

# TOWN OF SCITUATE STORMWATER REGULATIONS

*Approved April 29, 2010*

*Revised August 10, 2023*

**1. PURPOSE.** The purpose of these regulations is to implement the Town of Scituate Stormwater Bylaw, Section 32050 of the Town of Scituate General Bylaws, adopted by March 29, 2008 Annual Town Meeting.

**2. DEFINITIONS.** The definitions contained herein apply to issuance of a Stormwater Permit as established by the Stormwater Bylaw, Town of Scituate General Bylaws Section 32050, and implemented through these Stormwater Regulations. Terms not defined in this section

shall be construed according to their customary and usual meaning unless the context indicates a special or technical meaning.

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

**APPLICANT:** A property owner or agent of a property owner who has filed an application for a Stormwater Permit.

**BEST MANAGEMENT PRACTICE (BMP):** Structural, non-structural, and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment. "Structural" BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. "Nonstructural" BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

**CERTIFICATE OF COMPLETION (COC):** A document issued by the Stormwater Authority after all construction activities have been completed which states that all conditions of an issued Stormwater Permit have been met and that a project has been completed in compliance with the conditions set forth in the Stormwater Bylaw.

**CONVEYANCE:** Any structure or device, including pipes, drains, culverts, curb breaks, paved swales or man-made swales of all types designed or utilized to move or direct stormwater runoff or existing water flow.

**DRAINAGE EASEMENT:** A legal right granted by a landowner to a grantee allowing the use of private land for Stormwater Management purposes.

**GRADING:** Changing the level or shape of the ground surface.

**EROSION CONTROL:** The prevention or reduction of the movement of soil particles or rock fragments due to stormwater runoff.

**EROSION CONTROL PLAN:** A plan that shows the location and construction detail(s) of the erosion and sediment reduction controls to be utilized for a construction site during and after construction.

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**FLOOD CONTROL:** The prevention or reduction of flooding and flood damage.

**FLOODING:** A local and temporary inundation or a rise in the surface of a body of water, such that it covers land not usually under water.

**GROUNDWATER:** All water beneath any land surface including water in the soil and bedrock beneath water bodies.

**IMPERVIOUS SURFACE:** Any material or structure on or above the ground that prevents water from infiltrating through the underlying soil. Impervious surface is defined to include, without limitation: paved surfaces (parking lots, sidewalks, driveways), roof tops, swimming pools, patios, and paved, gravel and compacted dirt surfaced roads.

**INFILTRATION:** The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.

**DISTURB:** Any activity that causes a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material.

**LOW IMPACT DEVELOPMENT:** An approach to managing stormwater runoff that emphasizes use of on-site natural features to protect water quality and the implementation of engineered smallscale hydrologic controls to replicate the pre-development hydrologic regime of watersheds through infiltrating, filtering, storing, evaporating, and detaining runoff close to its source.

**MASSACHUSETTS STORMWATER MANAGEMENT POLICY:** The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state laws and regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56. The 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.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM:** The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Scituate.

**NEW DEVELOPMENT:** Any alteration, construction or land disturbance on a parcel of land, whether currently in a natural vegetated or developed state, that will increase the building footprint or impervious area on the site, in a manner that changes the drainage pattern on-site or offsite.

**NONPOINT SOURCE POLLUTION:** Pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into water resource areas.

**OPERATION AND MAINTENANCE PLAN:** A plan that defines the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a Stormwater Management system to insure that it continues to function as designed.

**OWNER:** A person with a legal or equitable interest in a property.

**PRE-DEVELOPMENT:** The conditions that exist at the time that plans for the land development of a tract of land are submitted to the Stormwater Authority and prior to new development. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to any alteration or development that occurs in connection with a development proposal, shall establish pre-development conditions.

**POINT SOURCE:** Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

**POST-DEVELOPMENT:** The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land. Postdevelopment refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.

**RECHARGE:** The replenishment of underground water reserves.

**REDEVELOPMENT:** Any construction, alteration, improvement, where the existing land use zoning is commercial, industrial (including transportation), institutional, or multi-family residential.

**RESOURCE AREA:** Any area protected under, including without limitation: the Massachusetts Wetlands Protection Act, Massachusetts Rivers Act, or Town of Scituate Wetlands Protection Bylaw.

**RUNOFF:** Rainfall or snowmelt flowing over the ground surface.

**SEDIMENTATION:** A process of depositing material that has been suspended and transported in water.

**SITE:** The parcel of land being developed, or a designated planning area in which the land development project is located.

**STORMWATER AUTHORITY:** The town board or agency responsible for administering the Stormwater Bylaw. For alteration within the buffer zone of a wetland as defined by MGL Ch 131 S 40, the Stormwater Authority shall be the Conservation Commission. For all other alteration, the Stormwater Authority shall be the Planning Board. The Stormwater Authority or its authorized agent(s) is responsible for coordinating the review, approval and permit process as defined in the Stormwater Bylaw and these regulations. Other Boards and/or departments participate in the review process as defined in these regulations.

**STORMWATER MANAGEMENT:** The use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates. Stormwater Management includes the use of LID management practices.

**STORMWATER MANAGEMENT SYSTEM:** A manmade or natural system for controlling stormwater to prevent flooding and/or contamination of groundwater or surface water bodies.

**STORMWATER PERMIT:** A permit issued by the Planning Board or Conservation Commission, after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the deleterious affects of uncontrolled and untreated stormwater runoff.

**STOP WORK ORDER:** An order issued by the Planning Board or Conservation Commission or their authorized agent which requires that all construction activity on a site be stopped.

**TSS:** Total Suspended Solids.

**WATER QUALITY TREATMENT:** Treatment of runoff to remove typical pollutants such as suspended solids; metals such as copper, lead, and zinc; nutrients (e.g., nitrogen and phosphorous); certain bacteria and viruses; and organic compounds such as petroleum hydrocarbons and pesticides. Typical methods of water quality treatment include sedimentation/ settling, filtration, infiltration, plant uptake, ion exchange, adsorption, and bacterial decomposition.

### **3. AUTHORITY.**

**A. Adoption.** These regulations were adopted by the Planning Board on April 29, 2010, in accordance with Section 5 of the Stormwater Bylaw adopted by Town Meeting on March 29, 2008. They may be periodically amended by the Planning Board in accordance with the procedures outlined in that section.

**B. Administration.** The administration, enforcement and monitoring of these regulations shall be performed by the Stormwater Authority, as defined above, or its agent. The Town Planner shall act as agent for the Planning Board. The Conservation Agent shall act as agent for the Conservation Commission.

Nothing in these Regulations is intended to replace or be in derogation of the requirements of the Massachusetts Wetlands Protection Act, the Town of Scituate Subdivision Rules and Regulations, the Town of Scituate Wetlands Bylaw or any other state or local bylaw, or rules and regulations adopted thereunder.

The Stormwater Authority may refer any application, including those for administrative review, for a Stormwater Permit to its consulting engineer for review pursuant to MGL c.44 s.53G. Funds received shall be deposited with the Town Treasurer for this purpose. Expenditures may be made under the direction of the Stormwater Authority. The Stormwater Authority shall give written notice to the applicant of the selection of an outside consultant. The fee must be received in its entirety prior to initiation of the consulting services. The applicant may appeal the selection of the outside consultant to the Select Board. The grounds for such an appeal shall be limited to claims the consultant selected has a conflict of interest or does not possess the minimum required qualifications pursuant to MGL c. 44 s. 53G.

### **4. APPLICABILITY.**

**A. Projects Subject to the Stormwater Regulations.** All land alteration undertaken after adoption of these regulations which meets the thresholds for review of Section 3A of the Stormwater Bylaw (Town of Scituate General Bylaws, Section 32050) shall be subject to these regulations, except for activities specifically exempted by Section 3B. The thresholds of Section 3A are as follows:

**1.)** All development and redevelopment projects that will disturb or alter over 15,000 sq. ft. of land, any development of an undeveloped parcel that will increase stormwater runoff,

or a net increase of 25% or more of impervious area even if that alteration is conducted over separate phases and/or by separate owners.

**2.)** All development and redevelopment projects that will disturb or alter over 1,000 square feet of land on slopes greater than 15%, even if that alteration is conducted over separate phases and/or by separate owners.

**3.)** Construction of a new drainage system or alteration of a drainage system, serving a drainage area of more than 15,000 sq. ft. of land.

**4.)** Any development or redevelopment involving land uses with higher potential pollutant loads as defined in the Massachusetts Stormwater Standards, Volume 1, Stormwater Policy Handbook.

**B. Exemptions.** Activities exempted from these regulations by Section 3B of the Stormwater

Bylaw are as follows:

**1.)** Construction on an individual lot within a subdivision that has previously been issued a Stormwater Permit, so long as development or alteration of the individual lot conforms to the grading, building envelopes, total impervious area and drainage patterns described in the subdivision's Stormwater Permit. For these regulations, development subject to conditions under a valid approval of a Definitive Subdivision Plan or Special Permit where stormwater was reviewed by the Planning Board's consulting engineer or subject to Orders of Condition issued by the Conservation Commission shall be considered to have received a Stormwater Permit.

**2.)** Landscaping for a single-family home that involves the addition or removal of fewer than 100 cubic yards of soil material or alteration of less than two feet of elevation with maintenance of existing drainage patterns.

**3.)** Repair and replacement of existing roofs.

**4.)** Construction of walls and fencing that will not alter existing drainage patterns.

**5.)** Use, maintenance, and improvement of agricultural land.

**6.)** Construction of utilities, other than drainage, that will not alter existing terrain or drainage patterns, including repairs to existing septic systems when required by the Board of Health.

**7.)** Emergency repairs to any existing stormwater management facility.

**8.)** Routine maintenance and improvement of town-owned public ways.

**5. PRE-APPLICATION REVIEW.** Pre-application review is intended to promote a dialogue between the Town and the applicant regarding the intended approach to stormwater management, and is encouraged by the Stormwater Bylaw. Pre-application review may include informal discussion with the appropriate Stormwater Authority at a regularly scheduled meeting, or with its agent, as desired by the applicant.

## **6. ADMINISTRATIVE STORMWATER PROJECT REVIEW FOR LOW IMPACT PROJECTS.**

**A. Applicability.** For projects which do not alter an area greater than 40,000 sq. ft., or alter

any area with a slope of 15% or greater, the Town Planner or Conservation Agent may issue a Stormwater Permit following an Administrative Stormwater Project Review. This review is intended to increase efficiency in the issuing of permits. An applicant may also request a Public Hearing by the Stormwater Authority as applicable under Section 3B of these Regulations and as provided in Section 7, Stormwater Permits.

## **B. Procedure.**

**1.) Application Contents.** All applications for Administrative Stormwater Project Review shall include a Stormwater Application Form and a statement signed by the applicant or his representative that the drainage system can be expected to result in postdevelopment runoff characteristics (including peak flow, total volume of runoff, and water quality of the runoff) for development and redevelopment projects equal to or less than the pre-development runoff characteristics. It is recommended that this be in the form of a certification by a Professional Engineer. All applications shall also include a Stormwater Report including:

- a brief narrative describing the proposed system of stormwater management,
- the stormwater practices employed, including best management practices, better site design and Low Impact Development techniques
- a diagram depicting the flow of runoff through the proposed system for treatment
- a plan showing existing and proposed topography and site conditions, the alteration or development proposed and its extent, and identifying all wetland resource areas
- a plan clearly indicating measures to be used to control erosion and sedimentation which may occur during construction.

It is recommended that the Stormwater Management Plan be prepared by a Licensed Professional Engineer.

**2.) Approval.** Prior to approval of a project under Administrative Stormwater Project Review, the Town Planner or Conservation Agent may recommend modifications to a project to make it better conform to the Stormwater Bylaw. Approval shall be indicated by issuance of a Stormwater Permit by the Town Planner or Conservation Agent. Recommended modifications will be provided in writing to the applicant, at the time of issuance of the Permit. This shall include the reasons the modifications were recommended.

**3.) Referral.** The Town Planner or Conservation Agent may refer applications to the Planning

Board or Conservation Commission, respectively, when an application is complex, or where stormwater appears to negatively impact activities on or off-site, including proposed activities on the site, existing public or private stormwater systems, and natural resources, based on increased stormwater volume or rate of peak flow.

## **7. APPROVAL OF STORMWATER PERMITS BY PLANNING BOARD OR CONSERVATION COMMISSION.**

**A. Requirement.** Except for those projects exempted under Section 3B of the Stormwater Bylaw, or subject to Administrative Stormwater Project Review, any alteration of land subject to the Stormwater Bylaw shall require approval of a Stormwater Permit by the applicable Stormwater Authority prior to the issuance of a building permit.

## **B. Procedure.**

**1.) Application for Stormwater Permits.** The items listed below shall be included in all applications for Stormwater Permits. Fourteen copies of all components of the application shall be filed with the Town Planner or the Conservation Agent, as applicable. The applicant may be required to pay for the cost of a consulting engineer or administrative

expenses associated with the processing of the application.

- a. Stormwater Application Form.** All applications shall include a completed Stormwater Application Form.
- b. Statement of Adequacy of Stormwater Management System.** All applications shall contain a statement signed by the applicant or his representative that the drainage system can be expected to result in post-development runoff characteristics (including peak flow, total volume of runoff, and water quality of the runoff) for development and redevelopment projects equal to or less than the predevelopment runoff characteristics. It is recommended that this be in the form of a certification by a Professional Engineer.
- c. Stormwater Management Plan.** The applicant shall provide a Stormwater Management Plan showing the site, the area and location of the proposed alteration, existing and proposed topography, the expected direction of stormwater flow and the mitigation measures to be used to manage it, including proposed LID techniques. This plan shall clearly indicate measures to be used to control erosion and sedimentation which may occur during construction. It is recommended that this plan be stamped by a Licensed Professional Engineer.
- d. Narrative and Drainage Calculations.** The applicant shall provide a narrative and supporting drainage calculations containing sufficient information for the Town to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater.
- e. Information on Operation and Maintenance of Stormwater Management System.** Information on the proposed operation and maintenance of the stormwater management system and proposed Maintenance Agreements for one or more homeowners responsible for maintaining private systems, shall be submitted with the application. Maintenance agreements shall identify the party responsible for maintenance and include a schedule of maintenance and inspections.
  - The owner of property containing a Stormwater Management System, or any other person or entity in control of such property, shall maintain the system in good condition including all man-made and natural components in accordance with the approved plans and these regulations.
- f. Subdivisions.** For subdivisions, submittals shall include all requirements for drainage review as defined by the Town of Scituate Subdivision Rules and Regulations.

**2.) Comments from Town Boards and Departments.** Following receipt of a completed application, the Planning Board or Conservation Commission, as applicable under Section 3B of these Regulations, shall request comments from the Conservation Commission or Planning Board (whichever board is not responsible for project review under Section 3B of these Regulations), Board of Health, Department of Public Works, Water Resources Committee and other town boards or authorities as each board finds appropriate. The Stormwater Permit shall not be issued until comments are received from those boards and authorities to which the application was circulated, or until after 14 days have elapsed since the application was circulated for review, whichever comes first.

**3.) Requests for Stormwater Permits for Projects that Require Other Public Hearings.** Stormwater issues for any project may be discussed in conjunction with other required Public Hearings. In this situation, a request for issuance of a Stormwater Permit shall be noted with the subject of other Public Hearing(s) in the legal advertisement and

notice to abutters. A decision on the Stormwater Permit shall be made by the Planning Board prior to action on a Definitive Subdivision Plan or Special Permit.

**4.) Requests for Stormwater Permits for Projects that Do Not Require Other Public Hearings.** While the stormwater permit review shall not generally require a special public hearing, the Planning Board or Conservation Commission as applicable under Section 3B of these Regulations, may choose to hold a Public Hearing to solicit public comment. The procedure for these Public Hearings shall be as follows:

**a. Notice to Abutters.** All applicants for a Stormwater Permit shall give written notice thereof, by certified mail return receipt requested, to all directly adjacent abutters at their mailing addresses shown on the most recent applicable tax list of the Assessor's, including owners of land directly opposite on any public or private street or way no less than seven days prior to the date of such hearing. The notice to abutters shall enclose a copy of the Stormwater Permit application or shall state where copies may be examined and obtained. If the applicant is not the owner of the property, the Stormwater Permit application shall include a certification that the owner has been provided a copy of the application.

**b. Legal Advertisement.** Notice of the time and place of the Public Hearing at which the Stormwater Permit shall be considered shall be given by the applicant at their own expense, by publication in a newspaper of general circulation in the Town of Scituate no less than seven days prior to the date of such hearing, or in the case of a Notice of Intent, according to the schedule normally used for those filings.

**5.) Action by Planning Board or Conservation Commission.**

**a. Time Frames for Action.** For a Stormwater Permit for a single family home or a residential duplex, the Stormwater Authority shall file its decision with the Town Clerk and the Building Commissioner within ~~twenty-one (21)~~ **thirty (30) days** of the receipt of a completed application. For all other development, a decision shall be made prior to approval of a Special Permit or Definitive Plan, if required, or prior to issuance of a building permit if a Special Permit or Definitive Plan is not required.

The review period may be extended by mutual consent of the Planning Board or its designee and the applicant. Failure to extend the review period or take action on the application before the deadline for action shall be deemed to be approval of such application.

**Failure to Act.** Upon certification by the Town Clerk that the allowed time has passed without action by the Stormwater Authority, the Stormwater Permit shall be deemed to be constructively approved.

**b. Decision.** Following the close of the Public Hearing, or following review and discussion at a public meeting when a Public Hearing is not required, the Planning Board or Conservation Commission, as applicable under Section 3B of these Regulations, shall either:

- Approve the application and issue a Stormwater Permit if it finds that the proposed plan meets the objectives and requirements of the Stormwater Bylaw and these regulations.
- Approve the application and issue a Stormwater Permit with conditions, modifications,



or restrictions as necessary to ensure protection of water resources or to meet the objectives and requirements of the Stormwater Bylaw and these regulations.

- Disapprove the application and deny a Stormwater Permit if it finds the proposed plan fails to meet the objectives of the Stormwater Bylaw, in which case the reason(s) will be provided to the applicant.

**c. Appeals.** Decisions under these Regulations shall be reviewable by the Stormwater Authority if an appeal of the decision is filed with the Town Clerk within twenty days thereof, and if the applicant files with such appeal a complete application for a Stormwater Permit.

### **8. LOW IMPACT DEVELOPMENT (LID) APPROACH TO STORMWATER MANAGEMENT.**

When proposing a development or redevelopment project subject to these regulations, the preferred approach shall be environmentally sensitive site design that incorporates low impact development (LID) techniques in addition to stormwater best management practices. The intent of the LID approach is to develop a site plan that:

- 1.) Utilizes natural hydrology to manage stormwater.
- 2.) Minimize impervious surfaces.
- 3.) Treat stormwater in numerous small, decentralized structures.
- 4.) Use natural topography for drainage ways and storage areas.
- 5.) Preserve portions of the site in undisturbed, natural conditions. To the greatest extent possible, maintain existing vegetation so that it can continue to absorb and treat stormwater. Where vegetation is maintained, it shall be identified as a nondisturbance or no-cut area on subdivision or site plans, and on contractor's specifications.
- 6.) Lengthen travel paths to increase time of concentration and attenuate peak rates.
- 7.) Disconnect impervious surfaces. All applications for Administrative Stormwater Project Review or Stormwater Permits are required to show how LID will be incorporated, or provide an explanation why it will not be feasible to utilize LID.

**9. STORMWATER MANAGEMENT PERFORMANCE STANDARDS.** All land alteration must meet or exceed the following standards of the latest edition of Massachusetts Stormwater Management Standards, except that a redevelopment project is required to meet the following Stormwater Management Standards only to the maximum extent practicable: Standard 2, Standard 3, and the pretreatment and structural best management practice requirements of Standards 4, 5, and 6. A redevelopment project shall also comply with all other requirements of the Stormwater Management Standards and improve existing conditions. Existing stormwater discharges shall comply with Standard 1 only to the maximum extent practicable.

- 1.) No new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the Commonwealth.
- 2.) Stormwater management systems shall be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates. This Standard may be waived for discharges to land subject to coastal storm flowage as defined in 310 CMR 10.04.
- 3.) Loss of annual recharge to groundwater shall be eliminated or minimized through the use of infiltration measures including environmentally sensitive site design, low

impact development techniques, stormwater best management practices, and good operation and maintenance. This Standard is met when the Stormwater Management System is designed to infiltrate the required recharge volume as determined in accordance with the Massachusetts Stormwater Handbook.

To prevent storm damage, alteration of stream channels, and down-gradient or offsite flooding, post-development discharge volume shall not exceed predevelopment discharge volume for the 2-year, 10-year, and 100-year 24-hour storms, and for each design point if flow leaves the property in more than one direction. Applicants must demonstrate volume control for these storm events through intelligent site design, on-site storage, and reuse, by incorporating BMPs such as LID techniques (preferred,) or extended dry detention basins, or wet basins.

Water quality BMPs must treat the first ½-inch of runoff. In critical areas, such as shellfish beds, coldwater fish habitats, public swimming beaches, and public drinking water recharge areas and reservoirs, BMPs must treat the first 1-inch of runoff. Recharge must be provided to offset the recharge lost due to site development to the maximum extent practicable (authorization may be required through the Mass. Underground Injection Control program, 310 CMR 27.00, see: <http://mass.gov/dep/brp/dws/regs.htm>).

**4.)** Source controls, pollution prevention measures and Best Management Practices (BMPs) in Massachusetts must be designed to remove 80% of the Total Suspended Solids (TSS) load. Within the Water Resource Protection District, a 90% removal rate shall be required. This district is as shown on the most recent Town of Scituate Zoning Map as provided in paragraph 6 below.

**5.)** For land uses with higher potential pollutant loads, source control and pollution prevention shall be implemented in accordance with the Massachusetts Stormwater Handbook to eliminate or reduce the discharge of stormwater runoff from such land uses to the maximum extent practicable.

**6.)** Stormwater discharges within the Zone II or Interim Wellhead Protection Area of a public water supply, and stormwater discharges near or directed to any other critical area, require the use of the specific source control and pollution prevention measures. A discharge is near a critical area if there is a strong likelihood of a significant impact occurring to said area, taking into account site-specific factors and the specific structural stormwater best management practices determined to be suitable for managing discharges to such areas, as provided in the Massachusetts Stormwater Handbook. Stormwater discharges to a Zone I or Zone A are prohibited unless essential to the operation of a public water supply. Stormwater discharges to Outstanding Resource Waters<sup>2</sup> and Special Resource Waters shall be removed or set back from the receiving water or wetland and receive the highest and best practical method of treatment.

**7.)** A plan to control construction-related impacts including erosion, sedimentation and other pollutant sources during construction and land disturbance activities (construction period erosion, sedimentation, and pollution prevention plan) shall be developed and implemented.

**8.)** A long-term operation and maintenance plan shall be developed and implemented to ensure that Stormwater Management Systems function as designed.

**10. INSPECTIONS.** Construction inspections will be conducted by the Town Planner or Conservation Agent for the Stormwater Authority they serve, as applicable. All inspections shall be documented with written reports that describe compliance with the approved plan and construction specifications, and note any variations.

- a. Surety – The Permitting Authority may require the deposit of cash or bond, as acceptable to the town Treasurer, to secure the performance of any obligation by an applicant as a condition of a license, permit or other approval or authorization.

Monies shall go into a separate interest-bearing account and all interest earned thereon shall remain with the monies in the account.

The project shall be deemed complete when the Permitting Authority determines that each condition of the permit or other approval or authorization has been satisfied. Default shall occur if the Permitting Authority determines that any condition of the permit or other approval or authorization has not been completed within three (3) years of the issuance of the permit, unless the time period is extended by vote of the Permitting Authority.

The monies or other security shall be returned to the applicant when each of the following occurs; 1) an acceptable as-built plan has been submitted to the Permitting Authority; 2) the project is deemed complete by the Permitting Authority; 3) a Certificate of Completion has been issued by the Permitting Authority; and 4) the applicant submits a written request to the Permitting Authority to return the monies or other security.

Upon default, the monies in the account or other security shall be used to secure the performance of any uncompleted condition in the permit or other approval or authorization.

**11. CERTIFICATE OF COMPLETION.** The Stormwater Authority will issue a letter certifying completion of work under a Stormwater Permit 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 the Bylaw. No Certificate of Completion will be issued unless and until the components of the stormwater management system are functioning in accordance with the Stormwater Permit and its conditions, if any.

**12. ENFORCEMENT.** The Stormwater Authority may issue a Stop Work Order and/or may utilize a non-criminal disposition procedure, as authorized under Town of Scituate General Bylaw Section 10230, to enforce these regulations and the Town of Scituate Stormwater Bylaw.

**13. INVALIDITY.** The invalidity of any section or provision of these regulations shall not invalidate any other section or provision thereof.

<sup>2</sup>A “stormwater discharge” as defined in 314 CMR 3.04(2)(a)1 or (b) to an Outstanding Resource Water or Special Resource Water shall comply with 314 CMR 3.00 and 314 CMR 4.00.

