

**TOWN OF WEST NEWBURY
PLANNING BOARD
Tuesday June 6th, 2023 7:00 p.m.
AGENDA**

For Remote Participation (see below)

1. Stormwater Management Regulations Votes
2. ADU Discussion
3. Non-Conforming Structures and Uses (Sam Joslin)
4. Reorganization of the Board
5. Summer Meeting Scheduled
6. Planners Report
7. General Business:
 - Minutes – None.
 - Correspondence
 - Administrative Details
 - Inspections
 - Draft Abutters Notice
 - Placement of Items for Future Planning Board Agendas
 - Items not Reasonably Anticipated by the Chair 48 Hours in Advance of a Meeting

The Planning Board reserves the right to take Agenda items out of order

Addendum to Meeting Notice Regarding Remote Participation

Pursuant to Chapter 2 of the Acts of 2023 that includes extending certain COVID - 19 measures adopted during the state of emergency, this meeting of the West Newbury Planning Board will be conducted via remote participation to the greatest extent possible. Members of the public who wish to view and/or listen to the meeting may do so using Zoom, by calling the telephone number or using the VideoLink listed below:

Zoom Meeting Instructions:

Phone: 1+(646) 558-8656

VideoLink: <https://us06web.zoom.us/j/87407918282?pwd=SnoyWW0rTDh6dHVuV0dnZ2o0dkhtdz09>

Meeting ID: 874 0791 8282

Passcode: 437004

No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Town of West Newbury website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as practicable after the meeting.

Stormwater Regulations Motion

Having been presented with recommendations for changes to the Town’s Stormwater Management Regulations from the Town’s Stormwater Working Group, having held a public hearing on May 16th to receive public comment, and having received confirmation of Town Counsel review of the final draft of the recommended changes,

I move the Planning Board accept the amendments to the Stormwater Management Regulations adopted by the Board on December 21, 2021, as presented in the document titled Town of West Newbury Planning Board Stormwater Managed Regulations with a draft date of June 06, 2023.

I move the Planning Board delegate the Board of Health the Stormwater Authority’s powers and duties to administer, implement and enforce the Stormwater Management Authority Bylaw and Regulations as is allowed by Section 4 of the Stormwater Management Bylaw.

Board Reorganization

- Chair: Brian
- Vice Chair: Deb
- Clerk: Ann
- CPA: Tim
- MVPC: Brian
- AHT: Deb

ADU Bylaw Discussion Notice

Web site:

The West Newbury Planning Board is considering recommending a change to the town’s Zoning Bylaw to allow for the creation of Accessory Dwelling Units (ADUs). ADU’s are small residences that share a single-family lot with a larger primary dwelling, sometimes referred to as an accessory, garden or in-law apartment. They can be within or attached to a single-family home, or detached such as in garage or carriage house.

Consistently town plans including Comprehensive Plans, Community Development Plans and Housing Production Plans have called for diversifying the town’s housing stock to create housing that meets local needs, with many specifically identifying accessory dwelling units as one strategy for achieving this goal.

The Planning Board has studied a number of local, regional, state and other zoning models and has drafted a proposed bylaw that they think is consistent with West Newbury's housing and other community goals. See the proposed Bylaw here: [Link to Draft ADU Bylaw](#)

The Planning Board welcomes your attendance at their regular meeting on Tuesday, June 6th via Zoom to hear your thoughts and ideas about Accessory Dwelling Units and the proposed DRAFT Bylaw.

Please join us via Zoom at 7 PM

<https://us06web.zoom.us/j/87407918282?pwd=SnoyWW0rTDh6dHVuV0dnZ2o0dkhtdz09>

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Dial in: 1 646 558 8656

E-mail notice:

Listening Session on Draft Accessory Dwelling Units

The Planning Board is considering proposing a new zoning bylaw that could help create more diverse housing options in town.

The Board has studied a number of local, regional, state and other zoning models and has drafted a proposed bylaw that they believe is consistent with West Newbury's housing and other community goals. See the [proposed Draft Bylaw here](#): (can create this as a link)

The Planning Board welcomes your attendance at their regular meeting on Tuesday, June 6th via Zoom to hear your thoughts and ideas about Accessory Dwelling Units and the proposed DRAFT Bylaw.

Please join us via Zoom at 7 PM

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West Newbury

**Town of West Newbury Planning Board
Stormwater Management Regulations**

**Adopted by the West Newbury Planning Board
On December 21, 2021**

Proposed Revision June 6, 2023

**Town of West Newbury Planning Board
Stormwater Management Regulations
Proposed Revision April 19, 2023**

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- Appendix A. Model Stormwater Management Permit Conditions (Under Review)
- Appendix B. Stormwater Management Permit Application Form (Under Review)
- Appendix C. Tier One Stormwater Management Permit Application Contents
- Appendix D. Tier Two Stormwater Management Permit Application Contents
- Appendix E. Fee Schedule

Section 1. Purpose

The purpose of these Stormwater Management Regulations is to protect, maintain and enhance public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased runoff, decreased ground water recharge, erosion and sedimentation, and nonpoint source pollution associated with new development and redevelopment of land, pursuant to the Town of West Newbury Stormwater Management Bylaw (Chapter XLI of the Town's General Bylaws).

These Stormwater Management Regulations (Regulations) have been developed to provide reasonable guidance for the regulation of project design, construction, and post-development stormwater runoff, for the purpose of protecting local water resources from degradation. It is in the public interest to regulate construction and post-development stormwater runoff discharges in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion and sedimentation, stream channel erosion, and nonpoint source pollution associated with construction site and post-development stormwater runoff.

Section 2. Definitions

A. All definitions provided in the Town of West Newbury Stormwater Management Bylaw shall apply to these Regulations. Terms not defined in the Bylaw are included below.

B. Additional definitions:

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 or 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.

AS-BUILT DRAWING: Drawings that completely record and document applicable aspects and features of conditions of a project following construction using Stormwater Management Plans derived from a Stormwater Management Permit.

CERTIFICATE OF COMPLETION (COC): A document issued by the Stormwater Authority after all construction activities have been completed and a final report has been submitted, 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 permit.

CLEARING: Any activity that removes the vegetative surface cover of land.

COMMON PLAN OF DEVELOPMENT: A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

CONSTRUCTION AND WASTE MATERIALS: Excess or discarded building or site materials, demolition debris, concrete truck washout, chemicals, litter and/or sanitary waste at a construction site that may adversely impact water quality.

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 Commonwealth from any source.

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

ESTIMATED HABITAT OF RARE WILDLIFE AND CERTIFIED VERNAL POOLS: Habitats delineated for state-protected rare wildlife and certified vernal pools under the Wetlands Protection Act Regulations (310 CMR 10.00, et seq.) and the Forest Cutting Practices Act Regulations (304 CMR 11.00, et seq.).

ILLICIT DISCHARGE: Direct or indirect discharge to the municipal storm drain system or into a watercourse or the Waters of the Commonwealth that is not composed entirely of stormwater.¹

LAND USE WITH HIGHER POTENTIAL POLLUTANT LOAD (LUHPPL): Land uses such as auto salvage yards, auto fueling facilities, exterior fleet storage yards, vehicle service and equipment cleaning areas, commercial parking lots with high intensity use, road salt storage areas, outdoor storage and loading areas of hazardous substances, confined disposal facilities and disposal sites, marinas, boat yards or other uses as identified by the Massachusetts Stormwater Handbook.

LOT: An area of land in single ownership with definite boundaries, established by a recorded plan or deed, including a lot created by combining several previously recorded lots, and used or available for use as the site of one or more buildings or for any other purpose. For the purposes of these regulations, a lot also refers to an area of a leasehold on a larger parcel of land, as defined in the lease agreement and shown by approximation on the Assessor's Map.

MS4 REGULATED AREA (also known as NPDES PHASE II REGULATED AREA): The area within West Newbury identified by the U.S. Environmental Protection Agency (EPA) as an area subject to coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in Massachusetts (MS4 Permit). The boundaries of the MS4 Regulated Area are revised by EPA for each MS4 Permit cycle (typically every five years).²

OUTFALL: The point at which stormwater flows out from a point source discernible, confined and discrete conveyance into Waters of the Commonwealth.

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 sewage treatment works, watercourse or Waters of the Commonwealth. Pollutants include, but are not limited to:

- Paints, varnishes, and solvents;
- Oil and other automotive fluids;

¹ See Board of Health Regulation: <https://www.wnewbury.org/board-public-health/files/prohibiting-illicit-connections-and-discharge>

² See MS4 Regulated Area map at: <https://www.wnewbury.org/bylaws-policy-procedures>

- Nonhazardous liquid and solid wastes and yard wastes;
- Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnance, accumulations and floatables;
- Pesticides, herbicides, and fertilizers;
- Hazardous materials and wastes;
- Sewage, fecal coliform and pathogens;
- Dissolved and particulate metals;
- Animal wastes;
- Rock, sand, salt, soils;
- Construction wastes and residues; and
- Noxious or offensive matter of any kind.

POST-CONSTRUCTION: Synonymous with Post-Development, the conditions that reasonably may be expected or anticipated to exist after completion of the land development activity in accordance with approved plans on a specific site or tract of land. Post-construction refers to the phase of a new development or redevelopment project after completion and does not refer to the construction phase of a project.

PRE-CONSTRUCTION: All activity in preparation for construction.

PRIORITY HABITAT OF RARE SPECIES: Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act (M.G.L. c. 131A) and its regulations.

PROJECTS OR ACTIVITIES: Any alteration, disturbance, clearing, grading, excavation, development, or redevelopment that will disturb land surface area equal to or greater than 1 acre (43,560 square feet).

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 minimize erosion.

STORMWATER AUTHORITY: Town of West Newbury Planning Board or its authorized agent(s).

STORMWATER MANAGEMENT PLAN: A document containing narrative, drawings, details and reporting requirements developed by a qualified Professional Engineer (PE) licensed in the Commonwealth of Massachusetts which describes structural and non-structural best management practices designed to control the discharge of pollutants from impervious surfaces and onsite activities as well as the volume and peak rate of surface runoff from a site on an ongoing basis after construction has been completed.

VERNAL POOLS: Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species. Certified vernal pools have received official certification by the Massachusetts Natural Heritage and Endangered Species Program (NHESP). Potential vernal pools have not been certified but were identified by NHESP based on interpretation of aerial photographs.

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, coastal waters, and groundwater and Waters of the United States as defined under the Federal Clean Water Act (33 U.S.C. § 1251, et seq.) as hereafter amended.

WETLAND RESOURCE AREA: Areas specified in the Massachusetts Wetlands Protection Act M.G.L. c. 131, § 40.

Section 3. Authority

- A. The Stormwater Regulations have been adopted by the Stormwater Authority in accordance with the Town of West Newbury Stormwater Management Bylaw.
- B. The Stormwater Authority may periodically amend these regulations pursuant to Section 7 of the Stormwater Management Bylaw (Chapter XLI within the Town’s General Bylaws) and other relevant provisions of the General Bylaws of the Town of West Newbury.
- C. Nothing in these Regulations is intended to replace or be in derogation of the requirements of the Town of West Newbury Zoning Bylaw, Subdivision Control Law or any other Town of West Newbury Bylaw or Rules and Regulations adopted thereunder.

Section 4. Administration

- A. The Stormwater Authority under the Town of West Newbury Stormwater Bylaw shall administer, implement, and enforce these regulations. Any powers granted to or duties imposed upon the Stormwater Authority may be delegated in writing by the Stormwater Authority to its employees, or agents including other town departments and staff.
- B. Waiver. Following a public meeting on a written waiver request, the Stormwater Authority may, at its discretion, waive strict compliance with any requirement of these regulations, if it finds that:
 - (1) Application of some of the requirements is unnecessary or impracticable because of the size or character of the development activity or because of the natural conditions at the site;
 - (2) The project is consistent with the purpose and objectives of the Stormwater Management Bylaw; and
 - (3) The project provides substantially the same level of protection to the public health, safety, environment, and general welfare of the Town as required by the Stormwater Management Bylaw.

Section 5. Applicability

- A. These Regulations apply to all projects or activities subject to the Applicability Section of the

Town of West Newbury Stormwater Management Bylaw. Projects and/or activities within the jurisdiction of the Bylaw must obtain a Stormwater Management Permit (SMP) from the Stormwater Authority in accordance with the permit procedures and requirements defined in these Regulations.

No work on a project within the jurisdiction of the Bylaw may commence without a Stormwater Management Permit issued by the Stormwater Authority. If work commences without approval, enforcement action and/or fines may be pursued. Activities listed in Section 6 of the Bylaw are exempt from these Regulations.

- B. These Regulations establish two categories of Stormwater Management Permits (Tier One and Tier Two), each with distinct procedures and performance standards. The following criteria shall apply for determining eligibility for Tier One and Tier Two Stormwater Management Permit categories:
 - (1) Tier One: All projects and activities that are located, partially or fully, inside West Newbury's MS4 Regulated Area. For areas outside West Newbury's MS4 Regulated Area, all projects and activities except those that are eligible for a Tier Two permit.
 - (2) Tier Two: Projects or activities located fully outside West Newbury's MS4 Regulated Area that are associated with single- and two-family housing and will have a total land disturbance of less than 4 acres.
- C. Applicants eligible for Tier Two Stormwater Management Permits may choose to apply instead for a Tier One Stormwater Management Permit.

Section 6. Procedures

- A. Permit Required. A permit must be obtained prior to the commencement of a disturbance activity that may result in the disturbance of an area of one acre or more, or activities that are part of a larger common plan of Development disturbing one acre or more. A Stormwater Management Permit must be obtained prior to issuance of a building permit.
- B. Application. A completed application for a Stormwater Management Permit shall be filed with the Stormwater Authority. The required contents of Tier One and Tier Two permit applications are detailed in Appendix C and Appendix D, respectively. Applicants shall file one (1) copy of the Application Form with the Town Clerk and include proof of filing with the application package filed with the Stormwater Authority.
- C. Information Requests. The Applicant shall submit all additional information requested by the Stormwater Authority to issue a decision on the application.
- D. Determination of Completeness. The Stormwater Authority shall make a determination as to the completeness of the application and adequacy of the materials submitted. No review shall take place until the application is determined complete.
- E. Fees. Each application must be accompanied by the appropriate application fee, as detailed in Appendix E of these Regulations. The application may be subject to additional consultant fees as authorized in Section 6.F.

F. Employment of Outside Technical Consultants. In accordance with M.G.L. c. 44, §53G, as amended, the Stormwater Authority may impose project review fees for those applications which require the services of outside consultants for the review process due to the size, complexity, or scale of a proposed project; the need for additional expertise in the review; inspection services, or because of the potential impacts of a project. The Stormwater Authority may engage engineers, or other appropriate professionals to perform a peer review and project inspections at the Applicant's expense.

- (1) Fee Payment. The Stormwater Authority shall determine the amount of the initial deposit to be made and the amount of any additional funds that may be required during the review process. The Applicant shall pay such fees to the Town of West Newbury and such fees shall be deposited in a special account with the Town.
- (2) The Stormwater Authority shall notify the Applicant in writing of its selection of a consultant prior to engaging the services of a consultant. See Section 6.F.(6) for Administrative Appeals.
- (3) Expenditure of Fees. Outside consultants retained by the Stormwater Authority shall be paid from this special account. The expenditure of said fees shall be at the direction of the Stormwater Authority, without further appropriation. Said fees are to be expended only in connection with services rendered for the specific project for which the fees were collected.
- (4) Excess Fees. After completion of the Stormwater Authority review of a project, any excess fee amount, including interest, shall be refunded to the Applicant or the Applicant's successor in interest and a final report of said account shall be made available to the Applicant or Applicant's successor in interest.
- (5) Failure to Pay Fee. Failure to pay a Review Fee by the Applicant shall be grounds for disapproval of the subject Application.
- (6) Administrative Appeals. The choice of a consultant selected by the Stormwater Authority for the review of an application may be appealed in writing to the Select Board by the Applicant, provided such appeal is initiated within two weeks of the date of issuance of the Stormwater Authority's written notification of selection of the consultant. The Select Board shall hold a public hearing on any such appeal within thirty (30) days of receipt of the appeal. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications.
- (7) The required time limits for action upon an application by the Stormwater Authority shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Select Board within one month following the filing of an Administrative Appeal, the selection made by the Stormwater Authority shall stand.
- (8) W-9 Form. The Applicant shall be responsible for filing a completed W-9 Form with the Stormwater Authority in order to facilitate the opening of the consultant fee account.

G. Entry. By filing an application for a permit, the Applicant grants the Stormwater Authority permission to enter the site to verify the information in the application and to inspect for

compliance with permit conditions. Refusal to grant access may be grounds for denial and/or revocation of the permit.

- H. Other Boards. The Stormwater Authority shall provide one (1) copy of the application package each to the Conservation Commission, Board of Health, Department of Public Works, and the Building Department.
- I. Public Meeting. The Stormwater Authority shall hold a public meeting within twenty-one (21) days and shall take final action within sixty-five (65) days of the receipt of a complete application (see Section 6.D.), unless such time is extended by agreement between the Applicant and Stormwater Authority. The Stormwater Authority shall make the application available for inspection by the public at the Town Offices during business hours.

The time limit may be extended by agreement between the Applicant and Stormwater Authority in the event that hearings on other permit application(s) (i.e., Subdivision, Special Permit) before the Stormwater Authority are required for the project. In such instances, the Stormwater Authority shall conduct public meetings on the Stormwater Management Permit Application concurrently with and on the same timeline as the other permit application(s).

- J. Action by the Stormwater Authority. The Stormwater Authority may:
 - (1) Approve the Stormwater Management Permit Application and issue a permit if it finds that the proposed plan meets the objectives and requirements of the Town of West Newbury Stormwater Bylaw and related regulations;
 - (2) Approve the Stormwater Management Permit Application and issue a permit with conditions, modifications, or restrictions that the Stormwater Authority determines are required to ensure that the project meets the objectives and requirements of the Town of West Newbury Stormwater Bylaw and related regulations. Model Conditions are included in Appendix A.
 - (3) Disapprove the Stormwater Management Permit Application and deny the permit if it finds that the proposed plan fails to meet the objectives and requirements of the Town of West Newbury Stormwater Bylaw and related regulations; or
 - (4) Disapprove the Stormwater Management Permit Application "without prejudice" where an Applicant fails to provide requested additional information or review fees that in the Stormwater Authority's opinion are needed to adequately describe or review the proposed project.
- K. Final Approval. Final approval, if granted, shall be endorsed on the Stormwater Management Permit by the signature of the majority of the Stormwater Authority (or by the signature of the person officially authorized by the Stormwater Authority), and filed with the Town Clerk within 14 days of final action.
- L. Recording. The Applicant shall record the Stormwater Permit, with the Operation and Maintenance Plan attached, at the Southern Essex District Registry of Deeds, or, if the land affected is registered land, in the registry section of the land court for the district wherein the land lies. For condominiums, the Stormwater Permit shall be recorded with the Master Deed.

- M. **Project Changes.** The permittee, or their agent, must notify the Stormwater Authority in writing of any proposed change or alteration of a land-disturbing activity authorized in a Stormwater Management Permit before any change or alteration occurs. If the Stormwater Authority determines that the change or alteration is significant, the Stormwater Authority may require that an amended Stormwater Management Permit application be filed, and a public meeting be held in the same manner as Section 6.I. If any change or alteration from the Stormwater Management Permit occurs during any land disturbing activities, the Stormwater Authority may require the installation of interim erosion and sedimentation control measures and/or other measures as the Stormwater Authority deems appropriate before approving the change or alteration.
- N. **As-Built Drawings.** Permittees shall submit as-built drawings no later than 60 days after completion of construction projects. The as-built drawings must depict all on-site controls, both structural and non-structural, designed to manage stormwater associated with the completed site. For subsurface components of stormwater management systems, such as subsurface infiltration chambers, the as-built drawings shall be based on Permittee inspections completed before the structures were backfilled.
- O. **Final Reports.** Upon completion of the work allowed under a Stormwater Management Permit, and no later than 60 days after completion, the permittee shall submit a report (including certified as-built construction plans) stamped by a Professional Engineer (P.E.), surveyor, or Certified Professional in Erosion and Sediment Control (CPESC), certifying that all best management practices (BMPs), erosion and sediment control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved permit. Any discrepancies should be noted in the cover letter.
- P. **Certificate of Completion.** The Stormwater Authority shall issue a letter certifying completion upon receipt and approval of the final reports and/or upon otherwise determining that all work has been conducted in conformance with these regulations and the Stormwater Management Permit conditions.

Section 7. Performance Standards for Tier One Stormwater Management Permits

7.1 Post-Construction Stormwater Management

A. General Performance Standards

- (1) Applicants shall evaluate and, unless infeasible, implement low-impact development (LID) site planning and design practices. LID practices shall include, but not be limited to, protection and restoration of natural resources, minimizing impervious surfaces, and grading to direct runoff onto pervious surfaces. Post-construction stormwater practices shall be located in areas that minimize impacts to steep slopes, trees, wetland resource areas, and buffer zones, to the extent feasible. Further guidance on LID practices may be found in the Massachusetts Stormwater Handbook. If the Applicant finds that LID practices are infeasible, the Applicant shall demonstrate which LID practices were evaluated and reasons why those practices were deemed infeasible.

- (2) At a minimum, the selection, design and construction of all pre-treatment, treatment and infiltration BMPs shall be in accordance with the Massachusetts Stormwater Handbook and shall be consistent with all elements of the Massachusetts Stormwater Standards including but not limited to those regarding new stormwater conveyances, peak runoff rates, recharge, land uses with higher potential pollutant loads, discharges to Zone II or interim wellhead protection areas, sediment and erosion control, and illicit discharges. These requirements shall apply for all Tier One projects subject to these Regulations, including projects that are otherwise exempted under the Massachusetts Wetlands Protection Act from meeting the Massachusetts Stormwater Standards.

B. New Development

- (1) Stormwater management systems for new development shall be designed to remove, at a minimum, 90% of the average annual load of Total Suspended Solids (TSS) and 60% of the average annual load of Total Phosphorus (TP) generated from the total post-construction impervious surface area on the site. Average annual pollutant removal requirements shall be achieved through one of the following methods:
 - (a) Installing BMPs that meet the pollutant removal percentages based on calculations developed consistent with EPA Region 1's BMP Accounting and Tracking Tool (2016 or most recent version) or other BMP performance evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the planned or installed BMP performance, then any federally or state-approved BMP design guidance or performance standards (see Massachusetts Stormwater Handbook and design guidance manuals) may be used to calculate BMP performance; or
 - (b) Retaining the volume of runoff equivalent to, or greater than, one (1.0) inch multiplied by the total post-construction impervious surface area on the site; or
 - (c) Providing a combination of retention and treatment that achieves the above standards.

C. Redevelopment

- (1) Stormwater management systems for redevelopment shall be designed to remove, at a minimum, 80% of the average annual load of TSS and 50% of the average annual load of TP generated from the total post-construction impervious surface area on the site. Annual pollutant removal requirements shall be achieved through one of the following methods:
 - (a) Installing BMPs that meet the pollutant removal percentages based on calculations developed consistent with EPA Region 1's BMP Accounting and Tracking Tool (2016 or most recent version) or other BMP performance evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the planned or installed BMP performance, then any federally or state-approved BMP design guidance or performance standards (see Massachusetts Stormwater Handbook and design guidance manuals) may be used to calculate BMP performance; or

- (b) Retaining the volume of runoff equivalent to, or greater than, 0.8 inch multiplied by the total post-construction impervious surface area on the site; or
 - (c) Providing a combination of retention and treatment that achieves the above standards.
- (2) Redevelopment activities that are exclusively limited to maintenance and improvement of existing roadways (including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems, and repaving projects) shall improve existing conditions unless infeasible and are exempt from the requirements of Section 7.1.C.(1).

D. Stormwater Management Design Standards

- (1) Projects must use TR-55 and TR-20 methodologies to calculate peak rate and volume of runoff from pre-development to post-development conditions.
- (2) For purposes of computing runoff, all pervious lands in the site are assumed prior to Development to be in "good hydrologic condition" regardless of the conditions existing at the time of the computation.
- (3) The length of sheet flow used for times of concentration is to be no more than 50 feet.
- (4) At a minimum, utilize the 24-hour rainfall data taken from the NOAA Atlas 14 Point Precipitation Frequency Estimates unless the Massachusetts DEP Stormwater Management Standards adopts other sources for 24- hour rainfall data.
- (5) Size drainage pipes to accommodate the 25-year storm event and maintain velocities between 2.5 and 10 feet per second using the Rational Method.
- (6) Size drainage swales to accommodate the 25-year storm event and velocities below 4 feet per second.
- (7) Size culverts to accommodate the 50-year storm event and design adequate erosion protection. Design stream crossing culverts in accordance with the latest addition of the Massachusetts Stream Crossing Handbook.
- (8) Size stormwater basins to accommodate the 100-year storm event with a minimum of one foot of freeboard.
- (9) All drainage structures are to be able to accommodate HS-20 loading.
- (10) Catch basin structures are to be constructed as required by the Town Department of Public Works or other local law and spaced a maximum of 250 feet apart in roadways.
- (11) Catch basins adjacent to curbing are to be built with a granite curb (or bituminous concrete berm) inlet as required by the Department of Public Works.
- (12) Catch basins in low points of road and on roads with profile grades greater than 5 percent are to be fitted with double grates (parallel with curb) as required by the Town Department of Public Works.
- (13) All drainpipes are to be reinforced concrete pipe or High-Density Polyethylene pipe and have a minimum diameter of 12 inches.

- (14) Outfalls are to be designed to prevent erosion of soils, and pipes 24 inches or larger are to be fitted with grates or bars to prevent ingress.
- (15) Drainage easements are to provide sufficient access for maintenance and repairs of system components and be at least 20 feet wide.

7.2 Construction-Site Stormwater Management

A. Applicants shall implement practices to control construction-related erosion, sedimentation, and wastes in accordance with the latest versions of the Massachusetts Stormwater Handbook, the NPDES Construction General Permit for Stormwater Discharges from Construction Activities, the Massachusetts Erosion and Sediment Control Guidelines for Urban & Suburban Areas, or more stringent standards as specified in these Regulations. For projects within jurisdiction of the West Newbury Conservation Commission, the Stormwater Authority shall coordinate with the Conservation Agent on review, inspection, and removal of erosion and sediment controls and construction-waste management. The following performance standards shall be met.

- (1) **Natural Resource Protection:** Before commencing land disturbance activities, the limits of permitted disturbance areas shall be marked with high-visibility flagging, fencing, and/or signage. Areas designated for revegetation and/or infiltration-based stormwater practices shall be marked with flagging, fencing, and/or signage to restrict use of heavy vehicles and equipment in these areas to avoid soil compaction. Tree protection shall be installed around the dripline for all trees to be preserved. Wetland resource areas, wetland buffers, and other areas under the jurisdiction of the West Newbury Conservation Commission shall be maintained as required in the permit, Determination, or Order issued by the West Newbury Conservation Commission and/or Massachusetts Department of Environmental Protection.
- (2) **Area of Disturbance:** Clearing and grading shall only be performed within areas needed to build the project, including structures, utilities, roads, recreational amenities, post-construction stormwater management facilities, and related infrastructure. Such areas shall be staked to ensure that the work is completed within the appropriate areas. Construction activities shall be phased to minimize the area of disturbed soil at any one time.
- (3) **Soil Stabilization:** The time that soil is exposed shall be minimized by stabilizing dormant areas as work progresses. Exposed areas shall be vegetated, hydromulched, protected with erosion control blankets, or otherwise stabilized within 14 days after land disturbance activities have permanently ceased or will be temporarily inactive for 14 or more days. Vegetative cover shall be prepared by November 1st to ensure that exposed areas have cover before the first freeze.
- (4) **Stockpiles:** Materials shall not be stored or stockpiled near a storm drain, a tree to be preserved, or a wetland resource area. Stockpiled materials that will be unused for 14 or more days shall be covered with roof, tarp, or temporary seeding (of soil stockpiles). Perimeter controls shall be installed around stockpile and staging areas.
- (5) **Perimeter Controls:** Perimeter sediment controls, such as silt fencing and filter tubes, shall be installed around downgradient boundaries, along all resource areas, and around

stockpile and staging areas. Compost socks and straw bale shall be free of invasive species. Perimeter controls shall not be removed until the drainage areas have been permanently stabilized.

- (6) **Stabilized Construction Entrance:** Track-out controls (e.g., gravel apron) shall be installed at each construction entrance to remove sediment from vehicles and prevent tracking onto public roads. Where sediment has been tracked-out from the site, paved roads, sidewalks, or other paved areas shall be swept or vacuumed at the end of the workday. Sediment shall not be swept, hosed, or otherwise deposited into any stormwater conveyance, storm drain inlet, or waterbody.
- (7) **Inlet Protection:** Filter bags, filter tubes, or other inlet protection controls shall be installed to prevent sediment from entering downgradient storm drains. Inlet protection shall be cleared of sediment and debris on a regular basis to ensure that storm drains function properly during rain events. Inlet controls shall not be removed until the drainage areas have been permanently stabilized.
- (8) **Runoff Diversion:** Runoff shall be intercepted and diverted away from disturbed areas with berms, swales, or pipes toward stabilized outlets. Conveyances and outlets shall be stabilized with vegetation, erosion control blankets, check dams, stone aprons, or similar practices to slow velocities and prevent erosion. Runoff shall not be redirected to discharge toward wetland resource areas without approval by the Stormwater Authority in consultation with the Conservation Commission or Conservation Agent. Runoff shall not be redirected to discharge toward or onto a property not owned by the Applicant without a drainage easement or written agreement by the property owner.
- (9) **Sediment Removal:** Sediment traps and basins shall be used to remove suspended solids from runoff before it discharges from the site. Traps and basins shall be designed to use baffles, multiple cells, and other practices to maximize the flow path and settling time. Sediment controls shall not be removed until the drainage areas have been permanently stabilized. Sediment traps and basins shall be cleaned of sediment and debris routinely to ensure proper functioning during rain events.
- (10) **Dewatering:** Dewatering activities shall use tanks, filter bags, or other practices to remove sediment before discharge, in accordance with the standards and requirements contained within the NPDES Construction General Permit. Water shall not be discharged in a manner that causes erosion or flooding.
- (11) **Outlet Protection:** Pipe outlets shall have stone aprons, level spreaders, or other energy dissipation practices installed to prevent erosion.
- (12) **Construction Waste Management:** Trash, debris, and sanitary wastes shall be removed from the site on a regular basis. Dumpsters shall be covered at the end of every workday and before rain events. Dumpsters shall be located outside the 100-foot buffer zone for wetland resource areas. Dumpsters shall not be allowed to leak or otherwise discharge to any stormwater conveyance, storm drain inlet, or wetland resource area. Concrete mixers shall be washed out only in designated areas with liners. Designated areas for washing concrete mixers shall be located outside the 100-foot buffer zone for wetland resource areas and outside the 200-foot Riverfront Area. Demolition debris, discarded building materials, concrete truck wash out, chemicals, litter, and sanitary

wastes shall not be discharged to the MS4 and shall be disposed of in compliance with all local, state, and federal requirements.

- (13) Post-Construction BMPs: Stormwater management facilities to be used after construction shall not be used as BMPs during construction unless otherwise approved by the Stormwater Authority. Many technologies are not designed to handle the high concentrations of sediments typically found in construction runoff, and thus must be protected from construction-related sediment loadings.
- (14) Dust Control: Dust control shall be used during grading operations. Dust control methods may consist of grading fine soils on calm days only or dampening the ground with water; no salts or other wetting agents shall be used for dust control within wetland resource areas, 100-foot buffer zone for wetland resource areas, or 200-foot Riverfront Area.
- (15) Inspection and Maintenance: Erosion and sediment controls shall be inspected as needed and at a minimum before and after rain events. Accumulated sediments shall be removed, and erosion and sediment controls shall be repaired or replaced as needed to ensure they perform as intended.

Section 8. Performance Standards for Tier Two Stormwater Management Permits

8.1 Post-Construction Stormwater Management

- A. Projects eligible for Tier Two Stormwater Management Permits shall evaluate and, unless impracticable, implement LID planning and design strategies. LID practices shall include, but not be limited to, protection and restoration of natural resources, minimizing impervious surfaces, and grading to direct runoff onto pervious surfaces. Post-construction stormwater practices shall be located in areas that minimize impacts to steep slopes, trees, wetland resource areas, and buffer zones, to the extent feasible. Further guidance on LID practices may be found in the Massachusetts Stormwater Handbook.
- B. Projects shall implement at least one stormwater BMP to mitigate the impacts from stormwater runoff and pollutants generated from impervious surfaces on the property. The Stormwater Authority may, at its discretion, require additional BMPs if needed to mitigate a project's stormwater impacts. The Applicant may select a BMP type including but not limited to:
 - (1) Impervious area disconnection
 - (2) Rain barrel for roof runoff
 - (3) Rain garden
 - (4) Pervious pavement
 - (5) Dry well
 - (6) Infiltration trench
 - (7) Vegetated wet- or dry-swale.
- C. Stormwater BMPs shall be designed in accordance with the Massachusetts Stormwater

Handbook and shall have a storage volume equivalent to 1 inch multiplied by the net increase in impervious surface area or by 500 square feet of impervious surface area, whichever is greater.

- D. At a minimum, controls for post-construction stormwater runoff shall be implemented to prevent nuisance conditions such as flooding, erosion, and sedimentation on downgradient properties, public rights of way, or wetland resource areas. To the maximum extent practicable, projects shall manage post-construction stormwater on site such that there is no increase in the rate or volume of runoff exiting the site.

8.2 Construction-Site Stormwater Management

- A. Projects eligible for Tier Two Stormwater Management Permits shall meet the construction-site stormwater management performance standards detailed in Section 7.2 to the maximum extent practicable. At a minimum, controls for erosion, sediment, and construction wastes shall be implemented to prevent nuisance conditions, such as sediment or debris washouts onto abutting properties, public rights of way, or wetland resource areas.

Section 9. Long-Term Operation and Maintenance

9.1. Tier Two Stormwater Management Permits

- A. For Tier Two Stormwater Management Permits, the Permittee shall maintain post-construction BMPs to ensure that they continue to function as intended.

9.2. Tier One Stormwater Management Permits

- A. The Applicant shall ensure that all components of the proposed stormwater management system are functioning according to manufacturer or design specifications for the life of the system. All components shall be maintained in good condition and promptly repaired, in accordance with the approved Operation and Maintenance Plan. This shall constitute a perpetual condition of any Stormwater Management Permit issued under these Regulations.
- B. The Applicant shall provide copies of the Operation and Maintenance Plan to all persons responsible for maintenance and repairs.
- C. Stormwater Management Easement(s).
 - (1) For public or shared stormwater systems, stormwater management easements shall be provided by the property owner(s) as necessary for:
 - (a) Access for facility inspections and maintenance;
 - (b) Preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event; and
 - (c) Direct maintenance access by heavy equipment to structures requiring maintenance.

- (2) Easements shall be recorded with the Southern Essex District Registry of Deeds prior to issuance of a Certificate of Completion by the Stormwater Authority pursuant to Section 6.P.

D. Changes to Operation and Maintenance Plans

- (1) The owner(s) of record of the Stormwater Management System must notify the Stormwater Authority of changes in ownership, assignment of Operation and Maintenance responsibilities, or assignment of financial responsibility within 30 days of the change in ownership. The owner of record shall be responsible for Operation and Maintenance activities until a copy of the updated Operation and Maintenance Plan has been furnished to the Stormwater Authority signed by the new owner or any new responsible person.
- (2) The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of the Stormwater Management Bylaw by mutual agreement of the Stormwater Authority 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 and/or maintenance responsibility.

E. Annual Reporting

- (1) The Permittee shall submit an Annual Operation and Maintenance Report to the Stormwater Authority documenting the work that has been done over the last 12 months to properly operate and maintain the permitted stormwater management system. The certification shall be signed by the person(s) or authorized agent of the person(s) named in the permit as being responsible for ongoing operation and management.
- (2) Annual Operation and Maintenance Reports are not required for Stormwater Management Permits issued for individual single- and two-family homes that do not utilize stormwater management systems that are shared with or located on other properties and that are not part of a larger common plan of development.

F. To ensure adequate long-term operation and maintenance of stormwater management practices, the Stormwater Authority may require applicants to implement one or more of the following procedures:

- (1) Establishment by the Applicant of a dedicated fund or escrow account in the form of a Bond, Insurance Policy, or similar instrument, to be maintained for a number of years and for an amount specified by the Stormwater Authority. Such fund or account may be used by the Applicant to perform its operation and maintenance responsibilities or, if the Stormwater Authority finds that the Applicant has failed to comply with the Plan, by the Stormwater Authority to perform or cause to be performed the required operation and maintenance tasks;
- (2) If the infrastructure is accepted as public by the Town, payment shall be made by the Applicant to the Town of an amount specified by the Stormwater Authority as compensation for its acceptance of ownership of all privately constructed BMPs.

Section 10. Construction Inspections

10.1 Tier Two Stormwater Management Permits

- A. For Tier Two Stormwater Management Permits, inspection requirements will be determined by the Stormwater Authority based on the proposed project's scale and complexity.

10.2. Tier One Stormwater Management Permits

- A. Pre-construction Meeting. Prior to starting the clearing, excavation, construction, redevelopment or land disturbing activity, the Applicant or the Applicant's technical representative, general contractor, or other person with authority to make changes to the project, herein referred to as the Applicant's agent, may be required to meet with the Stormwater Authority, to review the approved plans and their proposed implementation. The need for a pre-construction meeting shall be determined by the Stormwater Authority based on the project scope.
- B. For projects subject to the NPDES Construction General Permit, construction may not commence until the Applicant has submitted EPA's approval of the Construction General Permit Notice of Intent to the Stormwater Authority and posted the final Stormwater Pollution Prevention Plan (SWPPP) at the site.
- C. The approved Stormwater Management Plan bearing the signature of approval of the Stormwater Authority shall be maintained at the site during the progress of the work.
- D. Stormwater Authority Inspections. The Applicant or the Applicant's agent shall provide an estimated schedule of construction milestones and a list of contacts before commencing land disturbance activities. This may be completed during the pre-construction meeting, if applicable. The Applicant or the Applicant's agent shall notify the Stormwater Authority at least two (2) business days before each of the following events, to keep the Stormwater Authority informed of construction progress and to facilitate timely inspections by the Stormwater Authority, at the Authority's discretion:
 - (1) Erosion and sedimentation control measures are in place and stabilized, prior to commencement of land disturbance activities;
 - (2) Site clearing has been substantially completed;
 - (3) Rough grading has been substantially completed;
 - (4) Excavation for stormwater BMPs has been completed;
 - (5) Subsurface components of stormwater BMPs have been installed, prior to backfilling;
 - (6) Stormwater BMP surface features have been substantially completed;
 - (7) Final grading has been substantially completed;
 - (8) Close of the construction season; and,
 - (9) Final Landscaping (permanent stabilization) and project final completion.

- E. Applicant Inspections. The Applicant or the Applicant's 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 as specified in the NPDES Construction General Permit. The purpose of such inspections will be to determine the overall effectiveness of the Erosion and Sedimentation Control Plan, and the need for maintenance or additional control measures as well as verifying compliance with the Stormwater Management Plan. The Applicant or the Applicant's agent shall submit monthly reports to the Stormwater Authority in a format approved by the Stormwater Authority.

Section 11. Surety

The Stormwater Authority may require the permittee to post before the start of disturbance activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by town counsel 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, but the bond may not be fully released until the Stormwater Authority has received the final report as required by Section 6.O and issued a Certificate of Completion pursuant to Section 6.P. Said surety funds shall be maintained in a special account established by the Stormwater Authority pursuant to M.G.L. c. 44, §53G1/2.

APPENDIX C.
Stormwater Management Plan Contents for
Tier One Stormwater Management Permit Applications

The application for a Tier One Stormwater Management Permit shall contain sufficient information for the Stormwater Authority to evaluate the environmental impact, effectiveness, and acceptability of the site planning process and the measures proposed by the Applicant to reduce adverse impacts from stormwater runoff during and after construction.

The Applicant shall submit one digital copy and six (6) printed copies of the Tier One Permit application package, which shall contain the following minimum components:

1. Completed Application Form with original signatures of the Applicant and all property owners;
2. Site Plan;
3. Stormwater Management Report; and
4. Operation and Maintenance Plan.

More information than the minimum required herein may be required by the Stormwater Authority, provided that such information is reasonably necessary for the proper evaluation of the Stormwater Management Plan.

Site Plan

The Site Plan shall be prepared to fully detail and explain the intentions of the Applicant. Site Plan sheets shall be prepared at a standard scale (1" = 20', 1" = 40', or 1" = 80', whichever is appropriate to the size of the proposal). All sheets shall include a reasonable numbering system with an appropriate title block, north arrow, signature block, and legend identifying any representative symbols used on the sheet in question.

Plans must be stamped and certified by a qualified Professional Engineer registered in Massachusetts or a Certified Professional in Erosion and Sediment Control.

The Site Plan shall include, at a minimum:

1. Portion of the USGS Map indicating the site locus and properties within a minimum of 500 feet of project property line.
2. Existing conditions and proposed design plans showing:
 - a. Location and description of natural features including:
 - 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.
 - Existing vegetation, including tree lines, canopy layer, shrub layer, and ground cover. Within the limit of work and within a 25-foot setback from the limit of work boundary, trees with a caliper twelve (12) inches or

- larger, noting specimen trees and forest communities.
- Habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife, Certified Vernal Pools, Potential Vernal Pools (as mapped by Massachusetts GIS), and Priority Habitats of Rare Species within five hundred (500) feet of any construction activity.
- b. Lines of existing abutting streets showing drainage and driveway locations and curb cuts.
 - c. Existing soils, volume and nature of imported soil materials.
 - d. Topographical features including existing and proposed contours at intervals no greater than two (2) feet with spot elevations provided when needed.
 - e. 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.
 - f. Buildings and/or structures including materials, approximate height.
 - g. Utilities including size, material, and invert data.
 - h. Regulated wetland resource areas within proximity of the site.
3. Stormwater management design plan(s) and details showing:
 - a. Location, size, material, inverts data and details for all existing and proposed stormwater management system components including structures, pipes, swales, detention, retention, and infiltration systems and any other Low Impact Development techniques or BMPs.
 - b. Profiles of drainage trunk lines.
 - c. Drainage easements.
 4. Erosion and Sedimentation Control Plan and details showing:
 - a. Drainage patterns and approximate slopes anticipated after major grading activities (Construction Phase Grading Plans).
 - b. Location and details of erosion and sediment control measures with a narrative of the construction sequence/phasing of the project, including both operation and maintenance for structural and non-structural measures, interim grading, and material stockpiling areas.
 - c. Path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable.
 - d. Location and description of industrial discharges, including stormwater discharges from dedicated asphalt plants and dedicated concrete plants, which are covered by this permit.
 - e. Location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures.
 - f. 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.

- g. A description of provisions for phasing the project where one acre of area or greater is to be altered or disturbed.

Stormwater Management Report

1. Contact Information. The name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the property or properties affected;
2. Narrative describing:
 - a. Purpose;
 - b. Methodologies and assumptions;
 - c. Existing and proposed uses and conditions;
 - d. Project impacts and mitigation techniques including:
 - Summary of proposed land area to be cleared, proposed impervious area, work within proximity of regulated wetland resource area(s), aquifer protection zones, and other sensitive environmental areas.
 - Low Impact Development (LID) techniques considered for this project and an explanation as to why they were included or excluded from the project.
 - Proposed best management practices.
 - The immediate downgradient waterbody(s) that stormwater runoff from the project site discharges to, TMDL and/or impairment status of the waterbody(s), and the BMPs included in the project to address the pollutant(s) of concern.
 - e. Summary of pre- and post-development peak rates and volumes of stormwater runoff demonstrating no adverse impacts to down- gradient properties, stormwater management systems and wetland resources
3. Calculations
 - a. Hydrologic analysis to determine pre- and post-development peak rates and volumes of stormwater runoff for 2-, 10-, 25- and 100-year 24-hour storm events.
 - b. Groundwater recharge calculations and BMP drawdown (time to empty).
 - c. Water quality calculations including:
 - Total Suspended Solids (TSS) and Total Phosphorus (TP) percent reduction.
 - Specific BMPs utilized in critical areas, if applicable.
 - Specific BMPs utilized for land uses of higher potential pollutant loads, if applicable.
 - Specific treatment for pollutant causing impairment of down-gradient waterbody identified by U.S. Environmental Protection Agency and Massachusetts Department of Environmental Protection, if applicable.
 - d. Hydraulic calculations to size drainage pipes, swales, and culverts.

- e. Supplemental calculations for sizing BMPs and addressing impairments to water bodies.
4. Figures illustrating pre- and post-development drainage areas, indicating:
 - a. Structures, pavements, surface vegetation and other ground cover materials;
 - b. Topography sufficient to delineate drainage areas;
 - c. Point(s) of analysis;
 - d. Drainage areas including upgradient areas that contribute stormwater flow onto the project site, labeled to be easily identified in calculations. Total pre- and post-development drainage areas should be equivalent;
 - e. Breakdown summary of various surface conditions by soil hydrologic group rating; and
 - f. Flow path for time of concentration (Tc) calculation.
 5. Soil mapping and test data;
 6. Massachusetts Department of Environmental Protection Checklist for Stormwater Report completed, stamped and signed by 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 Massachusetts Stormwater Management Standards, Town of West Newbury Stormwater Management Bylaw and these regulations.

Operation and Maintenance Plan

1. The name(s) of the owner(s) for all components of the system.
2. A map showing the location of the systems and facilities including all structural and nonstructural stormwater best management practices (BMPs), catch basins, manholes/access lids, pipes, and other stormwater devices.
3. The names and addresses of the person(s) responsible for operation and maintenance.
4. The person(s) financially responsible for maintenance and emergency repairs.
5. An Inspection and Maintenance Schedule for all stormwater management facilities including routine and non-routine maintenance tasks to be performed. Where applicable, this schedule shall refer to the Maintenance Criteria provided in the Stormwater Handbook or the EPA National Menu of Stormwater Best Management Practices or equivalent.
6. Instructions for routine and long-term operation and maintenance shall have sufficient detail for responsible parties to perform necessary maintenance activities and preventative actions that may adversely affect the performance of each structural and/or nonstructural stormwater BMP.
7. A schedule for submitting written reports to the Stormwater Authority describing inspection results, recommendations, and actions taken to ensure continued compliance with the Standards and permit requirements. The certification shall be signed by the person(s) or authorized agent of the person(s) named in the permit as being responsible for ongoing operation and management.
8. A list of easements with the purpose and location of each.

9. The signature(s) of the owner(s) and all persons responsible for operation and maintenance, financing, and emergency repairs, as defined in the Maintenance Agreement, if maintenance is to be performed by an entity other than the owner.

APPENDIX D.
Stormwater Management Plan Contents for
Tier Two Stormwater Management Permit Applications

The application for a Tier Two Stormwater Management Permit shall contain sufficient information for the Stormwater Authority to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the Applicant to reduce adverse impacts from stormwater runoff during and after construction.

The Applicant shall submit one digital copy and six (6) printed copies of the permit application package. The Tier Two Permit application package shall include:

1. Completed Application Form with original signatures of the Applicant and all property owners;
2. Narrative describing the proposed work including:
 - a. Existing and proposed site conditions (including structures, vegetation, and drainage);
 - b. The square footage of the proposed land disturbance area, existing impervious surface area, and proposed impervious surface area;
 - c. Proposed low impact development practices; and
 - d. Proposed measures to control erosion, sediment, and waste during construction and to mitigate any long-term stormwater impacts.
3. For proposed stormwater BMPs, calculations for the stormwater volume to be managed.
4. For proposed stormwater BMPs, a description of anticipated maintenance activities and schedule to ensure that the stormwater BMP continues to function as intended.
5. A drawing, map, or plan that shows:
 - a. Existing site features including structures, pavement, trees, plantings, utilities, and stormwater management systems, etc.;
 - b. Proposed work including proposed stormwater management systems and limits of disturbance; and
 - c. Proposed erosion and sedimentation controls.

APPENDIX E. FEE SCHEDULE

Tier One Stormwater Management Permit Application:

Base price \$500 for one acre of land disturbance plus an additional \$100 for each additional acre of land disturbance or fraction of an acre that would be rounded to the next full number.

For example, 1 acre to 1.49 acres = \$500, 1.5 acres to 2.49 acres = \$600, 2.5 acres to 3.49 acres = \$700.

Tier Two Stormwater Management Permit Application:

Base price \$250 for one acre of land disturbance plus an additional \$50 for each additional acre of land disturbance or fraction of an acre that would be rounded to the next full number.

For example, 1 acre to 1.49 acres = \$250, 1.5 acres to 2.49 acres = \$300, 2.5 acres to 3.49 acres = \$350.



WEST NEWBURY

TOWN OF WEST NEWBURY PLANNING BOARD STORMWATER MANAGEMENT REGULATIONS

Appendix A & B
Under Review

**Adopted by the West Newbury Planning Board
On December 21, 2021**

APPENDIX A

**TOWN OF WEST NEWBURY APPLICATION FOR
STORMWATER MANAGEMENT PERMIT**

Town of West Newbury Bylaw Section XLI

Town of West Newbury Bylaw Section XLI

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1. GENERAL INFORMATION

1. Applicant _____

Address _____ Town _____

State _____ Zip _____

Phone # _____ Email _____

2. Owner _____

Address _____ Town _____

State _____ Zip _____

Phone # _____ Email _____

3. Representative (if any) _____ Firm _____

Address _____ Town _____ State _____

Zip _____

Phone # _____ Email _____

2. PROJECT SITE INFORMATION

Address _____ Assessors Map # _____ Lot # _____

~~Total Area of Lot _____ Total Area of Disturbance _____~~
~~(Acres/Square Feet) _____ (Acres/Square Feet)~~

Registry of Deeds Recording Information Book _____ Page _____

Registry of Deeds Plan Book and Plan Plan Book _____ Plan _____

Registered Land Court Certificate # _____

APPENDIX A
**TOWN OF WEST NEWBURY APPLICATION FOR
STORMWATER MANAGEMENT PERMIT**
Town of West Newbury Bylaw Section XLI

3. PROJECT DESCRIPTION

Brief Project Description _____

Total Area of Disturbance _____ (Acres or Square Feet)

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TOWN OF WEST NEWBURY APPLICATION FOR STORMWATER MANAGEMENT PERMIT

Town of West Newbury Bylaw Section XLI

Town of West Newbury Bylaw Section XLI

4. TYPE OF APPLICATION (Check as appropriate)

Tier Two Stormwater Management Permit. Confirm that your project meets the following eligibility criteria:

The project site (limit of disturbance) lies entirely outside the MS4 Regulated Area, based on the current map available on the Town of West Newbury website.

The proposed projects or activities are exclusively associated with development, redevelopment, or property improvements for single- or two-family housing.

The proposed projects or activities will have a total land disturbance of less than four (4) acres.

Tier One Stormwater Management Permit. Any projects and activities subject to the Stormwater Management Bylaw that do not meet the eligibility criteria for Tier Two Projects.

3.5. FEES

The application fee shall be submitted to the [Planning Board Stormwater Authority](#). See [Section 6-Appendix E](#) of the Planning Board's Stormwater Management Regulations for the fee structure. The application package will not be deemed complete until the application fee is submitted.

Applicants must submit the following information to confirm fee payment:

Payer name on check _____

Check made out to Town of West Newbury.

Check number _____ Check Amount _____ Check date _____

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APPENDIX A

TOWN OF WEST NEWBURY APPLICATION FOR STORMWATER MANAGEMENT PERMIT

Town of West Newbury Bylaw Section XLI

Town of West Newbury Bylaw Section XLI

4.6. SIGNATURES

I hereby certify under the penalties of perjury that the foregoing Stormwater Management Permit application and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

Applicant Name _____ Date _____

Signature of Applicant

Owner Name _____ Date _____

Signature of Owner (required)

Representative- Name _____ Date _____

Signature of Representative (if any)

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Stormwater Permit Application: _____ Appendix A - 4 of 7

Project Address

Date of Submission to [Planning Office](#) Stormwater Authority: _____ To be filled in by Town.

TOWN OF WEST NEWBURY APPLICATION FOR STORMWATER MANAGEMENT PERMIT

Town of West Newbury Bylaw Section XXI

Town of West Newbury Bylaw Section XXI

5.7. CONSULTANT FEE ACKNOWLEDGEMENT

This form is to be completed and signed by all applicants filing a Stormwater Management Permit Application with the [Planning Board/Stormwater Authority](#).

I hereby acknowledge that this project application may be subject to engineering and consultant review fees as outlined in Section 6.F. of the Stormwater Management Regulations. These engineering and consultant review fees are in addition to any filing fees paid as part of the project application. The amount of these fees shall be based upon the time expended by the [Planning Board's/Stormwater Authority's](#) consultant in the review of the application and supporting plans and documents.

Applicant Name _____ Date _____

Signature of Applicant

Project Address _____

Assessors Map # _____ Lot # _____

Stormwater Permit Application: _____ Appendix A - 5 of 7

Project Address

Date of Submission to [Planning Office/Stormwater Authority](#): _____ To be filled in by Town.

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TOWN OF WEST NEWBURY APPLICATION FOR STORMWATER MANAGEMENT PERMIT

Town of West Newbury Bylaw Section XXI

~~Town of West Newbury Bylaw Section XXI~~

6.8. SITE INSPECTION AUTHORIZATION

As the owner of the property which is the subject of this permit application and listed below, I grant the members and agents of the [Planning Board Stormwater Authority](#) the right to enter, inspect, and sample the premises for the following:

- A. To evaluate site conditions and verify information contained in the application prior to and during the review process.
- B. To monitor the site during construction.
- C. To verify compliance with the permit conditions [after the project's completion through to the issuance of the Certificate of Completion.](#)

Property Owner Name _____ Date _____

Signature of Property Owner _____

Address _____ Assessors Map # _____ Lot # _____

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Commented [c2]: Would it make sense to add an emergency inspection here? Or do you think that's covered under the first and second ones?

Commented [TP3R2]: Added language to allow inspection through to time when Certificate of Completion is granted.

Commented [LK4]: I suggest that this authorization not end upon issuance of the Certificate of Completion. For most permits, there will be ongoing requirements for long-term operation and maintenance. The Stormwater Authority should have authorization to confirm that the stormwater BMPs are being maintained so that the BMPs are functioning as designed and permitted. Suggested rewrite: "To verify compliance with permit conditions."

TOWN OF WEST NEWBURY APPLICATION FOR STORMWATER MANAGEMENT PERMIT

Town of West Newbury Bylaw Section XLI

Town of West Newbury Bylaw Section XLI

7. LEGAL NOTICE FORM

Please fill in the following information for the Legal Notice and submit it with the application. Upon receiving a Determination of Completeness from the Planning Board or its Agent pursuant to Section 6.D. of the Stormwater Management Regulations, please publish, post and mail the notice pursuant to Section 6.I of the Stormwater Management Regulations.

**Legal Notice
West Newbury Planning Board**

Pursuant to Section XLI of the Town of West Newbury Bylaws *Stormwater Management* and the *Stormwater Management Regulations*, the West Newbury Planning Board will hold a public hearing on Date to be filled in by Town beginning at 7:00 PM to consider an application for a Stormwater Management Permit to _____
_____ Brief Description _____ The
property is located at _____ Project Address _____, West Newbury, Assessors' Map _____, Lot _____ and is in
the _____ Zoning District(s). Applicant: _____ Applicant, Applicant Address, Applicant State _____ / Owner:
Owner Name, Owner Address, Owner State _____. The application and plans can be viewed online
here: To be filled in by Town or please contact the Planning Office at 978 363 1100-
x125 or lzambernardi@wnewbury.org to view the plans in person. Interested persons may participate in the meeting by
joining from computer, tablet or smartphone using ZOOM: To be filled in by Town
OR by calling: To be filled in by Town. Enter Meeting ID: To be filled in by Town, Passcode: To be filled in by Town.

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Commented [TP5]: I believe this page can be eliminated since a hearing is no longer required.

Stormwater Permit Application: _____ Appendix A - 6 of 7

Project Address

Date of Submission to Planning Stormwater Authority Office: _____ To be filled in by Town

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TOWN OF WEST NEWBURY APPLICATION FOR STORMWATER MANAGEMENT PERMIT

Town of West Newbury Bylaw Section XXI

Town of West Newbury Bylaw Section XXI

7. CHECKLIST

1. One (1) completed Application Form with original signatures of all property owners, ~~and eleven (11) copies, and six (6) printed copies.~~ _____
2. ~~List of abutters within 300 feet of the property, certified by the Town of West Newbury Assessors Office~~ _____
3. ~~For Tier One Stormwater Management Permit Applications, Eleven Six (116) copies each, pursuant to Appendix C of the Stormwater Management Regulations:~~
 - i. ~~Stormwater Management Plan~~ Site Plan _____
 - ii. ~~Erosion and Sediment Control Plan~~ Stormwater Management Report _____
 - iii. Operation and Maintenance Plan _____
3. ~~For Tier Two Stormwater Management Permit Applications, six (6) copies each, pursuant to Appendix D of the Stormwater Management Regulations:~~
 - i. ~~Description of proposed work~~ _____
 - ii. ~~Stormwater volume calculations for proposed stormwater BMPs~~ _____
 - iii. ~~Description of operation and maintenance activities and schedule~~ _____
 - iv. ~~A drawing, map, or plan.~~ _____
4. An Electronic File containing all application documents and plans in PDF _____
5. Application Fee _____
6. One (1) copy ~~each~~ of the Application Form ~~and the list of abutters~~ filed with the Town Clerk, including proof of filing with the Town Clerk _____

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Commented [c6]: I believe we updated this in the regs to be 6 hard copies

Commented [c7]: Since we changed to a public meeting rather than hearing I don't think this is needed

Commented [TP8R7]: Good catch.

Commented [c9]: Same note as above on copies 6 hard copies

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Stormwater Permit Application: _____

Project Address

Appendix A - 7 of 7

Date of Submission to Planning Office the Stormwater Authority: _____ To be filled in by Town

TOWN OF WEST NEWBURY APPLICATION FOR STORMWATER MANAGEMENT PERMIT

Town of West Newbury Bylaw Section XLI

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H. 8. Determination of Completeness

Date*

I, _____ have determined that the application is adequate and complete. ~~Planning Board or its Agent~~ Stormwater Authority

Signature of ~~Planning Board or Planning Board Agent~~ Stormwater Authority

* The ~~Planning Board~~ Stormwater Authority shall hold a ~~public hearing meeting~~ within twenty-one (21) days of the date of receiving a Determination of Completeness (see Sections 6.D. and 6.I. of the Planning Board's Stormwater Management Regulations).

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Stormwater Permit Application: _____

Project Address

Appendix A - 7 of 7

Date of Submission to ~~Planning Office~~ the Stormwater Authority: _____ To be filled in by Town.

APPENDIX B

MODEL STANDARD CONDITIONS FOR STORMWATER MANAGEMENT PERMITS¹

Failure to comply with all conditions stated herein shall be deemed cause to revoke or modify this Permit.

1. This Permit does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, by-laws, or regulations.
2. Prior to commencement of any work on-site, this Stormwater Management Permit and approved plan, and the Operations and Maintenance Plan shall be recorded at the Southern Essex District Registry of Deeds, and evidence of recording of both shall be provided to the [Board Stormwater Authority and the Department of Public Works \(DPW\)](#).
3. Copies of the Registry recorded Stormwater Management Permit and approved plan, and the Erosion and Sedimentation Control Plan shall be kept on-site at all times during construction. All contractors and subcontractors engaged during construction shall be provided with copies of the aforementioned documents and plans before commencing work.
4. Prior to the Pre-construction Meeting and/or commencement of any activity on this site, the Applicant shall provide the following payments to the Town:
 - a. Project Review Fee for Inspection Services pursuant to Section 6.F. of the Stormwater Management Regulations, [if applicable](#).
 - b. Surety in an amount and form satisfactory to the [Planning Board Stormwater Authority](#), pursuant to Section 11 of the Stormwater Management Regulations, providing for the completion of the work authorized under this Permit in accordance with this Stormwater Management Permit and approved plans, the Stormwater Management Bylaw, and the Stormwater Management Regulations, [if applicable](#).
5. The Applicant shall provide the [Planning Board Stormwater Authority](#) or its Agent a minimum of ~~two (2) business days~~ [72 hours](#) notice, in writing, before starting any work authorized or required by this Stormwater Management Permit.
6. A pre-construction meeting must be held with the [Planning Board's Agent Stormwater Authority and](#), the Applicant, ~~and the person and/or contractor engaged to install the stormwater management system or the Applicants' representative~~. ~~This requirement may be waived for owner-occupied single-family dwelling development~~. This is to ensure that all aspects of the Permit are fully understood, particularly the necessity to install the system in accordance with the approved design details.
7. The Applicant shall provide, ~~at its own expense, on-site construction supervisor(s), and shall provide~~ the [Planning Board Stormwater Authority](#) with a contact list and 24-hour phone numbers(s) and email address(es) of the on-site construction supervisor(s) whose responsibility shall be to ensure compliance with the conditions of this Stormwater Management Permit. The [Planning Board Stormwater Authority](#) shall be notified should the contact information of the construction supervisor(s) change at any point during this project.

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Commented [c10]: General questions:

- Will this be the same model conditions for Tier One and Tier Two?
- The regulations list construction requirements in more detail (things like inspections, when to remove erosion controls, etc.). Should this be pasted into the model conditions? Or should reference to this sections be made in the conditions?

Commented [TP11R10]: Kept as one set of conditions, added "as applicable" where needed. Added Construction standards from 7.2

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Commented [c12]: Is there an interest in DPW receiving this? Should this only be included if an easement is required and one of the recorded docs?

Commented [TP13R12]: Removed requirement

Commented [LK14]: Per the Stormwater Management Regulations, this should be two (2) business days.

Commented [TP15R14]: I think the Regs are referring to notice for inspection purposes. Is it ok to have a different time requirement to begin work?

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8. For projects subject to the NPDES Construction General Permit, construction may not commence until the Applicant has submitted EPA's approval of the Construction General Permit Notice of Intent to the Stormwater Authority and posted the final Stormwater Pollution Prevention Plan (SWPPP) at the site.

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9. Construction-Site Stormwater Management

Projects receiving a Tier One Stormwater Management Permit shall meet the construction site stormwater management performance standards detailed below.

Projects receiving a Tier Two Stormwater Management Permit shall meet the construction-site stormwater management performance standards detailed below to the maximum extent practicable. At a minimum, controls for erosion, sediment, and construction wastes shall be implemented to prevent nuisance conditions, such as sediment or debris washouts onto abutting properties, public rights of way, or wetland resource areas.

a. Applicants shall implement practices to control construction-related erosion, sedimentation, and wastes in accordance with the latest versions of the Massachusetts Stormwater Handbook, the NPDES Construction General Permit for Stormwater Discharges from Construction Activities, the Massachusetts Erosion and Sediment Control Guidelines for Urban & Suburban Areas, or more stringent standards as specified in these Regulations. For projects within jurisdiction of the West Newbury Conservation Commission, the Stormwater Authority shall coordinate with the Conservation Agent on review, inspection, and removal of erosion and sediment controls and construction-waste management.

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b. Natural Resource Protection: Before commencing land disturbance activities, the limits of permitted disturbance areas shall be marked with high-visibility flagging, fencing, and/or signage. Areas designated for revegetation and/or infiltration-based stormwater practices shall be marked with flagging, fencing, and/or signage to restrict use of heavy vehicles and equipment in these areas to avoid soil compaction. Tree protection shall be installed around the dripline for all trees to be preserved. Wetland resource areas, wetland buffers, and other areas under the jurisdiction of the West Newbury Conservation Commission shall be maintained as required in the permit, Determination, or Order issued by the West Newbury Conservation Commission and/or Massachusetts Department of Environmental Protection.

c. Area of Disturbance: Clearing and grading shall only be performed within areas needed to build the project, including structures, utilities, roads, recreational amenities, post-construction stormwater management facilities, and related infrastructure. Such areas shall be staked to ensure that the work is completed within the appropriate areas. Construction activities shall be phased to minimize the area of disturbed soil at any one time.

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d. Soil Stabilization: The time that soil is exposed shall be minimized by stabilizing dormant areas as work progresses. Exposed areas shall be vegetated, hydromulched, protected with erosion control blankets, or otherwise stabilized within 14 days after land disturbance activities have permanently ceased or will be temporarily inactive for 14 or more days. Vegetative cover shall be prepared by November 1st to ensure

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that exposed areas have cover before the first freeze.

- e. Stockpiles: Materials shall not be stored or stockpiled near a storm drain, a tree to be preserved, or a wetland resource area. Stockpiled materials that will be unused for 14 or more days shall be covered with roof, tarp, or temporary seeding (of soil stockpiles). Perimeter controls shall be installed around stockpile and staging areas.
- f. Perimeter Controls: Perimeter sediment controls, such as silt fencing and filter tubes, shall be installed around downgradient boundaries, along all resource areas, and around stockpile and staging areas. Compost socks and straw bale shall be free of invasive species. Perimeter controls shall not be removed until the drainage areas have been permanently stabilized.
- g. Stabilized Construction Entrance: Track-out controls (e.g., gravel apron) shall be installed at each construction entrance to remove sediment from vehicles and prevent tracking onto public roads. Where sediment has been tracked-out from the site, paved roads, sidewalks, or other paved areas shall be swept or vacuumed at the end of the workday. Sediment shall not be swept, hosed, or otherwise deposited into any stormwater conveyance, storm drain inlet, or waterbody.
- h. Inlet Protection: Filter bags, filter tubes, or other inlet protection controls shall be installed to prevent sediment from entering downgradient storm drains. Inlet protection shall be cleared of sediment and debris on a regular basis to ensure that storm drains function properly during rain events. Inlet controls shall not be removed until the drainage areas have been permanently stabilized.
- i. Runoff Diversion: Runoff shall be intercepted and diverted away from disturbed areas with berms, swales, or pipes toward stabilized outlets. Conveyances and outlets shall be stabilized with vegetation, erosion control blankets, check dams, stone aprons, or similar practices to slow velocities and prevent erosion. Runoff shall not be redirected to discharge toward wetland resource areas without approval by the Stormwater Authority in consultation with the Conservation Commission or Conservation Agent. Runoff shall not be redirected to discharge toward or onto a property not owned by the Applicant without a drainage easement or written agreement by the property owner.
- j. Sediment Removal: Sediment traps and basins shall be used to remove suspended solids from runoff before it discharges from the site. Traps and basins shall be designed to use baffles, multiple cells, and other practices to maximize the flow path and settling time. Sediment controls shall not be removed until the drainage areas have been permanently stabilized. Sediment traps and basins shall be cleaned of sediment and debris routinely to ensure proper functioning during rain events.
- k. Dewatering: Dewatering activities shall use tanks, filter bags, or other practices to remove sediment before discharge, in accordance with the standards and requirements contained within the NPDES Construction General Permit. Water shall

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not be discharged in a manner that causes erosion or flooding.

- l. Outlet Protection: Pipe outlets shall have stone aprons, level spreaders, or other energy dissipation practices installed to prevent erosion.
- m. Construction Waste Management: Trash, debris, and sanitary wastes shall be removed from the site on a regular basis. Dumpsters shall be covered at the end of every workday and before rain events. Dumpsters shall be located outside the 100-foot buffer zone for wetland resource areas. Dumpsters shall not be allowed to leak or otherwise discharge to any stormwater conveyance, storm drain inlet, or wetland resource area. Concrete mixers shall be washed out only in designated areas with liners. Designated areas for washing concrete mixers shall be located outside the 100-foot buffer zone for wetland resource areas and outside the 200-foot Riverfront Area. Demolition debris, discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes shall not be discharged to the MS4 and shall be disposed of in compliance with all local, state, and federal requirements.
- n. Post-Construction BMPs: Stormwater management facilities to be used after construction shall not be used as BMPs during construction unless otherwise approved by the Stormwater Authority. Many technologies are not designed to handle the high concentrations of sediments typically found in construction runoff, and thus must be protected from construction-related sediment loadings.
- o. Dust Control: Dust control shall be used during grading operations. Dust control methods may consist of grading fine soils on calm days only or dampening the ground with water; no salts or other wetting agents shall be used for dust control within wetland resource areas, 100-foot buffer zone for wetland resource areas, or 200-foot Riverfront Area.
- p. Inspection and Maintenance: Erosion and sediment controls shall be inspected as needed and at a minimum before and after rain events. Accumulated sediments shall be removed, and erosion and sediment controls shall be repaired or replaced as needed to ensure they perform as intended.
- q. Applicant Inspections: The Applicant or the Applicant's 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 as specified in the NPDES Construction General Permit. The Applicant or the Applicant's agent shall submit monthly reports to the Stormwater Authority in a format approved by the Stormwater Authority.

¹This document is provided for illustrative purposes only and may be modified and supplemented by the Planning Board during review of the Stormwater Management Permit Application.

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~~7. The Contractor shall clean up at least daily, all refuse, rubbish, concrete washout from trucks, scrap and surplus materials, debris, and unneeded construction equipment resulting from the construction operations. The site of the work and the adjacent areas shall be kept in a neat and orderly condition. Sediments that might be deposited on streets adjacent to the site shall be swept up daily.~~

~~8. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.~~

~~9. All loam to be used in the landscaped areas of the site shall be from sources certified to be free from weed seeds, especially those of invasive species.~~

~~10. The Applicant shall immediately control any erosion problems that occur on site and shall notify the Planning Board or its Agent of said problems. If any erosion problems occur it may become necessary to install additional erosion and sedimentation controls in association with this project.~~

~~11.10. Following completion of work, and no later than 60 days after completion, the Applicant shall submit a Final Report pursuant to Section 12-6. O. of the Stormwater Management Regulations. The submission shall include a statement that the stormwater management system has been satisfactorily installed and the site has been adequately stabilized, and a request for a Certificate of Completion pursuant to Section 13-6. P. of the Stormwater Management Regulations.~~

~~12.11. Concurrently with the Final Report, the Applicant shall submit surety to ensure adequate long-term operation and maintenance of the stormwater BMPs in an amount and form satisfactory to the Planning Board Stormwater Authority pursuant to Section 9-B-611. of the Stormwater Management Regulations, if applicable as determined by the Stormwater Authority.~~

~~After completion of construction, fertilizers utilized for landscaping and/or lawn care shall be organic in nature and of the low phosphorus content variety. Fertilizers shall be used in moderation. The use of fertilizers containing ammonium nitrate or ammonium phosphate is prohibited.~~

~~12. The Applicant shall ensure that all components of the proposed stormwater management system are functioning according to manufacturer or design specifications for the life of the system. All components shall be maintained in good condition and promptly repaired, in accordance with the approved Operation and Maintenance Plan.~~

~~13. The Applicant shall provide copies of the Operation and Maintenance Plan to all persons responsible for maintenance and repairs.~~

~~14. The owner(s) of record of the Stormwater Management System must notify the Stormwater Authority of changes in ownership, assignment of Operation and Maintenance responsibilities, or assignment of financial responsibility within 30 days of the change in~~

Commented [c16]: Should refueling areas be included in here or as there own condition? Or is it OK to just have this in the regs?

Commented [c17]: Perhaps this should be at least daily. There are many sites that require routine sweeping during operations. It may also be worth calling this one out as its own condition

Commented [TP18R17]: Deleted as this is covered by items added from 7.2.

Commented [c19]: What's the intent here? Many native "weeds" offer great benefits - stabilization, pollinator habitat, soil fixing properties etc. If the intent is no invasives this could be rewritten to state just that. If that is the intent then this condition could be built off to require the certification that it is free of invasive species .

Commented [TP20R19]: Changed as agreed

Commented [LK21]: We should not be introducing new requirements in Standard Conditions. These should be added to the Stormwater Management Regulations or deleted from Standard Conditions.

Commented [TP22R21]: This and others were in previous "model" language

Commented [c23]: Within 24 hours? Immediately?

Commented [TP24R23]: Deleted as covered by #8. Or do the SA want to be contacted anytime the project adjusts erosion controls??

Commented [c25]: We have a similar condition in our standard conditions giving the ConCom/Agent more control to address emergency situations: "If during the course of construction, it is found that further erosion or siltation control is needed, the WNCC shall direct the applicant upon its placement."

Commented [TP26R25]: What do we want here??

Commented [c27]: A re-write of this one may warrant consideration. Organic fertilizers contain just as much nutrients as manufactured fertilizers (i.e. runoff from manure will influence algae growth and degrade water quality to the same extent as a conventional manufactured fert.)

Re: phosphorus, MA Dept of Agricultural Resources

Commented [TP28R27]: Amended as agreed.

Commented [LK29]: We shouldn't introduce this as a requirement in Standard Conditions. It should be added to

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ownership. The owner of record shall be responsible for Operation and Maintenance activities until a copy of the updated Operation and Maintenance Plan has been furnished to the Stormwater Authority signed by the new owner or any new responsible person.

15. The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of the Stormwater Management Bylaw by mutual agreement of the Stormwater Authority 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 and/or maintenance responsibility.

13-16. The Permittee shall submit an Annual Operation and Maintenance Report to the Stormwater Authority documenting the work that has been done over the last 12 months to properly operate and maintain the permitted stormwater management system. The certification shall be signed by the person(s) or authorized agent of the person(s) named in the permit as being responsible for ongoing operation and management.

14-17. In the event that the owner(s) and successors in title alter areas in violation of this Stormwater Management Permit, the Town shall have no responsibility to maintain the permitted drainage system and shall not be liable for any damages in the event of failure. By acceptance of this Stormwater Management Permit, the owner(s) and successors in title indemnify and hold harmless the Town for any damages attributable to said alterations.

18. Issuance of this Permit does not in any way imply or certify that the site or downstream areas will not be subject to flooding, storm damage, or any other form of water damage.

19. The Permittee shall maintain post-construction BMPs to ensure that they continue to function as intended.

The following apply only to Tier One Stormwater Management Permits

20. The Permittee shall ensure that all components of the proposed stormwater management system are functioning according to manufacturer or design specifications for the life of the system. All components shall be maintained in good condition and promptly repaired, in accordance with the approved Operation and Maintenance Plan. This shall constitute a perpetual condition of any Stormwater Management Permit issued under these Regulations.

21. The Permittee shall provide copies of the Operation and Maintenance Plan to all persons responsible for maintenance and repairs.

22. Stormwater Management Easement(s).

A. For public or shared stormwater systems, stormwater management easements shall be provided by the property owner(s) as necessary for:

1. Access for facility inspections and maintenance;
2. Preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event; and
3. Direct maintenance access by heavy equipment to structures requiring maintenance.
- 4.

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B. Easements shall be recorded with the Southern Essex District Registry of Deeds prior to issuance of a Certificate of Completion by the Stormwater Authority pursuant to Section 6.P.

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23. Changes to Operation and Maintenance Plans

A. The owner(s) of record of the Stormwater Management System must notify the Stormwater Authority of changes in ownership, assignment of Operation and Maintenance responsibilities, or assignment of financial responsibility within 30 days of the change in ownership. The owner of record shall be responsible for Operation and Maintenance activities until a copy of the updated Operation and Maintenance Plan has been furnished to the Stormwater Authority signed by the new owner or any new responsible person.

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B. The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of the Stormwater Management Bylaw by mutual agreement of the Stormwater Authority 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 and/or maintenance responsibility.

24. Annual Reporting

A. The Permittee shall submit an Annual Operation and Maintenance Report to the Stormwater Authority documenting the work that has been done over the last 12 months to properly operate and maintain the permitted stormwater management system. The certification shall be signed by the person(s) or authorized agent of the person(s) named in the permit as being responsible for ongoing operation and management.

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B. Annual Operation and Maintenance Reports are not required for Stormwater Management Permits issued for individual single- and two-family homes that do not utilize stormwater management systems that are shared with or located on other properties and that are not part of a larger common plan of development.

b.

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WEST NEWBURY

TOWN OF WEST NEWBURY PLANNING BOARD STORMWATER MANAGEMENT REGULATIONS

Appendix A & B
Under Review

Adopted by the West Newbury Planning Board
On June 6, 2023 (**proposed**)

TOWN OF WEST NEWBURY APPLICATION FOR STORMWATER MANAGEMENT PERMIT

Town of West Newbury Bylaw Section XLI

1. GENERAL INFORMATION

1. Applicant _____

Address _____ Town _____

State _____ Zip _____

Phone # _____ Email _____

2. Owner _____

Address _____ Town _____

State _____ Zip _____

Phone # _____ Email _____

3. Representative (if any) _____ Firm _____

Address _____ Town _____ State _____

Zip _____

Phone # _____ Email _____

2. PROJECT SITE INFORMATION

Address _____ Assessors Map # _____ Lot # _____

Registry of Deeds Recording Information Book _____ Page _____

Registry of Deeds Plan Book and Plan Plan Book _____ Plan _____

Registered Land Court Certificate # _____

TOWN OF WEST NEWBURY APPLICATION FOR STORMWATER MANAGEMENT PERMIT

Town of West Newbury Bylaw Section XLI

3. PROJECT DESCRIPTION

Total Area of Disturbance _____ (Acres or Square Feet)

4. TYPE OF APPLICATION (Check as appropriate)

Tier Two Stormwater Management Permit. Confirm that your project meets the following eligibility criteria:

____ The project site (limit of disturbance) lies entirely outside the MS4 Regulated Area, based on the current map available on the Town of West Newbury website.

____ The proposed projects or activities are exclusively associated with development, redevelopment, or property improvements for single- or two-family housing.

____ The proposed projects or activities will have a total land disturbance of less than four (4) acres.

Tier One Stormwater Management Permit. Any projects and activities subject to the Stormwater Management Bylaw that do not meet the eligibility criteria for Tier Two Projects.

5. FEES

The application fee shall be submitted to the Stormwater Authority. See Appendix E of the Planning Board’s Stormwater Management Regulations for the fee structure. The application package will not be deemed complete until the application fee is submitted.

Applicants must submit the following information to confirm fee payment:

Payer name on check _____

Check made out to Town of West Newbury.

Check number _____ Check Amount _____ Check date _____

TOWN OF WEST NEWBURY APPLICATION FOR STORMWATER MANAGEMENT PERMIT

Town of West Newbury Bylaw Section XLI

6. SIGNATURES

I hereby certify under the penalties of perjury that the foregoing Stormwater Management Permit application and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

Applicant Name _____

Date _____

Signature of Applicant

Owner Name _____

Date _____

Signature of Owner (required)

Representative Name _____

Date _____

Signature of Representative (if any)

TOWN OF WEST NEWBURY APPLICATION FOR STORMWATER MANAGEMENT PERMIT

Town of West Newbury Bylaw Section XLI

7. CONSULTANT FEE ACKNOWLEDGEMENT

This form is to be completed and signed by all applicants filing a Stormwater Management Permit Application with the Stormwater Authority.

I hereby acknowledge that this project application may be subject to engineering and consultant review fees as outlined in Section 6.F. of the Stormwater Management Regulations. These engineering and consultant review fees are in addition to any filing fees paid as part of the project application. The amount of these fees shall be based upon the time expended by the Stormwater Authority's consultant in the review of the application and supporting plans and documents.

Applicant Name _____ Date _____

Signature of Applicant

Project Address _____

Assessors Map # _____ Lot # _____

TOWN OF WEST NEWBURY APPLICATION FOR STORMWATER MANAGEMENT PERMIT

Town of West Newbury Bylaw Section XLI

8. SITE INSPECTION AUTHORIZATION

As the owner of the property which is the subject of this permit application and listed below, I grant the members and agents of the Stormwater Authority the right to enter, inspect, and sample the premises for the following:

- A. To evaluate site conditions and verify information contained in the application prior to and during the review process.
- B. To monitor the site during construction.
- C. To verify compliance with the permit conditions

Property Owner Name _____ Date _____

Signature of Property Owner _____

Address _____ Assessors Map # _____ Lot # _____

TOWN OF WEST NEWBURY APPLICATION FOR STORMWATER MANAGEMENT PERMIT

Town of West Newbury Bylaw Section XLI

9. CHECKLIST

- 1. One (1) completed Application Form with original signatures of all property owners, and six (6) printed copies. _____
- 2. For **Tier One Stormwater Management Permit Applications**, six (6) copies each, pursuant to Appendix C of the Stormwater Management Regulations:
 - i. Site Plan _____
 - ii. Stormwater Management Report _____
 - iii. Operation and Maintenance Plan _____
- 3. For **Tier Two Stormwater Management Permit Applications**, six (6) copies each, pursuant to Appendix D of the Stormwater Management Regulations:
 - i. Description of proposed work _____
 - ii. Stormwater volume calculations for proposed stormwater BMPs _____
 - iii. Description of operation and maintenance activities and schedule _____
 - iv. A drawing, map, or plan. _____
- 4. An Electronic File containing all application documents and plans in PDF _____
- 5. Application Fee _____
- 6. One (1) copy of the Application Form filed with the Town Clerk, including proof of filing with the Town Clerk _____

TOWN OF WEST NEWBURY APPLICATION FOR STORMWATER MANAGEMENT PERMIT

Town of West Newbury Bylaw Section XLI

10. Determination of Completeness

Date*

I have determined that the application is adequate and complete.

Signature of Stormwater Authority

* The Stormwater Authority shall hold a meeting within twenty-one (21) days of the date of receiving a Determination of Completeness (see Sections 6.D. and 6.I. of the Planning Board's Stormwater Management Regulations).

Stormwater Permit Application: _____

Project Address

Appendix A - 7 of 7

Date of Submission to the Stormwater Authority: _____ To be filled in by Town

APPENDIX B

STANDARD CONDITIONS FOR STORMWATER MANAGEMENT PERMITS¹

Failure to comply with all conditions stated herein shall be deemed cause to revoke or modify this Permit.

1. This Permit does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, by-laws, or regulations.
2. Prior to commencement of any work on-site, this Stormwater Management Permit and approved plan, and the Operations and Maintenance Plan shall be recorded at the Southern Essex District Registry of Deeds, and evidence of recording of both shall be provided to the Stormwater Authority.
3. Copies of the Registry recorded Stormwater Management Permit and approved plan, and the Erosion and Sedimentation Control Plan shall be kept on-site at all times during construction. All contractors and subcontractors engaged during construction shall be provided with copies of the aforementioned documents and plans before commencing work.
4. Prior to the Pre-construction Meeting and/or commencement of any activity on this site, the Applicant shall provide the following payments to the Town:
 - a. Project Review Fee for Inspection Services pursuant to Section 6.F. of the Stormwater Management Regulations, if applicable.
 - b. Surety in an amount and form satisfactory to the Stormwater Authority, pursuant to Section 11 of the Stormwater Management Regulations, providing for the completion of the work authorized under this Permit in accordance with this Stormwater Management Permit and approved plans, the Stormwater Management Bylaw, and the Stormwater Management Regulations, if applicable.
5. A pre-construction meeting must be held with the Stormwater Authority and the Applicant or the Applicants' representative. This is to ensure that all aspects of the Permit are fully understood, particularly the necessity to install the system in accordance with the approved design details.
6. The Applicant shall provide the Stormwater Authority with a contact list and 24-hour phone numbers(s) and email address(es) of the on-site construction supervisor(s) whose responsibility shall be to ensure compliance with the conditions of this Stormwater Management Permit. The Stormwater Authority shall be notified should the contact information of the construction supervisor(s) change at any point during this project.
7. For projects subject to the NPDES Construction General Permit, construction may not commence until the Applicant has submitted EPA's approval of the Construction General Permit Notice of Intent to the Stormwater Authority and posted the final Stormwater Pollution Prevention Plan (SWPPP) at the site.
8. The Applicant or the Applicant's agent shall notify the Stormwater Authority at least two (2) business days before each of the following events, to keep the Stormwater Authority informed of construction progress and to facilitate timely inspections by the Stormwater

Authority, at the Authority's discretion:

- a. Erosion and sedimentation control measures are in place and stabilized, prior to commencement of land disturbance activities;
- b. Site clearing has been substantially completed;
- c. Rough grading has been substantially completed;
- d. Excavation for stormwater BMPs has been completed;
- e. Subsurface components of stormwater BMPs have been installed, prior to backfilling;
- f. Stormwater BMP surface features have been substantially completed;
- g. Final grading has been substantially completed;
- h. Close of the construction season; and,
- i. Final Landscaping (permanent stabilization) and project final completion.

9. Construction-Site Stormwater Management

Projects receiving a Tier One Stormwater Management Permit shall meet the construction site stormwater management performance standards detailed below.

Projects receiving a Tier Two Stormwater Management Permit shall meet the construction-site stormwater management performance standards detailed below to the maximum extent practicable. At a minimum, controls for erosion, sediment, and construction wastes shall be implemented to prevent nuisance conditions, such as sediment or debris washouts onto abutting properties, public rights of way, or wetland resource areas.

- a. Applicants shall implement practices to control construction-related erosion, sedimentation, and wastes in accordance with the latest versions of the Massachusetts Stormwater Handbook, the NPDES Construction General Permit for Stormwater Discharges from Construction Activities, the Massachusetts Erosion and Sediment Control Guidelines for Urban & Suburban Areas, or more stringent standards as specified in these Regulations. For projects within jurisdiction of the West Newbury Conservation Commission, the Stormwater Authority shall coordinate with the Conservation Agent on review, inspection, and removal of erosion and sediment controls and construction-waste management.
- b. Natural Resource Protection: Before commencing land disturbance activities, the limits of permitted disturbance areas shall be marked with high-visibility flagging, fencing, and/or signage. Areas designated for revegetation and/or infiltration-based stormwater practices shall be marked with flagging, fencing, and/or signage to restrict use of heavy vehicles and equipment in these areas to avoid soil compaction. Tree protection shall be installed around the dripline for all trees to be preserved. Wetland resource areas, wetland buffers, and other areas under the jurisdiction of the West Newbury Conservation Commission shall be

maintained as required in the permit, Determination, or Order issued by the West Newbury Conservation Commission and/or Massachusetts Department of Environmental Protection.

- c. Area of Disturbance: Clearing and grading shall only be performed within areas needed to build the project, including structures, utilities, roads, recreational amenities, post-construction stormwater management facilities, and related infrastructure. Such areas shall be staked to ensure that the work is completed within the appropriate areas. Construction activities shall be phased to minimize the area of disturbed soil at any one time.
- d. Soil Stabilization: The time that soil is exposed shall be minimized by stabilizing dormant areas as work progresses. Exposed areas shall be vegetated, hydromulched, protected with erosion control blankets, or otherwise stabilized within 14 days after land disturbance activities have permanently ceased or will be temporarily inactive for 14 or more days. Vegetative cover shall be prepared by November 1st to ensure that exposed areas have cover before the first freeze.
- e. Stockpiles: Materials shall not be stored or stockpiled near a storm drain, a tree to be preserved, or a wetland resource area. Stockpiled materials that will be unused for 14 or more days shall be covered with roof, tarp, or temporary seeding (of soil stockpiles). Perimeter controls shall be installed around stockpile and staging areas.
- f. Perimeter Controls: Perimeter sediment controls, such as silt fencing and filter tubes, shall be installed around downgradient boundaries, along all resource areas, and around stockpile and staging areas. Compost socks and straw bale shall be free of invasive species. Perimeter controls shall not be removed until the drainage areas have been permanently stabilized.
- g. Stabilized Construction Entrance: Track-out controls (e.g., gravel apron) shall be installed at each construction entrance to remove sediment from vehicles and prevent tracking onto public roads. Where sediment has been tracked-out from the site, paved roads, sidewalks, or other paved areas shall be swept or vacuumed at the end of the workday. Sediment shall not be swept, hosed, or otherwise deposited into any stormwater conveyance, storm drain inlet, or waterbody.
- h. Inlet Protection: Filter bags, filter tubes, or other inlet protection controls shall be installed to prevent sediment from entering downgradient storm drains. Inlet protection shall be cleared of sediment and debris on a regular basis to ensure that storm drains function properly during rain events. Inlet controls shall not be removed until the drainage areas have been permanently stabilized.
- i. Runoff Diversion: Runoff shall be intercepted and diverted away from disturbed areas with berms, swales, or pipes toward stabilized outlets. Conveyances and outlets shall be stabilized with vegetation, erosion control blankets, check dams, stone aprons, or similar practices to slow velocities and prevent erosion. Runoff shall not be redirected to discharge toward wetland resource areas without approval by

the Stormwater Authority in consultation with the Conservation Commission or Conservation Agent. Runoff shall not be redirected to discharge toward or onto a property not owned by the Applicant without a drainage easement or written agreement by the property owner.

- j. Sediment Removal: Sediment traps and basins shall be used to remove suspended solids from runoff before it discharges from the site. Traps and basins shall be designed to use baffles, multiple cells, and other practices to maximize the flow path and settling time. Sediment controls shall not be removed until the drainage areas have been permanently stabilized. Sediment traps and basins shall be cleaned of sediment and debris routinely to ensure proper functioning during rain events.
- k. Dewatering: Dewatering activities shall use tanks, filter bags, or other practices to remove sediment before discharge, in accordance with the standards and requirements contained within the NPDES Construction General Permit. Water shall not be discharged in a manner that causes erosion or flooding.
- l. Outlet Protection: Pipe outlets shall have stone aprons, level spreaders, or other energy dissipation practices installed to prevent erosion.
- m. Construction Waste Management: Trash, debris, and sanitary wastes shall be removed from the site on a regular basis. Dumpsters shall be covered at the end of every workday and before rain events. Dumpsters shall be located outside the 100-foot buffer zone for wetland resource areas. Dumpsters shall not be allowed to leak or otherwise discharge to any stormwater conveyance, storm drain inlet, or wetland resource area. Concrete mixers shall be washed out only in designated areas with liners. Designated areas for washing concrete mixers shall be located outside the 100-foot buffer zone for wetland resource areas and outside the 200-foot Riverfront Area. Demolition debris, discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes shall not be discharged to the MS4 and shall be disposed of in compliance with all local, state, and federal requirements.
- n. Post-Construction BMPs: Stormwater management facilities to be used after construction shall not be used as BMPs during construction unless otherwise approved by the Stormwater Authority. Many technologies are not designed to handle the high concentrations of sediments typically found in construction runoff, and thus must be protected from construction-related sediment loadings.
- o. Dust Control: Dust control shall be used during grading operations. Dust control methods may consist of grading fine soils on calm days only or dampening the ground with water; no salts or other wetting agents shall be used for dust control within wetland resource areas, 100-foot buffer zone for wetland resource areas, or 200-foot Riverfront Area.
- p. Inspection and Maintenance: Erosion and sediment controls shall be inspected as needed and at a minimum before and after rain events. Accumulated sediments shall

be removed, and erosion and sediment controls shall be repaired or replaced as needed to ensure they perform as intended.

- q. Applicant Inspections: The Applicant or the Applicant's 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 as specified in the NPDES Construction General Permit. The Applicant or the Applicant's agent shall submit monthly reports to the Stormwater Authority in a format approved by the Stormwater Authority.
10. Following completion of work, and no later than 60 days after completion, the Applicant shall submit a Final Report pursuant to Section 6. O. of the Stormwater Management Regulations. The submission shall include a statement that the stormwater management system has been satisfactorily installed and the site has been adequately stabilized, and a request for a Certificate of Completion pursuant to Section 6. P. of the Stormwater Management Regulations.
11. Concurrently with the Final Report, the Applicant shall submit surety to ensure adequate long-term operation and maintenance of the stormwater BMPs in an amount and form satisfactory to the Stormwater Authority pursuant to Section 11. of the Stormwater Management Regulations, if applicable as determined by the Stormwater Authority.
12. The Applicant shall ensure that all components of the proposed stormwater management system are functioning according to manufacturer or design specifications for the life of the system. All components shall be maintained in good condition and promptly repaired, in accordance with the approved Operation and Maintenance Plan.
13. The Applicant shall provide copies of the Operation and Maintenance Plan to all persons responsible for maintenance and repairs.
14. The owner(s) of record of the Stormwater Management System must notify the Stormwater Authority of changes in ownership, assignment of Operation and Maintenance responsibilities, or assignment of financial responsibility within 30 days of the change in ownership. The owner of record shall be responsible for Operation and Maintenance activities until a copy of the updated Operation and Maintenance Plan has been furnished to the Stormwater Authority signed by the new owner or any new responsible person.
15. The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of the Stormwater Management Bylaw by mutual agreement of the Stormwater Authority 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 and/or maintenance responsibility.
16. The Permittee shall submit an Annual Operation and Maintenance Report to the Stormwater Authority documenting the work that has been done over the last 12 months to properly operate and maintain the permitted stormwater management system. The certification shall be signed by the person(s) or authorized agent of the person(s) named in the permit as being responsible for ongoing operation and management.

17. In the event that the owner(s) and successors in title alter areas in violation of this Stormwater Management Permit, the Town shall have no responsibility to maintain the permitted drainage system and shall not be liable for any damages in the event of failure. By acceptance of this Stormwater Management Permit, the owner(s) and successors in title indemnify and hold harmless the Town for any damages attributable to said alterations.
18. Issuance of this Permit does not in any way imply or certify that the site or downstream areas will not be subject to flooding, storm damage, or any other form of water damage.
19. The Permittee shall maintain post-construction BMPs to ensure that they continue to function as intended.

The following apply only to Tier One Stormwater Management Permits

20. The Permittee shall ensure that all components of the proposed stormwater management system are functioning according to manufacturer or design specifications for the life of the system. All components shall be maintained in good condition and promptly repaired, in accordance with the approved Operation and Maintenance Plan. This shall constitute a perpetual condition of any Stormwater Management Permit issued under these Regulations.
21. The Permittee shall provide copies of the Operation and Maintenance Plan to all persons responsible for maintenance and repairs.
22. Stormwater Management Easement(s).
 - a. For public or shared stormwater systems, stormwater management easements shall be provided by the property owner(s) as necessary for:
 1. Access for facility inspections and maintenance;
 2. Preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event; and
 3. Direct maintenance access by heavy equipment to structures requiring maintenance.
 - b. Easements shall be recorded with the Southern Essex District Registry of Deeds prior to issuance of a Certificate of Completion by the Stormwater Authority pursuant to Section 6.P.
23. Changes to Operation and Maintenance Plans
 - a. The owner(s) of record of the Stormwater Management System must notify the Stormwater Authority of changes in ownership, assignment of Operation and Maintenance responsibilities, or assignment of financial responsibility within 30 days of the change in ownership. The owner of record shall be responsible for Operation and Maintenance activities until a copy of the updated Operation and Maintenance Plan has been furnished to the Stormwater Authority signed by the new owner or any new responsible person.
 - b. The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of the Stormwater Management Bylaw by mutual agreement of the Stormwater Authority 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 and/or maintenance responsibility.

24. Annual Reporting

- a. The Permittee shall submit an Annual Operation and Maintenance Report to the Stormwater Authority documenting the work that has been done over the last 12 months to properly operate and maintain the permitted stormwater management system. The certification shall be signed by the person(s) or authorized agent of the person(s) named in the permit as being responsible for ongoing operation and management.
- b. Annual Operation and Maintenance Reports are not required for Stormwater Management Permits issued for individual single- and two-family homes that do not utilize stormwater management systems that are shared with or located on other properties and that are not part of a larger common plan of development.

¹This document is provided for illustrative purposes only and may be modified and supplemented by the Planning Board during review of the Stormwater Management Permit Application.

PROPOSED ACCESSORY DWELLING UNIT BYLAW

New Section 6.2 (change 6.2 – 6.4 to 6.3-6.5)

To see if the Town will vote to amend the Zoning Bylaw by

- (1) adding definitions for “Accessory Dwelling Unit”, Dwelling Unit, Single-Family Dwelling and Two-Family Dwelling to Section ## Definitions
- (2) adding Accessory Dwelling Unit to Section ##, Permitted uses in Districts and
- (3) adding Section ## Accessory Dwelling Units, as follows:

§ ## Definitions (to be added)

ACCESSORY DWELLING UNITS - A subordinate Dwelling Unit within, attached to, or detached from an existing single-family Dwelling Unit

DWELLING UNIT- One or more rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single household.

SINGLE-FAMILY DWELLING - A building designed or used exclusively as a residence and including only one dwelling unit.

TWO-FAMILY DWELLING - A building designed or used exclusively as a residence and including two dwelling units.

6.2 ACCESSORY DWELLING UNIT

6.2.1. Purpose. This section authorizing the provision of accessory dwelling units is intended to:

- a. Increase the number of small dwelling units available in the Town;
- b. Increase the potential for rental housing in the Town;
- c. Increase the diversity of housing that may serve the needs of the current and future population of the Town including, but not limited to, young adults and senior citizens;
- d. Provide homeowners with a means of obtaining rental income; and
- e. Encourage a more economic and energy-efficient use of the Town's housing supply while respecting the residential character of West Newbury's neighborhoods.

6.2.2. Use and Dimensional Regulations

- a. The Building Inspector may issue a Building Permit authorizing the installation and use of an accessory dwelling unit within an existing or new owner-occupied, single-family dwelling, or in an existing or new structure accessory to an owner-occupied single-family dwelling, whether attached or detached, provided that it satisfies the requirements of this Section 6.2 and dimensional (Intensity of Use) requirements of Section 5.
 - i. The unit will be a complete, separate housekeeping unit containing both kitchen and bath and no more than two bedrooms.
 - ii. The Floor Area of an accessory dwelling unit shall be no greater than nine hundred (900) square feet and shall never be enlarged beyond the nine hundred (900) square feet allowed by this bylaw without a Special Permit from the Planning Board.
 - iii. There shall be no more than one Accessory Dwelling Unit on a lot.
 - iv. The owners(s) of the residence of the principal dwelling must continue to occupy at least one of the dwelling units as their primary residence, except for temporary absences of up to six months per year.
 - v. Any new separate outside entrance serving an Accessory Dwelling Unit shall be clearly secondary to the entrance of the principal dwelling unit.
 - vi. No new curb cuts shall be allowed for an Accessory Dwelling Unit.
 - vii. Off-street parking shall be provided for all residents.
 - viii. No Accessory Dwelling Unit shall be separated from the principal dwelling through a condominium or cooperative conversion process, or be held in separate ownership from the principal dwelling unit on the lot.
- b. Prior to issuance of a Building Permit, the owner of the principal dwelling must submit a notarized letter to the Building Inspector stating that they will occupy one of the dwelling units on the premises as their primary residence, **except for allowed temporary absences per #####.**
- c. When a principal dwelling with an Accessory Dwelling Unit is sold, the new owner, if they wish to continue use of the Accessory Dwelling Unit, must within thirty (30) days of the sale, submit a notarized letter to the Building Inspector stating that they will occupy one of the dwelling units on the premises as their primary residence, **except for allowed temporary absences per ####.**

6.2.3. Special Permit

- a. Accessory Dwelling Units measuring in excess of 900 square feet of floor area or seeking relief from other criteria in Section 6.2.2. may be allowed, subject to a Special Permit from the Planning Board per section 11.2. of the West Newbury Zoning Bylaws.

6.2.4. Administration and Enforcement

- a. It shall be the duty of the Building Inspector to administer and enforce the provisions of this Bylaw.
- b. No building shall be constructed or changed in use or configuration, until the Building Inspector has issued a building permit. No building or dwelling unit shall be occupied until a certificate of occupancy has been issued by the Building Inspector.

Notes:

Temporary Absences (## Use and Dimensional Regulations 1.4):

State Model

The owner(s) of the residence in which the accessory dwelling unit is created must continue to occupy at least one of the dwelling units as their primary residence, except for **bona fi de temporary absences**.

Approval for an ADU requires that the owner must occupy one of the dwelling units. The zoning approval and the notarized letters required in 04.4 and 04.5 below must be recorded in the County Registry of Deeds or Land Court, as appropriate, in the chain of title to the property, with documentation of the recording provided to the Building Commissioner, prior to the occupancy of the accessory dwelling unit.

4. When a structure, which has received a permit for an accessory dwelling unit, is sold, the new owner(s), if they wish to continue to exercise the Permit, must, within thirty (30) days of the sale, submit a notarized letter to the Building Commissioner stating that they will occupy one of the dwelling units on the premises as their primary residence, except for bona fi de temporary absences.

COMMENT: Some towns require annual notarized letters attesting to the conditions of the accessory dwelling unit (owner-occupancy and any restriction on tenancy). Some bylaws require annual renewal of the permit.

RECOMMENDED POSITION: No requirements for annual compliance or renewal are recommended. This places unnecessary burden on local officials. Using change in ownership as the trigger for renewal of the accessory dwelling unit is preferable.

AARP Model

OWNER OCCUPANCY (RESIDENCY) STANDARDS

Requirements that the owner live on the same property (whether in the primary dwellings or the ADU) are pervasive. The 2000 edition of the AARP Model Local ADU Ordinance noted: "Many communities monitor ADUs to ensure that the owner still lives on the premises. A variety of methods are used to do this monitoring including registration of occupants, certification of occupancy, and annual licensing of rental units with annual inspections. Other communities require ADU owners to record the requirements of the ADU ordinance as deed restrictions, particularly the owner-occupancy requirement. The deed restrictions accompany the title of the property and give notice to all subsequent buyers of the occupancy requirement."

Owner occupancy covenants or conditions give pause to homeowners or institutions financing home purchases because of the limits they place on successive owners who will not be able to rent out or lease their main house, which might be necessary as a result of a divorce, job transfer or death. They can also make financial institutions reluctant to provide financing for construction of the ADU. Finally, because a covenant or condition serves as a restriction on a mortgage lender's security interest in the property, the mortgage lender can withhold consent to any requirement that takes the form of a covenant, which means the local government would be required to deny the application to build an ADU.

The practical impact of the occupancy requirement is to inhibit construction of most ADUs. That conclusion is reflected in amendments to California's and Oregon's ADU legislation and in Seattle's 2019 local code revisions.

Aside from its effect on ADU production, there is a problem with the logic and fairness of applying an occupancy standard to ADUs if there is no such requirement for single-family homes generally. If single-family homes can be rented out (by a nonresident owner), then what is the policy basis for requiring occupancy when there is an ADU on the property?

One of the justifications for the owner occupancy requirement is the assertion that owners take better care of their property than nonresident owners. But there are certainly resident homeowners who do not take care of their property and nonresident owners who keep their property in excellent condition.

The 2020 Model State ADU Act treats ADUs as an equal and important type of housing that, in general, should be subject to the same set of rules that governs the use of other housing. ADUs should not be treated as an inferior form of housing that requires additional restrictions and policing. Authorizations of or prohibitions on renting out dwellings should be applied consistently to ADUs and other homes; if there is no owner occupancy requirement for primary residences, there should be none for ADUs.□

Lexington

The owner of the property on which the accessory apartment is to be created shall occupy one or the other of the dwelling units, except for temporary absences as provided herein. For the purposes of this section, the "owner" shall be one or more individuals who constitute a family, who hold title directly or

indirectly to the dwelling, and for whom the dwelling is the primary residence.

Temporary absence of owner. An owner of a property containing an accessory apartment who is to be absent for a period of less than two years may rent the owner's unit as well as the second unit during the temporary absence provided:

- a. Written notice thereof shall be made to the Building Commissioner on a form prescribed by him.
- b. The owner shall be resident on the property for at least two years prior to and between such temporary absences.

DRAFT

Section 7. Nonconforming Uses and Structures

7.1 Nonconforming single- and two-family residential structures

7.1.1. Nonconforming single- and two-family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Inspector that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure. The following circumstances shall not be deemed to increase the nonconforming nature of said structure:

- a. Alteration to a structure located on a lot with insufficient area, which structure as altered will comply with all current setback, lot coverage, and building height requirements.
- b. Alteration to a structure located on a lot with insufficient frontage, which structure as altered will comply with all current setback, lot coverage, and building height requirements.
- c. Alteration to a structure which encroaches upon one or more required yard or setback areas, where the alteration will comply with all current setback, lot coverage and building height requirements.
- d. Existing structures that do not meet the required setbacks may be expanded or extended along the existing nonconforming building setback line if said expansion or extension does not encroach upon another setback or create another dimensional nonconformity.

7.1.2. In the event that the Building Inspector determines that the nonconforming nature of such structure would be increased by the proposed reconstruction, extension, alteration, or change, the Board of Appeals may, by special permit, allow such reconstruction, extension, alteration, or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

7.2 Nonconforming structures other than single- and two-family residential structures

7.2.1. The Board of Appeals may award a special permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

7.3 Variance required

7.3.1. Except as provided in 7.1 above, the reconstruction, extension or structural change of a nonconforming structure in such a manner as to increase an existing nonconformity, or create a new nonconformity, shall require the issuance of a variance from the Board of Appeals.

7.4 Nonconforming uses

7.4.1. The Board of Appeals may award a special permit to change or extend a nonconforming use in accordance with this article only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.

7.5 Abandonment or non-use

7.5.1. A nonconforming use or structure which has been abandoned, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of this bylaw.

7.6 Reconstruction after catastrophe or demolition

7.6.1. A nonconforming structure may be reconstructed after a catastrophe or after demolition in accordance with the following provisions:

- a. Reconstruction of said premises shall commence within two years after such catastrophe or demolition.
- b. Building(s) as reconstructed shall be located on the same footprint as the original nonconforming structure, shall be only as great in volume or area as the original nonconforming structure.
- c. In the event that the proposed reconstruction would 1) cause the structure to exceed the volume or area of the original nonconforming structure; 2) exceed applicable requirements for yards, setback, and/or height; or 3) cause the structure to be located other than on the original footprint, a special permit shall be required from the Board of Appeals prior to such demolition.

7.7 Reversion to nonconformity

7.7.1. No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

7.8 Lawfully existing uses and structures

7.8.1. This bylaw shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing on such bylaw, or amendments thereto, as provided in MGL c. 40A, § 5. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

Town Planner Report

June 6, 2023

Housing Opportunities Initiative (MBTA Community Multi-Family Zoning District)

Two Community Meetings are confirmed for June.

Tuesday, June 20th at 7 PM – Community Forum during the Board’s regularly scheduled meeting.

Tuesday, June 20th at 6 PM – Interactive Design Workshop in Town Offices Annex

A community-wide email notice was sent on 5/31, a reminder or two will be sent in June.

I’m preparing a news article and mailing and will be asking for individuals to review in the next week.

Feel free to distribute or post the attached Flyer. (It is posted at the Library, Post Office, Town Offices)

Housing Production Plan

The 3rd HPP Stakeholder Working Group meeting is scheduled for June 21st at 11:00 am.

The Group will be reviewing the Town’s Priority Development Areas (PDAs)* and suggesting adjustments based on current interest and need pertaining to affordable housing production.

* Priority Development Areas (PDAs) - as well as Priority Preservation Areas (PPAs) are identified in Regional Plans drafted by regional planning agencies in partnership with municipalities, state agencies and stakeholder groups such as chambers of commerce and environmental advocacy organizations. The Plans are developed to identify at a local, regional and state level places which are appropriate for growth and preservation, known as Priority Development Areas and Priority Preservation Areas.

Solar Facilities Siting Study

The Town has contracted with B2Q Associates to assess various town owned facilities and parcels to determine potential feasibility for siting photovoltaic panels either on a building, as canopies or ground mounted. Properties include Town Offices and Public Safety Complex, Page School, Pipestave Hill Recreation Area, and Dunn Fields.

In the absence of a DPW Director, Rick Parker is the Project Manager. Study results are expected by fall of 2023.

Corridor Transportation Improvement Study

The Town has contracted with TEC to assess five miles of the Route 113 Corridor and recommend potential road, crossing, sidewalk or other transportation projects that could improve safety, pedestrian and bicycle access and accessibility. The study will include field reconnaissance, mapping, data collection, capacity analysis, conceptual design, cost estimating and Project Need documentation. The public engagement component of this study will begin in the fall and the project is anticipated to be completed by May, 2024.

Under a separate but related contract, TEC will present the Pipestave/Page School crossing preliminary design at the June 26 Select Board meeting.

Christine Wallace is the Project Manager.

Town Planner Report

June 6, 2023

Planning & Development Group

The former Stormwater Working Group has transitioned into the Planning & Development Group with additional department representatives and a broadened focus. The Group is meeting bi-weekly to share information about current and potential projects, department and town goals, and to foster a greater sense of cohesion and understanding among the various departments.

Other Bylaws under consideration for amendments:

ADU Bylaw - Project Page Developed, First Community Listening Session – June 6; email blast sent on Non-Conforming Structures and Uses – Building Inspector proposed changes

Wireless Bylaw

Adult Use Marijuana Bylaw

Steep Slopes Bylaw

West Newbury Housing Opportunities Initiative Please join us for two events!

June 20th: Community Forum #1

June 27th: Design Workshop

The June 20th Community Forum will take place virtually at the regularly scheduled Planning Board meeting at 7:00pm. The town's consultants for the project will share the results of their findings in a series of graphics and maps to illustrate existing conditions within town. Participants will discuss their hopes and concerns about housing and will evaluate different areas in town for housing at a density that is higher than is typical for West Newbury to date.

The June 27th Design Workshop will be at 6:00pm at the Town Offices Annex. During this highly interactive workshop, participants will work with the town's consultants to explore design considerations for housing in West Newbury. The workshop will build off the discussion at the June 20 Community Forum.



Zoom link for the JUNE 20 Community Forum:

<https://us06web.zoom.us/j/87511041022?pwd=eENOMDVGtW1iN3FNZkJTcGMzNmItUT09>

Meeting ID: 875 1104 1022

Passcode: 276887

Dial in: 1 309 205 3325



For more information, contact Town Planner,
Sue Brown: townplanner@wnewbury.org



CONSTRUCTION INSPECTION SUMMARY:

Project No.: 6170 **Location:** 87 Main Street, West Newbury

Sheet 1 **of** 12 **Contractor:** Robert Johnson Construction

Client: Town of West Newbury **MAI Representative:** David Kelley

Time 7:15am-7:45am **Weather:** Sunny 60° F **Date:** 05/19/2023

OVERALL CONDITION OF SITE:

Site in overall good condition.

INSPECTION:

- Based on a previous meeting with the Town Planner, the Conservation Agent and the Contractor the following stormwater devices were agreed to be installed as a course of action to rectify the site stormwater issues and they appear to have been installed and appear to be functioning properly as described below:
 - Rip Rap Swales, with Check Dams were installed on either side of the driveway associated with Lot 3;
 - Plunge pools with outlet pipes were installed at the ends of the rip rap swales associated with the driveway on Lot 3;
 - A rip rap swale was installed along the northern side of the common driveway;
 - Two (2) rip rap diversion swales were installed perpendicular from the common drive swale to divert runoff toward the resource areas;
 - Rip rap plunge pools were installed at the end of the diversion swales, adjacent to the erosion control measures;
 - The slope behind and around the houses on Lots 2 and 3 are stabilized;
 - The two (2) rip rap plunge pools at the bottom of the common drive appeared to be functioning properly;
 - There did not appear to be any sediment washing off of the site into Main Street;
 - There did not appear to be any sediment washing into the resource areas;
 - Erosion control barriers appeared to be in good working condition;
 - The paved common driveway appeared to be stable;
-

UNRESOLVED ISSUES:

- **None, as they pertain to the Common Driveway;**
-

FOLLOW UP NOTES:

- **None, as they pertain to the Common Driveway;**
-



Lot 3 Driveway



Lot 3 Driveway Rip Rap Swale – North Side



Lot 3 Driveway Rip Rap Swale – North Side



Lot 3 Driveway Rip Rap Swale Plunge Pool – South Side



Lot 3 Driveway Rip Rap Swale – South Side



Lot 3 Driveway Rip Rap Swale – South Side



Lot 3 Driveway Rip Rap Swale Plunge Pool – South Side



Common Driveway



Common Drive – Rip Rap Swale – North Side



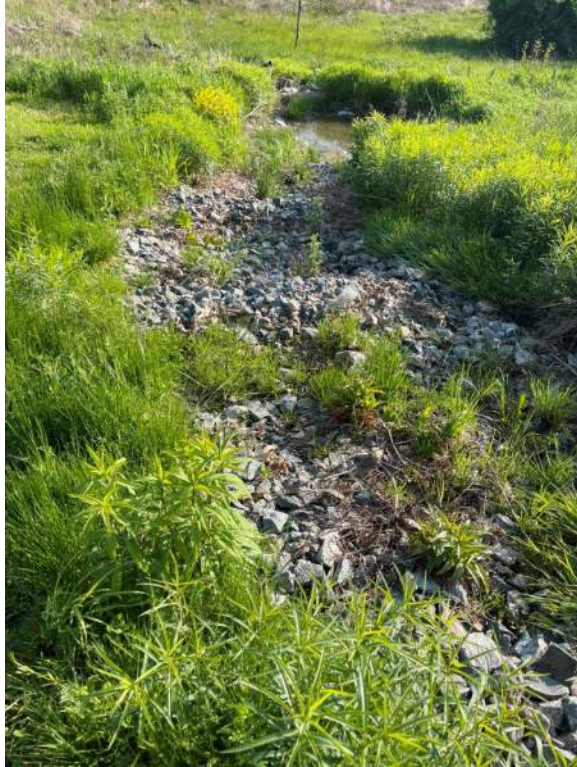
Common Drive – Rip Rap Swale – North Side



Common Drive – Rip Rap Diversion Swale #1 – North Side



Common Drive – Rip Rap Diversion Swale #1 Plunge Pool – North Side



Common Drive – Rip Rap Diversion Swale #2 – North Side



Common Drive – Rip Rap Diversion Swale #2 Plunge Pool – North Side



Common Drive – Plunge Pool – North Side



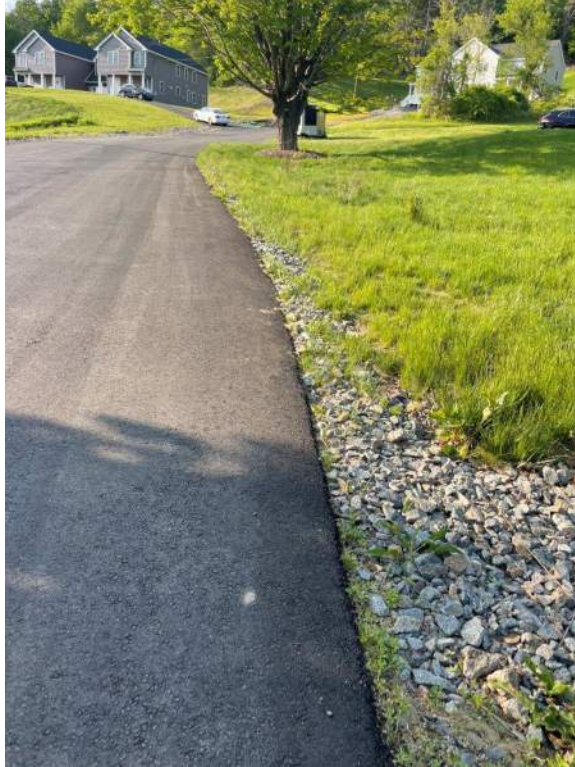
Common Drive – Plunge Pool – North Side



Common Drive – Plunge Pool – South Side



Common Drive – Plunge Pool – South Side



Common Drive – South Side



Common Drive – South Side



Common Drive – South Side at Lot 1

CONSTRUCTION INSPECTION SUMMARY:

Project No.: 6365 **Location:** 519 Main Street, West Newbury

Sheet 1 **of** 8 **Contractor:** Deer Run Development, LLC.

Client: Town of West Newbury **MAI Representative:** David Kelley

Time 8:00am – 8:30am **Weather:** Sunny 60° F **Date:** 05/19/2023

OVERALL CONDITION OF SITE:

- Site has been cleared and grubbed;
- Stormwater basins have been graded and associated piping has been installed;
- Roadway is compacted and graded to sub grade;
- Roadway has been paved with Binder Course;

STATE OF EROSION CONTROL:

- Perimeter and interior erosion control measures appear to be intact and functioning properly;
A couple of small areas along the roadway were repaired;

INSPECTION:

- MAI noted that proposed stormwater basins 3P, 5P and 6P were constructed and graded per the plans and were densely vegetated;
- MAI noted that proposed stormwater basin 1P was constructed and graded per the plans and was stabilizing with little vegetation;
- There was minimal to no standing water in the basins, even though these are proposed as constructed wetlands;
- It should be noted that MAI was not made aware of when the stormwater management devices (catch basins, culverts etc.) associated with basins 3P, 5P and 6P, were to be installed and therefore did not witness the installation of these devices;
- Gravel sub base was being delivered and compacted. MAI observed delivery of material and cleaning of the street (09/20/2022);
- Gravel sub base has been installed between stations 1+00 and 5+00+/- (09/21/2022);
- Gravel sub base has been installed between stations 5+00 and 7+75+/- (09/28/2022);
- Entire Roadway had been paved with the binder course (10/13/2022);

UNRESOLVED ISSUES:

- None;

FOLLOW UP NOTES:

- MAI is still waiting for the As-Built Plan for the work that has been completed to review for compliance of the stormwater basins with the approved plans;
-



Pond 1P



Paved Roadway



Paved Roadway



Pond 5P



Pond 5P and 3P



Pond 3P



Pond 3P



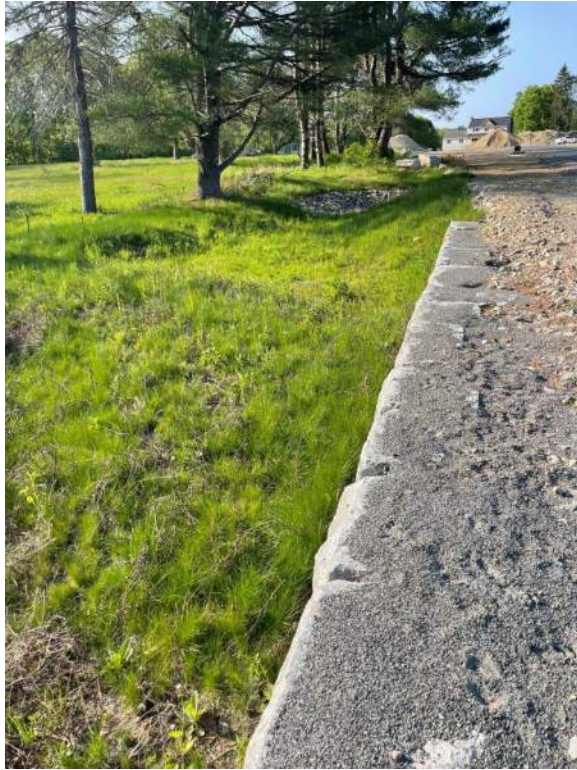
Waterline Connection in Main Street



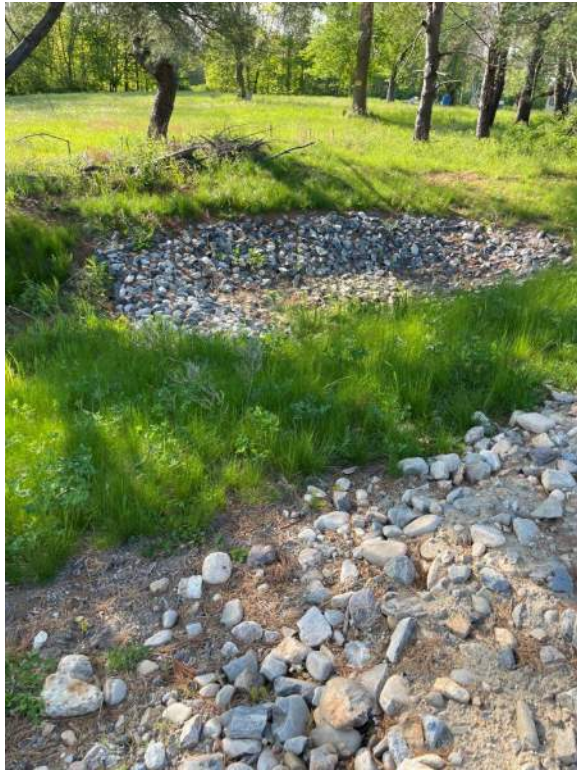
Paved Roadway, Retaining Wall and Pond 6P Outlet Swale



Pond 6P Outlet Swale



Pond 6P



Swale Adjacent to Pond 6P



Pond 6P



Paved Roadway

Why am I Receiving Notice of a Hearing?

You are receiving this hearing notice because you are an abutter (as defined by law) to a proposed development or project that will be reviewed by the West Newbury Planning Board. This notice is required by the state to let you know that a public hearing is being held on the project.

What is the Planning Board?

The Planning Board has five elected members. The Board has the responsibility to review proposed development projects and make decisions on them in accordance with state statute and local bylaws and regulations. The Board holds its hearings in the evenings. Board members have a variety of backgrounds and volunteer their time to serve on the Board. Professional staff assist the Board with permitting and planning.

How Can I Find Out More About What is Proposed?

An application, plans and supporting materials are on file at the Planning Board office and can also be found on the Board's web page under West Newbury Legal Ads/Public Hearing Notices. The Planning Board office is generally staffed Monday through Thursday from 9:30 to 3:30. It is best to call and make an appointment to ensure that staff will be there.

What Should I Expect at the Public Hearing?

The notice you received in the mail tells you when the public hearing is scheduled. The Public Hearing notice is also published in the legal notices in the Newburyport Times.

At the first hearing, the applicant will present plans and explain what is proposed. The Board

will ask questions, generally where clarification is needed. Following Board questions, there will be an opportunity for other meeting participants to ask questions or offer opinions. Comments may also be submitted in writing to the Town Planner.

Since the Board may hear several projects in an evening, hearings last a specified period of time. At the end of this time, the hearing may be either closed or continued.

Occasionally, for simple projects, hearings can be completed in one night and are closed, meaning that no further testimony is taken. More often, hearings will be continued with direction given by the Board to the applicant on revisions to the plans or additional information that is needed. Continued hearings may be several weeks or months in the future depending on how long it takes the applicant to amend plans or gather the required information, and based on the Board's workload.

Occasionally, the hearing process is delayed due to unforeseen circumstances, the absence of a Board member or at the applicant's request. To verify that a hearing is being held on a scheduled date, you can call the Planning Board office or check the town website at [Town of West Newbury MA | \(wnewbury.org\)](http://TownofWestNewburyMA.com)

How Can I Make My Concerns Known If I Cannot Attend?

Comments can be submitted in writing to the Town Planner prior to the close of the public hearing. Copies will be provided to the Board members. As with all testimony, it is most helpful to raise concerns early in the process.

What happens after the Hearing?

After the hearing is closed, no new information can be submitted. The Board deliberates a decision at a Board meeting. The Board

generally either approves a project with conditions or denies a project if it does not meet regulatory requirements. Interested individuals are welcome to attend and listen during deliberations of a decision, but may not make further comments. The decision is voted on and filed with the Town Clerk by the decision deadline.

What Issues Does the Board Consider?

The scope of issues that the Board can consider in reviewing projects is defined by state law and town bylaws and regulations. In presenting testimony (oral or written), it is most helpful to focus on these issues. These are described further on the reverse.

Will I Be Notified of the Decision?

Copies of subdivision decisions are not sent to abutters. Copies of special permit decisions are required by law to be sent to all abutters. You may request a copy of any decision from the Planning Board office or the Town Clerk.

How Can I Appeal?

Appeals may be made to Superior Court (and in some cases Land Court). There is a 20 day appeal period from the date the decision is filed with the Town Clerk. You will not receive notice of any appeals filed by other parties (such as the applicant).

10 Suggestions for Presenting Testimony at Public Hearings

1. Once recognized by the Board chair, you should state your name and address for the record each time you speak.
2. Feel free to use the proposed plan to point out concerns you may have, and reference the plans so the Board can see the area to which you are referring.
3. Try to state all of your questions or concerns succinctly and at once and then allow the next person to speak.
4. Be polite and respectful of differing opinions.
5. While you may have questions for the applicant, you should address them to the Board. The Board may direct the applicant to keep a record of questions asked and answer them all at once.
6. Avoid personal attacks – stick to issues within the scope of the Board’s review.
7. Don’t ask to speak a second time until all others have had an opportunity to be heard.
8. It is fine to just say “I agree with Mr. Smith about traffic” rather than restating the same concerns.
9. Comments made at a hearing need not be repeated at subsequent hearings unless they have not been addressed.
10. Remember that you will not be notified by mail of continued hearings – if you are interested, you should visit or call the office, or check the website.

Subdivisions

The Board acts on subdivisions based on the authority in the MA Subdivision Control Law (MGL, Ch.41, S.81) and local Subdivision Rules and Regulations (adopted by the Board). Plans either must comply with these requirements or the applicant must request that waivers be granted. The Board has discretion in acting on waivers to consider those that are in the best interest of the design of the project and of the town. Subdivisions must also comply with town zoning requirements. The Board will focus on issues relating to the subdivision roadway construction such as drainage, grading, erosion control, sidewalks, and curbing. The board will also consider traffic safety and development of an overall interconnected roadway network.

Special Permits

The Planning Board is the Special Permit Granting Authority for uses allowed in All Districts and Overlay Districts requiring Special Permits and for uses identified in the zoning bylaws: Siren or Public Alert and Notification Systems (Sec 5.E.), Open Space Preservation Development (Section 6.B), Common Driveways (Sec 7.D.), Assisted Living Facilities (Sec 7.E.), Personal Wireless Service Facilities (Sec. 9), Wind Monitoring and Meteorological Towers (Sec. 11) , and Wind Facilities (Sec 12). The Board also issues permits under the Scenic Roads Bylaw of the Town’s General Bylaw (Art. XXXII).

AN ABUTTER’S GUIDE

West Newbury Planning Board Development Review Process



The Planning Board has prepared this guide to explain what you, as an abutter to a proposed development project, can expect during the review process. It is not intended to be a legal guide, but to help you understand how best to participate in hearings, get information and communicate any concerns you may have. To reach the Planning Board, please contact the West Newbury Town Planner at 978-363-1100 ext 125, or visit our office located on the 2nd floor of Town Offices. The Planning Board website is accessible at [Town of West Newbury MA | \(wnewbury.org\)](http://TownofWestNewburyMA.com)

Staff

Sue Brown, Town Planner
Katelyn Bradstreet, Planning Board Assistant