

Stormwater Management Regulations Lancaster, Massachusetts

1.0 Purpose

The purpose of these Stormwater Management Regulations 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, decreased groundwater recharge, and non-point source pollution associated with new development, as more specifically addressed in the Stormwater Management Bylaw of the Town of Lancaster.

2.0 Definitions

The definitions of terms in Section 2.0 of the Stormwater Management Bylaw shall apply to terms used in these Regulations.

3.0 Authority

- A) The Regulations contained herein have been adopted by the Lancaster Planning Board in accordance with the Town of Lancaster Stormwater Bylaw.
- B) Nothing in these Regulations is intended to replace or be in derogation of the requirements of the Town of Lancaster Wetlands Protection Bylaw or any rules and regulations adopted thereunder.
- C) These Stormwater Regulations may be periodically amended by the Lancaster Planning Board in accordance with the procedures outlined in Section 6 of the Town of Lancaster Stormwater Bylaw.

4.0 Administration

The Lancaster Planning Board, as the Stormwater Authority (“Authority”) shall administer, implement and enforce these Regulations.

5.0 Jurisdiction

These Stormwater Regulations apply to all activities in accordance with the Jurisdiction section of the Town of Lancaster Stormwater Management Bylaw.

6.0 Permits and Procedures

A) Application

Seven (7) copies of a completed application for a Stormwater Management Permit shall be filed with the Planning Board. A permit must be obtained prior to the commencement of any activity that is subject to regulation under Section 4.0 of the Bylaw.

A Stormwater Management Plan (SMP), which meets the design requirements of the Bylaw, shall be prepared by a licensed professional engineer and submitted to the Planning Board. The SMP shall be designed to ensure compliance with the Bylaw and the Permit, and to ensure that the Massachusetts Surface Water Quality Standards, 314 CMR 4.00, are met in all seasons and throughout the life of the system.

The plan shall, at a minimum, be designed to provide sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts to the proposed development on water resources, and the effectiveness and acceptability of measures proposed for managing stormwater runoff.

The Authority shall make the final decision on what stormwater management option is appropriate in a given situation. The Authority 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 SMP shall remain on file with the Authority and shall be an ongoing requirement.

B) Standards

Projects shall meet the Standards of the Massachusetts Stormwater Management Policy, as are in effect at the time that the application is filed.

C) Public Hearing

The Authority shall hold a public hearing within twenty-one (21) days of the receipt of a complete application and shall take final action within twenty-one (21) days from the time of the close of the hearing unless such time is extended by agreement between the applicant and the Authority.

The Applicant shall provide Notice of the public hearing by publication, posting and by first-class mailings to abutters within 300 feet of the subject property at least seven (7) days prior to the hearing. The Authority shall make the application available for inspection by the public during business hours at the Town Hall.

D) Information Requests

The applicant shall submit all additional information requested by the Authority to issue a decision on the application.

E) Action

The Authority may:

1. Approve the Stormwater Management Permit application and issue a permit if it finds that the proposed plan will protect water resources and meets the objectives and requirements of the Bylaw;
2. Approve the Stormwater Management Permit application and issue a permit with conditions, modifications or restrictions that the Authority determines are required to ensure that the project will protect water resources and meet the objectives and requirements of the 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 the Bylaw, or if it finds that the applicant has failed to submit sufficient information to show that the proposed plan will protect water resources and meets the objectives and requirements of the Bylaw.

7.0 Stormwater Management Plan

Stormwater Management Plan Contents

1. The names and addresses of the person(s) responsible for operation and maintenance;
2. The person(s) responsible for financing maintenance and emergency repairs;
3. Locus map;
4. Drainage area map showing drainage area and stormwater flow paths;
5. A maintenance schedule for all drainage structures, including swales and ponds;
6. A list of all existing and proposed easements with the purpose and location of each;

7. Location of existing and proposed utilities;
8. Location of all existing and proposed stormwater utilities, including structures, pipes, swales and detention basins;
9. Topographic survey showing existing and proposed contours;
10. Soils investigation, including borings or test pits, for areas where construction of infiltration practices will occur;
11. Description of all watercourses, impoundment, and wetlands on or adjacent to the site or into which stormwater flows;
12. Delineation of 100-year floodplains, if applicable;
13. Groundwater levels at the time of probable high groundwater elevation (October to May) in areas to be used for stormwater retention, detention or infiltration;
14. Existing and proposed locations, cross sections and profiles of all brooks, streams, drainage swells and the method of stabilization;
15. Proposed improvements, including location of buildings or other structures, impervious surfaces and storm drainage facilities, if applicable;
16. Structural detail for all components of the proposed drainage systems and stormwater management facilities;
17. An Erosion and Sediment Control Plan, as described in Section 8 of these Regulations;
18. Timing schedules and sequences of development, including clearing, stripping, rough grading, construction, final grading and vegetative stabilization;
19. An Operation and Maintenance Plan, as described in Section 9 of these Regulations;
20. Notes on drawings specifying materials to be used, construction specifications and typicals; and
21. Location of areas to be cleared of more than 30% of the vegetation.

8.0 Erosion and Sediment Control Plan

An Erosion and Sediment Control Plan shall be submitted as part of the application for a Stormwater Management Permit. The plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sedimentation controls. The applicant shall submit such material as is necessary to show that the proposed development will comply with the design requirements listed in Section 8.A below.

A) Design Requirements

The design requirements of the Erosion and Sediment Control Plan are:

1. Minimize total area of disturbance;
2. Sequence activities to minimize simultaneous areas of disturbance;
3. Minimize peak rate of runoff in accordance with the Massachusetts Stormwater Policy;
4. Minimize soil erosion and control sedimentation during construction, provided that prevention of erosion is preferred over sedimentation control;
5. Divert uncontaminated water around disturbed areas;
6. Maximize groundwater recharge;
7. Install and maintain all Erosion and Sediment Control measures in accordance with the manufacturer's specifications and good engineering practices;
8. Prevent off-site transport of sediment;
9. Protect and manage on- and off-site material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project);
10. Comply with applicable Federal, State and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control;
11. Prevent significant alteration of habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or Of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species from the proposed activities;
12. Institute interim and permanent stabilization measures, which shall be instituted on a disturbed areas as soon as practicable but no more than 14 days

after construction activity has temporarily or permanently ceased on that portion of the site;

13. Properly manage on-site construction and waste materials; and

14. Prevent off-site vehicle tracking of sediments.

B) Erosion and Sediment Control Plan Contents

The Plan shall contain the following information:

1. Names, addresses and telephone numbers of the owner, applicant, and person(s) or firms(s) preparing the plan;
2. Title, date, north arrow, names of abutters, scale, legend, and locus map;
3. Location and description of natural features including:
 - a) Watercourses and water bodies, wetland resource areas and all floodplain information, including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map, or as calculated by a professional engineer for areas not assessed on these maps;
 - b) Existing vegetation including tree lines, canopy layer, shrub layer, and ground cover, and trees with a caliper of twelve (12) inches or large, noting specimen trees and forest communities; and
 - c) Habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species within five hundred (500) feet of any construction activity.
4. Lines of existing abutting streets showing drainage and driveway locations and curb cuts;
5. Existing soils, volume and nature of imported soil materials;
7. Topographical features, including existing and proposed contours at intervals no greater than two (2) feet with spot elevations provided when needed;
7. Surveyed property lines showing distances and monument locations, all existing and proposed easements, rights-of-way, and other encumbrances, the size of the entire parcel, and the delineation and number of square feet of the land area to be disturbed;

8. Drainage patterns and approximately slopes anticipated after major grading activities (Construction Phase Grading Plans);
9. Location and details of erosion and sediment control measures with a narrative of the construction sequencing/phasing of the project, including both operation and maintenance for structural and non-structural measures, interim grading, and materials stockpiling areas;
10. Path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable;
11. Location and description of industrial discharges, including stormwater discharges from dedicated asphalt plants and dedicated concrete plants, which are covered by this permit;
12. Stormwater runoff calculations in accordance with the Department of Environmental Protection's Stormwater Management Policy;
13. Location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures;
14. A description of construction and waste materials expected to be stored on-site. The Plan shall include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
15. A description of provisions for phasing the project where one acre of area or greater is to be altered or disturbed;
16. Plans must be stamped and certified by a qualified Professional Engineer registered in Massachusetts or a Certified Professional in Erosion and Sediment Control; and
17. Such other information as is required by the Planning Board.

9.0 Operation and Maintenance Plan

An Operation and Maintenance Plan (OMP) is required at the time of application for all projects. The OMP shall be designed to ensure compliance with the Permit, the Bylaw and the Massachusetts Surface Water Quality Standards, 314 CMR 4.00, and that they are met in all seasons and throughout the life of the system. The Planning Board shall make the final decision of what maintenance option is appropriate in a given situation. The Planning Board will consider natural features, proximity of site to water bodies and wetlands, 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 OMP shall remain on file with the Planning Board and shall be an ongoing requirement. The OMP shall include:

A) Operation and Maintenance Plan Contents

1. The name(s) of the owner(s) for all components of the system.
2. Maintenance agreements that specify:
 - a) The names and addresses of the person(s) responsible for operation and maintenance .
 - b) The person(s) responsible for financing maintenance and emergency repairs.
 - c) A maintenance schedule for all drainage structures, including swales and ponds.
 - d) A list of easements with the purpose and location of each.
 - e) The signature(s) of the owner(s).

B) Changes to Operation and Maintenance Plans

1. The owner(s) of the stormwater management system must notify the Planning Board of changes in ownership or assignment of financial responsibility.
2. The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of this bylaw by mutual agreement of the Planning Board and the responsible parties. Amendments must be in writing and signed by all responsible parties. Responsible parties shall include owner(s), persons with financial responsibility, and persons with operational responsibility

10.0 Inspections and Site Supervision

A) Pre-Construction Meeting

Prior to starting any clearing, excavation, construction or land-disturbing activity, the applicant, the applicant's technical representative, the general contractor or any other person with authority to make changes to the project, shall meet with the Planning Board to review the permitted plans and their implementation.

B) Board Inspection

The Planning Board, or its designated agent, shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Stormwater Management Permit as approved. The Permit and associated plans for grading, stripping, excavating and filling work, bearing the signature of approval of the Planning Board, shall be maintained at the site during the progress of the work. In order to obtain inspections, the permittee shall notify the Planning Board at least two (2) working days before each of the following events:

1. Erosion and sediment control measures are in place and stabilized;
2. Site clearing has been substantially completed;
3. Rough grading has been substantially completed;
4. Final grading has been substantially completed;
5. Close of the construction season; and
6. Final landscaping (permanent stabilization) and project final completion.

C) Permittee Inspections

The permittee or his/her agent shall conduct and document inspections of all erosion and sediment control measures no less than weekly or as specified in the permit, and prior to and following anticipated storm events. The purpose of these inspections will be to determine the overall effectiveness of the control plan, and the need for maintenance or additional control measures. The permittee or his/her agent shall submit monthly reports to the Planning Board or designated agent in a format approved by the Planning Board.

D) Access Permission

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

11.0 Extension

A Stormwater Management Permit shall be valid for three years from the date the permit is issued (except that compliance with the Operation and Maintenance Plan

shall be a continuing and ongoing requirement). The Authority may grant extensions for additional time upon written request for renewal no later than 30 days prior to expiration of the permit.

12.0 Certificate of Completion

Upon the completion of the activities allowed under a Stormwater Management Permit (not including the continuing and ongoing requirement of compliance with the Operation and Maintenance Plan), the applicant shall notify the Authority and request a final inspection and Certificate of Completion. The applicant shall submit an as-built plan prepared by a Professional Land Surveyor along with certification from a Registered Professional Engineer that all construction has been done in accordance with the approved SMP. The Authority may hire its own consultant to advise on completion, at a cost to be received from the Applicant before issuance of the Certificate of Completion.

13.0 Severability

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

14.0 Effective Date

These Regulations shall take effect upon approval of the Lancaster Planning Board.

Filed with the Town Clerk:

Town Clerk

Date