eventually will disturb greater than one acre within the Town of Boylston. Note that Plans that do not require approval under the Subdivision Control Law, hereafter referred to as "ANR lots", and meet one or more of the other criteria are subject to the SCB and require a permit.

If any of these criteria are met, the applicant must file a SCB Permit Application, and provide the information required by the SCB Regulations, which will be listed in the next section.

Your project is exempt from the SCB, if:

- a) the project is for construction of a single or two-family dwelling, or accessory uses incidental that construction, and less than one acre of land is disturbed;
- b) the project is for maintenance of existing landscaped, garden, or lawn areas;
- c) the project is for normal maintenance and improvement of agricultural lands (as defined by the Massachusetts Wetlands Protection Act);
- d) the project received all other applicable permits prior to the approval of the SCB;
- e) the project is for construction of non-drainage utilities, such as electric, water, or telephone;
- f) the project is for emergency repairs to a stormwater control device or practice, if approved by the Conservation Commission.

You may also apply for a waiver from the SCB under certain conditions. If you are not sure if you require a SCB Permit, or you are requesting a waiver, please contact the Conservation Commission for assistance.

## 2) APPLYING FOR A PERMIT:

To apply for a SCB permit, complete the SCB Permit Application Form, which is available through the Conservation Commission office, or online. In addition to the form, you must provide:

- a) a certified list of Abutters within 300 feet of the property line of the project, as provided by the Town Assessor's office, including those across a body of water;
- b) A detailed description of the project
- c) a Stormwater Management Plan
- d) your application fee, payable to the Town of Boylston;
- e) an instruction and maintenance agreement
- f) an erosion and sediment control plan
- g) a Surety Bond (if required).

For details on the contents of these attachments, please refer to the SCB Regulations. Information on the current application fee structure is also listed in the permit application. This fee, the original and six copies of the application package, including all the attachments, must be provided to the Commission.

Once your application package is received, the Commission will check it for completeness, and schedule a Public Hearing to take place within 21 days. It is the applicant's responsibility to notify all abutters at least seven days prior to the Public Hearing. Proof of notice, as defined in the SCB Regulations, must be provided at the time the Public Hearing is opened.

During the Public Hearing process, the applicant or the Commission may request a continuance in order to gather and review additional information, perform a necessary site inspection, or complete any other activity related to the application process. During the Public Hearing, the Commission will inform the applicant of all any technical review requirements, and technical review fees required. Payment of technical review fees may be required prior to issuance of the permit. Once the Public Hearing is closed, the Commission will issue its findings within 21 days.

The Commission may issue the permit, issue the permit with conditions, or disapprove the permit. If the Commission fails to act on the initial application within 21 days, or fails to issue a permit within 21 days of the close of the Public Hearing, the application will be deemed as approved, and the control, management, and maintenance plans included with the application shall apply.

For more detailed information on the approval process, your responsibilities, and your right to appeal a decision of the Commission, please refer to the SCB Regulations, and By-law.

#### DURING THE PROJECT:

Once you have received your permit, no work may commence until the permit has been recorded against the property deed. The Commission will, in the conditions that are part of your permit, specify other requirements, such as a pre-construction meeting, on-site inspections during the project, etc. All work on the project must commence within 180 days of when the permit is issued, and all work must be completed within three years. Information on how to request a permit extension is contained in the SCB Regulations.

The Commission will, in the conditions that are part of your permit, specify other requirements, such as a pre-construction meeting, on-site inspections during the project, etc. In all cases, the applicant must notify the Commission 14 days prior to any site construction, and 14 days prior to the construction of any Stormwater Management facility. Additional technical review fees may be required during the project. The applicant must also grant entry to the project site to the Commission, or its appointed representatives, for inspections.

If during the project, the applicant desires to modify the approved SCB plans, the Commission must be notified, and, if warranted, an amended application will be required, and a Public Hearing will be scheduled to consider the requested changes. Additional technical review may also be required.

If the applicant fails to adhere to the requirements of the By-law, the Regulations, or the conditions of the Permit, the Commission may invoke enforcement procedures as described in the SCB By-law and Regulations.

#### AFTER THE PROJECT:

Upon completion, the applicant must provide the Commission with certification that the project was completed per the approved plans and that all conditions were met. Details on what is required for the certification is listed in the SCB Regulations.

The applicant must also provide the Commission with detail as to who the responsible parties for implementation of the ongoing operation and maintenance plan will be, and that they understand the requirements of the plan, including inspection reports, and stormwater management facility maintenance.

If the provided information is satisfactory, the Commission will issue a Certificate of Compliance. This Certificate of Compliance will include ongoing conditions, such as implementation of the maintenance plan.

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#### ADDITIONAL INFORMATION:

More detailed information on Stormwater Management may be found in the Massachusetts DEP Stormwater Management Policy and Handbooks, as well as on the Internet.

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#### IMPORTANT:

Please note that this document is meant as an introduction and overview only. Please refer to the Stormwater Control By-Law, and associated regulations, for specific information. You may also contact the Conservation Commission for assistance.