**Chapter 160 STORMWATER MANAGEMENT**

**GENERAL REFERENCES**

**Conservation Commission — See Ch. 7, Art. VIII.**

**Water Resources and Drainage Committee — See Ch. 7, Art. IX**

**Wetlands protection — See Ch. 192. Zoning — See Ch. 196.**

**Subsurface sanitary systems — See Ch. 201.**

**Earth removal and earth filling projects — See Ch. 205.**

**Stormwater management regulations — See Ch. 295.**

**Subdivision of land — See Ch. 300.**

**Wetlands protection regulations — See Ch. 375.**

# § 160-1. Determinations.

It is hereby determined that:

1. Construction site stormwater runoff and post-construction stormwater discharges may permanently alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, which in turn may increase flooding, stream channel erosion, non-point source pollution, and sediment transport and deposition, and decrease groundwater recharge;
2. Construction site stormwater runoff and post-construction stormwater discharges, as well as illicit discharges can adversely affect public safety, public and private property, surface water, groundwater resources, drinking water supplies, recreation, aquatic habitats, fish and other aquatic life, property values and other uses of land and water;
3. It is in the public interest to regulate construction site stormwater runoff and post-construction stormwater discharges in order to minimize the impacts identified above.

# § 160-2. Purposes; objectives.

1. The purpose of this bylaw is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of construction site stormwater runoff and post-construction stormwater discharges, as well as illicit discharges. This bylaw seeks to meet these purposes through the following objectives:
	1. Establish decision-making processes surrounding construction site activities that protect the integrity of the watershed and preserve the health of water resources;

§ 160-2 BOXFORD CODE § 160-3

* 1. Require that construction site activities maintain the post- construction runoff characteristics as equal to or less than the pre- construction runoff characteristics;
	2. Establish minimum construction site and post-construction stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
	3. Encourage the use of nonstructural stormwater management practices or "low-impact development practices";
	4. 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;
	5. Establish provisions to ensure there is an adequate funding mechanism, including surety, for the proper review, inspection and long-term maintenance of stormwater facilities implemented as part of this bylaw; and,
	6. Establish administrative procedures and fees for the submission, review, approval or disapproval of stormwater management plans and for the inspection of approved active projects and long-term follow-up.
	7. Establish a prohibition on illicit discharges and a mechanism and authority to remove any illicit discharges that may be discovered.
1. Nothing in this bylaw is intended to replace the requirements of the Town of Boxford Wetlands Protection Bylaw or any other bylaw that may be adopted by the Town of Boxford, or any state or federal requirement, law, regulation, or policy. Any activity subject to the provisions of this bylaw must comply with any other applicable Town, state or federal requirement.

# § 160-3. Definitions.

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

**ABUTTER** — Means the owner of any property any portion of which lies within 250 feet radially from any lot line of the subject property including owners of land directly opposite on any public or private street or way including any in another municipality or across a body of water. In the case of property that has frontage on a pond, abutters shall include all those properties with frontage on the pond or pond association if in existence.**[Added 10-23-2007 STM, Art. 17; amended 10-22-2011**

# STM, Art. 12]

§ 160-3 STORMWATER MANAGEMENT § 160-3

**ALTERATION** — Any activity which will measurably change the ability of a ground surface area to absorb water or will change existing surface

drainage patterns. Examples include but are not limited to earthmoving, paving, and modification of existing vegetation.

**CONSTRUCTION SITE** — Any site where activity is proposed or occurs that involves the alteration of an area of one acre (43,560 square feet) or more during or post-construction, or that will alter less than one acre of land but is part of a larger, common plan of development or sale that will ultimately disturb one acre or more of land. A project with a "limit of disturbance" shown on a plan encompassing an acre or more is a construction site.

**HOTSPOT** — Land uses or activities, without regard to square footage, that have the potential for high stormwater runoff pollutant loadings, including but not limited to auto fueling facilities, fleet storage yards, municipal and commercial parking lots, road salt storage areas and designated snow disposal areas, long-term staging areas for construction or landscaping operations, and commercial outdoor maintenance, storage or loading areas.

**ILLICIT DISCHARGE** – Means any discharge to a MS4 that is not composed entirely of storm water, except discharges pursuant to an NPDES permit, discharges resulting from fire-fighting activities and discharges allowed pursuant to section 1.4 of the Massachusetts MS4 General Permit effective July 1, 2018.

**MAJORITY VOTE** — Means a vote by a majority of the Commission for all actions taken under § 160-5 of the Stormwater Management Bylaw (Administration) and issuance of enforcement orders, and a vote by a majority of a quorum of the Commission for all other matters under the bylaw or under these Regulations.**[Added 10-23-2007 STM, Art. 17]**

**MASSACHUSETTS STORMWATER MANAGEMENT ~~POLICY~~** **STANDARDS**— The ~~Policy~~ Standards issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act GL c. 131 § 40 and Massachusetts Clean Waters Act GL c. 21, §§ 23-56, to prevent or reduce pollutants from reaching water bodies and control the quantity of runoff from a site.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)** — Municipal

separate storm sewer system means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are: (i) owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the Federal Clean Water Act that

§ 160-3 BOXFORD CODE § 160-5

discharges to waters of the United States; (ii) designed or used for collecting or conveying stormwater; (iii) which is not a combined sewer; and (iv) which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.**[Added 10-23-2007 STM, Art. 17]**

**NPDES PHASE II REGULATED AREA** — The area within Boxford identified by the U.S. Environmental Protection Agency as "Designated MS4 Area" under the National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater Program.

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

# § 160-4. 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, and as authorized by the residents of the Town of Boxford at Town Meeting, dated May 9, 2006.

# § 160-5. Administration. [Amended 10-23-2007 STM, Art 17]

1. The Conservation Commission shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Conservation Commission may be delegated in writing by the Conservation Commission to its employees or agents.
2. The Conservation Commission may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), application requirements, permit amendment requirements, procedures and administration of this Stormwater Management Bylaw by majority vote of the Conservation Commission, after conducting a public hearing to receive comments on any proposed rules and regulations, or revisions thereto. Such hearing dates shall be advertised in a newspaper of general local circulation, at least 14 days prior to the hearing date. Failure by the Conservation Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this bylaw.
3. No work proposed in any Stormwater Management Permit shall be undertaken until the permit issued by the Commission with respect to such work has been recorded in the Registry of Deeds or, if the land affected is registered land, in the registry section of the Land Court for the district wherein the land lies and until the holder of the permit certifies in writing to the Commission that the

§ 160-5 STORMWATER MANAGEMENT § 160-6

1. permit has been recorded.
2. The Conservation Commission may take any of the following
3. actions as a result of an application for a Stormwater Management Permit: Approval, Approval with Conditions, Disapproval, or Disapproval without Prejudice.
4. A permit shall expire three years from the date of issuance. At the Commission’s discretion, any permit may be renewed twice for an additional one-year period, provided that a request for a renewal is received in writing by the Commission at least 30 days prior to expiration. Notwithstanding the above, a permit may contain requirements which shall be enforceable for a stated number of years, indefinitely or until permanent protection is in place, and shall apply to all owners of the land.

# § 160-6. Statement of Jurisdiction.1

1. No person shall perform any activity that alters a construction site or hotspot, or results in an illicit discharge, except as authorized by the Conservation Commission in a Stormwater Management Permit or as otherwise provided in this bylaw.
2. The following exemptions apply to the alteration of a construction site or hotspot
	* 1. Alteration, regardless of square footage, all of which is located outside of the NPDES Phase II Regulated Area and which does not drain to the Boxford municipal separate storm sewer system within the NPDES Phase II regulated area;
		2. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04;
		3. ~~Stormwater discharges that are authorized under an Order of Conditions issued by the Boxford Conservation Commission pursuant to the Wetlands Protection Act, MGL c. 131, § 40, and where the Order includes findings by the Commission that the discharge complies with the Massachusetts Stormwater Management Policy;~~

***1. Editor's Note: The title of this section was amended 10-23-2007 STM, Art. 17*.**

§ 160-6 BOXFORD CODE § 160-8

1. ~~(4)~~ Emergency activities necessary to protect public health or safety, so long as all necessary emergency permits or emergency certifications have been or will be obtained; and,
2. ~~(5)~~ Any work or projects for which all necessary approvals and permits have been issued before the effective date of this bylaw.

# § 160-7. Enforcement.

1. Any person who violates any provision of this bylaw, regulation, order or permit issued thereunder, shall be punished by a fine of not more than $300. Each day or part thereof that such violation occurs or continues shall constitute a separate violation.
2. As an alternative to criminal prosecution or civil action, the Conservation Commission or its agent may issue citations under the noncriminal disposition procedures set forth in MGL c. 40, § 21D, as set forth in Chapter 1 of the General Bylaws of the Town of Boxford. The penalty for the first violation shall be $100, the penalty for the second violation shall be $200, and the penalty for the third and subsequent violations shall be $300. Each day or part thereof that such violation occurs or continues shall constitute a separate violation.

# § 160-8. Severability.

The invalidity of any section, provision, paragraph, sentence, or clause of this bylaw shall not invalidate any section, provision, paragraph, sentence,

or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.