TABLE OF CONTENTS

ARTICLE I – GENERAL PROVISIONS

Section 1. Purpose ..................................................................................................................... 2
Section 2. Definitions ................................................................................................................. 3
Section 3. Authority ................................................................................................................... 7
Section 4. Administration ......................................................................................................... 7
Section 5. Waivers .................................................................................................................... 7
Section 6. Compliance with EPA General Permit for MS4s in Massachusetts .................. 8
Section 7. Rules & Regulations ............................................................................................... 8
Section 8. Severability ............................................................................................................. 8

ARTICLE II – DISCHARGES TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

Section 1. Applicability .......................................................................................................... 9
Section 2. Prohibited Activities; Exemptions ........................................................................ 9
Section 3. Additional Prohibited Pollutants ......................................................................... 10
Section 4. Emergency Suspension of Storm Drainage System Access ................................. 11
Section 5. Notification of Spills ............................................................................................. 11
Section 6. Enforcement ........................................................................................................... 11
Section 7. Transitional Provisions .......................................................................................... 13
Section 8. Severability .......................................................................................................... 13

ARTICLE III – STORMWATER MANAGEMENT & DISTURBANCE OF LAND

Section 1. Applicability; Exemptions; .................................................................................... 14
Section 3. Decision ................................................................................................................. 16
Section 4. Right of Entry ...................................................................................................... 16
Section 5. Inspection & Site Supervision .............................................................................. 16
Section 6. Surety .................................................................................................................... 16
Section 7. Final Reports ........................................................................................................ 16
Section 8. Enforcement ......................................................................................................... 16
ARTICLE I – GENERAL PROVISIONS

This Article provides provisions for a basis for the develop of Articles related to the management of stormwater runoff in the Town of Norwell, (the “Town”) including the purpose, definitions, authority, administration and accompanying regulations outlined and authorized by this Bylaw.

Section 1. Purpose

The purpose of this Stormwater Management Bylaw is to protect, maintain, and enhance the public health, safety, general welfare, and environment by regulating illicit connections and discharges to the municipal storm drain system and controlling the adverse effects of construction site stormwater runoff and post-construction runoff throughout Norwell. The United States Environmental Protection Agency has identified land disturbance and polluted stormwater runoff as major sources of water pollution. The regulation of stormwater runoff and of illicit connections and discharges to the municipal storm drain system are necessary to safeguard the public health, safety, welfare, environment, drinking water, and other natural resources of the Town.

A. Stormwater runoff is potentially a major cause of:

(1) Impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands, groundwater and drinking water supplies;
(2) Contamination of drinking water supplies;
(3) Contamination of downstream coastal areas;
(4) Alteration or destruction of aquatic and wildlife habitat;
(5) Overloading or clogging of municipal stormwater management systems; and,
(6) Flooding.

B. The objectives of this Bylaw are to:

(1) Protect water resources;
(2) Comply with state and federal statutes and regulations relating to stormwater discharges including total maximum daily load requirements;
(3) Prevent pollutants from entering the Town’s storm drain systems and reduce or eliminate pollutants entering the Town’s storm drain systems from existing uses;
(4) Prohibit illicit connections, unauthorized discharges, and obstructions to the municipal storm drain system;
(5) Require the removal of all such illicit connections and obstructions;
(6) Establish minimum construction and post construction stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
(7) Establish provisions for the long-term responsibility for, and maintenance of, structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are adequately maintained, and pose no threat to public safety; and,
(8) Establish the legal authority to ensure compliance with the provisions of this Bylaw and to ensure compliance with the provisions of this Bylaw through inspection, monitoring, and enforcement.

Section 2. Definitions

In this Bylaw, the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed. Words used in the singular include the plural and words used in the plural include the singular. Words used in the present tense include the future. Additional definitions can be found in the Stormwater Management Regulations:

ALTERATION OF DRAINAGE CHARACTERISTICS: Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: 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, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government to the extent permitted by law requesting either an Administrative Land Disturbance Review, or Land a Land Disturbance Permit for proposed land-disturbing activity.

AUTHORIZED ENFORCEMENT AGENCY: Town of Norwell Conservation Commission, or its authorized agent(s), employee(s), and designee(s).

BEST MANAGEMENT PRACTICE (BMP): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

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


DEVELOPMENT: The modification of land in any manner to accommodate a new use, replacement of use, or expansion of use, usually involving construction.

DISCHARGE OF POLLUTANTS: The addition from any source, point or non-point, of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States, Commonwealth or Town from any source.

DISTURBANCE OF LAND: See LAND-DISTURBING ACTIVITY.

EROSION: The wearing away of the land surface by natural or artificial forces such as, but not limited to: wind, water, ice, gravity, excavation, regrading, or vehicle traffic and the subsequent detachment and transportation of soil particles.

EROSION AND SEDIMENTATION CONTROL PLAN: A document containing a narrative, drawings, and details developed by a registered professional civil engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best
management practices, or equivalent measures designed to control surface runoff and erosion and sedimentation during pre-construction and construction-related land disturbance activities.

GROUNDWATER: Water beneath the surface of the ground including confined or unconfined aquifers.

ILLEGAL CONNECTION: A surface or subsurface drain or conveyance which allows an illicit discharge into the municipal storm drain system, including but not limited to: sewage, fresh water (that is not composed of clean naturally flowing/occurring stormwater), process wastewater, 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 Bylaw.

ILLEGAL DISCHARGE: Direct or indirect discharge to the municipal storm drain system that is not composed entirely of clean naturally flowing/occurring stormwater. “Illegal Discharge” does not include a discharge in compliance with a NPDES stormwater discharge permit or resulting from fire-fighting activities exempted pursuant to Article II(2)(D)(1) of this Bylaw.

IMPERVIOUS SURFACE: Any material or structure on, in the surface of, or above the ground that prevents water from infiltrating the underlying soil. “Impervious Surface” includes but is not limited to: roads, paved parking lots and driveways, hard packed gravel roads, gravel driveways and parking lots (or those containing crushed material that becomes impervious on contact with groundwater), patios, sidewalks, structures, and rooftops and similar.

IMPOUNDMENT: A stormwater pond created by either constructing an embankment or excavating a pit which retains a permanent pool of water.

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: Any action or activity that causes a change in the position, location or arrangement of trees, vegetation, water, soil, sand, rock, gravel, or similar earth material.

LANDSCAPE: A piece of land that has been altered from its natural state and contains a variety of mixed plantings (rather than just lawn) or an area of planting in conjunction with the installation of other landscape features -- walks, walls, patios, fountains, etc.

LAND USE OF HIGHER POTENTIAL POLLUTANT LOAD (LUHPPPL): Land uses or activities with higher potential pollutant loadings, as defined in the Massachusetts Stormwater Management Regulations such as auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots with high intensity use, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances, and marinas.

LAWN: A piece of land cleared of trees typically consisting of an area of mowed and/or cultivated grass (sod, seed, hydro seed, etc.) that is cut regularly to keep it short.

MASSACHUSETTS STORMWATER MANAGEMENT REGULATIONS: The Regulations issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the
Massachusetts Wetlands Protection Act, (MGL c.131 §40) and the Massachusetts Clean Waters Act, (MGL c.21 §§23-56). The Regulations address stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity and quality 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 (whether isolated from or connected to other jurisdictional wetland resources), reservoir, and other drainage structure that together comprise any storm drainage system.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT: A permit issued by United States Environmental Protection Agency or jointly with the Commonwealth of Massachusetts that regulates the discharge of pollutants to waters of the United States.

NON-POINT SOURCE: Precipitation, atmospheric deposition, drainage, seepage, or hydrologic modification that picks up pollutants as it moves across the ground.

NONSTORMWATER DISCHARGE: Discharge to the municipal storm drain system not composed entirely of naturally occurring clean stormwater.

OPERATION AND MAINTENANCE PLAN (O&M Plan): A plan setting up the functional, financial, and organizational mechanisms for the ongoing operation, maintenance, repair, and replacement of a stormwater management system to ensure that it continues to function as designed.

OUTFALL: The point at which stormwater flows out from a point source into municipal waters or waters of the Commonwealth.

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

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 conveyance, including but not limited to, any pipe, ditch, channel, tunnel, distributed sheet flow, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

PRE-CONSTRUCTION: All activities performed in preparation for construction.

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 nonpoint source, that is or may be introduced into any stormwater conveyance, storm sewer, water works or waters of the Commonwealth, or the Town. Pollutants shall include but are not limited to:

A. Paints, varnishes, and solvents;
B. Oil and other automotive fluids;
C. Nonhazardous liquid and solid wastes and yard wastes;
D. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnance, accumulations, and floatables;
E. Pesticides, herbicides, and fertilizers;
F. Hazardous materials and wastes; sewage, fecal coliform and pathogens;
G. Dissolved and particulate metals;
H. Animal wastes;
I. Rock; sand; salt; soils;
J. Construction wastes and residues; and,
K. Noxious or offensive matter of any kind.
L. Invasive species.

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.

REDEVELOPMENT: Development, rehabilitation, expansion, demolition, or phased projects that disturb vegetation or the ground surface on previously developed sites.

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface. Discharge from any point source of water, clean or polluted, into the municipal storm drain or street system or into the waters of the United States, Commonwealth or Town from any source.

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.

SLOPE: The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

SOIL: Any earth, sand, rock, gravel, or similar material.

STABILIZATION: The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

STORMWATER AUTHORITY: Town of Norwell Conservation Commission, or its authorized agent(s), employee(s), and designee(s).

STORMWATER: Runoff from precipitation or snow melt and surface water runoff and drainage.

STORMWATER MANAGEMENT PLAN (SWMP): A plan required as part of the application for a Land Disturbance Permit.

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, general
welfare, or to the environment. “Toxic or hazardous materials” include but are not limited to: any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as “toxic” or “hazardous” under the Massachusetts Hazardous Waste Management Act, (MGL c.21C) and the Massachusetts Oil and Hazardous Material Release Prevention and Response Act, (MGL c.21E), and the implementing regulations at 310 CMR 30.000 and 310 CMR 40.000.

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, by-product, or waste product.

WATERCOURSE: A natural or man-made channel through which, or defined surface flow- across 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, but not limited to: rivers, streams, lakes, ponds, vernal pools, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

WETLAND RESOURCE AREA: Areas specified in the Massachusetts Wetlands Protection Act, (MGL. c.131 §40) or Norwell Town Code Chapter 61 – Wetlands Protection. Examples include, but are not limited to: wetlands, banks, and land subject to flooding.

WETLANDS: As defined in the Massachusetts Wetlands Protection Act, (MGL. c.131 §40) or Norwell Town Code Chapter 61 – Wetlands Protection. Typically tidal and non-tidal areas characterized by at least two of the three following: hydric soils, seasonally high ground water during the growing season, and capable of supporting wetland vegetation. Examples include, but are not limited to: freshwater marshes, ponds, water bodies, land under water bodies and waterways, channels, rivers, streams, brackish and salt water marshes, and vernal pools.

Section 3. Authority

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and in accordance with the regulations of the federal Clean Water Act found at 40 CFR 122.34 and the Phase II ruling from the United States Environmental Protection Agency found in the December 8, 1999 Federal Register.

Section 4. Administration

A. The Conservation Commission, acting as the Stormwater Authority shall administer, implement, and enforce this Bylaw. Any powers granted to or duties imposed upon the Stormwater Authority may be delegated in writing by Stormwater Authority to any authorized agents, employees, or designees.

Section 5. Waivers

A. Following a public hearing on a waiver request, the Stormwater Authority may waive strict compliance with any requirement of this Bylaw or the Regulations promulgated hereunder, where:
A. Such action is allowed by federal, state and local statutes and/or regulations; is in the public interest; and, is not inconsistent with the purpose and intent of this Bylaw.

B. Any Applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation and documentation supporting the waiver request under Section (5)(A)(1-3) above, and demonstrating that strict application of the Bylaw does not further the purposes or objective of this Bylaw.

C. If in the Stormwater Authority’s opinion, additional time or information is required for review of a waiver request, the Stormwater Authority may continue a hearing to a date, time, and place certain, 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.

Section 6. Compliance with EPA General Permit for MS4s in Massachusetts

This Bylaw is intended to further the objectives of and to act in concert with any existing federal, state or local laws concerning stormwater discharges in the Town of Norwell, including but not limited to the requirements of the United States Environmental Protection Agency’s most recent General Permit for MS4s, and nothing in this Bylaw is intended to limit or restrict the authority of any Board, Committee, Commission, or officer of the Town to act in accordance with any federal, state, and local laws within their jurisdiction, and in the event of a conflict, the more stringent requirements shall control.

Section 7. Rules & Regulations

The Stormwater Authority may adopt, and periodically amend, rules, regulations, and/or written guidance relating to the terms, conditions, definitions, enforcement, fees, procedures, and administration of this Bylaw by majority vote after conducting a public hearing to receive comments. Such hearing shall be advertised in a newspaper of general local circulation, once in each of two (2) successive weeks, the first publication being at least fourteen (14) days prior to the hearing date. Failure of the Stormwater Authority to issue such rules & regulations, or a legal declaration of their invalidity by a court, shall not act to suspend or invalidate the effect of this Bylaw.

Such rules, regulations, and/or guidance may include without limitation, provisions for the establishment of one (1) or more categories of administrative review approvals for specific types or sizes of projects. Administrative review applications that meet all the standard requirements may be issued by one (1) or more authorized agents, employees, or designees designated in writing by the Stormwater Authority, without the requirement for a public hearing as detailed in Article III of this Bylaw. Administrative review approval shall comply with all other provisions of this Bylaw.

Section 8. Severability

The provisions of this Bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause of this Bylaw 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 Bylaw.
ARTICLE II – DISCHARGES TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

This Article provides authority to the Town to prohibit illicit discharges, connections and obstructions to the Town (MS4) stormwater management systems. It also provides a basis for regulating and authorizing private connection(s) to the Town MS4.

Section 1. Applicability

Article II of this Bylaw shall apply to all water entering the municipal storm drain system or going, directly or indirectly, into a watercourse, or into the waters of the Commonwealth or the Town of Norwell, that is generated on any developed or undeveloped lands except as explicitly exempted in this Bylaw or where the Stormwater Authority has issued a waiver in accordance with Article I Section 5.

Section 2. Prohibited Activities

A. Illicit discharges: No person shall dump, discharge, spill, cause or allow to be discharged, any pollutant or nonstormwater discharge, including, but not limited to: pumped groundwater, foundation drains, and swimming pool discharges, into the municipal storm drain system, onto an impervious surface directly connected to the municipal storm drain system, or, directly or indirectly, into a watercourse, or into the waters of the Town of Norwell or the Commonwealth.

B. 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.

C. 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 consent from the Stormwater Authority.

Section 3. Regulated Activities

A. No person shall connect a pipe or other appurtenance to the municipal storm drain system (including but not limited to roads, catch basins, drain pipes, manholes etc.), or otherwise perform any modification, repair, rehabilitation, or replacement work on the storm drain system, without receiving an approved Drainage Connection Permit from the Highway Department. If connections are granted, either the Town or the applicant shall, at the time of connection, add or upgrade to oil/water separators and sumps or other best management practices as required by the Highway Surveyor.

B. No person shall allow a pipe, swale, or other point source to discharge onto a Public Way pursuant to Norwell Town Code §81.9.

Section 4. Exemptions
The following activities shall be exempt from the requirements and provisions of this Bylaw:

(1) Discharge or flow resulting from fire-fighting activities.
(2) The following nonstormwater discharges or flows are exempt from the prohibition of nonstormwater, provided that the source is not a significant contributor of a pollutant to the municipal storm drain system or, directly or indirectly, into a watercourse, or into the waters of the Commonwealth:
   (a) Waterline flushing;
   (b) Natural flow from springs;
   (c) Natural flow from riparian habitats and wetlands;
   (d) Rising groundwater;
   (e) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater (e.g. sump pump), provided that where a pump intake exists inside a structure, the operator seeks a Drainage Connection Permit from the Highway Surveyor prior to discharge and thereafter discharges in accordance with the requirements of the approved Permit and applicable laws and regulations to be issued by the Stormwater Authority. Connections to the municipal storm drain system shall require a gas trap or equivalent device/method, approved by the Highway surveyor and incorporated into the Drainage Connection Permit, to prevent gasses from migrating into buildings;
   (f) Discharge from street sweeping;
   (g) Dye testing, provided verbal notification is given to the Stormwater Authority prior to the time of the test;
   (h) Nonstormwater discharge permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency, and the Town of Norwell Conservation Commission provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations;
   (i) Discharge for which advanced written approval has been received from the Stormwater Authority as necessary to protect public health, safety, general welfare, or the environment; and;
   (j) Discharge or flow that results from exigent conditions and occurs during a Public Health Emergency declared by an agency of the federal or state government, or by the Town Administrator, Board of Selectmen, or Board of Health.

Section 5. Additional Prohibited Pollutants

Pet Waste: Dog feces are a major component of stormwater pollution, it shall be the duty of each person who owns, possesses, or controls a dog to remove and properly dispose of any feces left by the dog on any public or private property neither owned nor occupied by said person. It is prohibited to dispose of dog feces in any public or private storm drain, catch basin, wetland, or water body or on any paved or impervious surface. However, this provision shall not be applicable
to a person using a service dog or other service animal registered as such. Persons walking dogs must carry with them a device designed to dispose of dog feces including, but not limited to, a plastic bag or “pooper scooper.” For specific requirements and penalties for violations, see Norwell Town Code Chapter 45, Article II – Animal Control Regulations.

Section 6. Emergency Suspension of Storm Drainage System Access

The Stormwater Authority 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, general welfare, or the environment. In the event any person fails to comply with an emergency suspension order, the Stormwater Authority may take all reasonable steps to prevent or minimize harm to the public health, safety, general welfare, or the environment.

Section 7. 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 the facility or operation resulting in or which may result in discharge of pollutants to the municipal storm drain 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, the Town Administrator, the Board of Health, Conservation Commission, and the Water Superintendent. In the event of a release of non-hazardous material, the reporting person shall notify the Town Administrator and the Conservation Commission no later than the next business day. The reporting person shall provide to the Town Administrator written confirmation of all telephone, facsimile or in person notifications within three (3) business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or facility operator shall also retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for a least three (3) years.

Section 8. Enforcement

The Stormwater Authority or its authorized agents, employees, or designees shall enforce this Bylaw, and any associated regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations. The Town may enforce this Bylaw or enjoin violations thereof through any lawful process, and the election of one (1) remedy by the Town shall not preclude enforcement through any other lawful means.

A. Civil relief: If a person violates the provisions of this Bylaw, or any associated rules & regulations, permit, notice, or order issued thereunder, the Stormwater Authority may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations, and/or compelling the person to perform abatement or remediation of the violation.

B. Orders.
The Stormwater Authority or its authorized agents, employees, or designees may issue a written Order to enforce the provisions of this Bylaw or any rules & regulations thereunder, which may include, but are not limited to:

(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;
(d) That measures shall be taken to minimize the discharge of pollutants until such time as the illicit connection shall be eliminated; and,
(e) Remediation of contamination in connection therewith.

Said Orders shall specify a deadline by which the required action shall be completed. The 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, that it deems necessary to protect public health, safety, general welfare, and environment, and all costs incurred by the Town shall be charged to the violator or property Owner, to be recouped through all available means, including the placement of liens on the property.

Within thirty (30) days after completing all measures necessary to abate the violation or to 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 Stormwater Authority 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 Stormwater Authority 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 and shall constitute a lien on the Owner’s property title for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in MGL c.59 §57 after the 31st day at which the costs first become due.

C. Criminal penalty: Any person who violates any provision of this Bylaw, regulation, order, or permit issued thereunder may be penalized by indictment or on complaint brought in a court of competent jurisdiction. Except as may be otherwise provided by law and as the court may see fit to impose, the penalty for each violation or offense shall be $300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense. If more than one (1), each condition violated shall constitute a separate offense.

D. Noncriminal disposition: As an alternative to criminal prosecution or civil action, the Town may elect to utilize the noncriminal disposition procedure pursuant to MGL c.40 §21D, in which case the Town Administrator or their authorized agent, shall be the enforcing person. The penalty for each violation shall be $300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

E. Right of Entry: To the extent permitted by law, or if authorized by the Owner or other party in control of the property, the Stormwater Authority, its authorized agents, employees, or designees may enter upon private property for the purpose of performing their duties under
F. Appeals: The decisions or orders of the Stormwater Authority shall be final. Further relief shall be to a court of competent jurisdiction.

G. Remedies not exclusive: The remedies listed in this Bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

**Section 9. Transitional Provisions**

Property Owners with illicit discharges, connections, and/or obstructions to the municipal storm drain system shall have a period of 180 days from the effective date of this Bylaw to comply with its provisions and remove such discharges, connections, and/or obstructions, unless immediate removal is required for the protection of public health, safety, general welfare, and the environment. On petition of the Owner, the Stormwater Authority may extend the time for compliance by regulation or by waiver in accordance with Section 6 of this Bylaw.

**Section 10. Severability**

The provisions of this Bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this Bylaw 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 Bylaw.
ARTICLE III – STORMWATER MANAGEMENT & DISTURBANCE OF LAND

This Article provides thresholds and regulatory procedures for new and redevelopment projects to meet local, state, and federal requirements for the design, construction, and long term maintenance of stormwater management systems to prevent adverse impacts to down gradient MS4 infrastructure, properties, water, and sensitive environmental resources.

Section 1. Applicability; Exemptions

A. Article III of this Bylaw shall apply to all land-disturbing activities unless exempt pursuant to Section 1(B) of this Bylaw. Non-exempt activities shall require either an Administrative Land Disturbance Review under Section 1(C) below; or a Land Disturbance Permit under Section 1(D) below.

B. Exemptions:

1. Maintenance of existing structures (including but not limited to) impervious, driveways, pools, patios, decks, landscaping, gardens, or lawn areas associated with a single family dwelling unit conducted in such a way so as not to cause a nuisance, i.e., with proper infiltration and appropriate erosion and sedimentation control measures, or release treated or untreated surface flow from the site;

2. Conversion of lawns to vegetated landscape areas conducted in such a way so as not to cause a nuisance, i.e., with appropriate erosion and sedimentation control measures, or release treated or untreated surface flow from the site;

3. Regulatory site tests, (i.e., percolation and drainage) conducted in such a way so as not to cause a nuisance, permanently alter, or release treated or untreated surface flow from the site. Site test locations shall be restored to their previous condition;

4. Construction of fencing that will not substantially alter existing terrain or drainage patterns;

5. Construction of utilities other than drainage (gas, water, sewer, electric, telephone, etc.) which will not alter terrain or drainage patterns or result in discharge of sediment to the municipal storm drain system;

6. Normal maintenance and improvement of land in agricultural or aquacultural use; and,

7. Disturbance or redevelopment of land that is subject to jurisdiction, or require other permits or approvals and demonstrate compliance with the Massachusetts Stormwater Management Regulations and the Norwell Stormwater Management Bylaw and Regulations in accordance with thresholds for review provided those regulations are not less strict:

   a. under the Wetlands Protection Act and/or Wetland Protection Bylaw as reflected in a valid Order of Conditions (OOC) issued by the Conservation Commission;

   b. under the Subdivision and Land Development Rules & Regulations as reflected in a valid Certificate of Action, issued by the Planning Board; and/or,

   c. under Site Plan Review as reflected in a valid decision issued by the Board of Appeals.
C. Administrative Land Disturbance Review:

The intent of the Administrative Land Disturbance Review is not to require professional engineering, but provide an affordable menu of options for controlling stormwater, erosion, and sedimentation during construction and for reducing runoff and increasing infiltration post-construction that the average homeowner can implement in order to comply with the provisions of this Bylaw.

1. Any land-disturbing activity between 500 and 25,000 square feet where the surface slope/direction of flow is tributary to the Town right-of-way, roadways, or any component of a stormwater system; or,

2. Any increase or change in impervious surface between 500 and 5,000 square feet.

D. Land Disturbance Permit:

1. Any land-disturbing activity that will result in a cumulative disturbance of 25,000 square feet or more of land.
   
   a. Development shall not be segmented to avoid compliance with this Bylaw. Segmentation is defined as one (1) or more divisions of land (i.e. Approval not Required [ANR] Plans) that create buildable lots on any parcel or contiguous parcels of land held in common ownership or under common control on or after the effective date of this Bylaw, that cumulatively result in a disturbance of land of 25,000 square feet, even if the disturbance is conducted over separate phases, and/or by separate Owners. This section is applicable to proposals and divisions of land moving forward, and shall not be retroactive.

   b. A stormwater permit may be required for cumulative lots created under an ANR Plan prior to land disturbance. The applicant/Owner will be notified that the property may be subject to stormwater review and requirements and this notification shall be incorporated into the Plans by way of notation so that it gets on the Deed.

2. Any increase or change in impervious surface greater than 5,000 square feet of impervious surface on the lot.

3. Any proposed use that is listed as a land use of higher potential pollutant loads, (LUHPPL) as defined in the Massachusetts Stormwater Management Regulations.

4. Any new or redevelopment of any size retail, commercial, or industrial facility.

Section 2. Rules & Regulations

The Stormwater Authority may adopt, and periodically amend, rules & regulations to effectuate the purposes of this Bylaw, including but not limited to outlining the application procedures and requirements for the different levels of review specified in Sections 1(C) and (D) hereof. Any person that fails to follow the requirements of a Land Disturbance Permit and the related Stormwater Management Plan, Erosion and Sedimentation Control Plan, and Operations and Maintenance Plan issued under the Stormwater Management Regulations shall be in violation of this Bylaw.
Section 3. Decision
An Applicant seeking a Decision shall file an appropriate application with the Stormwater Authority in a form and containing information as specified in this Bylaw and in the rules & regulations adopted by the Stormwater Authority. A Decision shall be obtained prior to the commencement of land disturbance or redevelopment activities based on thresholds described in this Bylaw.

Section 4. Right of Entry
To the extent permitted by law, or if authorized by the Owner or other party in control of the property, the Stormwater Authority, its agents, officers, and employees may enter upon private property for the purpose of performing their duties under this Bylaw and the rules & regulations and may make or cause to be made such examinations, surveys, or sampling as the Stormwater Authority deems reasonably necessary.

Section 5. Inspection & Site Supervision
The Stormwater Authority or its designated agent shall make inspections of the work subject to this Bylaw to verify and document compliance with the Bylaw and the rules & regulations and orders of the Stormwater Authority.

Section 6. Surety
The Stormwater Authority may require the Applicant to post before the start of land disturbance or redevelopment activities, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by the Stormwater Authority, Town Treasurer-Collector, and Town Counsel as to form, and be in an amount deemed sufficient by the Stormwater Authority to ensure that the work will be completed in accordance with the permit. If the project is phased, the Stormwater Authority may release part of the bond as each phase is completed in compliance with the permit.

Section 7. Final Reports
Administrative Land Disturbance Review: Upon completion of the work, the Applicant shall submit a written notice to the Stormwater Authority with photographic evidence that the work was completed in accordance with the approved Plan.

Land Disturbance Permit: Upon completion of the work, the Applicant shall submit a report (including certified as-built construction plans) from a Massachusetts registered professional civil engineer (P.E.), or Massachusetts registered professional land surveyor (P.L.S.) as applicable, as determined by the Stormwater Authority, certifying that all erosion and sedimentation control devices, and approved changes or modifications, have been completed in accordance with the conditions of the approved Stormwater Management Plan, Erosion and Sedimentation Control Plan, and Operations and Maintenance Plan. Any discrepancies shall be noted in the cover letter.

Section 8. Enforcement
The Stormwater Authority or its authorized agents, employees, or designees shall enforce this
Bylaw, and any associated regulations, orders, violation notices, and enforcement orders and may pursue all civil and criminal remedies for such violations. The Town may enforce this Bylaw or enjoin violations thereof through any lawful process, and the election of one (1) remedy by the Town shall not preclude enforcement through any other lawful means.

A. Civil relief: If a person violates the provisions of this Bylaw, or any associated regulations, permit, notice, or order issued thereunder, the Stormwater Authority may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations, and/or compelling the person to perform abatement or remediation of the violation.

B. Orders: The Stormwater Authority or its authorized agent may issue a written Order to enforce the provisions of this Bylaw or any regulations thereunder, which may include:
   (1) A requirement to cease and desist from the land-disturbing activity until there is compliance with the Bylaw, regulations, and provisions of the Land Disturbance Permit;
   (2) Maintenance, installation, or performance of additional erosion and sediment control measures;
   (3) Monitoring, analyses, and reporting; and,
   (4) Remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity.

Said Orders shall specify a deadline by which the required action shall be completed and the Stormwater Authority or its designee may further advise that, should the violator or property Owner fail to perform the required action or remediation within the specified deadline, the Town may, at its option, undertake such work, at the Owner and/or violator’s sole cost and expense, that it deems necessary to protect public health, safety, general welfare, and the environment.

C. Within thirty (30) days after completing all measures necessary to abate the violation or to 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 Stormwater Authority 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 Stormwater Authority affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the cost shall become a special assessment against the property Owner of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in MGL c.59 §57 after the 31st day at which the costs first become due.

D. Criminal Penalty: Any person who violates any provision of this Bylaw, regulation, permit, approval, or order issued there under, may be penalized by indictment or on complaint brought in a court of competent jurisdiction. Except as may be otherwise provided by law and as the court may see fit to impose, the penalty for each violation or offense shall be three hundred dollars ($300). Each day such violation occurs or continues shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
E. Non-Criminal Disposition: Any person who violates any provision of this Bylaw, regulation, Order, or permit issued thereunder may be penalized by non-criminal disposition as an alternative to criminal prosecution or civil action, the Town may elect to utilize the non-criminal disposition procedure set forth in MGL c.40 §21D and Norwell Town Code §1.9. Each day or part thereof that such violation occurs or continues shall constitute a separate offense. If more than one (1), each condition violated shall constitute a separate offense.

F. Appeals: The decisions or orders of the Stormwater Authority shall be final. Further relief shall be to a court of competent jurisdiction.