**PROPOSED AMENDMENTS TO CHAPTER XXIX – STORMWATER MANAGEMENT BYLAW**

**SIGNIFICANT AMENDMENTS:**

* A definition of “common plan of development or sale”
* A more comprehensive definition of “land disturbance activity”
* A revised definition of the term “slope”
* Expansion of Section 4, “Applicability”
* A specific reference in Section 5F to Vol. 2 of the Massachusetts Stormwater Management Handbook which prioritizes environmentally sensitive site design
* Expansion of Section 12, Enforcement
* Specific provision for the imposition of a municipal lien for the recovery of any costs incurred by the Town for abatement or remediation

The most important changes to the Stormwater Management Bylaw involve Sections 4 and 12. The most pertinent changes to those sections are set forth below.

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| **Existing Provision** | **Proposed Amendment** |
| **4. APPLICABILITY**A. This bylaw shall apply to all activities that result in disturbance of one or more acres of land that drains to the Municipal Separate Storm Sewer System. A permit from the Permit Authority shall be required for any construction activity including clearing, grading and excavation, that results in a land disturbance that will disturb equal to or greater than one acre of land, or will disturb less than one acre of land but which is part of a larger common plan of development or sale which will ultimately disturb equal to or greater than one acre of land, draining to the Town’s Municipal Separate Storm Sewer System.  | **4. APPLICABILITY*** 1. This bylaw shall apply to all activities that result in disturbance of one or more acres of land that drains to the Municipal Separate Storm Sewer System. A permit from the Permit Authority shall be required for any construction activity including tree cutting, grubbing, clearing, grading, excavation, and/or Alteration of Drainage Characteristics that results in a land disturbance that will disturb equal to or greater than one acre of land, or will disturb less than one acre of land but which is part of a larger common plan of development or sale which will ultimately disturb equal to or greater than one acre of land, draining to the Town’s Municipal Separate Storm Sewer System.
	2. Administrative Land Disturbance Review is required for projects that result in the disturbance of land between 5,000 sq. ft. and 43,559 sq. ft. The purpose of the Administrative Land Disturbance Review is to determine whether an Administrative Approval or Stormwater Management Permit is required.
	3. A Stormwater Management Permit from the Permit Authority shall be required for any construction activity including tree cutting, grubbing, clearing, grading and excavation, that results in the following:
		1. Any land disturbance that will result in a proposed use that would have a higher potential pollutant loads pursuant to the Massachusetts Stormwater Management Standards; or
		2. Any land disturbance that is more than 5,000 sq. ft. of land with a slope equal to or greater than 25%, or any disturbance that is more than 10,000 sq. ft. of land with a slope equal to or greater than 15%, or any disturbance that is more than 21,780 sq. ft. of land with a slope equal to or greater than 10%; or
		3. Total cumulative added impervious surface that meets or exceeds 5,000 sq. ft.; or
		4. Disturbance of volume greater than 1,500 cubic yards; or
		5. Any land disturbance on a lot of any size which has caused or can reasonably be expected to cause or contribute to a violation of State Water Quality Standards or as deemed necessary by the Permit Authority for a project that would otherwise require Administrative Land Disturbance Review.
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| **12. ENFORCEMENT**A. In any instance where a SWM Permit has not been applied for or granted, a disturbance of earth equal to or greater than one acre of land shall constitute a violation of this bylaw section. The Planning Board, or an authorized agent of the Planning Board, shall enforce this bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.  | **12. ENFORCEMENT*** 1. Land disturbance activities in excess of the thresholds established in Section 4 of this Bylaw conducted without a Stormwater Management Permit or Administrative Land Disturbance Approval shall constitute a violation of this Bylaw. The Permit Authority, or an authorized agent of the Permit Authority, shall enforce this bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.
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