

UXBRIDGE STORM WATER MANAGEMENT AND EROSION CONTROL BYLAW

To see if the Town will vote to amend the General Bylaw of the Town of Uxbridge, by inserting a new §345 Storm Water Management and Erosion Control Bylaw to read as follows:

§ 345-1. Purpose

To ensure that the Town of Uxbridge complies with the provisions of the National Pollutant Discharge Elimination System (NPDES) as promulgated by the U.S. Environmental Protection Agency.

§ 345-2. Authority

This Bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, the Federal Clean Water Act, and pursuant to the various regulations promulgated by the U.S. Environmental Protection Agency, the Massachusetts Department of Environmental Protection, and the Massachusetts Department of Conservation and Recreation.

§ 345-3. Applicability

This Bylaw shall apply to all elements of the Town of Uxbridge municipal government, the School Department, all corporate and business entities with activities within the Town of Uxbridge, and all residents and owners of property within the Town of Uxbridge.

§ 345-4. Objectives

1. Protect water resources by preventing pollutants from entering the municipal storm water drainage system or any resource area;
2. Control soil erosion and sedimentation;
3. Control the volume and rate of storm water runoff resulting from land disturbance activities such as development and redevelopment;
4. Protect groundwater and surface water degradation or depletion;
5. Promote the infiltration and recharge of groundwater.
6. Ensure compliance with all Federal and State statutes and regulations relating to storm water management and erosion control; and,
7. Establish the Town of Uxbridge's legal authority to ensure compliance with the provisions of this Bylaw through permitting, inspection, and enforcement.

§ 345-5. Administration

1. The Department of Public Works (DPW) shall:
 - a. operate and maintain the Municipal Separate Storm Sewer System (MS4) in accordance with applicable Federal and State statutes and regulations;
 - b. shall file all applications and reports required for the MS4 with appropriate Agencies in a timely manner;
 - c. report to the appropriate Agency any evidence of illicit discharge of pollutants into the MS4;
 - d. maintain a schedule of routine street sweeping activities;
 - e. ensure, to the extent practical, that all municipal properties comply with established Best Management Practices (BMPs) for control of storm water runoff and siltation;and,

- f. implement a public education program to provide information to the community concerning the impact of storm water discharges on water bodies.
2. The School Department shall:
 - a. operate and maintain in accordance with the manufacturer's product guidelines the storm water and erosion control equipment installed at the Uxbridge High School-~~Capron Street, Quaker Highway school site; Taft Elementary and Whitin Middle schools~~McCloskey Middle School and Whitin Elementary School,
 - b. distribute educational materials to enhance student awareness of the impact on resource areas of illicit pollutant discharge and storm water runoff in conjunction with the public education program components of the Stormwater Management Plan.
3. The Planning Board shall:
 - a. ensure that all applications for development or redevelopment contain a Storm Water Management Plan that complies with the hydrological design requirements mandated by Federal and State statute and regulation to control construction site storm water runoff and soil erosion when the land disturbance exceeds Federal or State ~~thresholds~~Regulations; and,
 - b. ensure that all applications for development or redevelopment contain provision to minimize or mitigate post-construction discharge into the MS4 or water resource areas.
4. The Conservation Commission shall:
 - a. review all proposed development or redevelopment activities within the statutory limits of water resource areas;
 - b. issue appropriate "orders of conditions" for the same;
 - c. enforce all laws and regulations regarding erosion control and sedimentation;
 - d. review and monitor Storm Water Pollution Prevention Plans; and,
 - e. implement a pro-active information program to educate the public about the sensitivities of resource areas and the statutory and regulatory limits on activities in or near those sensitive areas.
5. All corporate and business entities with activities within the Town and all residents and property owners shall
 - a. avoid depositing pollutants of any nature into the MS4, into water resource areas, or pervious surfaces;
 - b. immediately clean up any pollutants deposited on impervious surfaces;
 - c. direct rain water from down spouts toward pervious areas to the extent practical;
 - d. wash vehicles and equipment on pervious areas to the extent practical; and,
 - e. use Department of Environmental Protection best management practices to prevent lawn clippings, leaves, other organic detritus, or soil from being washed into the MS4 or a water resource area.

§ 345-6. Enforcement

The Conservation Commission shall investigate and take appropriate action in any instance where illicit discharge or disturbance of land resulting in soil erosion impacts the MS4 or any water resource area. Additionally, The Conservation Commission shall take enforcement action allowed by Federal or State statute or regulation.

§ 345-7. Exempt Activities

1. Normal maintenance and improvement of Town owned public ways and related infrastructure;
2. Normal maintenance and improvement of land in agricultural use;
3. Projects fully permitted prior to enactment of this Bylaw;
4. Projects that are equal to or less than the Federal or State minimum square foot guidelines*;
- ~~5. Development of a single buildable lot, not held in common ownership with adjoining land that cannot be further subdivided, as long as the disturbed area does not exceed 50% of the total area.~~
- ~~6.5.~~ Repair or replacement of septic systems when required by the Board of Health for the protection of public health;
- ~~7.6.~~ Normal maintenance of existing landscaping, gardens, or lawn areas associated with dwelling houses or commercial structures;
- ~~8.7.~~ The construction of fencing that will not alter existing drainage patterns;
- ~~9.8.~~ The construction of utilities (gas, water, electric, telephone, etc.) that will not alter terrain or drainage patterns;
- ~~10.9.~~ Activities conducted in accordance with an approved Massachusetts Department of Conservation and Recreation Forest Stewardship Plan; and
- ~~11.10.~~ Regular maintenance of structures associated with the MS4.
 - At the time of enactment of this Bylaw, projects with ~~an~~ a disturbance area of ~~40,000~~43,560 square feet (1 acre) or less were exempt from storm water control guidelines. That minimum is subject to change by Federal or State regulators.

§ 345-8. Definitions

AGRICULTURE: The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act and its implementing regulations

ALTERATION OF DRAINAGE CHARACTERISTICS: Any activity on an area of land that changes the forces, quantity, direction, timing, or location of storm water runoff from the area.

BEST MANAGEMENT PRACTICE: an activity, procedure, restraint, or structural improvement that helps reduce storm water runoff or negate erosion or siltation.

CLEARING: Any activity that removes the vegetative surface cover. Clearing activity may include grubbing as defined below.

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

DISTURBANCE OF LAND: Any action, including clearing and grubbing, that causes a change in the position, location, or arrangement of soil, sand, rock, gravel, or similar earth material.

EROSION: The wearing away of the land's surface by natural or artificial forces such as wind, water, ice, gravity, or vehicular traffic and the subsequent detachment and transportation of soil particles.

EROSION AND SEDIMENT CONTROL PLAN: That portion of any development or redevelopment plan, drawn up by the project's engineers and/or surveyors, reviewed and approved by the Planning Board, in conjunction with the Conservation Commission, and monitored by the Conservation Commission to control surface water runoff, erosion, and sedimentation during pre-construction and construction-related land disturbance.

GRADING: Changing the level or shape of the ground contours.

GRUBBING: The act of enhancing clearing activity by removing stumps and roots.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surfaces include, without limitation, roads, paved parking lots, sidewalks, driveways, and roof tops.

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

MASSACHUSETTS STORM WATER MANAGEMENT POLICY: The policy issued by the Department of Environmental Protection, as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act and the Massachusetts Clean Waters Act.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): The system of conveyances designed or used for collecting or conveying storm water, including any road with a drainage system, street gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or manmade or altered drainage channel, reservoir, and other drainage structures that together comprise the storm drainage system owned and operated by the Town of Uxbridge.

PERVIOUS SURFACE: any natural feature or manmade structure that allows storm water to percolate into the ground.

PRE-CONSTRUCTION: all activity in preparation for construction.

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

RUNOFF: Rainfall, snow melt, or irrigation water flowing over the ground surface.

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

SEDIMENTATION: the process or act of depositing sediment.

SITE: Any lot or parcel that falls under the aegis of the Planning Board for development or redevelopment permitting.

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

SOIL: Earth materials including loam, sand, gravel and rock.

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

STORM WATER: Rain water runoff or snow melt runoff that moves across the surface of the land.

STORM WATER MANAGEMENT PLAN: That portion of any development or redevelopment permit application submitted to the Planning Board that contains details prepared by an engineer or surveyor for structural or non-structural best management practices to manage and treat storm water runoff generated from permitted development or redevelopment activity. The Plan shall contain post-development or post-redevelopment plans for the operation and maintenance of continuing best management practices for storm water and erosion control.

STRIP: Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

WATER RESOURCE AREA: Any feature specified in the Massachusetts Wetlands Protection Act.

WETLANDS: Wet meadows, marshes, swamps, bogs, areas where ground water, flowing or standing water, or ice provide a significant part of the supporting substrate for a plant community

for at least five months of the year; emergent and submergent communities in inland waters; that portion of any bank that touches any inland water.

§ 345-9. Severability

If any provision, paragraph, sentence, or clause of this Bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.

DRAFT