



TOWN OF GRAFTON
GRAFTON MEMORIAL MUNICIPAL CENTER
30 PROVIDENCE ROAD
GRAFTON, MASSACHUSETTS 01519
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**DEPARTMENT OF
PUBLIC WORKS**

April 29, 2013

Glenda Veldez - CIP
United States Environmental Protection Agency
5 Post Office Square - OEP06-01
Boston, MA 02109-3912

Re: NPDES Phase II Small MS4 General Permit Annual Report

Dear Madam:

The Town of Grafton, Massachusetts is pleased to submit the NPDES Phase II Small MS4 General Permit Annual Report, with a copy also submitted to the Massachusetts Department of Environmental Protection (DEP). This submittal is in accordance with the Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System (NPDES) Stormwater Phase II Regulations and the Massachusetts DEP requirements.

The enclosed report is signed and certified in accordance with 40 CFR 122.22 and documents the status of the Town of Grafton Stormwater Management Program (SWMP) with information including: The text portion of the original 2003 NPDES Phase II Small MS4 Five-Year Municipal Stormwater Management Plan (without Appendices) and the annual report form that includes the following:

- a self-assessment review of compliance with the permit conditions;
- an assessment of the appropriateness of the selected BMPs;
- an assessment of the progress towards achieving the measurable goals;
- a summary of results of any information that has been collected and analyzed;
- documentation of activities for the next reporting cycle;
- documentation of any changes in identified BMPs or measurable goals; and
- reference to any reliance on another entity for achieving any measurable goal.

If you have any questions or comments, please contact me at 508-839-5335 x 124. Thank you.

Very truly yours,

Brian Szczurko
Assistant Engineer, Department of Public Works

cc: Fred Civian, MA Department of Environmental Protection - Office of Watershed Management
John Bechard, VHB
Bethany Eisenberg, VHB

Municipality/Organization: Town of Grafton

EPA NPDES Permit Number: W 035459

MassDEP Transmittal Number: (Form BRP WM 08A, 2003, W-035459)

Annual Report Number & Reporting Period: **Year 10**
May 1, 2012 – April 30, 2013

NPDES PII Small MS4 General Permit Annual Report (Due: May 1, 2013)

Part I. General Information: *Transmittal Number W 035459*

Contact Person: Brian Szczurko Title: Assistant Engineer

Telephone #: 508.839.5335 x 124 Email: szczurkob@grafton-ma.gov

Mailing Address: 30 Providence Road, Grafton, MA 01519

Certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: 

Printed Name: Timothy P. McInerney

Title: Town Administrator

Date: 4/28/13

Part II. Self-Assessment

The Town of Grafton has made significant progress towards meeting the requirements of the MS4 permit. In 2009, the Town of Grafton adopted stormwater and an illicit discharge bylaws. The Town Conservation Commission (Con Com) and the Department of Public Works (DPW), respectively, have successfully integrated the bylaws and implementation into their operations.

Since 2003, the Town of Grafton has completed several significant housekeeping activities to reduce pollution from municipal sources including: connecting the DPW garage to the Town sewer, moving vehicle washing activities indoors, reducing pesticide applications and controlling fertilizer applications. The roof of the salt/sand storage shed was repaired; currently, the materials are stored under cover. In 2012 the underground fuel storage tank was removed. In 2013, it will be replaced with an above ground storage tank that will meet the requirements of the Spill Prevention and Control Countermeasure regulations.

The Town has continued the street-sweeping program. During the spring, the Town sweeps the entire town concentrating on industrial/commercial areas first and then moving out to the remaining roadways. The Town performs catch basin cleaning as needed, focusing on infrastructure adjacent to Flint Pond.

The Town continues to support public education and outreach activities described herein. The DPW reached out to the Sudbury Assabet Concord (SuAsCo) Community Council's Water Quality/Water Quantity Sub-committee to provide some services. Last year, the Town purchased a suite of educational materials for distribution and display for residents, businesses, and students. The receipt of this material was delayed and the Town expects to have it in hand by June 2013. In 2012, the Town reached out to the Central Massachusetts Regional Stormwater Coalition (CMRSC) to take advantage of state funding (the 2013 CIC Grant) to support NPDES MS4 compliance activities including outfall and system network mapping (attachment). DPW has reached out to the school district to begin the process of reinstating the integration of stormwater related curriculum into the elementary and high schools following the retirement of the supporting faculty member. The DPW has compiled educational reference materials and expanded the content of the Town Website. The Town will use materials provided as part of the agreement with the CMRSC to further expand educational content available to the public on the Town Website.

Watershed groups continue to be active in organizing public events including town-wide clean-up days. On Earth Day weekend, April 20-21, 2013, the Grafton Land Trust, Grafton Democrats, the Grafton Community Emergency Response Team, the Unitarian Universalist Society of Grafton and Upton, and Garden Club participated in community clean-up events. On April 27, the Garden Club will sponsor an additional clean up event. The DPW supports clean-up activities by providing trash bags and removal services. On Arbor Day, the Highway Department will sponsor a planting program involving children's groups. This year, the Town completed a purchase of land on Creeper Hill Road, adjacent to TMDL- impaired Flint Pond, as part of a conservation program.

However, the Town still has some work to do to meet some significant obligations of the original MS4 permit. The Town has not yet completed mapping the outfalls in urbanized areas; the Town estimates that outfall mapping is approximately 80% complete. Because the outfall mapping is not yet complete, other tasks have not been completed including (1) counting the number of direct discharges to waterbodies listed in the original MS4 permit application and consulting with (2) the U.S. Fish and Wildlife and (3) the National Register of Historic Places to determine if outfalls impact special resource areas. The Town will use the 2013 CIC grant and resources to complete these tasks.

In 2012, the Conservation Commission added an item to the standard order of conditions requiring submittal of site as-builts in digital format. The Town has begun the process of integrating the as-built data into the town-wide GIS system. From 2012 forward, all stormwater infrastructure built for private development projects that are required to comply with the local stormwater bylaw will be 100% mapped following project completion.

The Town has not implemented a systematic program to inspect outfalls and identify illicit discharges, although inspections do occur as part of routine maintenance activities. The Town will pursue resources to support conducting the required activities. Ideas for funding and managing the program, proposed in 2012/2013, include implementing an application process and fee for accommodating Sump Pump Discharges. Despite the lack of a systematic supported program to inspect outfalls in general, outfalls to the impaired TMDL waterbody, Flint Pond, were identified, inspected, and cleaned in April 2013. No illicit discharges were detected.

Part III. Summary of Minimum Control Measures

1. Public Education and Outreach

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 10 (Reliance on non-municipal partners indicated, if any)	Planned Activities
1A	Stormwater Flyer Residents	DPW & SuAsCo	Year 1: distribute flyer to 75% of Town residents.	SuAsCo did not deliver the purchased materials in calendar year 2012.	Include the 2013 SuAsCo flyer in the next real-estate tax bill mailing. Add links to the materials (SuAsCo and 2013 CIC grant materials) to the Town website as they become available.
Revised			Ongoing program. one mailing per year Provide links to materials on the Town website.	SuAsCo will provide 2013 educational materials (anticipated June 2013). Older flyers continued to be available on a self-service basis at the Town offices. Links to the materials are also available on the Town website.	
1B	Lesson Plan for 5 th Grade	DPW & SuAsCo	Year 2: Develop, distribute, and teach lessons at one or more 5 th grade classrooms in the community.	A copy of the lesson plan is available at the DPW office. Outreach activities for youth groups included Boy Scouts's participation in town clean up days.	Continue reaching out to youth groups in Town and encouraging teaching faculty to include stormwater in the curriculum. Make 2013 CIC grant materials available to the faculty as it becomes available.
Revised					
1C	Stormwater Flyer Businesses	DPW & SuAsCo	Year 3: Distribute flyer to 50% of Town businesses.	SuAsCo did not deliver the purchased materials in calendar year 2012.	Include the 2013 SuAsCo flyer in the next real-estate tax bill mailing. Add links to the materials (SuAsCo and 2013 CIC grant materials) to the Town website as they become available.
Revised			Ongoing program, one mailing per year. Provide links to materials on the Town website.	SuAsCo will provide 2013 educational materials (anticipated June 2013). Older flyers continued to be available on a self-service basis at the Town offices. Links to the materials are also available on the Town website.	

1D Revised	Stormwater Media Campaign	DPW & SuAsCo	Year 4 requirement Met goal.	Met one-time goal. Materials are currently posted on the town website.	Publish one informational article in the local newspaper when the new permit is issued by the EPA.
1E Revised	Stormwater Video <i>09/05 – Powerpoint Presentation</i>	DPW & SuAsCo DPW & SuAsCo	Year 5 requirement Met goal.	Met one-time goal. The educational PowerPoint presentation remains on file in the DPW office.	
1F Revised	Grafton-Specific Stormwater Flyers	DPW	Year 1, 3: Distribute Grafton-specific brochure along with SuAsCo brochures. Ongoing program, one mailing per year. Provide links to materials on the Town website.	SuAsCo did not deliver the purchased materials in calendar year 2012. SuAsCo will provide 2013 educational materials (anticipated June 2013). Older flyers continued to be available on a self-service basis at the Town offices. Links to the materials are also available on the Town website.	Add links to the materials (SuAsCo and 2013 CIC grant materials) to the Town website as they become available.
1G Revised	Coordinate with Businesses and Landscapers	DPW	Coordinate education and the use and sale of slow-release fertilizers.	The Town offices contain self-service educational materials for businesses and landscapers who enter the town offices pursuing support or permits. Links to educational materials developed by others are also available on the Town website.	Continue to provide self-service materials at the Town offices. Add links to the materials (SuAsCo and 2013 CIC grant materials) to the Town website as they become available.
1H Revised	Stormwater Flyer for Agriculture	DPW	Year 3: Distribute flyers to agricultural owners/properties Provide links to educational materials on the Town website.	Links to the educational materials are available on the Town website.	Coordinate with the Agricultural Commission to add stormwater education to their agenda. Add links to the materials (SuAsCo and 2013 CIC grant materials) to the Town website as they become available.
1I Revised	Newspaper Articles	DPW	At least 1 article per year.	No activity this year.	Publish an educational article on pet waste in the local newspaper by June 1. (Attachment)

IJ	Stormwater Info on Town Website	DPW	Ongoing Program to distribute educational materials via the web.	The stormwater and illicit discharge bylaws and other assorted educational materials are available on the Town website.	Continue to update and expand the site with current educational materials as they become available. http://www.grafton-ma.gov/Public_Documents/GraftonMA_dpw/index_DPW
Revised					
IK	Trees and their use in stormwater management	DPW/Tree Warden	Ongoing Program	Grafton continues to participate in the Tree City program. The program includes purchasing seeds and saplings and recruiting schoolchildren to plant them as part of Arbor Day activities. (April 26, 2013).	Continue to seek funding to continue this program.
Revised					

1a. Additions

2. Public Involvement and Participation

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 10 (Reliance on non-municipal partners indicated, if any)	Planned Activities
2A	Stormwater Traveling Display	DPW & SuAsCo	Year 1-5: Stormwater display circulates around the community for a minimum of 3 months; Stormwater display is posted at a minimum of 3 different public locations in the community; Stormwater display is also used in future permit years for posting in public places or at stormwater events	Continued to display the older poster and flyers at the kiosk at the Town Offices. SuAsCo did not deliver the purchased materials in calendar year 2012. SuAsCo will provide 2013 educational materials (anticipated in June 2013).	Continue to display the older educational materials at the Town Offices. Display the 2013 materials at the Town Offices. Present the new materials to the public at the Annual and any Special Town Meetings.
Revised					
2B	Poster Contest for 5 th Graders	DPW & SuAsCo	Year 2: Poster contest held and entries received, judged, and displayed.	Initiated contact with the school district to re-instate this program following the retirement of the sponsoring faculty member.	Continue to encourage faculty to present stormwater matters in their lesson plans during the 2013/2014 school year. Use the 2013 CIC grant to provide support and materials to faculty to facilitate this.
Revised					
2C	Photo Contest for High Schoolers	DPW & SuAsCo	Year 3: Photo contest is held and entries are received, judged, and displayed.	Initiated contact with the school district to re-instate this program.	Continue to encourage faculty to present stormwater matters in their lesson plans during the 2013/2014 school year. Use the 2013 CIC grant to provide support and materials to faculty to facilitate this..
Revised					
2D	Stormwater Summit Event	DPW & SuAsCo	Year 4 requirement. Met.	One-time event in 2006.	None.
Revised					

2E Revised	Stormwater Super Summit Event	DPW & SuAsCo	Year 5 requirement. Met.	One-time event in 2007.	None.
2F Revised	Annual Stormwater Public Meeting	DPW	Hold public hearing by February every year.	Not held in February 2013 because there were no significant changes in the plan or program.	Present the requirements of the new permit at the Selectmen's meeting once the EPA has finalized the terms.
2G Revised	Watershed Group Involvement	DPW & Local Groups	Continue ongoing activities of local watershed groups such as cleanup and monitoring.	Various Town organizations held a cleanup event on April 21, 2013 (Earth Day). DPW provided trash bags and pickup services.	Continue the program to support activities with various watershed groups. Use the 2013 CIC grant to provide support and materials to facilitate this.
2H Revised	Involve Local Children's Groups	DPW	Children's groups help distribute or display educational information once per year.	See public outreach item 1K, 2G including Arbor Day, Earth Day, and Tree City activities.	Continue the program for coordinated activities with children's groups. Use the 2013 CIC grant to provide support and materials to facilitate this.
2I Revised	Purchase Land for Conservation	DPW, various Town Agencies	Ongoing Program	Town pursues purchasing Chapter 61A land as availability and funding dictate. Creeper Hill Road property purchased.	Continue with the program as properties and funds are available.

2a. Additions

3. Illicit Discharge Detection and Elimination

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 10 (Reliance on non-municipal partners indicated, if any)	Planned Activities
3A Revised	Illicit Discharge Bylaw	DPW	Develop/Implement Bylaw. Met Goal.	Article 37 adopted May 2009.	Continue to implement bylaw. (Attachment)
3B Revised	Storm Sewer Map	DPW	Map 100% of Outfalls in Urbanized Areas by Permit Year 5	Requested and received a proposed scope of work and cost estimate to complete this task. Signed on to the 2013 CIC Grant with the CMRSC to leverage funding available to locate the outfalls and to plot the points in GIS format.	Use 2013 CIC Grant to facilitate the following tasks: Complete the outfall mapping by September 30, 2013. Calculate number of outfalls discharging to waterbodies listed in the original permit application by October 31, 2013. Initiate consultation with U.S. Fish and Wildlife to determine if the outfalls impact endangered species by November 30, 2013. Initiate consultation with the National Register of Historic Places to determine if the outfalls impact archaeological resources or Historic Properties of National Significance November 30, 2013.
3C Revised	Detection & Elimination Plan	DPW	Year 1: Determine priority areas and discuss plan. Year 1-5: Visually screen 20% of outfalls. Year 4-5: Trace sources of illicit discharges (50% each year). Year 4-5: Remove all sources of illicit discharges (50% each year)	There has been no systematic activity to screen outfalls for illicit discharges. However, during normal operations, suspect observations are recorded and kept by the DPW. To date, one illicit discharge has been identified. Signed on to the 2013 CIC Grant with the CMRSC to leverage funding available to implement a detection and elimination program.	Use 2013 CIC grant to support developing a discharge screening program. Continue to inspect outfalls during the course of normal operations and document and investigate suspect observations.

3D	Education for Public & Businesses	DPW	Year 1, 3: Include illicit discharge education in the community business and Grafton-specific flyers.	Older flyers continued to be available on a self-service basis at the Town offices. Links to IDDE fact-sheet materials are available on the Town website.	Add links to the materials (SuAsCo and 2013 CIC grant materials) to the Town website as they become available.
Revised			Provide links to materials on Town website.		
3E	Education for Municipal Employees	DPW	Year 2-5: Include illicit discharge education.	All current DPW employees are trained to identify illicit discharges.	Train new staff as necessary. Use 2013 CIC grant to support training activities.
Revised					
Revised					

3a. Additions

4. Construction Site Stormwater Runoff Control

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 10 (Reliance on non-municipal partners indicated, if any)	Planned Activities
4A Revised	Construction Site Runoff Bylaw	DPW, Planning, & Con Com	Develop & Implement Bylaw. Goal Met.	Article 36, adopted May 2009.	Continue to implement bylaw.
4B Revised	Erosion, Sediment, & Waste Controls	DPW, Planning, & Con Com	Develop & Implement Bylaw	Article 36, adopted May 2009. Refers to MassDEP Stormwater Management Standards and Guidance Documents.	Continue to implement bylaw.
4C Revised	Site Plan Review Procedures	DPW, Planning, & Con Com	Develop & Implement Bylaw	Article 36, adopted May 2009. Refers to MassDEP Stormwater Management Standards and Guidance Documents.	Continue to implement bylaw. The Planning Board will finalize the draft checklist. Projects are currently reviewed for compliance with local and state bylaws and regulations.
4D Revised	Site Inspection & Enforcement	DPW, Planning, & Con Com	Develop & Implement Bylaw	Approximately 50 site inspections in 2012. Approximately 5 sites cited with enforcement actions.	Continue to implement bylaw.
4E Revised	Stormwater Hotline	DPW, Planning, & Con Com	Receipt of complaints at DPW	Residents call town emergency services, the Highway Department, and the DPW. Reports are referred to the DPW. Hundreds of calls are received and responded to annually.	Continue the program.
Revised					

4a. Additions

5. Post-Construction Stormwater Management in New Development and Redevelopment

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 10 (Reliance on non-municipal partners indicated, if any)	Planned Activities
5A Revised	Post-Construction Site Runoff Bylaw	DPW, Planning, & Con Com	Develop & Implement Bylaw	Article 36, adopted May 2009. In 2012/2013, the Conservation Commission began the process to develop standards for enforcement.	Continue to implement bylaw. the Conservation Commission anticipates that the regulations will be adopted at the May 7, 2013 hearing.
5B Revised	Structural & Non-Structural BMPs	DPW, Planning, & Con Com	Develop & Implement Bylaw	Article 36, adopted May 2009. Refers to MassDEP Stormwater Management Standards and Guidance Documents for BMP list.	Continue to implement stormwater BMP requirements for projects in the Town. The DPW reviews plans prior to construction and then reviews the as-built condition before a project is accepted. Before a project is accepted, the DPW inspects sites to verify that the stormwater facilities function as designed.
5C Revised	Long-Term O&M	DPW, Planning, & Con Com	Develop & Implement Bylaw	Article 36, adopted May 2009. Refers to MassDEP Stormwater Management Standards and Guidance Documents.	Continue to implement bylaw.
5D Revised	Structural BMP Implementation Procedures	DPW, Planning, & Con Com	Develop & Implement Bylaw	Article 36, adopted May 2009. Refers to MassDEP Stormwater Management Standards and Guidance Documents.	Continue to implement bylaw.

5a. Additions

6. Pollution Prevention and Good Housekeeping in Municipal Operations

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 10 (Reliance on non-municipal partners indicated, if any)	Planned Activities
6A	Municipal Employee Training	DPW	Develop a comprehensive Municipal Operations and Maintenance Plan to include training protocols.	All DPW staff is currently trained in stormwater management.	Train new staff as needed. Incorporate 2013 CIC materials into training curriculum.
Revised					
6B	Maintenance & Inspection Procedures	DPW	Develop a comprehensive Municipal Operations and Maintenance Plan to include activities, schedules and procedures.	Annual programs are in place to clean catch basins and sweep streets. The streets are swept in the spring and fall. Catch basins are cleaned at least once per year starting in the spring. Known problem areas are addressed more often. Records for these activities are kept with the Highway Superintendent.	Continue with the program.
Revised					
blank					

6C	Municipal Pollutant Source Reduction	DPW	Develop a comprehensive Municipal Operations and Maintenance Plan to include BMPs to reduce municipal pollution sources	<p>In 2003, Grafton hired a consultant to assess the Municipal Operations in the Town with respect to Stormwater. The assessment recommended:</p> <ul style="list-style-type: none"> -Connecting the DPW garage to the sewer. This task was accomplished in 2010. -Performing vehicle washing indoors. As of 2010, this is routine procedure. -BMPs for the sand/salt piles. The storage shed was rehabilitated; the materials are now completely covered. -The underground fuel storage tank was removed in 2012. The above ground storage tank will be constructed in 2013. -Assess pesticide and fertilizer operations. As of 2012, pesticide applications were limited to treatment of catch basin sump water. Fertilizer applications (where necessary) are limited to 10/10/10 organic applied at a rate of 3 pounds per 1000 SF. Note that all major tasks have been completed as of April 2013. 	-Continue to encouraging “Do not Dump” catch basin castings and drain covers. The Town has materials to and will continue to mark catch basins with a “Do Not Dump” message.
Revised					
6D	Waste Disposal Procedures	DPW	Develop a comprehensive Municipal Operations and Maintenance Plan to include BMPs to reduce municipal pollution sources	Materials are collected and properly disposed of by a licensed 3 rd party.	Continue with the program.
Revised					

6a. Additions

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7. BMPs for Meeting Total Maximum Daily Load (TMDL) Waste Load Allocations (WLA) <<if applicable>>

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 10 (Reliance on non-municipal partners indicated, if any)	Planned Activities
7A	Residential and Commercial Education	DPW	Provide links to materials on the Town website.	Met goal, refer to items 1A, 1C.	Expand educational materials on Town website as they become available (including materials received as part of the 2013 CIC grant).
Revised					
7B	Outfall Inspection and Testing	DPW		Outfalls inspected in accordance with the municipal schedule and cleaned as-needed. No testing conducted. The one municipal outfall identified at Flint Pond was inspected and contributing structures were cleaned out in April 2013.	Continue to monitor the outfall to Flint Pond and the contributing infrastructure.
Revised					
7C	Illicit Discharge Elimination	DPW		No illicit discharges identified. Began discussions with Town agencies to fund this program. Ideas for funding include applications and fees for Sump Pump Discharge hookups.	Continue to monitor the outfall to Flint Pond outfall and the contributing infrastructure. Continue reviewing methods to fund and implement this program.
Revised					
7D	Municipal Operations Prioritized	DPW		Street sweeping and catch basin cleaning activities conducted according to municipal schedule. The schedule is kept at the Highway Superintendent's Office.	Continue ongoing maintenance activities.
Revised					
Revised					
Revised					

7a. Additions

7b. WLA Assessment

The TMDL for Flint Pond indicates that the pond is impaired for turbidity as a result of excess phosphorus loading. The TMDL indicates that stormwater contributions of phosphorus must be reduced by 52 % to meet the waste load allocation (WLA) of the TMDL.

Regular street sweeping and catch basin cleaning provide a reduction in phosphorus loading. In 2013, the Town will evaluate the total phosphorus reduction from existing BMPs and discuss potential improvements to meet the WLA allocation. No fertilizers and pesticides applied in any buffer to a resource area.

Note that turbidity levels at the next downstream water body (Lake Ripple) were monitored during the summer of 2013. Records of measurements are kept at the DPW. Measurements indicate that turbidity is not an issue at this location downstream.

Part IV. Summary of Information Collected and Analyzed

No information collected and/or analyzed.

Part V. Program Outputs & Accomplishments (OPTIONAL)

(Since beginning of permit coverage unless specified otherwise by a **, which indicates response is for period covering May 1, 2012 through April 30, 2013)

Programmatic

	(Preferred Units)	Response
Stormwater management position created/staffed	(y/n)	No
Annual program budget/expenditures **	(\$)	\$11,000+/-
Total program expenditures since beginning of permit coverage	(\$)	\$166,000+/-
Funding mechanism(s) (General Fund, Enterprise, Utility, etc)		General Fund

Education, Involvement, and Training

Estimated number of property owners reached by education program(s)	(# or %)	50%
Stormwater management committee established	(y/n)	No
Stream teams established or supported	(# or y/n)	No
Shoreline clean-up participation or quantity of shoreline miles cleaned **	(y/n or mi.)	Yes
Shoreline cleaned since beginning of permit coverage	(mi.)	1.25 (annually)
Household Hazardous Waste Collection Days		
▪ days sponsored **	(#)	2
▪ community participation **	(# or %)	10%
▪ material collected **	(tons or gal)	10 Tons (est.)
School curricula implemented	(y/n)	Re-instatement in progress, new materials will be available in 2013

Legal/Regulatory

	In Place Prior to Phase II	Reviewing Existing Authorities	Drafted	Draft in Review	Adopted
Regulatory Mechanism Status (indicate with "X")					
▪ Illicit Discharge Detection & Elimination					X
▪ Erosion & Sediment Control					X
▪ Post-Development Stormwater Management					X
Accompanying Regulation Status (indicate with "X")					
▪ Illicit Discharge Detection & Elimination					X
▪ Erosion & Sediment Control					X
▪ Post-Development Stormwater Management					X

Mapping and Illicit Discharges

	(Preferred Units)	Response
Outfall mapping complete	(%)	80%
Estimated or actual number of outfalls	(#)	500
System-Wide mapping complete (complete storm sewer infrastructure)	(%)	80%
Mapping method(s)		
▪ Paper/Mylar	(%)	0%
▪ CADD	(%)	15%
▪ GIS	(%)	85%
Outfalls inspected/screened **	(# or %)	0
Outfalls inspected/screened (Since beginning of permit coverage)	(# or %)	0
Illicit discharges identified **	(#)	1
Illicit discharges identified (Since beginning of permit coverage)	(#)	1
Illicit connections removed **	(#); and (est. gpd)	0
Illicit connections removed (Since beginning of permit coverage)	(#); and (est. gpd)	0
% of population on sewer	(%)	61%
% of population on septic systems	(%)	39%

Construction

	(Preferred Units)	Response
Number of construction starts (>1-acre) **	(#)	25+/-
Estimated percentage of construction starts adequately regulated for erosion and sediment control **	(%)	100%
Site inspections completed **	(# or %)	>50
Tickets/Stop work orders issued **	(# or %)	3+/-
Fines collected **	(# and \$)	0
Complaints/concerns received from public **	(#)	100's

Post-Development Stormwater Management

Estimated percentage of development/redevelopment projects adequately regulated for post-construction stormwater control	(%)	100%
Site inspections (for proper BMP installation & operation) completed **	(# or %)	20+/-
BMP maintenance required through covenants, escrow, deed restrictions, etc.	(y/n)	Yes
Low-impact development (LID) practices permitted and encouraged	(y/n)	Yes

Operations and Maintenance

Average frequency of catch basin cleaning (non-commercial/non-arterial streets) **	(times/yr)	1/yr
Average frequency of catch basin cleaning (commercial/arterial or other critical streets) **	(times/yr)	1-2/yr
Qty of structures cleaned **	(#)	2400+/-
Qty. of storm drain cleaned **	(%, LF or mi.)	200 LF
Qty. of screenings/debris removed from storm sewer infrastructure **	(lbs. or tons)	200 Tons
Disposal or use of screenings (landfill, POTW, compost, beneficial use, etc.) **	(location)	Landfill

Basin Cleaning Costs		
• Annual budget/expenditure (labor & equipment)**	(\$)	see hourly rate
• Hourly or per basin contract rate **	(\$/hr or \$ per basin)	~ \$23/hr
• Disposal cost**	(\$)	~ \$9/ton ~ 200 tons every 2 or 3 years.
Cleaning Equipment		
• Clam shell truck(s) owned/leased	(#)	1
• Vacuum truck(s) owned/leased	(#)	0
• Vacuum trucks specified in contracts	(y/n)	No
• % Structures cleaned with clam shells **	(%)	100%
• % Structures cleaned with vector **	(%)	0%

(Preferred Units) Response

Average frequency of street sweeping (non-commercial/non-arterial streets) **	(times/yr)	1/yr
Average frequency of street sweeping (commercial/arterial or other critical streets) **	(times/yr)	1-2/yr
Qty. of sand/debris collected by sweeping **	(lbs. or tons)	700 Tons
Disposal of sweepings (landfill, POTW, compost, beneficial use, etc.) **	(location)	Landfill
Annual Sweeping Costs		
• Annual budget/expenditure (labor & equipment)**	(\$)	see hourly rate
• Hourly or lane mile contract rate **	(\$/hr. or ln mi.)	~\$23/hr
• Disposal cost**	(\$)	0
Sweeping Equipment		
• Rotary brush street sweepers owned/leased	(#)	1
• Vacuum street sweepers owned/leased	(#)	0
• Vacuum street sweepers specified in contracts	(y/n)	No
• % Roads swept with rotary brush sweepers **	%	100%
• % Roads swept with vacuum sweepers **	%	0%

Reduction (since beginning of permit coverage) in application on public land of: ("N/A" = never used; "100%" = elimination)		
▪ Fertilizers	(lbs. or %)	70%
▪ Herbicides	(lbs. or %)	N/A
▪ Pesticides	(lbs. or %)	90%
Integrated Pest Management (IPM) Practices Implemented	(y/n)	No

	(Preferred Units)	Response
Average Ratio of Anti-/De-Icing products used ** (also identify chemicals and ratios used in specific areas, e.g., water supply protection areas)	% NaCl % CaCl ₂ % MgCl ₂ % CMA % Kac % KCl % Sand	80% 20%
Pre-wetting techniques utilized **	(y/n or %)	Yes
Manual control spreaders used **	(y/n or %)	No
Zero-velocity spreaders used **	(y/n or %)	No
Estimated net reduction or increase in typical year salt/chemical application rate	(±lbs/ln mi. or %)	0% change
Estimated net reduction or increase in typical year sand application rate **	(±lbs/ln mi. or %)	No sand used
% of salt/chemical pile(s) covered in storage shed(s)	(%)	100%
Storage shed(s) in design or under construction	(y/n or #)	Construction complete
100% of salt/chemical pile(s) covered in storage shed(s) by May 2013	(y/n)	Yes

Water Supply Protection

Storm water outfalls to public water supplies eliminated or relocated	# or y/n	None
Installed or planned treatment BMPs for public drinking water supplies and their protection areas	# or y/n	None
<ul style="list-style-type: none">• Treatment units induce infiltration within 500-feet of a wellhead protection area	# or y/n	1

■

**Attachment A:
2013 CIC Grant Information
Central Massachusetts Regional Stormwater
Coalition**

Brian Szczurko

From: Adam Gaudette [agaudette@SPENCERMA.GOV]
Sent: Tuesday, February 12, 2013 9:20 AM
To: Julie Jacobson; 'Jeff Mitchell (Auburn)'; Martin McNamara; 'Craver, Robin'; Girard.Todd; administrator@dudleyma.gov; Tim McInerney; Brian Szczurko; John Woodsmall; Jacquie Kelly; 'Reed, Bob'; 'Mike Knox (Leicester)'; Charlie Blanchard; Carol Riches; 'Mike Putnam (Paxton)'; Robert McNeil; 'Bob Spain (Millbury)'; John Lebeaux; Terri Ackerman; Jacqueline O'Brien; jshuris@northbridgemass.org; tkozak@northbridgemass.org; Zeneski, Joseph; 'Sean Divoll (Oxford)'; 'John McAuliffe (Webster)'; jtgaucher@webster-ma.gov; cclark@southbridgemass.org; DTravinski@town.sturbridge.ma.us; Shaun Suhoski; gmorse@town.sturbridge.ma.us; Steve Tyler; Sherry Patch; Beckley, Stuart; jmalloy@town.westborough.ma.us; Christina Papadopoulos; John Coderre; Fred Litchfield; Blythe Robinson; Daniel J Morgado; Bradford Stone; Leon Gaumond; selectboard@newbraintree.org; Selectmen; 'Rutland Selectmen'; Grochmal, Dena; townadmin@monson-ma.gov; gneggers@monson-ma.gov
Subject: 2013 CIC Grant for Regional Stormwater Management

All, I am pleased to announce that our 30-town application for Regional Stormwater Management through the CIC Program has been awarded.

However, as some of you may know, as part of the 9C cuts announced by the Governor recently, the CIC program funding was cut from \$4 million to \$2 million. Thus, awards have been reduced to the grantees. In our case, our project was reduced from \$200,000 to \$115,000. This will require significant scope modifications. I will be working with MA A&F over the next several weeks on our State Contract and specifically the scope and will attempt to provide the best balance between expanding Phase 1 tasks to new group members and also by adding new tasks for the entire 30-town group.

The Lt Governor will be having a ceremony in Boston today announcing the awards and I will be attending the mandatory contract meetings.

Thanks for all your interest and I will keep you informed of the results of my discussions with A&F.

Best,

Adam

Adam D. Gaudette
Town Administrator

Spencer Memorial Town Hall
157 Main Street
Spencer, MA 01562
P - 508.885.7500 ext. 155
F - 508.885.7528

TOWN OF SPENCER AND TOWN OF Grafton

**INTERMUNICIPAL AGREEMENT FOR MATCHING GRANT FUNDS
(2013 CIC GRANT)**

Agreement by and between the Town of Spencer, Massachusetts, acting by and through its Board of Selectmen ("Spencer") and the Town of Grafton, Massachusetts, acting by and through its Board of Selectmen ("Grafton"), pursuant to the provisions of Section 4A of Chapter 40 of the Massachusetts General Laws.

Whereas, Spencer and Grafton have been awarded a 2013 CIC Grant for "Regionalizing Municipal Stormwater Management in Central Massachusetts through Collaborative Education, Data Management, and Policy Development", as part of a 30-town joint application;

Whereas, the awarding authority, the Massachusetts Executive Office of Administration & Finance (A&F), has reduced the grant award amount from \$200,000 to \$115,000;

Whereas, the 30 towns have deemed it in the best interest of the group to fund all of the proposed grant project tasks;

Whereas, in order to fund all of the grant project tasks, towns must contribute "matching" funds such that the A&F reduction is offset, providing for an available project budget in the amount of \$200,000.

Whereas, Spencer and Grafton have determined that it would be in their best interests to enter into an intermunicipal agreement for the purpose of coordinating the maintenance of the matching funds under the terms and conditions hereinafter set forth; and

Whereas the Boards of Selectmen of Spencer and Grafton have each voted at a duly posted open meeting to authorize this intermunicipal agreement pursuant to the provisions of Chapter 40, Section 4A of the Massachusetts General Laws.

Now, therefore, in consideration of these premises, and for other good and valuable consideration, the parties agree as follows.

1. Spencer agrees to be the lead community for A&F for the 2013 CIC Grant Project and is responsible for all reporting requirements, receiving grants fund disbursements, and making required payments for all grant subcontractors supplying services and all vendors supplying purchases, in accordance with the 2013 Grant Application budget and tasks.

2. In order to sufficiently fund all project tasks, Spencer agrees to attempt to obtain intermunicipal agreements from all member communities for each community's matching share.

3. The matching share for each participating community shall be set at Two Thousand, Eight Hundred, Thirty-Three Dollars, and No Cents (\$2,833.00), representing the A&F gap of \$85,000 divided by 30 participating communities;

4. Each participating community shall make full payment to the "Town of Spencer" prior to July 31, 2013.

5. In the event that any of the communities participating in the 30-town joint application, elects not to contribute funds, thus electing not to participate, Spencer will first attempt to replace said non-participating community with a new community such that the matching share remains at \$2,833.00. If the total number of 30 participating communities cannot be maintained, a revision to this intermunicipal agreement shall be required and an increase to the \$2,833 must be approved by each participating community.

6. This agreement shall become effective on May 1, 2013, and shall expire June 30, 2014, subject to further extension of this agreement by written amendment signed by all parties.

7. This agreement sets forth the entire understanding of the parties with respect to its subject matter. Any amendment of this agreement must be in writing and authorized by votes of the Boards of Selectmen of Spencer and Grafton. This agreement shall be governed by the laws of the Commonwealth of Massachusetts. If any provision of this agreement is declared by a court of competent jurisdiction to be illegal, unenforceable, or void, then both parties shall be relieved of their obligations under that provision, and the remainder of the agreement shall be enforced to the fullest extent permitted by law.

Executed by the parties authorized representatives.

TOWN OF SPENCER
By its Board of Selectmen

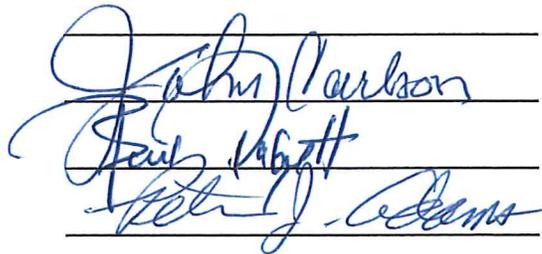
Chairman

Dated: _____

TOWN OF Grafton
By its Board of Selectmen



Chairman



Dated: 4/16/13

Community Innovation Challenge Grant

30-Town Stormwater Collaborative

Member Roster

2012 Communities:

Municipality	Name	Position	Email
Auburn	Julie Jacobson	Town Manager	jjacobson@town.auburn.ma.us
Auburn	Jeff Mitchell*	Asst. DPW Director	jmitchell@town.auburn.ma.us
Charlton	Robin Craver*	Town Administrator	robin.craver@townofcharlton.net
Charlton	Todd Girard*	Conservation Agent	todd.girard@townofcharlton.net
Dudley	Peter Jankowski	Town Administrator	administrator@dudleyma.gov
Dudley	Dan Gion	Highway Superinten.	Cell: 508.423.0270
Holden	Jacquie Kelly	Town Manager	jkelly@holdenma.gov
Holden	John Woodsmall*	DPW Director	jwoodsmall@holdenma.gov
Holden	Isabel McCauley	Sr. Civil Engineer	imccauley@holdenma.gov
Leicester	Bob Reed*	Town Administrator	reedb@leicesterma.org
Leicester	Mike Knox	Superintendent	mf_knox@msn.com
Millbury	Bob Spain	Town Manager	bspain@townofmillbury.net
Millbury	Rob McNeil*	DPW Director	rmcneil@townofmillbury.net
Oxford	Joe Zeneski	Town Manager	jzeneski@town.oxford.ma.us
Oxford	Sean Divoll	DPW Director	sdivoll@town.oxford.ma.us
Paxton	Carol Riches	Town Administrator	criches@townofpaxton.net
Paxton	Michael Putnam	DPW Superintendent	mputnam@townofpaxton.net
Shrewsbury	Dan Morgado	Town Manager	dmorgado@th.ci.shrewsbury.ma.us
Shrewsbury	Brad Stone	Engineer Cons&SW	bstone@th.ci.shrewsbury.ma.us
Spencer	Adam Gaudette*	Town Administrator	agaudette@spencerma.gov
Spencer	Steve Tyler	U&F Superintendent	styler@spencerma.gov
Sturbridge	Shaun Suhoski	Town Administrator	ssuhoski@town.sturbridge.ma.us
Sturbridge	Dave Travinski	Operations Manager	dtravinski@town.sturbridge.ma.us
Webster	John McAuliffe	Town Administrator	jmcauliffe@webster-ma.gov
Webster	JT Gaucher	DPW Director	jtgaucher@webster-ma.gov
West Boylston	Leon Gaumond	Town Administrator	lgaumond@westboylston-ma.gov
West Boylston	Anthony Silva	DPW Director	asilva@westboylston-ma.gov

*Denotes 2012 Steering Committee Member

2013 New Communities:

Municipality	Name	Position	Email
Boylston	Marty McNamara	Town Administrator	mmcnamara@boylston-ma.gov
Boylston	Steve Mero	Superintendent	smero@boylston-ma.gov
Grafton	Tim McInerney	Town Administrator	mcinerneyt@grafton-ma.gov
Grafton	Brian Szurko	Engineering Assist.	szurkob@grafton-ma.gov
Hardwick	Sherry Patch	Town Administrator	admin@townofhardwick.com
Hardwick	Michael Howe	Highway Surveyor	
Monson	Gretchen Neggars	Town Administrator	gneppers@monson-ma.gov
Monson	John Morrell	Highway Surveyor	highway@monson-ma.gov
New Braintree	Katie Tyler	Admin. Assistant	selectboard@newbraintree.org
New Braintree			
Northbridge	Ted Kozak	Town Manager	tkozak@northbridgemass.org
Northbridge	Jim Shuris	DPW Director	jshuris@northbridgemass.org
Northborough	John Coderre	Town Manager	jcoderre@town.northborough.ma.us
Northborough	Fred Litchfield	Town Engineer	flitchfield@town.northborough.ma.us
North Brookfield	Leslie Scott Burton	Admin. Assistant	selectmen@northbrookfield.net
North Brookfield	Mary Walter	Selectman	
Palmer	Charlie Blanchard	Town Manager	cblanchard@townofpalmer.com
Palmer	Craig Dolan	DPW Director	
Princeton	John Lebeaux	Town Administrator	jlebeaux@town.princeton.ma.us
Princeton	Glenn Lyons	Highway Superintendent	
Rutland	Jackie O'Brien	Admin. Assistant	jackieobrien@townofrutland.org
Rutland	Gary Kellaheer	DPW Superintendent	gkellaheer@townofrutland.org
Southbridge	Chris Clark	Town Manager	cclark@southbridgemass.org
Southbridge	Tom Daley	DPW Director	tdaley@southbridgemass.org
Sterling	Terri Ackerman	Town Administrator	tackerman@sterling-ma.gov
Sterling	Bill Tuttle	Superintendent	btuttle@sterlingdpw.com
Upton	Blythe Robinson	Town Manager	brobinson@uptonma.gov
Upton	Jeff Thompson	DPW Director	
Ware	Stuart Beckley	Town Manager	sbeckley@townofware.com
Ware	Thom Martens	DPW Director	tmartens@townofware.com
Westborough	Jim Malloy	Town Manager	jmalloy@town.westborough.ma.us
Westborough	Christina Papadopoulos	Jr. Civil Engineer	cpapadopoulos@town.westborough.ma.us
Wilbraham	Ed Miga, Jr.	DPW Director	emiga@wilbraham-ma.gov
Wilbraham	Dena Grochmal		Dgrochmal@wilbraham-ma.gov

Application for FY2013 Community Innovation Challenge Grant
 Central Massachusetts Regional Stormwater Coalition
 Stormwater Management Services

Task No.	Task Description	Total Task Cost	Tata & Howard Budgetary Costs	Other Costs
EXPANDING: Implementing FY2012 in New Coalition Communities				
19	Incorporate Expansion Community Data into Integrated Mapping (FY2012 Tasks 9 & 10)	\$25,000.00	\$17,000.00	\$8,000.00
20	Implement Original FY2012 Tasks (1 through 7)	\$17,000.00	\$17,000.00	\$0.00
21	Implement FY2012 Addendum Tasks for Expansion Communities	\$8,500.00	\$8,500.00	\$0.00
22	Purchase Tablet computers (w/ accessories and service)	\$24,130.00	\$500.00	\$23,630.00
23	Provide Training on PeopleGIS system and Leica device	\$3,000.00	\$500.00	\$2,500.00
24	Provide Support for Expansion Communities (PeopleGIS and Tata & Howard)	\$39,950.00	\$8,500.00	\$31,450.00
ADVANCING: Building on FY2012 Work in Original Coalition Communities				
25	Expand FY2012 Integrated Mapping w/ Additional Infrastructure	\$11,500.00	\$6,500.00	\$5,000.00
DEVELOPING: Providing Tools and Services to Move all Coalition Communities Forward				
26	Expand and Enhance Coalition Website	\$7,250.00	\$7,250.00	\$0.00
27	Complete Field Work Using the FY2012 Stormwater Field Services RFP	\$30,670.00	\$1,000.00	\$29,670.00
28	Purchase a Storage and Transport Equipment Trailer	\$8,500.00	\$500.00	\$8,000.00
29	Provide Training on Water Quality Sampling	\$5,000.00	\$5,000.00	\$0.00
30	Complete an Industrial Stormwater (MSGP) Review	\$10,500.00	\$10,500.00	\$0.00
ADMINISTRATION				
31	Facilitation and Coordination	\$9,000.00	\$9,000.00	\$0.00
		\$200,000.00	\$91,750.00	\$108,250.00

Original:

ITEM	TOTAL COST
Development of training DVD/CD	\$10,000
Development of educational website	\$40,000
Development of online database	\$35,000
Stormwater system mapping integration	\$105,000
Development of Sump Pump Discharge Policy	\$10,000
Development of Stormwater Pollution Prevention	\$10,000
Development of salt/sand application decision tree	\$15,000
Development of stormwater BMP Toolbox	\$50,000
Development of an RFP for general consulting	\$10,000
Development of a methodology to reach a common	\$25,000
Total	\$310,000

Revised:

Amendment 1

Amendment 2

ITEM	TOTAL COST	TOTAL COST
Development of training DVD/CD	\$5,000	\$5,000
Development of educational website	\$15,981	\$16,081
Development of online database	\$5,000	\$5,500
Stormwater system mapping integration	\$69,500	\$80,875
Development of Sump Pump Discharge Policy	\$7,500	\$7,500
Development of Stormwater Pollution Prevention	\$16,197	\$16,397
Development of salt/sand application decision tree	\$6,000	\$7,500
Development of stormwater BMP Toolbox	\$40,000	\$27,700
Development of an RFP for general consulting	\$6,300	\$6,300
Development of a methodology to reach a common	\$15,000	\$15,000
(New) Consultant Administration	\$22,700	\$22,700
(New) Education/Outreach	\$2,750	\$2,750
(New) Professional Engineering Services	\$34,250	\$17,000
(New) Tablet Devices	\$32,300	\$30,160
(New) Water Quality Meters	\$11,522	\$11,522
(New) Mapping Tools	\$20,000	\$38,015
Total	\$310,000	\$310,000



Attachment B: Local Regulations



Grafton Conservation Commission

BILL APPLICANT

NOTICE OF PUBLIC MEETING GRAFTON CONSERVATION COMMISSION

Pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c.131 s.40) and the Grafton Wetlands Protection Bylaw, The Grafton Conservation Commission will hold a public hearing on Tuesday, April 16, 2013 at 7:30 p.m. in Conference Room B, 30 Providence Road, Grafton, MA to act upon proposed Stormwater Regulations.

The applicant and/or their representative and any other persons interested in being heard on this matter should appear at the time and place designated.

GRAFTON CONSERVATION COMMISSION

John S. Wilson, Co-Chairperson
Sandra Brock, Co-Chairperson
Peter Finn
Heather Trudell
Jesse Leddick

Cc: Applicant and Representatives
Town Departments

Publish in
The Grafton News
April 3, 2013

**Please Note: Individuals requiring special accommodations should contact the Conservation Commission Office at (508)839-5335, Ext.138, at least seven (7) days prior to the hearing date in order to facilitate your request. Thank you.*

30 Providence Road, Grafton, MA 01519 • Tel: 508-839-5335 ext. 138 • Fax: 508-839-4602
e-mail: conservation@grafton-ma.gov

**TOWN OF GRAFTON CONSERVATION COMMISSION
REGULATIONS GOVERNING STORMWATER MANAGEMENT**

**UNDER THE GENERAL BYLAWS OF THE TOWN OF GRAFTON,
ARTICLE 35: STORMWATER MANAGEMENT BYLAW**

(Stormwater Management Bylaw adopted at Town Meeting on May 11, 2010 and approved by the Massachusetts Attorney General’s Office on June 23, 2010)

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Section I: Introduction and Purpose

A. Purpose & Authority

These Regulations are hereby promulgated under the authority of the Home Rule Amendment Article LXXXIX (89) of the amendments of the Constitution of Massachusetts, 1966, and in accordance with Section 10 of the Town of Grafton Stormwater Management Bylaw. Nothing in these Regulations is intended to replace or be in derogation of the requirements of the Town of Grafton Zoning Bylaw, Subdivision Rules and Regulations, Illicit Discharge Bylaw, General Wetlands Protection Bylaw, Board of Health Bylaws, or any Rules and Regulations adopted there under.

The purpose of these Regulations is to create a uniformity of process and to clarify and define the provisions of Article 36 of the Grafton General Stormwater Management Bylaw, hereafter called the "Bylaw", administered by the Grafton Conservation Commission, hereafter called the "Commission."

B. Adoption & Amendment

These Regulations and fee schedules may be periodically amended by the Conservation Commission in accordance with the procedures outlined in Section 10 Administration of the Town of Grafton Stormwater Management Bylaw.

C. Effective Date

These Regulations are effective when voted. A copy shall be filed with the office of the Town Clerk, with appropriate endorsements, such as the date of adoption, date filed with the Town Clerk and any amendments.

Section 2. Definitions

The definitions contained here apply to administration, enforcement and issuance of a Stormwater Management Permit established by the Town of Grafton Stormwater Management Bylaw and implemented through these Stormwater Management 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. The following terms are defined in the Massachusetts Wetlands Regulations (310 CMR 10.00): Critical areas, Environmentally sensitive site design, Flood control, Ground water, Illicit discharge, Land uses with higher potential pollutant loads, , Maintenance of a stormwater management system, Stormwater management system, and Surface waters.

ALTER: Any activity, which will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage. Alter may

be similarly represented as “alteration of drainage characteristics,” and “conducting land disturbance activities.”

ANR: APPROVAL NOT REQUIRED A plan of land that does not require approval under the Subdivision Control Law of Massachusetts (M.G.L. - Chapter 41, Sections 81K through 81GG).

BETTER SITE DESIGN: Site design approaches and techniques that can reduce a site’s impact on the watershed through the use of nonstructural Stormwater Management practices. Better site design includes conserving and protecting natural areas and green space, reducing impervious cover, and using natural features for stormwater management.

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

COMMON PLAN OF DEVELOPMENT: A Common Plan of development shall mean any announcement or piece of documentation (including a contract, public notice or hearing, advertisement, drawing, plan, or permit application, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor marking, etc.) indicating imminent or future plans to disturb earth regardless of how many phases or how long it will take to complete. Under this bylaw, a facility is no longer considered a common plan if the following criteria are met:

1. The original plan, including modifications, was substantially completed with less than one acre of the original common plan remaining (i.e., <1 acre of the common plan was not built out at the time); and
2. There was a clearly identifiable period of time (2 years or more) where there was no ongoing construction, including meeting the criteria for final stabilization.

COMPLETED APPLICATION: An application shall be deemed complete by the Conservation Commission when all information is complete and accurate as stated in these Regulations, including any supplemental information requested by the Conservation Commission is submitted and accepted for review.

CONVEYANCE: Any natural or man-made 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.

DEVELOPER: A person who undertakes or proposes to undertake land disturbance activities.

DIRECTLY CONNECTED IMPERVIOUS AREA (DCIA): According to the U.S. EPA, the portion of IMPERVIOUS SURFACE with a direct hydraulic connection to the MS4 or water body via continuous paved surfaces, gutters, pipes and other impervious features. DCIA typically does not include isolated impervious areas with an indirect hydraulic connection to the MS4 (e.g., swale or detention basin) or that would otherwise drain to a pervious area.

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

EROSION AND SEDIMENTATION CONTROL PLAN: A document containing narrative, drawings and details developed by a qualified professional engineer (PE), a professional land surveyor (PLS), a registered landscape architect (RLA) [need to be careful who can prepare Erosion Control Plans – typically done by PE or CPESC], or a certified professional in erosion and sedimentation control (CPESC), which includes best management practices or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction-related land disturbance activities.

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 plans 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.

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.

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

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

IMPAIRED WATERS: Include those waters that MassDEP has identified pursuant to section 303(d) of the Clean Water Act as not meeting applicable state water quality standards. Impaired waters encompass both those with approved Total Maximum Daily Loads (TMDLs), and those for which TMDL development has been identified as necessary, but for which a TMDL has not yet been approved.

IMPERVIOUS SURFACE or IMPERVIOUS COVER (IC) or IMPERVIOUS AREA (IA): 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.

INVASIVE SPECIES: Those plant species whose introduction does, or is likely to, cause economic or environmental harm or harm to human health. For the purpose of this bylaw, a plant species is considered “invasive” only when it occurs on the List of Federal Noxious Weeds (available at <http://plants.usda.gov/java/noxious?rptType=Federal>) or on the Massachusetts Prohibited Plant List (available at <http://www.mass.gov/agr/farmproducts/prohibitedplantlist.htm>).

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

LAND-DISTURBING ACTIVITY OR LAND DISTURBANCE: Any activity, including clearing and grubbing, that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material. See also ALTER.

LOW-IMPACT DEVELOPMENT (LID): Development that results in minimized alterations of the land for a more sustainable land development pattern. The site planning process first identifies critical natural resources and then determines appropriate building envelopes to preserve resources. LID also incorporates a range of best management practices (BMPs) that preserve the natural hydrology of the land, minimize impervious areas and preserve vegetation. LID techniques capture water on site, filter it through vegetation, and let it soak into the ground where it can recharge the local water table rather than being lost as surface runoff.

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).

MODIFIED PLAN: A plan that has not started within 180 days of permit issuance or construction completed within 2 years of permit that requires resubmission to the Conservation Commission.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) Storm Water Discharge Permit shall mean a permit issued by United States Environmental Protection Authority or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

NEW DEVELOPMENT: Any construction or Land Disturbance on a parcel of land that is currently in a natural vegetated state and does not contain alteration by man-made activities.

NON-POINT SOURCE POLLUTION: Pollution from diffuse sources (as opposed to discrete conveyances), caused by water, including rainfall or snowmelt, moving over or through the ground. i.e. - any source from which pollution is discharged which is not identified as a point source, including, but not limited to urban, agricultural, or silvicultural runoff. Nonpoint source pollution emanates from many diffuse sources caused by rainfall or snowmelt moving over and/or through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into water resource areas.

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

PLAN MODIFICATIONS: Any change in the stormwater management plan as authorized in the Stormwater Management Permit.

POINT SOURCE: Any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete, fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

RECHARGE: The replenishment of underground water reserves.

REDEVELOPMENT: Development, replacement, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites. Redevelopment is further defined by Massachusetts Stormwater Management Standard 7.

RESOURCE AREA: Any area protected under, including without limitation: the Massachusetts Wetlands Protection Act, Massachusetts Rivers Act or Town of Grafton Wetlands Protection Bylaw (Article 25 of the Town Bylaws).

STANDARD SPECIFICATIONS: Commonwealth of Massachusetts, Department of Public Works Standard Specifications for Bridges & Highways, as amended.

STOP WORK ORDER: An order issued by the Conservation Commission that requires that all construction activity on a site be stopped.

STORMWATER MANAGEMENT: The use of structural or non-structural practices that are designed to reduce and control stormwater runoff pollutant loads, discharge volumes and/or peak flow discharge rates.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP): a site-specific, written document that: (1) identifies potential sources of stormwater pollution at the construction site; (2) describes stormwater control measures to reduce or eliminate pollutants in stormwater discharges from the construction site; and (3) identifies procedures the operator will implement to comply with the terms and conditions of this general permit.

SUBDIVISION: Defined in the Subdivision Control Law of Massachusetts (M.G.L. – Chapter 41, Section 81L Definitions).

TMDL: - TOTAL MAXIMUM DAILY LOAD A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations (WLAs) for point source discharges; load allocations (LAs) for nonpoint sources and/or natural background, and must include a margin of safety (MOS) and account for seasonal variations. (See section 303(d) of the Clean Water Act and 40 CFR §130.2 and §130.7).

TOTAL SUSPENDED SOLIDS (TSS): A measure of the filterable solids present in a sample, as determined by the method specified in 40 CFR Part 136.

VERNAL POOL: A water body that has been certified, or meets the criteria for being certified, by the Massachusetts Division of Fisheries and Wildlife as a vernal pool. Vernal pools are confined basin depressions which, at least in most years, hold water for a minimum of two continuous months during the spring and/or summer, and which are free of adult fish populations.

WATER QUALITY VOLUME (WQv): The storage volume needed to capture a specified average annual stormwater runoff volume. Numerically (WQv) will vary as a function of drainage area or impervious area.

Section 3: Administration

The Grafton Conservation Commission is designated as the administering authority under the Stormwater Management Bylaw. The Conservation Commission is the entity responsible for adopting regulations pursuant to the Bylaw and shall administer, implement and enforce these Regulations. The Conservation Commission designates the Conservation Agent, as its authorized

agent for administering, implementing and enforcing the Bylaw and these Regulations.

Section 4: Applicability

These Regulations apply to all activities in accordance with the Applicability of Section 2 of the Stormwater Management Bylaw and as described in this section. Any exemptions to the Stormwater Management Bylaw are located in Section 3 Exemptions.

Projects and/or activities not specifically under the currently regulated jurisdiction of any of the Town of Grafton boards, commissions or departments but still within the jurisdiction of the Town of Grafton Stormwater Management Bylaw must obtain a Stormwater Management Permit from the in accordance with the permit procedures and requirements defined in Section 5 of these Regulations.

If a portion of a project or activity meets the Applicability of Section 2 of the Stormwater Management Bylaw and it is within the specific jurisdiction of another Town board, then the Conservation Commission will remain responsible for facilitating stormwater review and approval of the Stormwater Management Permit. The specific application submission requirements, public notices, and fee requirements of the applicable board, commission, and/or department shall remain in effect in addition to the requirements of the Stormwater Management Bylaw. The Conservation Commission and other Town boards shall coordinate any necessary expert engineering and other consultant services required for application review. No work may commence without a Stormwater Management Permit from the Conservation Commission.

Section 5: Permit Procedures and Requirements

Projects requiring a Stormwater Management Permit per Section 2 Applicability of the Stormwater Management Bylaw shall be required to submit the materials as specified in this Section, and are required to meet the Performance Standards as specified in Section 6 of these Regulations.

A. Stormwater Management Permit Application

The Applicant shall file with the Conservation Commission, three (3) hard copies of a completed application package for a Stormwater Management Permit and one (1) PDF formatted copy consistent with the current Standard for Digital Plan Submission to Municipalities, published by the Commonwealth's Office of Environmental Information (MassGIS). Permit issuance is required prior to any land disturbance. While the application can be prepared by a representative, the applicant must be the owner of the site or holder of an easement.

B. The Stormwater Management Permit Application Package

The Stormwater Management Permit application package shall include:

1. A completed Application Form with original signatures of all owners and representatives;
2. Payment of the Application Fee;
3. Responsible Billing Party;
4. Maintenance Agreement;
5. Surety bond (if required);
6. A list of abutters, certified by the Assessor's Office, to be used by the applicant to provide notice to abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line of the applicant, including any in another municipality or across a body of water);
7. A list of requested waivers, if applicable. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrate that strict application of the Bylaw or Regulations is not necessary to meet the purposes or objectives of the Bylaw; and
8. A Stormwater Management Plan (Stormwater Report, Erosion and Sediment Control Plan, Operation and Maintenance Plan, Cost Estimate and Timeline) and narrative to document compliance with the Stormwater Management Standards (See Appendix A for Submission Checklist);

All items in Section 5B are required for application submission to be reviewed. Conservation Commission will notify applicant within 14 days whether the application is considered a completed application. If application is determined to be incomplete, the Conservation Commission will state which items are deficient and preventing the application from being determined to be a completed application. No work proposed shall be undertaken without a Stormwater Management Permit from the Conservation Commission.

C. Entry on Land

To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Conservation Commission or its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under the Stormwater Management Bylaw and these Regulations and may make or cause to be made such examinations, surveys or sampling as the Conservation Commission deems reasonably necessary to determine compliance with the Stormwater Management Permit.

D. Fees

1. General

The Conservation Commission shall obtain with each submission an Application Fee established by the Commission to cover expenses

connected with the administration of an application review of the Stormwater Management Permit.

2. The Authority is authorized to retain a Registered Professional Engineer or other professional consultant to advise the Authority on any or all aspects of these plans. Applicants must pay review fees before the review process may begin.

2. Rules

- a. Application Fees are payable at the time of application and are non-refundable.
- b. All fees shall be calculated by the Conservation Commission in accordance with the fee schedule below.
- c. These fees are in addition to any other local or state fees that may be charged under any other law, regulation, or local Bylaw.
- d. Municipal projects shall be exempt from Application Fees associated with a Stormwater Management Permit.

3. Application Fees

Application Fees, in accordance with these Regulations, shall be payable to the Town of Grafton at the time of filing. Any application not accompanied by the appropriate fee payment at the time of application shall be considered incomplete. The Application Fee will be used for processing of the application, coordination of Town staff, posting hearings, and other clerical work by Town staff. No fees are refundable in whole or in part under any circumstances.

The application fee is based on the land area that will be disturbed by construction and post construction activities. The application fee is \$???00 for disturbance up to two (2) acres plus \$100.00 per additional acre of disturbance.

4. Revision of Fee Schedule and Regulations Governing Fees

- a. The Conservation Commission may review and revise its Regulations and fee schedules periodically as it sees fit.
- b. Amendments shall be preceded by a posted public hearing of the Conservation Commission not less than 10 days prior to the date upon which the change is to be effective.
- c. A copy of the written decision will be filed with the Town Clerk within 14 business days after final action is taken.

E. Public Meetings

A public meeting will be held within thirty (30) days of the receipt of a Completed Application and shall take final action within thirty (21) days from the close of the hearing unless such time is extended by agreement between the Applicant and the Conservation Commission. Notice of the public meeting shall be given, at the expense of the Applicant, by a publication in a local newspaper of general

circulation, by posting, and by hand delivery or a certified mailing, return receipt requested, at least fourteen (5) days prior to the hearing.

F. Permit Application Review Procedures

All applications for a Stormwater Management Permit shall be reviewed and determined by the Conservation Commission.

1. Abutter Notification

The Applicant shall provide notice to all abutters of the projects filing and invite comment to the Authority on said application for a period of not less than fourteen (14) days. The Authority shall make the application available for inspection by the public during business hours at the office of the Conservation Commission.

2. Existing Conditions Review

As part of the application review, the Conservation Commission reserves the right for an existing conditions review which includes an on-site evaluation. Please refer to Section 5C.

3. Final Action

The Commission shall take final action within twenty-one business (21) days of the close of public hearing, unless such time is extended by agreement between the Applicant and the Commission, per subsection 4 below. The Conservation Commission's final action, rendered in writing, shall consist of either:

- a. Approval of the Stormwater Management Permit Application based upon determination that the proposed plan will adequately protect the water resources of the community and is in compliance with the requirements set forth in these Regulations;
- b. Approval of the Stormwater Management Permit Application subject to any conditions, modifications or restrictions required by the Conservation Commission which will ensure that the project will adequately protect the water resources of the community and is in compliance with the requirements set forth in these Regulations;
- c. Disapproval of the Stormwater Management Permit Application based upon a determination that the proposed plan, as submitted, does not adequately protect water resources, as set forth in these Regulations, or the application is deemed incomplete.

4. Mutual Extension of Time

The required time limits for final action may be extended by written agreement between the applicant and the Conservation Commission

G. Plan Modifications

The applicant must notify the Conservation Commission in writing of any changes in the Stormwater Management Plan as authorized in the Stormwater Management Permit before any change or alteration is made. If the Conservation Commission determines that the change or alteration is significant, based on the Stormwater Management Standards in Section 7 and accepted construction practices, the Conservation Commission may require that an amendment request with Plan Modifications be filed.

Changes in ownership or responsible parties will not require resubmission of application as long as the permit timeline has not expired see Section 5J.

1. Final Action with Plan Modifications

The Authority shall take final action within thirty businesses (30) days of the receipt of an amendment request with Plan Modifications unless such time is extended by agreement between the Applicant and the Authority, per Subsection 4 Mutual Extension of Time, above. The Conservation Commission's final action, rendered in writing, shall consist of either:

- a. Approval of the amendment request with Plan Modifications based upon determination that the proposed modifications will adequately protect the water resources of the community and is in compliance with the requirements set forth in these Regulations;
- b. Approval of the amendment request with Plan Modifications subject to any conditions, modifications or restrictions required by the Conservation Commission which will ensure that the project with Plan Modifications will adequately protect the water resources of the community and is in compliance with the requirements set forth in these Regulations;
- c. Disapproval of the amendment request with Plan Modifications based upon a determination that the proposed Plan Modifications, as submitted, does not adequately protect water resources, as set forth in these Regulations, or the application is deemed incomplete.

H. Appeals of Actions

A decision of the Conservation Commission shall be final. Further relief of a decision by the Conservation Commission under the Stormwater Management Bylaw and these regulations shall be reviewable in the Superior Court in an action filed within 60 days thereof, in accordance with M.G.L. Ch 249 § 4.

I. Permit Expiration / Extension

Should a land-disturbing activity permitted in accordance with these Regulations not begin during a 180-day period following permit issuance, or if work has not

been completed within three(3) years, the Applicant shall notify the Conservation Commission 30 days before expiration to avoid expiration and resubmission. The Authority may re-evaluate the originally approved Stormwater Management Plan to determine whether the plan still satisfies local program requirements. Permits may be renewed for one (1) additional one (1) year term, without Public Hearings at the discretion of the Authority. If the Conservation Commission finds the previously filed Plan to be inadequate, a Modified Plan shall be submitted and approved prior to the commencement of land-disturbing activities per the procedure in Section 5F of these Regulations.

J. Vesting of Rights

Upon amendment of the bylaw or regulations, applicants shall have a 180-day period following the effective date of the new bylaw or regulations, to use a previously issued SMP. After such time the Conservation Commission may reevaluate the originally approved Stormwater Management Plan to determine whether the plan still satisfies the bylaw and regulation requirements. If the Authority finds the previously filed plan to be inadequate, a modified plan shall be submitted and approved before the commencement of land-disturbing activities.

Section 6: Stormwater Management Performance Standards

A. Minimum Performance Standards

For compliance with Performance Standards of the Grafton Stormwater Management Bylaw, the applicant must meet all the standards of the Massachusetts Department of Environmental Protection's Stormwater Management Standards and Handbook using current Best Management Practices (BMPs).

B. Additional Design Criteria

1. Low Impact Development and Better Site Design

The use of non-structural LID Management practices and Better Site Design are encouraged to minimize reliance on structural management measures. The use of Better Site Design and or LID Management Practices may, if approved by the Conservation Commission, also allow for a reduction in the treatment volume, a reduction of applicable fees associated with the project, or other incentive approved by the Permitting Authority.

2. Landscape Design

Site plans and landscape plans for all proposed projects shall 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. Invasive species shall not be planted in the Town of Grafton.

The applicant should note that since the Town's water supply is subject to permit requirements under Massachusetts General Law 21-G, Water

Management Act, and the Town's ongoing water conservation program, water for any landscape irrigation desired by the applicant shall be provided from a private on-site well and/or from rainfall. All new landscape irrigation systems within the Town must include a soil moisture sensor to prevent unnecessary watering and a rainfall sensor to prevent watering when rain is falling, regardless of whether the irrigation water is supplied from the Town's municipal water system or a private well.

3. Hydrologic Basis for Design

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

- a. All hydrological calculations shall be completed and certified to by a Registered Engineer licensed to practice in this field. Typically the procedures to follow will include Technical Release Number 55 (TR55) and/or TR20 (as amended); with pipe design flows calculated using the Rational Method for the 25-year storm event.
- b. The rainfall amounts shall be determined using Type III 24-hour storm precipitation as referenced in Technical Release Number 55 and 20. Precipitation amounts shall be defined by Technical Paper 40.
- c. The minimum time of concentration for street drainage (Rational Method) shall be five (5) minutes.
- d. Water velocities in pipes and gutters shall be between two (2) and ten (10) feet per second, not more than five (5) feet per second on paved surfaces, and not more than four (4) feet per second in vegetated areas.
- e. Impervious cover is measured from the site plan and includes any material or structure on or above the ground that prevents water from infiltrating through the underlying soil.
- f. Off-site areas shall be assessed based on their "pre-developed condition" for computing the water quality volume (i.e., treatment of only onsite 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.
- g. Off-site areas draining to a proposed facility should be modeled as "present condition" for peak-flow attenuation requirements.
- h. The length of sheet flow used in time of concentration calculations is limited to no more than 50 feet.
- i. Detention time is defined as the time between the center of mass of the inflow hydrograph and the center of mass of the outflow hydrograph.
- j. For purposes of choosing a runoff Curve Number, all pervious lands in the site shall be assumed prior to development to be in "good" hydrologic condition regardless of conditions existing at the time of computation.
- k. Flooding and channel erosion impacts to receiving streams due to land development projects shall be determined 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.

- I. Proposed residential, commercial, or industrial subdivisions or ANRs 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.

C. Sensitive Areas – Additional Design Criteria

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 Conservation Commission. The Conservation Commission may designate additional Sensitive Areas and specific criteria for these areas by amending these Regulations.

D. Discharges to Water Quality Impaired Waters

The Applicant must determine whether stormwater discharges from the proposed site will contribute, either directly or indirectly, to an impaired waterbody. 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 an instream exceedances of applicable water quality standards. Pollutants of concern refer to the pollutant identified as causing the impairment.

Section 7: Stormwater Management Plan Contents

- A. The application for a Stormwater Management Permit shall include the submittal of a Stormwater Management Plan (Stormwater Report, Erosion and Sediment Control Plan, Operation and Maintenance Plan, Cost Estimate and Timeline) to the Conservation Commission prepared in accordance with the Massachusetts Stormwater Handbook and the criteria established in these Regulations. This Stormwater Management Plan shall document compliance with each of the ten (10) Stormwater Management Standards as provided in the Massachusetts Stormwater Handbook and shall contain sufficient information for the Conservation Commission to evaluate the environmental impact, effectiveness, and acceptability of the site planning process and the measures proposed by the applicant for reducing adverse impacts from stormwater runoff. The Stormwater Management Plan shall remain on file with the Conservation Commission.
- B. The Stormwater Management Plan shall fully describe the project in drawings, narrative and calculations. The plan shall bear the stamp and signature of a Professional Engineer (PE) licensed in the Commonwealth of Massachusetts to certify that the Stormwater Management Plan is in accordance with the criteria established in the Stormwater Handbook, the Stormwater Management Bylaw

and these Regulations. To demonstrate compliance to the Conservation Commission, the applicant shall include the following in addition to the requirements in the Stormwater Handbook:

1. Stormwater Report
 - a. Locus Map;
 - b. Existing Site Plan;
 - c. The existing zoning, and land use at the site and abutting properties;
 - d. The proposed land use and limit of work;
 - e. The location(s) of existing and proposed easements;
 - f. The location of existing and proposed utilities;
 - g. The location of existing and proposed site improvements (buildings, drives, walkways, etc.)
 - h. The site's existing & proposed topography with contours at 1-foot intervals;
 - i. The existing site hydrology (both groundwater recharge and surface runoff);
 - j. A description and delineation of existing stormwater conveyances, impoundments, wetlands, drinking water resource areas, swimming beaches or other protected resource areas, on or adjacent to the site or into which stormwater flows;
 - k. A delineation of 100-year flood plains, if applicable;
 - l. The existing and proposed vegetation and ground surfaces with runoff coefficients for each; (including all impervious cover – parking, driveways, etc.)
 - m. A drainage area map showing pre- and post-construction watershed boundaries, drainage areas, time of concentration (tc), and stormwater flow paths, including municipal drainage system flows;
 - n. A description and drawings of all components of the proposed Stormwater Management system including:
 - i. All measures for the detention, retention or infiltration of water;
 - ii. Description of non-structural BMPs;
 - iii. All measures for the protection of water quality (see Erosion and Control Plan for more details);
 - iv. The structural details for all components of the proposed drainage systems and Stormwater Management facilities;
 - v. Notes on drawings specifying materials to be used, construction specifications, and expected hydrology with supporting calculations;
 - vi. Proposed site plan including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable;
 - vii. Any other information requested by the Conservation Commission.

- o. Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in the Stormwater Handbook. Such calculations shall include:
 - i. Description of the design storm frequency, intensity and duration;
 - ii. Time of concentration;
 - iii. Soil Runoff Curve Number (RCN) based on land use and soil hydrologic group;
 - iv. Peak runoff rates and total runoff volumes for each watershed area;
 - v. Provisions for protecting, during construction, the infiltration capacity of the soil where infiltration is proposed;
 - vi. Infiltration rates, where applicable;
 - vii. Culvert capacities;
 - viii. Flow velocities;
 - ix. Data on the increase in rate and volume of runoff for the specified design storms, and
 - x. Documentation of sources for all computation methods and field test results.
 - p. Landscaping plan describing the woody and herbaceous vegetative stabilization and management techniques to be used within and adjacent to the stormwater practice.
2. The Erosion and Sediment Control Plan (Drawings and Narrative) should contain (in addition to the Stormwater Report) the following
- a. Direction(s) of stormwater flow and approximate slopes anticipated after major grading activities;
 - b. Areas of soil disturbance and areas that will not be disturbed (limit of work line);
 - c. Locations of site access/egress, including applicable sediment control measures;
 - d. Locations where stabilization practices are expected to occur;
 - e. Locations where stormwater discharges to a surface water (include all roads, drains and other structures that could carry stormwater to a wetland or other water body, on or offsite); and
 - f. The on-site location(s) to be used for storage of materials, wastes, vehicles, equipment, soil, snow and other potential pollutants. If off-site, note location(s) of storage area(s) and detail applicable sediment control measures;
 - g. Estimation of the total area (in square footage and percentage) and total volume (in cubic feet) expected to be disturbed by excavation, grading or other construction activities (include dedicated off-site borrow and fill areas).
 - h. Description of appropriate erosion control measures, the general sequence during the construction process in which the measures will be implemented, and which operator is responsible for the control measure's implementation.

- i. Description of structural practices to divert flows from exposed soils, retain/detain flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site.
 - j. Description of construction and waste materials expected to be stored on-site and a description of controls, including storage practices, to minimize exposure of the materials to stormwater, and spill prevention and response practices.
 - k. Description of interim and permanent slope stabilization practices for the site, including a schedule of when the practices will be implemented. Site plans should ensure that existing vegetation is preserved where possible and that disturbed portions of the site are stabilized. Use of impervious surfaces for stabilization should be avoided.
 - l. A description of measures to minimize the tracking of sediments and dust off-site.
3. Operation and Maintenance Plan (Drawings and Narrative) in addition to items listed in section above this plan should also contain:

In addition to compliance with the Stormwater Management Handbook, the Operation and Maintenance Plan (the O & M Plan) shall be designed to ensure compliance the Massachusetts Surface Water Quality Standards (314 CMR 4.00) in all seasons and throughout the life of the system. When applicable, Stormwater Management easements will be required for all areas used for off-site stormwater control, unless the Conservation Commission grants a waiver.

- a. The location of the systems and facilities including all stormwater and low-impact development best management practices, catch basins, manholes/access lids, pipes, and other stormwater devices;
- b. The location(s) of Stormwater Management easements provided by the property owner(s) as necessary for:
 - i. Access for facility inspections and maintenance;
 - ii. Preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event;
 - iii. Direct maintenance access by heavy equipment to structures requiring regular maintenance.
- c. The names, addresses and contact information of the property owner;
- d. The names, addresses and contact information of the person(s) responsible for site operation and maintenance;
- e. The person(s) responsible for financing maintenance and emergency repairs;
- f. A list of easements with the purpose of each; and
- g. An Inspection and Maintenance Schedule for all stormwater management facilities, including what routine and non-routine

maintenance tasks are to be performed, when they are to be conducted, who is to perform them, and to whom to report results (per SECTION, Annual Reports).

h. Maintenance Inspections

i. Stormwater management facilities and practices included in an O & M Plan with a Maintenance Agreement in accordance with Section 6.M of these Regulations shall undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the requirements of the agreement, the Plan and these Regulations.

ii. At a minimum, inspections shall occur once every year. A Maintenance Agreement as specified under Section 6.M of these Regulations between the owner and the Conservation Commission shall be executed for privately owned stormwater management systems that specify the Responsible Party for conducting long term inspections.

i. Records of Maintenance and Repair Activities

Parties responsible for the operation and maintenance of a stormwater management facility shall provide records of all maintenance and repairs to the Conservation Commission upon request. Parties responsible for the operation and maintenance of a stormwater management facility shall prepare records of the installation and of all maintenance and repairs, and shall retain the records for the most recent five years on site. These records shall be made available to the Conservation Commission annually, during inspection of the facility, and upon request.

4. Budget and Timeline in addition to items listed in section above this plan should also contain:

a. A pre-construction, construction and post-construction budget should be included in the project description. Any variances should be noted and communicated as soon as discovered to the Conservation Commission.

b. A timeline should be included in the project description. Any variances should be noted and communicated as soon as discovered to the Conservation Commission.

C. If in the applicant's opinion one or more of the Stormwater Management Standards or other requirements cannot be reasonably met, the applicant shall provide a detailed explanation in the Stormwater Report. This narrative shall include reasons that the requirement or Standard could not be met and a description of potential consequences if no mitigating measures are provided.

Section 8: Surety

Before the start of any land disturbance or construction activity, the Conservation Commission may require the applicant to furnish a Performance Bond of cash, certified

check, a surety bond, irrevocable letter of credit, or other acceptable security to the Town as obligee in a penal sum. The form of the bond shall be approved by Town Counsel, and be in an amount deemed sufficient by the Conservation Commission to ensure that the work will be completed in accordance with the Stormwater Management Permit.

If the project is phased, the Conservation Commission may release part of the bond as each phase is completed in compliance with the permit but the bond may not be released to an amount less than 15% of the original amount until the Conservation Commission has received the final inspection report as required by Section 11 of these Regulations and issued a Certificate of Completion.

Section 9: Waivers

- A. The Conservation Commission may in its discretion and after due consideration decide to waive and exempt strict compliance with any requirement of the Stormwater Management Bylaw and these Regulations, where it makes a written finding that such action is:
 - 1. Allowed by federal, state and local statutes and/or regulations;
 - 2. In the public interest; and
 - 3. Consistent with the purpose and intent of the Town of Grafton Stormwater Management Bylaw and these Regulations.
- B. Any applicant shall submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the Bylaw does not further the purposes or objectives of the Bylaw.
- C. All waivers requested shall be discussed and voted on at the public meeting for the project, if applicable.
- D. If in the Conservation Commission's opinion, additional time or information is required for review of a waiver request, the Conservation Commission may continue a meeting to a date 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.
- E. Waivers described herein shall not constitute an exemption from any applicable Federal or State permitting requirements.

Section 10: Enforcement

Enforcement powers of the Conservation Commission or an authorized agent of the Conservation Commission are granted in the Stormwater Management Bylaw, Section 13.

- A. Notices and Orders
 - 1. The Conservation Commission may issue a written notice of violation or an enforcement order to enforce the provisions of the Stormwater Management Bylaw and the Regulations, which may include requirements to:

- a. Suspend or revoke approval of any Stormwater Management Permit;
- b. Cease and desist from a portion of construction or land disturbing activity until there is compliance with the Bylaw and the Stormwater Management Permit;
- c. Repair, maintain, or replace the stormwater management system or portions thereof in accordance with the Maintenance Agreement;
- d. Perform monitoring, analyses, and reporting; and/or
- e. Fix adverse impact resulting directly or indirectly from malfunction of the stormwater management system.

The suspension or revocation of the Stormwater Management Permit shall not relieve the Applicant of his obligation there under except at the discretion of the Conservation Commission.

2. If the Conservation Commission determine that abatement or remediation of adverse impacts is required, the order may set forth a deadline by which such abatement or remediation shall be completed. Said order may further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Grafton may, at its option, undertake such work, and the property owner shall reimburse the Town of Grafton for expenses incurred.
3. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the Town of Grafton, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Conservation Commission within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Conservation Commission affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and will constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57, after the thirty-first day at which the costs first become due.

B. Purchase, Inheritance, or Acquisition of Property

Any person who purchases, inherits or otherwise acquires real estate upon which work has been done in violation of the provisions of the Stormwater Management Bylaw and these Regulations, or in violation of the approved Plans under this Section shall forthwith comply with any such Order, and restore such real estate to its condition prior to such violation, as the Stormwater Agent deems necessary to remedy such violation.

C. Fines

Any person who violates any provision of the Town of Grafton Stormwater Management Bylaw, these Regulations, or order or permit issued thereunder, may be ordered to correct the violation and/or shall be punished by a fine of not more than \$300.00, excluding the cost of damages. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

D. Non-Criminal Disposition

As an alternative to criminal prosecution or civil action, the Town of Grafton may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D and the Town of Grafton General Bylaws Chapter XXVII Section 4 in which case the Conservation Commission shall be the enforcing person. The provisions of the General Bylaws Chapter XXVII Section 4 as to the monetary penalties shall prevail. The penalty for the 1st violation shall be \$100.00. The penalty for the 2nd and subsequent violations shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

E. Appeals

The decisions or orders of the Conservation Commission are final. Further relief is to a court of competent jurisdiction.

F. Remedies Not Exclusive

The remedies listed in these Regulations are not exclusive of any other remedies available under any applicable federal, state or local law.

Section 11. Construction Inspections

A. Notice of Construction Commencement. The applicant must notify the Conservation Commission or its authorized Agent 14 days prior to the commencement of construction.

B. Stormwater Management System Installation. The applicant must notify the Conservation Commission 14 days in advance of construction of critical components of any stormwater management facility and before the backfilling of any underground drainage or stormwater conveyance structures

C. At the discretion of the Conservation Commission, periodic inspections of the stormwater management system construction shall be conducted by qualified personnel (a Town Officer, a professional engineer, or their designee who has been approved by the Conservation Commission). All inspections shall be documented and written reports prepared that contain the following information:

1. The date and location of the inspection;
2. Names, titles, and qualifications of personnel making the inspection;
3. Whether construction is in compliance with the approved Stormwater Management Plan;
4. Variations from the approved construction specifications; and

5. Any other variations or violations of the conditions of the approved Stormwater Management Plan.

D. Erosion Control Inspection

1. To ensure erosion control practices are in accord with the filed Stormwater Management Plan, Erosion Control Inspections will be conducted by the site owner or an authorized representative at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater from the start of construction until the site is permanently stabilized. Inspection frequency may be reduced to at least once a month if the site is determined by the Conservation Commission to be temporarily stabilized, such as runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice, or the ground is frozen), or if construction is occurring during seasonal dry periods. The Applicant is required to notify the Conservation Commission of any change in inspection frequency, including termination of inspections due to site stabilization.
2. The inspection form will include:
 - a. Name, date, and signature of qualified inspector.
 - b. Weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including a best estimate of the beginning of each storm event, duration of each storm event, approximate amount of rainfall for each storm event (in inches), and whether any discharges occurred;
 - c. Location(s) of discharges of sediment or other pollutants from the site;
 - d. Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location, and/or location(s) where additional BMPs are needed that did not exist at prior inspection; and
 - e. Corrective action required including any changes to the Stormwater Management Plan necessary and implementation dates.

If a project requires a Stormwater Pollution Prevention Plan (SWPPP) per the NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) General Permit for Storm Water Discharges From Construction Activities (the most recent EPA Construction General Permit), then the Applicant is required to submit all Inspection Reports to the Conservation Commission. If the Inspection Reports meet the requirements of the most recent Construction General Permit, it will be considered equivalent to the Erosion Control Inspection as described above.

- E. The Conservation Commission or its designee shall inspect the project site at the following stages, at a minimum:
1. Initial Site Inspection: prior to approval of any plan;
 2. Stormwater Management System Inspection: An inspection will be made of the completed stormwater management system, prior to backfilling of any underground drainage or stormwater conveyance structures.

3. Final Inspection, following receipt of final As-Built.
 - a. After the stormwater management system has been constructed and before the surety has been released, all applicants are required to submit actual "as built" plans for any stormwater management facilities or practices after final construction is completed and must be certified by a Professional Engineer.
 - b. The Conservation Commission or an authorized agent shall inspect the system to confirm its "as-built" features. This inspector shall also evaluate the effectiveness of the system in an actual storm. If the inspector finds the system to be adequate he shall so report to the Conservation Commission before a Certificate of Completion is issued.
- F. Inadequacy of System
1. If the system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built in accordance with the Stormwater Management Plan, it shall be corrected by the applicant before the Certificate of Completion is released. If the applicant fails to act the Conservation Commission may use the surety bond to complete the work.
 2. If the Conservation Commission determines that there is a failure to comply with the plan, the property owner shall be notified in writing of the nature of the violation and the required corrective actions. A Stop Work Order shall be issued until any violations are corrected and all work previously completed has received approval by the Conservation Commission.

Section 12: Project Completion

A. "As-Built" Plans

Within 90 days of completion of the project, the applicant shall submit as-built record drawings of all structural stormwater controls and treatment best management practices required in Section XX. A Registered Professional Engineer must prepare As-built Plans that show the "as built" conditions, including all final grades, developed by contractor. All changes to project design shall be indicated in red on plans (or otherwise noted). All work deleted, corrections in elevations, and changes in materials, shall be shown on the as-built drawings and explained in writing. A Registered Professional Engineer shall certify deviations, if any, from the approved SMP.

As-builts shall be submitted electronically to the Town in PDF and GIS format consistent with the current Standard for Digital Plan Submission to Municipalities, published by the Commonwealth's Office of Environmental Information (MassGIS).

B. Certificate of Project Completion

1. Upon completion, the Applicant is responsible for certifying that the completed project is in accordance with the approved plans and specifications by submitting As-built Plans to the Conservation

Commission as described in Section XX. The certification statement shall be based on regular inspections that occurred during construction sufficient to adequately document compliance.

2. Easements shall be properly recorded and/or registered at the Southern Essex Registry of Deeds before the Conservation Commission can issue a Certificate of Completion.
3. The Conservation Commission will issue a letter to the Applicant certifying completion upon receipt and approval of the final inspection and reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with the Stormwater Management Bylaw and these Regulations.

Section 13: Perpetual Inspection and Maintenance

The owner of the property on which work has been done pursuant to these Regulations for private stormwater management facilities, or any other person or agent in control of such property, shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sedimentation controls, and other protective devices. Such repairs or restoration and maintenance shall be in accordance with approved plans.

A. Maintenance Responsibility

1. The Town of Grafton will not accept ownership of stormwater BMPs located outside of street rights of way, and the maintenance of such facilities shall remain the permanent responsibility of the applicant or his successors and/or assigns. The owner of the property on which work has been done pursuant to these Regulations for private stormwater management facilities, or any other person or agent in control of such property, shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sedimentation controls, and other protective devices. Such repairs or restoration and maintenance shall be in accordance with approved plans.

B. Maintenance Inspections

1. Stormwater management facilities and practices included in a Stormwater Management Plan with a Maintenance Agreement in accordance with Section 7 of these Regulations must undergo ongoing inspections to document maintenance, repair, replacement and disposal needs and ensure compliance with the requirements of the agreement, these Regulations, and Standard 9 of the Stormwater Management Handbook.
2. A Maintenance Agreement as specified under Section XX of these Regulations between the owner and the Conservation Commission shall be executed for privately-owned stormwater management systems that specify the Responsible Party for conducting long term inspections.
3. At a minimum, inspections shall occur once during the first year of operation and at least once every three years thereafter. Some BMPs

may require more frequent inspection, as specified in the Stormwater Management Plan.

4. Inspection reports shall be submitted to the Conservation Commission for all stormwater management systems. Inspection reports for stormwater management systems shall include at a minimum:
 - a. The date of inspection;
 - b. Name and signature of inspector;
 - c. The condition of:
 - i) Pretreatment devices
 - ii) Vegetation or filter media
 - iii) Fences or other safety devices
 - iv) Spillways, valves, or other control structures
 - v) Embankments, slopes, and safety benches
 - vi) Reservoir or treatment areas
 - vii) Inlet and outlet channels and structures
 - viii) Underground drainage
 - ix) Sediment and debris accumulation in storage and fore bay areas (including catch basins)
 - x) Any nonstructural practices
 - xi) Any other item that could affect the proper function of the stormwater management system
 - d. Description of the need for maintenance.
 - e. Description of maintenance performed or date by which maintenance will be performed
- C. Right-of-Entry for Inspection
- The terms of the Maintenance Agreement as specified in Section XX of these Regulations shall provide for the Conservation Commission or its designee to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. The Conservation Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under these Regulations and may make or cause to be made such examinations, surveys, or sampling as the Conservation Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.
- D. Records of Inspections and Maintenance, Repair, Replacement and Disposal Activities
- Parties responsible for the operation and maintenance of a stormwater management facility shall prepare records of the installation and of all inspections, maintenance, repairs, replacement, and disposal activities, and shall retain the records for at least five years. These records shall be made available to the Conservation Commission during inspection of the facility and upon request. For disposal, the record must indicate the type of material, quantity of material, and disposal location.

E. Failure to Maintain

1. If a Responsible Party fails or refuses to meet the requirements of the Maintenance Agreement, the Conservation Commission, after 30 days written notice (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hour notice shall be sufficient), may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or practice in proper working condition. The Conservation Commission may assess the owner(s) of the facility for the cost of repair work, which shall be a lien on the property.
2. After notification is provided to the person responsible for carrying out the maintenance plan of any deficiencies discovered from an inspection of a stormwater management system, the person responsible for carrying out the maintenance plan shall have 30 days or other time frame mutually agreed to between the Conservation Commission and the person responsible for carrying out the maintenance plan to correct the deficiencies. The Conservation Commission shall then conduct a subsequent inspection to ensure completion of repairs.

Section 14: Severability

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



Attachment C: Bylaws

ARTICLE 36

STORMWATER MANAGEMENT BY-LAW

SECTION 1: Purpose

The purpose of this By-law 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 increased post-development stormwater runoff and non-point source pollution associated with new development and redevelopment construction activity.

The Town of Grafton requires the use of Low Impact Development (LID) stormwater management practices whenever possible and better site design to minimize stormwater related impacts within the Town. The LID practices promoted in the Massachusetts Stormwater Management Regulations should be considered for use on development and redevelopment projects in the Town.

SECTION 2: Applicability

This By-law applies to any land-disturbing activity in the Town of Grafton as defined here in §2. All other land disturbing activities below the thresholds established below do not require an administrative review but shall employ best management practices to ensure that erosion is controlled and that disturbed soil is contained on site.

Stormwater Management Permit. The following land-disturbing activities, whether new development or redevelopment, shall require a Stormwater Management Permit:

1. Excavating, grading, or other activity which disturbs an area of 40,000 or more square feet or a volume of earth resulting in a total quantity equal to or greater than 1,000 cubic yards.

The application for a Stormwater Management Permit shall include the submittal of a Stormwater Management Plan to the Conservation Commission. This Stormwater Management Plan shall contain sufficient information for the Commission to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater. The Plan shall be designed to meet, at a minimum, the Massachusetts Stormwater Management Standards as set forth in the DEP Stormwater Management Regulations, Volumes I and II and as amended from time to time. The Town of Grafton requires the use of nonstructural stormwater management practices, better site design practices or Low Impact Development (LID) practices, such as reducing impervious cover and the preservation of Open Space and other natural areas, to the maximum extent practicable.

SECTION 3: Exceptions

The provisions of this By-law shall not apply to:

- a. Work performed for normal maintenance or improvement of land in agricultural or forestry use;

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- b. The removal of hazardous and/or dead trees;
 - c. Routine maintenance of vegetation and removal of dead or diseased limbs or trees necessary to maintain the health of cultivated plants, to control noxious weeds or vines in accordance with a Department of Conservation and Recreation (DCR) approved Forest Management Plan, or to remedy a potential fire or health hazard or threat to public safety;
 - d. Repair or replacement of individual sewage disposal systems serving a single- or two-family dwelling when required by the Board of Health for the protection of public health;
 - e. Normal maintenance of existing landscaping, gardens or lawn areas associated with a single-family dwelling, provided that such maintenance does not include the following:
 - construction of any walls more than four feet in height;
 - alteration of existing grades by more than two feet in elevation; or
 - alteration of drainage patterns.
 - f. Construction of utilities other than drainage (gas, water, sewer, electric, telephone, etc.) that will not alter terrain or drainage patterns.
 - g. Routine maintenance and upgrade of existing municipal drainage system/stormwater system that will not significantly alter existing terrain or drainage system.
 - h. Routine maintenance and upgrading of existing public ways including reclamation and paving, and other routine maintenance activities that apply to roadway maintenance that will not significantly alter the existing terrain or drainage system.

SECTION 4: Waivers

The Commission may waive strict compliance with any requirement of this By-law or the rules and regulations promulgated hereunder, where such action:

- a. Is allowed by federal, state and local statutes and/or regulations;
- b. Is in the public interest; and
- c. Is not inconsistent with the purpose and intent of this Bylaw.

Any applicant may submit a written request to be granted such a waiver. Such a waiver request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of this Bylaw does not further the purposes or objectives of this By-law.

All waiver requests shall be discussed by the Commission and a decision will be made by the Commission within 30 days of receiving the waiver request.

If, in the Commission's opinion, additional time or information is required for review of a waiver request, the Commission may continue consideration of the waiver request to a date certain announced at the meeting. In the event the applicant refuses a continuance, or fails to provide the requested information, the waiver request shall be denied.

SECTION 5: Administration - Permits, Determination, and Conditions

The Grafton Conservation Commission, as established under M.G.L. C. 40, § 8C shall have authority to administer this Bylaw. 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.

- a. **Review.** The Commission and its agents shall review all applications for Stormwater Management Permits, conduct inspections, issue a final permit and conduct any necessary enforcement action. The applicant shall submit all additional information requested by the Commission to issue a decision on the application.
- b. **Standards.** Projects shall meet the standards of the Massachusetts Stormwater Management Regulations.
- c. **Action.** The Commission may:
 1. Approve the Stormwater Management Permit application and issue an objectives and requirements of this Bylaw;
 2. Approve the Stormwater Management Permit application and issue a permit with conditions, modifications or restrictions that the Commission determines are required to ensure that the project will protect water resources and meet the objectives and requirements of this Bylaw;
 3. Disapprove the Stormwater Management Permit application and deny the permit if it finds that the proposed plan will not protect water resources or fails to meet the objectives and requirements of this By-law.
- d. **Extensions.** A Stormwater Management Permit shall be valid for three years from the date the permit is issued. The Commission may grant extensions for additional 1 year periods, upon written request for renewal no later than 30 days prior to expiration of the permit.

SECTION 6: Coordination with other Boards

Following receipt of a completed application, the Commission shall seek review and comments from the Planning Board, Board of Health, Building Inspector, and Department of Public Works. The Commission shall not make a decision on the Stormwater Management Permit until it has received comments from these entities or until 14 days have elapsed after receipt of the application materials without submission of comments thereon.

SECTION 7: Notice and Hearings

- a. **Application.** A completed application for a Stormwater Management Permit shall be filed with the Commission. A permit, or a determination that a permit is not required, must be obtained prior to the commencement of land disturbing activity. The permit application requirements are specified in regulations adopted by the Commission.

In an appropriate case, the Commission may accept as the application and plans under this By-law any application and plans filed under the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00), but the Commission is not obliged to do so.

- b. **Public Hearing.** The Commission shall hold a public hearing within 30 days of the receipt of a complete application, with written notice given at the expense of the applicant five days prior to the hearing. The applicant shall also notify abutters by certified mail at least five days prior to the hearing. The Commission shall make the application available for inspection by the public during business hours at the Town Hall. The Commission shall take final action within 21 days from the time of the close of the hearing unless such time is extended by agreement between the applicant and the Commission.

In an appropriate case, the Commission may combine its hearing under this and regulations (310 CMR 10.00).

SECTION 8: Operation and Maintenance Plans

An operation and maintenance plan (O&M Plan) is required at the time of application for all projects subject to a Stormwater Management Permit. The maintenance plan shall be designed to ensure compliance with the permit, this By-law and that the Massachusetts Surface Water Quality Standards, 314 CMR 4.00, are met in all seasons and throughout the life of the system. The Commission shall make the final decision on what maintenance option is appropriate in a given situation. The Commission will consider natural features, proximity of site to water bodies and wetland resource areas, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this decision. The operation and maintenance plan shall remain on file with the Commission and shall be an ongoing requirement. Requirements for the content of the O&M Plan and its implementation are specified in Stormwater Management Rules and Regulations associated with this Bylaw.

SECTION 9: Certificate of Completion

Upon the completion of the activities allowed under a Stormwater Management Permit, the applicant shall notify the Commission and request a final inspection and certificate of completion. The applicant shall submit an as-built plan prepared by a professional land surveyor or registered professional engineer along with certification from a registered professional engineer that all construction has been done in accordance with the approved stormwater management plan.

SECTION 10: Stormwater Management Regulations

The Conservation Commission may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees, procedures and administration of this By-law after conducting a public hearing to receive comments on any revisions. After public notice and public hearing, the Commission shall have authority to promulgate rules and regulations to implement this By-law, to review permit applications, to perform monitoring and inspections, to grant or deny permits, and to enforce the provisions of this By-law, and to take any other actions reasonable and appropriate to implement this By-law.

SECTION 11: Definitions

The following definitions shall apply in the interpretation and implementation of this By-law:

“Abutter” — The owner(s) of land sharing a common property line with the owner of land that is the subject of an application and the owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line of land that is the subject of the application as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town.

“Agriculture” — The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act (M.G.L. C. 131, §~40) and its implementing regulations (310 CMR 10.00) and any agricultural activity which is consistent with an approved soil conservation plan prepared or approved by the United States Department of Agriculture (USDA) Natural Resources Conservation Service.

“Alteration” — Any activity that will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Alteration may be similarly represented as “alteration of drainage characteristics,” and “conducting land-disturbing activities.” Such changes include, but are not limited to: change from distributed runoff to confined, discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

“Applicant” — Any “person,” as defined below, requesting a Stormwater Management Permit for a proposed land-disturbing activity.

“Best Management Practice (BMP)” — Structural, nonstructural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and non-point 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.

“Clearing” — Any activity that removes the vegetative surface cover. Clearing activities generally include disturbance or grubbing activity as defined below.

“Cold Water Fishery” – Environmental resources defined by Massachusetts Division of Fisheries & Wildlife as meeting at least one of three criteria:

1. Brook, brown or rainbow trout has been determined;
2. Slimy sculpin or longnose sucker are present; or
3. The water is part of the Atlantic salmon restoration effort or is stocked with Atlantic salmon fry or parr.

“Development” — The modification of land to accommodate a new use or expansion of use, usually involving construction.

“Erosion” – The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

“Erosion And Sedimentation Control Plan” — A document containing narrative, drawings and details developed by a qualified professional engineer (PE), a professional land surveyor (PLS), a registered landscape architect (RLA), or a certified professional in erosion and sedimentation control (CPESC), which includes best management practices or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction-related land disturbance activities.

“Grubbing” — The act of clearing land surface by digging up roots and stumps.

“Land-Disturbing Activity or Land Disturbance” — Any activity, including clearing and grubbing, that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

“Low-Impact Development (LID)” — Development that results in minimized alterations of the land for a more sustainable land development pattern. The site planning process first identifies critical natural resources and then determines appropriate building envelopes to preserve resources. LID also incorporates a range of best management practices (BMPs) that preserve the natural hydrology of the land, minimize impervious areas and preserve vegetation.

“Massachusetts Stormwater Management Policy” — The policy issued by the Department of Environmental Protection, as amended from time to time, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act, M.G.L. C. 131, §~40, and the Massachusetts Clean Waters Act, M.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 Storm Drain System or Municipal Separate Storm Sewer System (MS4)” — 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 Grafton.

“Non-Point Source Pollution” — Pollution from diffuse sources, as opposed to discrete conveyances, caused by water, including rainfall or snowmelt, moving over or through the ground.

“Operation and Maintenance Plan” — A plan describing the functional, financial, and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

“Outstanding Resource Waters (ORW)” — Waters designated by the Massachusetts Department of Environmental Protection as ORWs. These waters have exceptional sociologic, recreational, ecological and/or aesthetic values and are subject to more stringent requirements under both the Massachusetts Surface Water Quality Standards (314 CMR 4.00) and the Massachusetts

Stormwater Management Standards. ORWs include vernal pools certified by the Natural Heritage Program of the Massachusetts Department of Fisheries and Wildlife and Environmental Law Enforcement, all Class A designated public water supplies with their bordering vegetated wetlands, and other waters specifically designated.

“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.

“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.

“Pre-Development” — Those conditions that exist at the time that plans for the land development of a site or parcel of land are submitted to the Committee. When phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

“Post-Development” — Those conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or parcel of land. Post-development also refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.

“Redevelopment” — Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.

“Runoff” — Rainfall, snowmelt, or irrigation water flowing over the ground surface.

“Sediment” — Mineral or organic soil material that is transported by wind or water from its origin to another location; the product of erosion processes.

“Sedimentation” — The process or act of deposition of sediment.

“Site” — Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

“Soil” — Earth materials, including decomposed organic material, humic materials, sand, rock and gravel.

“Stabilization” — The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

“Stormwater” — Stormwater runoff, snow melt runoff, and surface water runoff and drainage.

“Stormwater Management Permit (SMP)” — A permit issued by the Commission, which is designed to protect the environment of the Town of Grafton from the deleterious effects of uncontrolled and untreated stormwater runoff.

“Stormwater Management Plan” — A document containing narrative, drawings and details prepared by a qualified professional engineer (PE), a professional land surveyor (PLS), or a certified professional in erosion and sedimentation control (CPESC), which includes structural and nonstructural best management practices to manage and treat stormwater runoff generated from regulated development activity. A Stormwater Management Plan also includes an Operation and Maintenance Plan describing the maintenance requirements for structural best management practices.

“Wetland Resource Area” — Areas specified in the Massachusetts Wetlands Protection Act, M.G.L. C. 131, §~40, and in Article 25, General Wetlands Protection Bylaw, of the Town of Grafton.

SECTION 12: Security

The Commission may require the applicant to post a surety bond, cash, or other acceptable security before the start of any land-disturbing activity. The form of the bond/surety shall be approved by Town Counsel and the Town Treasurer, and be in an amount deemed sufficient by the Commission to insure that the work will be completed in accordance with the permit. Any performance bond or certificate of guarantee shall be executed and maintained by a financial institution, surety, or guaranty company qualified to do business in the Commonwealth.

SECTION 13: Enforcement and Penalties

The Commission or its authorized agent shall enforce this By-law, its regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

Any person who violates any provision of this By-law, regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$300. Each day or part thereunder that such violation occurs or continues shall constitute a separate offense.

As an alternative to criminal prosecution or civil action, the Town may elect to utilize the non-criminal disposition procedure set forth in M.G.L. C. 40, §~21D, in which case the Commission or authorized agent shall be the enforcing person. The non-criminal penalty for violations shall be \$50 for the first violation, \$100 for the second violation, and \$300 for the third violation and each subsequent violation. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

SECTION 14: Inspection

Filing an application for a Stormwater Management Permit grants the Commission, or its agent, permission to enter the site of the land-disturbing activity, as permitted by law, to verify the information in the application and to inspect for compliance with permit conditions.

SECTION 15: Fees

The Commission by regulation shall promulgate an application fee schedule for stormwater management permit applications and completion certificates. The fee schedule shall be reasonably related to the costs of processing, reviewing and acting upon the application. The fee specified in such a fee schedule shall be made payable to the Town of Grafton and shall accompany the permit

application or request for certificate of completion. The Commission may require an additional fee for review of any change in or alteration from an approved permit. Said fee shall be paid into a special account set up by the Town Treasurer and may be expended by the Commission for the purpose allocated without further appropriation in accordance with the provisions of M.G.L C. 44, §~55E 1/2.

Pursuant to G.L. Ch. 44 §53G and regulations promulgated by the Commission, securing outside consultants, including engineers or other experts, in order to aid in the review of proposed projects. Such funds shall be deposited with the town treasurer, who shall create an account specifically for this purpose. Additional consultant fees may be requested where the requisite review is more expensive than originally calculated or where new information requires additional consultant services.

SECTION 16: Appeals

A decision by the Conservation Commission made under this By-law shall be reviewable in the Superior Court in an action filed within 60 days thereof, in accordance with M.G.L. C. 249 § 4.

SECTION 17: Relation to the Clean Water Act.

This By-law is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule Statutes, and the regulations of the Federal Clean Water Act found at 40 CFR 122.34.

SECTION 18: Severability

If any provision, paragraph, sentence, or clause of this By-law is held invalid for any reason by a court of competent jurisdiction, all other provisions shall continue in full force and effect.

(ATM 5/11/09)

ARTICLE 37

ILLICIT DISCHARGE BY-LAW

SECTION 1: Purpose

Increased and contaminated stormwater runoff is a major cause of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding.

Regulation of illicit connections and discharges to the municipal storm drain system is necessary for the protection of the town's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.

The objectives of this by-law are:

- to prevent pollutants from entering the town's municipal separate storm sewer system (MS4);
- to prohibit illicit connections and unauthorized discharges to the MS4;
- to require the removal of all such illicit connections;
- to comply with state and federal statutes and regulations relating to stormwater discharges; and
- to establish the legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement.

SECTION 2: Definitions

For the purposes of this by-law, the following shall mean:

“Authority”: Board of Selectmen.

“Authorized Administrative Agency”: The Department of Public Works hereafter the DPW its employees or agents designated to enforce this by-law.

“Best Management Practices (BMP)”: An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

“Clean Water Act”: The Federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*) as hereafter amended.

“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 from any source.

“Groundwater”: Water beneath the surface of the ground.

“Illicit Connection”: A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this by-law.

“Illicit Discharge”: Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 8. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit.

“Impervious Surface”: Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.

“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 Grafton.

“National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit”: A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

“Non-Stormwater Discharge”: Discharge to the municipal storm drain system not composed entirely of stormwater

“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.

“Pollutant”: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or non-point source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include without limitation:

- (1) paints, varnishes, and solvents;
- (2) oil and other automotive fluids;
- (3) non-hazardous liquid and solid wastes and yard wastes;
- (4) refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- (5) pesticides, herbicides, and fertilizers;
- (6) hazardous materials and wastes; sewage, fecal coliform and pathogens;
- (7) dissolved and particulate metals;
- (8) animal wastes;

- (9) rock, sand, salt, soils;
- (10) construction wastes and residues; and
- (11) noxious or offensive matter of any kind.

“Process Wastewater”: Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

“Recharge”: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

“Stormwater”: Storm water runoff, snow melt runoff, and surface water runoff and drainage.

“Surface Water Discharge Permit”: A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

“Toxic or Hazardous Material or Waste”: Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

“Watercourse”: A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

“Waters of the Commonwealth”: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, costal waters, and groundwater.

“Wastewater”: Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

SECTION 3: Applicability

This by-law shall apply to flows entering the municipally owned storm drainage system.

SECTION: Authority

This bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

SECTION 5: Responsibility for Administration

The DPW shall administer, implement and enforce this by-law. Any powers granted to or duties imposed upon the DPW may be delegated in writing by the Board of Selectmen to the DPW.

SECTION 6: Regulations

The Board of Selectmen may promulgate rules and regulations to effectuate the purposes of this by-Law. Failure by the Board of Selectmen to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law.

SECTION 7: Prohibited Activities

Illicit Discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal separate storm sewer system (MS4), into a watercourse, or into the waters of the Commonwealth.

Illicit Connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

Obstruction of Municipal Storm Drain System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from Board of Selectmen.

SECTION 8: Exemptions

Discharge or flow resulting from fire fighting activities.

The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwater provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:

- (1) Waterline flushing;
- (2) Flow from potable water sources;
- (3) Springs;
- (4) Natural flow from riparian habitats and wetlands;
- (5) Diverted stream flow;
- (6) Rising groundwater;
- (7) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
- (8) Water from exterior foundation drains, footing drains not including active groundwater dewatering systems, crawl space pumps.
- (9) Discharge from landscape irrigation or lawn watering or air conditioning condensation;
- (10) Water from individual residential car washing;

- (11) Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
- (12) Discharge from street sweeping;
- (13) Dye testing, provided writing notification is given to the DPW prior to the time of the test;
- (14) Non-stormwater discharge permitted under an NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations,
- (15) Discharge for which advanced written approval is received from the Board of Selectmen as necessary to protect public health, safety, welfare or the environment,
- (16) For discharges pertaining to items defined in section 7 and 8 the Town shall require testing of currently conveyed or to be conveyed flow at the expense of the property owner. The town may also require a hydraulic capacity analysis of its drainage system to accommodate the flow conveyed or to be conveyed.

SECTION 9: Emergency Suspension of Storm Drainage System Access

The Board of Selectmen may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Authorized Enforcement Agency may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

SECTION 10: Notification of Spills

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire and police departments and [insert other appropriate departments]. In the event of a release of non-hazardous material, the reporting person shall notify the Authorized Enforcement Agency no later than the next business day. The reporting person shall provide to the Authorized Enforcement Agency written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

SECTION 11: Enforcement

The Board of Selectmen through the DPW shall enforce this by-law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

Civil Relief. If a person violates the provisions of this by-law, regulations, permit, notice, or order issued thereunder, the Board of Selectmen may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Orders: The DPW may issue a written order to enforce the provisions of this by-law or the regulations thereunder, which may include:

- (a) elimination of illicit connections or discharges to the MS4
- (b) performance of monitoring, analyses, and reporting;
- (c) that unlawful discharges, practices, or operations shall cease and desist; and
- (d) remediation of contamination in connection therewith.

If the town determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the town may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

Within thirty (30) days after completing all measures necessary to abate the violation or perform remediation, the violator and the property owner will be notified of the costs incurred by the town including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Board of Selectmen within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Board of Selectmen affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, 57 after the thirty-first day at which the costs first become due.

Criminal Penalty: Any person who violates any provision of this by-law, regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$ 250.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

Non-Criminal Disposition: As an alternative to criminal prosecution or civil action, the Board of Selectmen may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D in which case the DPW shall be the enforcing town department. The penalty for the 1st violation shall be \$100.00. The penalty for the 2nd violation shall be \$250.00. The penalty for the 3rd and subsequent violations shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

Entry to Perform Duties Under this By-Law: To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Board of Selectmen, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and regulations and may make or cause to be made such examinations, surveys or sampling as the Board deems reasonably necessary.

Appeals: The decisions or orders of the Board of Selectmen shall be final. Further relief shall be to a court of competent jurisdiction.

Remedies Not Exclusive: The remedies listed in this by-law are not exclusive of any other remedies available under any applicable federal, state or local law.

SECTION 12: Severability

The provisions of this by-law are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this by-law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this by-law.

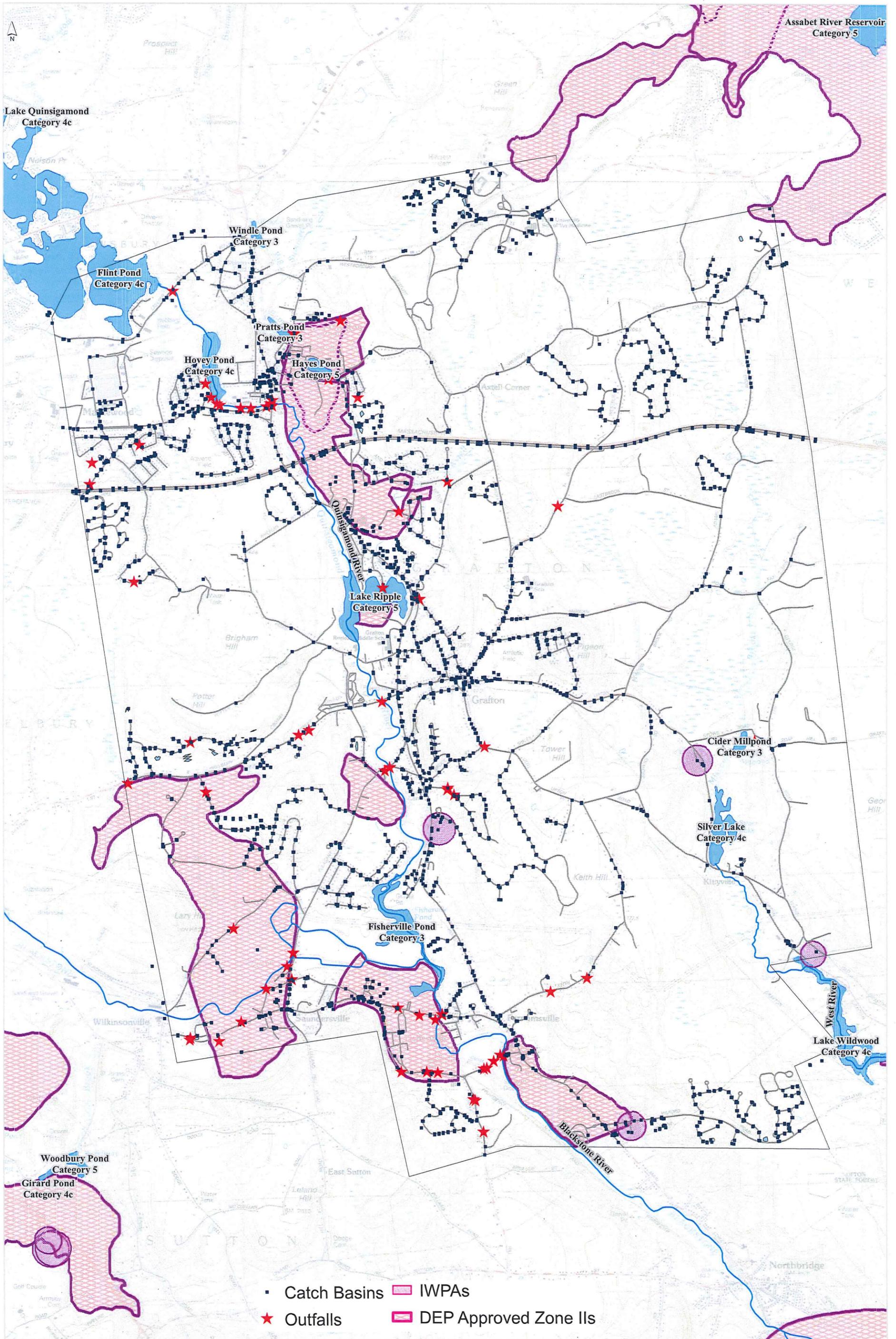
SECTION 13: Transitional Provisions

Residential property owners shall have (90) ninety days from the effective date of the by-law to comply with its provisions provided good cause is shown for the failure to comply with the by-law during that period.

(ATM 5/11/09)



Attachment D: Storm Sewer Map



Source: MassGIS 2008; USGS 2001



The stormwater infrastructure presented on this map was provided by the Town of Grafton. This map may not include all of the available data. It is provided for information purposes only.

April 2013
 Grafton, Massachusetts
 Stormwater Map

VHB Vanasse Hangen Brustlin, Inc.