

STORMWATER MANAGEMENT RULES AND REGULATIONS

1. PURPOSE

The purpose of these Stormwater Management Rules and Regulations (the Regulations) is to implement the Cohasset Stormwater Management Bylaw (the Bylaw). These Regulations establish minimum requirements and procedures to control the adverse effects of increased stormwater runoff, decreased groundwater recharge, and non-point source pollution associated with new development and redevelopment. Increased volumes of stormwater, contaminated stormwater runoff from impervious surfaces, and soil erosion and sedimentation are major causes of:

- impairment of water quality and decreased flow in lakes, ponds, streams, rivers, coastal waters, wetlands and groundwater;
- contamination of drinking water supplies;
- erosion of stream channels;
- alteration or destruction of aquatic and wildlife habitat;
- flooding; and
- overloading or clogging of municipal catch basins and storm drainage systems.

The United States Environmental Protection Agency and Massachusetts Department of Environmental Protection (Mass DEP) have identified sedimentation from land disturbance activities and polluted stormwater runoff from land development and redevelopment as major sources of water pollution, impacting drinking water supplies, natural habitats, and recreational resources. Regulation of activities that result in the disturbance of land and the creation of stormwater runoff is necessary for the protection of Cohasset water bodies and groundwater resources, to safeguard the health, safety, and welfare of the general public and to protect the natural resources of the Town of Cohasset. The Regulations address the issues mentioned above and as referenced in the Bylaw.

2. AUTHORITY

A. The Regulations are adopted by the Cohasset Conservation Commission (Conservation Commission) in accordance with the Bylaw.

B. Nothing in the Regulations is intended to replace or be in derogation of the requirements of the Bylaw or any rules and regulations adopted thereunder unless the Regulations are more stringent.

C. The Regulations may be periodically amended by the Conservation Commission in accordance with the procedures outlined in Section 7 of the Bylaw. The Cohasset Stormwater Committee, acting in an advisory role, may advise the Conservation Commission from time to time on recommended changes to the Regulations, or on recommended methods for implementation thereof.

3. ADMINISTRATION

The Conservation Commission shall administer, implement and enforce the Regulations. Projects and activities approved by the Conservation Commission shall be deemed to be in compliance with the intent and provisions of the Regulations.

4. PROCEDURES

The issuance of an Administrative Approval or Stormwater Permit is required prior to the approval of any regulated activity as listed in Section 4 of the Bylaw. The site owner or his agent shall file for an Administrative Approval or Stormwater Permit with the Conservation Commission. While application may be made by a representative, the permittee must be the owner of the site. All permits, decisions and actions with respect to a parcel of land "run with the land" and are binding upon subsequent property owners.

A. Pre-Application Meeting. Applicants are strongly encouraged to schedule a pre-application meeting with the Conservation Commission and/or its Stormwater Agent at the earliest feasible time for the following purposes:

1. Discuss the proposed development plans and need for a Stormwater Permit or Administrative Approval, and the estimated review fees to be submitted at time of application.
2. Advise the designer and/or applicant of the Conservation Commission's goals with respect to stormwater management at the site, and to the extent practical, of any known concerns or issues regarding stormwater management at the subject site.
3. Advise the designer and/or applicant of application submittal requirements or of additional information needed in the application at the time of filing.
4. The Conservation Commission encourages the use of Low Impact Development (LID) techniques in site design, and a pre-application review can be useful in the process of LID design in creating a working dialogue and understanding with it regarding the goals of the stormwater design. Unlike conventional development and stormwater controls, an LID approach to design begins with an assessment of environmental and hydrologic conditions at the site and how to best address these conditions. Preliminary planning for the site is as critical as the ultimate stormwater controls chosen. A pre-application meeting may be helpful to avoid unnecessary stormwater management activity and may possibly help to eliminate the need for filing an application altogether. The assistance of the Conservation Commission during any pre-submittal application meeting is intended to be advisory in nature and in no way changes the applicant's sole responsibility for the successful design of stormwater management systems for the site. Applicants are reminded that the objective of the LID approach is to:
 - a. Develop a site plan that reflects natural hydrology.
 - b. Minimize impervious surfaces.
 - c. Treat stormwater in numerous small, decentralized structures.
 - d. Use natural topography for drainage ways and storage areas.
 - e. Preserve portions of the site in undisturbed, natural conditions.
 - f. Lengthen travel paths to increase time of concentration and attenuate peak rates.

B. Applications: The Administrative Approval or Stormwater Permit application shall be made to

the Conservation Commission in a form and containing information as specified in the Regulations and shall be accompanied by payment of the appropriate Application Fee, Review Fee or Estimated Fee. The Review Fee shall be collected by the Conservation Commission prior to any review. The Application and Review Fees for the Administrative Approval or Stormwater Permit shall be in addition to any fee requirements for other applications for permits for the same project before the Conservation Commission or any other Town Board or Commission which may review the project.

1. An *Administrative Approval* application package shall include the following:
 - a. A Stormwater Management Plan stamped by a Licensed Professional Engineer describing the proposed alteration activities and the mitigation measures and best management practices to be employed to manage stormwater generated by the alteration, and certifying post-development runoff characteristics (including peak flow, total volume of runoff, and water quality of the runoff) for development and redevelopment projects as equal to or less than the pre-development runoff characteristics. The following additional submittals may be required, but only if determined necessary by the Conservation Commission or their Stormwater Agent to support the engineer's Stormwater Management Plan and certification: plan of proposed grading, more detailed description and/or drawings of proposed stormwater management system with map of pre- and post-development drainage, existing and proposed vegetation, recharge analysis, hydrologic calculations, estimated seasonal high groundwater, and Erosion and Sediment Control Plan.
 - b. Abutters list, as referenced in Section 6. of the Regulations; and
 - c. Application and review fees.

One (1) copy of the Administrative Approval application package must be filed with the Town Clerk; and ten (10) copies of the package must be filed with the Conservation Commission for distribution to the Stormwater Agent, Conservation Commission members, and other Boards or Commissions reviewing the project.

2. A *Stormwater Permit* application package shall include the following:
 - a. Stormwater Management Plan stamped by a Licensed Professional Engineer certifying post-development runoff characteristics (including peak flow, total volume of runoff, and water quality of the runoff) for development and redevelopment projects as equal to or less than the pre-development runoff characteristics. The plan shall show proposed grading, description of stormwater management system with map of pre- and post-development drainage, existing and proposed vegetation, recharge analysis, hydrologic calculations, and estimated seasonal high groundwater;
 - b. Abutters list, as referenced in Section 7. of the Regulations;
 - c. Erosion and Sediment Control Plan;
 - d. Operations and Maintenance Plan listing permittees, maintenance agreements, maintenance schedule, and estimated annual budget (including anticipated

- sources of funding) for operations and maintenance;
- e. Record(s) of stormwater easements;
- f. For subdivision applications, a plan showing the building envelope within each house lot and proposed grading, drainage, and stormwater disposal for each lot; and
- g. Application and review fees.

One (1) copy of the Stormwater Permit application package must be filed with the Town Clerk; and seventeen (17) copies of the package must be filed with the Conservation Commission for distribution to the Stormwater Agent, Conservation Commission members, and other Boards or Commissions reviewing the project.

C. Information Requests: The Conservation Commission may request such additional information as may be necessary to enable it to determine whether the proposed regulated activity is adequately addressed by the applicant in order to protect water resources and meet the objectives of the Bylaw and the Regulations.

D. Determination of Completeness: The Conservation Commission shall make a determination as to the completeness of the application and adequacy of the materials submitted within five (5) business days of receipt. No review shall take place until the application has been found to be complete.

E. Project Changes: The permittee, or its agent, must notify the Conservation Commission or its Stormwater Agent in writing of any change or alteration of a regulated activity before the change or alteration occurs. If the Conservation Commission or its Stormwater Agent determines that the change or alteration is significant, based on the Bylaw or the stormwater management and design standards listed in the Regulations, the Conservation Commission or its Stormwater Agent may require that an amended application be filed. If any change or alteration of the requirements of the Stormwater Permit occurs during regulated activities, including significant changes in schedule, the Conservation Commission or its Stormwater Agent may require the installation of interim erosion and sedimentation control measures before considering whether to allow such change or alteration.

F. Entry: It is understood by the Applicant that filing an application for a permit grants the Conservation Commission or its Stormwater Agent, permission to enter the subject site to verify the information contained in the application, to perform their duties under the Bylaw and the Regulations, and to inspect, survey, or sample as the Conservation Commission deems reasonably necessary to determine compliance with the permit

G. Erosion and Sediment Control Plan: The Erosion and Sediment Control Plan shall contain sufficient information to describe the nature and purpose of the proposed development or re-development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sedimentation controls and Pollution Prevention Plan that are needed during land disturbance and construction, including source control and pollution prevention measures, best management practices (BMPs) to address erosion and sedimentation, stabilization measures, and procedures for operating and maintaining the BMPs, especially in response to wet weather events and frost. The plan shall include a schedule for sequencing construction and stormwater management activities that

minimizes land disturbance by ensuring that vegetation is preserved to the maximum extent practicable, and disturbed portions of the site are stabilized as quickly as possible.

The applicant shall submit such material as is necessary to show that the proposed development or re-development will comply with the design standards and shall contain the information listed below.

1. Standards. The Erosion and Sediment Control Plan shall be designed to meet the requirements of the Massachusetts Stormwater Management Policy (as referred to in the Code of Massachusetts Regulations at 310 CMR 10.00 and 314 CMR 9.00) or the latest edition of the Post Development Criteria for Stormwater Management (Appendix A), whichever more stringently protects the Town's environmental resources.
2. Contents. The Erosion and Sediment Control Plan shall contain the following information:
 - a. Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan, and the Cohasset Assessors Map and Parcel Number of the property or properties affected.
 - b. Title, date, north arrow, names of abutters, scale (1"=20' or 1"=40'), legend, and locus map (1"=800').
 - c. Location and description of natural features including:
 - i. Watercourses and water bodies, wetland resource areas, riparian zones and all floodplain information, including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map, or as calculated by a licensed professional engineer for areas not assessed on these maps. Identify all surface waters and wetlands within a half-mile of the project that may receive stormwater runoff from the project;
 - ii. Existing vegetation of various kinds including tree lines, shrub layer, ground cover and herbaceous vegetation, and trees with a caliper twelve (12) inches or larger, noting specimen trees and forest communities; and
 - iii. Habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, Potential Vernal Pools, and Priority Habitats of Rare Species within five hundred (500) feet of any construction activity.
 - d. Existing abutting streets showing drainage and driveway locations and curb cuts.
 - e. Existing soils (type, hydrologic group, erodibility) based on the Natural Resources Conservation Service (NRCS) Soil Surveys, including the volume and nature of imported soil materials, if any.
 - f. Topographical features including existing and proposed contours at intervals no greater than two (2) feet with spot elevations provided when needed, and any rock or ledge outcroppings.
 - g. Steep slopes for pre-development and post-development conditions, delineated by

- h. 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.
- i. Drainage patterns, watersheds and subwatersheds, with calculations of proposed land disturbance within each subwatershed and areas of soil to be disturbed in each watershed throughout the duration of the proposed land disturbance activity.
- j. Location, type and details of all temporary and permanent 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.
- k. Locations on site that are not to be disturbed.
- l. Areas of any phased construction to minimize exposed soils.
- m. Culvert construction and/or dewatering issues, if any.
- n. Paths and mechanisms to divert uncontaminated water around disturbed areas, to the maximum extent practicable.
- o. Location and description of, and implementation schedule for temporary and permanent seeding, vegetative controls, temporary sediment basins, and other temporary and final stabilization measures.
- p. A description of provisions for phasing the project where 40,000 square feet of contiguous area or greater is to be altered or disturbed.
- q. Plans, reports, and calculations must be stamped and certified by a Licensed Professional Engineer.
- r. Such other information as may be required by the Conservation Commission.

H. Stormwater Management Plan: The Stormwater Management Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed best management practices for the permanent management and treatment of stormwater. The Stormwater Management Plan shall contain sufficient information for the Conservation Commission to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater. The Stormwater Management Plan shall contain drawings and narratives that fully describe the project and shall be in accordance with the criteria established in the Regulations and must be submitted with the stamp and signature of a Licensed Professional Engineer (PE) licensed in the Commonwealth of Massachusetts.

1. Standards. The Stormwater Management Plan shall be prepared in accordance with the Massachusetts Stormwater Management Policy or the latest edition of the Post Development Criteria for Stormwater Management (Appendix A), whichever is more stringently protects the Town's environmental resources.
2. Stormwater Management Plan Requirements. The Stormwater Management Plan shall

contain the following information:

- a. Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan, and the Cohasset Assessors Map and Parcel Number of the property or properties affected.
- b. A locus map, at a scale of 1"=800'.
- c. The existing zoning, and land use at the site, including if site is located in the Town's Special Flood Plain and Watershed Protection District, and Town's Water Resource District.
- d. A description of the existing and proposed land use.
- e. The location(s) of existing and proposed easements.
- f. The location of existing and proposed utilities, septic systems, drinking water supply wells, or irrigation wells; and any underground storage tanks, or contaminated sites as defined under M.G.L. c. 21E.
- g. The site's existing and proposed topography with contours at two (2) foot intervals, and any rock or ledge outcroppings.
- h. The existing site hydrology including a description and delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which stormwater flows. Identify all surface waters and wetlands within a half-mile of the project that may receive stormwater runoff from the project.
- i. A delineation of 100-year flood plains, if applicable.
- j. An estimate made by a Massachusetts Approved Soil Evaluator of seasonal high groundwater elevation in each area to be altered and in each area to be used for stormwater retention, detention, or infiltration.
- k. A description of existing soils based on the NRCS Soil Surveys
- l. A description of existing and proposed vegetation and ground surfaces with runoff coefficient for each.
- m. A drainage area map showing pre- and post-construction watershed boundaries, drainage areas and stormwater flow paths.
- n. A description and drawings of all components of the existing and proposed stormwater management system including:
 - i. locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization;
 - ii. all measures for the collection, conveyance, treatment, detention, retention or infiltration of water;
 - iii. all measures for the protection of water quality;
 - iv. the structural details for all components of the proposed drainage systems and stormwater management facilities;

- v. notes on drawings specifying materials to be used, construction specifications, and typical details; and
 - vi. proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable.
- o. Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in the Regulations. Such calculations shall include:
- i. Description of the design storm frequency, intensity and duration;
 - ii. Time of concentration for each watershed area;
 - iii. Soil Runoff Curve Number(s) (RCN) based on land use and soil hydrologic group for each watershed area;
 - iv. Peak runoff rates and total runoff volumes for each watershed area;
 - v. Information on construction measures used to maintain the infiltration capacity of the soil where any kind of infiltration is proposed;
 - vi. Infiltration rates, where applicable;
 - vii. Culvert capacities;
 - viii. Flow velocities;
 - ix. Data on the increase in rate and volume of runoff for the specified design storms; and
 - x. Documentation of sources for all computation methods and field test results.
- p. For applications associated with residential or commercial/industrial subdivisions, include an overall development plan showing all construction activity and proposed grading for all project phases, and show the proposed building envelope within each house lot and the proposed grading, drainage, and stormwater disposal for each lot.
- q. Post-development downstream analysis if deemed necessary by the Conservation Commission.
- r. Soils information from test pits dug at the location of proposed stormwater management facilities, including but not limited to soil descriptions, depth to seasonal high groundwater, depth to bedrock, and percolation rates. Soils information will be based on site test pits logged by a Massachusetts Approved Soil Evaluator, or a Licensed Professional Engineer.
- s. Landscaping plan describing the woody and herbaceous vegetative stabilization and management techniques to be used within and adjacent to the stormwater practice.
- t. The timing, schedules, and sequence of development including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization.
- u. A maintenance schedule for the period of construction.
- v. A Long Term Pollution Prevention Plan (as required by the Massachusetts Stormwater Management Policy Manual, Standard 4). The plan shall include

measures to prevent illicit discharges to the stormwater management system, including wastewater discharges and discharges of stormwater contaminated by contact with process wastes, raw materials, toxic pollutants, hazardous substances, oil, or grease.

- w. Any other information requested by the Conservation Commission.

I. Operation and Maintenance Plan: An Operation and Maintenance Plan (O&M Plan) for the permanent stormwater management system is required at the time of application for all projects requiring a Stormwater Permit, and may be required for certain Administrative Approval projects that employ stormwater management systems for which long term O&M is critical, as determined by the Conservation Commission. The O&M Plan shall be designed to ensure compliance with the Bylaw and that the Massachusetts Surface Water Quality Standards, as contained in 314 CMR 4.00, are met in all seasons and throughout the life of the system. The Conservation Commission shall make the final decision of what maintenance option is appropriate in a given situation. The Conservation Commission will consider natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making its decision. Once approved by the Conservation Commission, the O&M Plan shall be recorded at the Norfolk County Registry of Deeds by the permittee, shall remain on file with the Conservation Commission and shall constitute an ongoing requirement. Stormwater management easements shall be provided by the property owner(s) and shall be sufficient in location and extent to carry out the required maintenance. The O&M Plan shall conform to the requirements listed below.

1. Operation and Maintenance Plan Requirements. An O&M Plan shall include:
 - a. The name(s) of the owner(s) for all components of the system.
 - b. A plan that is drawn to scale showing the location of the systems and facilities including catch basins, manholes/access lids, drain lines, and stormwater BMPs in each treatment train along with the discharge points.
 - c. A copy of the Long Term Pollution Prevention Plan (as required for submittal with the Stormwater Management Plan (see Section 4.H.2.v.)).
 - d. An estimated operations and maintenance budget.
 - e. A maintenance agreement that specify:
 - i. The names and addresses of the person(s) responsible for operation and maintenance;
 - ii. The person(s) responsible for financing maintenance and emergency repairs;
 - iii. An Inspection and Maintenance Schedule for all stormwater management facilities including routine and non-routine maintenance tasks to be performed;
 - iv. A list of easements with the scope and location of each; and
 - v. The signature(s) of the owner(s).

2. Stormwater Management Easement(s).
 - a. Stormwater management easements shall be given by the property owner(s) as necessary for:
 - i. access for facility inspections and maintenance;
 - ii. preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event; and
 - iii. direct maintenance access by heavy equipment to structures requiring regular cleanout maintenance.
 - b. The scope of each easement shall be sufficient to allow the work described in this section and specified in the maintenance agreement signed by the property owner.
 - c. Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the Conservation Commission.
 - d. Easements shall be recorded with the Norfolk County Registry of Deeds prior to issuance of a Certificate of Completion by the Conservation Commission.
3. In the case of stormwater BMPs that are serving more than one lot, the applicant shall include with the O & M Plan a description for implementing and enforcing the O & M Plan. The applicant shall identify the lots or units that will be serviced by the stormwater BMPs, and provide a copy of the legal instrument (deed, homeowner's association, utility trust or other legal entity) that establishes the terms of and legal responsibility for the operation and maintenance of stormwater BMPs. In the event that the stormwater BMPs will be operated and maintained by an entity, municipality, state agency or person other than the sole owner of the lot upon which the stormwater management facilities are placed, the applicant shall provide a plan and easement deed (as noted in subsection 2. above) that provides a right of access for performance of said operation and maintenance functions. At the time of issuing its decision on a Stormwater Permit application, the Conservation Commission may require that the permittee provide a copy of Stormwater Permit conditions and the legal instrument to each unit or lot owner at or before the purchase of each unit or lot to be serviced by the stormwater BMPs.
4. Changes to Operation and Maintenance Plans.
 - a. The owner(s) of the stormwater management system must notify the Conservation Commission or the Stormwater Agent of changes in ownership or assignment of financial responsibility.
 - b. The maintenance schedule in the maintenance agreement may be amended to achieve the purposes of the Bylaw and the Regulations by mutual agreement of the Conservation Commission and the parties responsible for the implementation of the schedule. Amendments must be in writing and signed by such parties. Such parties shall include owner(s), persons with financial responsibility, and persons with operational responsibility. Once the amended O&M Plan is signed, a copy shall be filed at the Registry of Deeds at the expense of the current owner(s).

5. Annual Report Submittal. The parties responsible for O&M Plans must submit annual reports regarding the inspection and maintenance of the stormwater BMPs for which they are responsible. The reports must include:
 - a. Descriptions of the condition of the BMPs;
 - b. Descriptions of inspection and maintenance work performed; and
 - c. Receipts for any payments made for maintenance performed.

6. Records: The permittee shall:
 - a. Maintain an operation and maintenance log (a rolling log recording all O&M activities for the past three (3) years), including inspections, repairs, replacement and disposal (for disposal, the log shall indicate type of material and disposal location);
 - b. Make this log available to Mass DEP and the Conservation Commission upon request; and
 - c. Allow members and agents of the Mass DEP and the Conservation Commission to enter and inspect the premises to evaluate and ensure that the permittee complies with the Operation and Maintenance Plan requirements for each BMP.

5. FEES

A. The Conservation Commission shall require the following fee(s) to be included with each application for either an Administrative Approval or Stormwater Permit. Such fees shall include: (1) an Application Fee established by the Conservation Commission to cover Town's expenses connected with processing the application; and (2) a Review Fee sufficient to cover professional review services for the project, as the Conservation Commission is authorized to retain a Licensed Professional Engineer or attorney, other professional consultant to advise the Conservation Commission on any or all aspects of the application and plans. The Application Fee is fixed and due at time of application. The Review Fee may vary depending upon the complexity of the project. The applicant will be provided an estimate of the Review Fee as determined by the Conservation Commission or Stormwater Agent, and this (3) Estimated Fee must be paid to the Town prior to the start of the review process.

1. Application Fee:
 - a. Application Fee is payable at the time of application and are non-refundable.
 - b. Application Fees are in addition to any other local or state fees that may be charged under any other law, bylaw, or local ordinance.
 - c. The Application Fee for an Administrative Approval application shall be \$50.00
 - d. The Application Fee for a Stormwater Permit application shall be \$500.00
 - e. The Application Fee may be reduced or increased by the Conservation Commission. Any such change shall be made at a posted public hearing of the Conservation Commission not less than thirty (30) days prior to the date upon which the change is

to be effective.

2. Review Fee:

- a. The Conservation Commission is authorized to require an applicant to pay a Review Fee for the reasonable costs and expenses for expert engineering, or attorney review or other professional consultant services deemed necessary by the Conservation Commission in order to come to a final decision on the application.
- b. Payment may be required at any point in the deliberations prior to a final decision.
- c. Any application filed with the Conservation Commission must be accompanied by a completed Review Fee Acknowledgement Form.
- d. The Review Fee shall be determined at the time of project review based on a specific scope of work, and shall be calculated at a rate determined by Conservation Commission.
- e. The services for which a fee may be utilized include, but are not limited to, hydrologic and drainage analysis, stormwater quality analysis, site inspections, as-built plan review, and analysis of legal issues.
- f. The Conservation Commission is also authorized to require an applicant to pay reasonable costs and expenses for certain activities which utilize the services of Town personnel.
- g. The Conservation Commission may require any applicant to pay an additional fee, calculated at a rate determined by the Conservation Commission, per hour of review, inspection and monitoring services for any project filing that requires an excess of two (2) hours of review, inspection, and monitoring time by a Town staffperson.
- h. Subject to applicable law, any unused portion of any Review Fee collected shall be returned by the Conservation Commission to the applicant within forty-five calendar days of a written request by the applicant, unless the Conservation Commission decides in a public meeting that other action is necessary.
- i. Engineering and consultant review fees collected under this section shall be deposited in a revolving account. The Conservation Commission shall include a full accounting of the revolving account as part of its annual report to the Town.

3. Estimated Fee:

- a. The Review Fee may vary depending upon the complexity of the project.
- b. The applicant may be required to provide an estimate of the review fee as determined by the Conservation Commission or Stormwater Agent, and this Estimated Fee must be paid to the Town prior to the start of the review process.

4. Revision of Fee Schedules and Regulations Governing Fees:

The Conservation Commission may periodically review and revise its regulations and schedules.

- a. Amendments shall be preceded by a public hearing.
- b. A copy of the written decision will be filed with the Town Clerk within ten (10) days after final action is taken.

6. ADMINISTRATIVE APPROVAL APPLICATION REVIEW PROCESS

Applications for administrative approval shall be reviewed by the Conservation Commission, or the Stormwater Agent on behalf of the Conservation Commission, in accordance with Section 10.D. of the Bylaw.

- A. The Administrative Approval Application Review Process shall not require a public hearing.
- B. Notice to Abutters. The applicant shall provide notification to all abutters (as defined in Section 7. of the Regulations). The applicant shall provide notification at the mailing addresses shown on the most recent applicable tax list from the municipal assessor. Notification shall be at the applicant's expense. The notification shall state that the application is being made pursuant to the Bylaw, shall briefly describe the proposed project, and state where copies of the application may be examined or obtained. The applicant shall notify abutters by either certified mail, return receipt requested, or by certificates of mailing. The applicant shall mail notice to abutters at the time of application, and must present either the certified mail receipts or certificate of mailing receipts for all abutters to the Conservation Commission before a decision on the application can be made. The presentation of the receipts for all abutters identified on the tax list shall constitute compliance with abutter notification requirements. The Conservation Commission shall determine whether the applicant has complied with abutter notification requirements. Failure to give notice will require an extension of the application review process at the expense of the applicant.

7. STORMWATER PERMIT HEARING

Stormwater Permit applications shall be reviewed within a noticed public hearing in accordance with Section 10. of the Bylaw.

- A. Notice: Notice of hearings is to be provided by publication in a newspaper of general circulation (usually the *Patriot Ledger*) and notice to abutters and shall be given for all matters requiring public hearings.
 1. Notice by Publication. Notice by publication will be undertaken by the Conservation Commission. The cost will be borne by the applicant. The notice must appear in the newspaper at least seven (7) business days before the hearing.
 2. Notice shall also be given in accordance with the open meeting law, M.G.L. c. 39, § 23B.
 3. Notice to Abutters. The applicant shall provide notification to all abutters as defined in this section. The applicant shall provide notification at the mailing addresses shown on the most recent applicable tax list from the municipal assessor. Notification shall be at the applicant's expense. The notification shall state that the application is being made pursuant to the Bylaw, shall briefly describe the proposed project, state where copies of the Administrative Approval or Stormwater Permit application may be examined or obtained, and shall specify

the date and time of the hearing. The applicant shall notify abutters by certified mail, return receipt requested, or by certificates of mailing. Mailing of notice at least seven (7) working days prior to the public hearing shall constitute timely notice. The applicant shall present either the certified mail receipts or certificate of mailing receipts for all abutters at the beginning of the public hearing. The presentation of the receipts for all abutters identified on the tax list shall constitute compliance with abutter notification requirements. The Conservation Commission shall determine whether the applicant has complied with abutter notification requirements. Failure to give notice will require continuation of the hearing.

- a. *Abutters* includes property owners adjacent to the property where the activity is proposed and property owners within one hundred (100) feet of the subject property, including if separated from that land by a public or private street or a body of water and not unreasonably distant from the subject property. Abutters shall also include, for any project involving a water body, any property owner who abuts that water body and is within three hundred (300) feet of the subject property, measured from the low-water line both across the water body and along the same shoreline of the water body as is the subject property. Additionally, if the water body is subject to the jurisdiction of the Harbormaster, notice shall be given to the Harbormaster.
 - b. *Common Ownership*. If an abutting property is in common ownership, same-family ownership, or in ownership by different entities with common principals, with the subject property, then the definitions of abutters shall be extended to the first property of someone who is not the applicant, a same-family owner or same-principal owner.
4. Notice Given at First Session Only. Notice need only be given of the first session of a hearing, unless further notice is requested or required by the Conservation Commission.
 5. Requirement of Written Consent of Owner. The prior written consent of the subject property owner must be obtained before any work is done on the land of another, even if the Applicant has a legal right of way or easement.

B. Continuances: In addition to the itemized methods of continuing hearings set forth in the general laws, hearings may be continued by the Conservation Commission. All continuances must be to a specified date. If a continuance is granted due to amendments to the project proposal, revised site plans shall be submitted, and revised site requirements put in place, seven (7) days prior to the next scheduled hearing.

C. Burden Of Proof: It is the applicant's responsibility to be aware of and meet the requirements of the Bylaw and the applicant has the burden of proving that the project or activity is in compliance with the Bylaw.

D. Quorum and Votes: A quorum is defined as a simple majority of those in office. The Conservation Commission need not vote on the merits of a permit application immediately upon conclusion of a public hearing, and may take the matter under advisement. The Conservation Commission may appoint one or more of its members or agents to draft a decision for presentation, vote and signature at a later date.

9. SURETY

The Conservation Commission may require the permittee to post before the start of any regulated 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 Conservation Commission to ensure that the work will be completed in accordance with the permit. If the project is phased, the Conservation Commission 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 Conservation Commission has received the final inspection report and issued a Certificate of Completion as required by the Regulations.

10. INSPECTION AND SITE SUPERVISION

All inspections will be conducted by the Conservation Commission or its Stormwater Agent if requested by the Conservation Commission.

A. Preconstruction Meeting: Prior to clearing, excavation, construction, or any land alteration activity requiring a permit, the applicant, the applicant's technical representative, the general contractor, pertinent subcontractors, and any person with authority to make changes to the project, shall meet with the Conservation Commission or its Stormwater Agent to review the permitted plans and proposed implementation.

B. Conservation Commission Inspection: The applicant must notify the Conservation Commission or its Stormwater Agent in advance before the commencement of construction and in advance of construction of critical components of the stormwater management facilities. The Conservation Commission or its Stormwater Agent shall inspect the site prior to approval of any plan, and make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the approved plans and any conditions of approval. One copy of the permit plans and conditions of approval signed by the Conservation Commission shall be maintained at the site. A copy of the NPDES Construction General Permit and Stormwater Pollution Prevention Plan (if applicable) shall be kept at site as well. In order to obtain inspections, the permittee shall notify the Conservation Commission or the Stormwater Agent at least three (3) working days before each of the following events:

1. Erosion and sediment control measures are in place and stabilized;
2. Rough Grading has been substantially completed;
3. Final Grading has been substantially completed;
4. Bury Inspection: prior to backfilling of any underground drainage or stormwater conveyance structures;
5. Close of the Construction Season; and
6. Final Landscaping (permanent stabilization) and completion of the project.

C. Permittee Inspections: At the discretion of the Conservation Commission, periodic inspections

of the stormwater management system construction shall be conducted by the permittee's professional engineer or his designee who has been approved by the Conservation Commission. All inspections shall be documented and written reports prepared that contain the following information:

1. The date and location of the inspection;
2. Whether construction is in compliance with the approved stormwater management plan;
3. Variations from the approved construction specifications; and
4. Any other variations or violations of the conditions of the approved stormwater management plan.

D. Final Inspection: After the approved Stormwater Management Plan has been implemented and before the surety has been released, the applicant must submit a record plan detailing the site conditions and actual stormwater management system as installed. The applicant must submit an explanation detailing any differences between the plans approved with the permit and the as-built plans. This explanation must be approved and stamped by a Licensed Professional Engineer. The Conservation Commission or its Stormwater Agent shall inspect the system to confirm its "as-built" features. This inspection shall also evaluate the effectiveness of the system in an actual storm. The inspection shall determine whether the stormwater BMPs are operating as designed. In conducting the inspection, the Conservation Commission shall look for any indication that the stormwater BMPs are not functioning as designed. Evidence of **any** such malfunctioning may include, without limitation, sand plumes at outfalls, excessive sands in catch basins, oil sheens, stressed vegetation, accumulated litter, and/or failure of the BMP to drain after 72 hours. No Certificate of Completion will be issued unless and until the stormwater BMPs are functioning in accordance with the Stormwater Permit Conditions and the Massachusetts Stormwater Management Standards, if applicable. If the inspection finds the system to be adequate, this information shall be submitted to the Conservation Commission which will then issue a Certificate of Completion.

If the system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the Stormwater Management Plan, it shall be addressed and corrected by the permittee before the performance guarantee is released. If the permittee fails to act the Town may use the surety bond to complete the work. Examples of inadequacy shall include, but not be limited to: errors in the infiltrative capability, errors in the maximum groundwater elevation, failure to properly define or construct flow paths, or erosive discharges from basins.

11. FINAL REPORT

Upon completion of the work, the permittee shall submit a Final Report from a Licensed Professional Engineer certifying that all erosion and sediment control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved permit. Any discrepancies must be noted in the cover letter. As part of the Final Report, the permittee shall also include the following:

A. Certified as-built construction plans. The as-built plan shall be drawn to scale and identify the location of any systems for conveying stormwater on the site and show that these systems do not

allow the entry of any illicit discharges into the stormwater management system. The as-built shall identify the location of any systems for conveying wastewater and/or groundwater on the site and show that there are no connections between the stormwater and wastewater management systems and the location of any measures taken to prevent the entry of illicit discharges into the stormwater management system.

B. An Illicit Discharge Compliance Statement verifying that no illicit discharges exist on the site. For redevelopment projects, the Illicit Discharge Compliance Statement shall also document all actions taken to identify and remove illicit discharges, including, without limitation, visual screening, dye or smoke testing, and the removal of any sources of illicit discharges to the stormwater management system.

C. An Operations and Maintenance (O & M) Compliance Statement. The O & M Compliance Statement shall identify the party responsible for implementation of the O & M Plan and state:

1. the site has been inspected for erosion and appropriate steps have been taken to permanently stabilize any eroded areas;
2. all aspects of the stormwater BMPs have been inspected for damage, wear and malfunction, and appropriate steps have been taken to repair or replace the system or portions of the system so that the stormwater at the site may be managed in accordance with the Bylaw and the Regulations, and Massachusetts Stormwater Management Standards, if applicable;
3. future responsible parties have been notified of their continuing legal responsibility to operate and maintain the structure; and
4. the Operation and Maintenance Plan for the stormwater BMPs is being implemented.

12. CERTIFICATE OF COMPLETION

The Conservation Commission will issue a letter certifying completion upon receipt and approval of the final reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with the Bylaw.

13. PERPETUAL INSPECTION AND MAINTENANCE

A. Maintenance Responsibility:

1. Stormwater management facilities and practices included in a Stormwater Management Plan with an inspection and maintenance agreement in accordance with Section 4.I of the Regulations must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the requirements of the agreement, the plan and the Regulations.
2. The owner of the property on which work has been done pursuant to the Regulations for private stormwater management facilities, or any other person or agent in control of such property, shall maintain in good condition and promptly repair and restore, all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sedimentation controls, and other protective devices. Such repairs or restoration and maintenance shall be in

accordance with the approved plans.

B. Maintenance Inspections:

1. All stormwater management facilities must undergo inspections to document maintenance and repair needs and ensure compliance with the requirements of the Bylaw and accomplishment of its purposes as specified in the Operation and Maintenance Plan described under Section 4.I of these Regulations.
2. At a minimum, inspections shall occur during the first year of operation and at intervals of at least once (1) every three (3) years thereafter. In addition, the Operation and Maintenance Plan as specified under Section 4.I. of the Regulations between the owner and the Conservation Commission shall be executed for privately-owned stormwater management systems that specifies the person responsible for conducting long term inspections.
3. Inspection reports shall be submitted to and maintained by the Conservation Commission for all stormwater management systems. Inspection reports for stormwater management systems shall include:
 - a. The date of inspection;
 - b. Name of inspector;
 - c. The condition of:
 - i. Pretreatment devices;
 - ii. Vegetation or filter media;
 - iii. Fences or other safety devices;
 - iv. Spillways, valves, or other control structures;
 - v. Embankments, slopes, and safety benches;
 - vi. Reservoir or treatment areas;
 - vii. Inlet and outlet channels and structures;
 - viii. Underground drainage;
 - ix. Sediment and debris accumulation in storage and forebay areas (including catch basins);
 - x. Any nonstructural practices; and
 - xi. Any other item that could affect the proper function of the stormwater management system; and
 - d. Description of the need for maintenance.

C. Right-of-Entry for Inspection: The permittee grants the Conservation Commission, its agents, officers, and employees permission to enter the site at reasonable times and in a reasonable manner for the purpose of inspection. The Conservation Commission, its agents, officers, and employees shall also have authority to enter upon privately-owned land for the purpose of performing their

duties under the Regulations and may make, or cause to be made, such examinations, surveys, or sampling as the Conservation Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.

D. Records of Maintenance and Repair Activities: Persons responsible for the operation and maintenance of a stormwater management facility shall provide records of all maintenance and repairs to the Conservation Commission, upon request. Persons responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs, and shall retain such records for at least three (3) years. These records shall be made available to the Conservation Commission during inspection of the facility and at other reasonable times upon request.

E. Failure to Maintain:

1. If the person responsible fails or refuses to meet the requirements of the Operation and Maintenance Plan, the Conservation Commission, after thirty (30) days written notice (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient), may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or practice in proper working condition. Pursuant to M.G.L. c. 40, § 58, the Conservation Commission may assess the owner(s) of the facility for the cost of repair work which shall be a lien on the subject property.
2. After notification is provided to the person responsible, that person shall have thirty (30) days or other time frame mutually agreed to between that person and the Conservation Commission for correcting any and all deficiencies. The Conservation Commission shall then conduct a subsequent inspection to ensure completion of repairs.

14. ENFORCEMENT

A. Enforcement: The Conservation Commission or its authorized agent shall enforce the Bylaw, the Regulations, and any associated orders, violation notices, and enforcement orders, and may pursue all available civil, criminal and non-criminal remedies for such violations.

B. Notices and Orders:

1. The Conservation Commission may issue a written notice of violation or enforcement order to enforce the provisions of the Bylaw or the Regulations, which may include an order to:
 - a. Cease and desist from construction or land disturbing activity until there is compliance with the Regulations and the stormwater management permit;
 - b. Repair, maintain; or replace the stormwater management system or portions thereof in accordance with the Operation and Maintenance Plan;
 - c. Perform monitoring, analyses, and reporting;
 - d. Fix adverse impact resulting directly or indirectly from malfunction of the stormwater management system.

2. If the Conservation Commission determines that abatement or remediation of adverse impacts is required, the order may set forth a deadline by which such abatement or remediation must be completed. Said order may further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Cohasset may, at its option, undertake such work.

C. Violations: Any person who violates any provision of the Bylaw, or the Regulations, or any order or permit issued thereunder, may be ordered to correct the violation and/or shall be punished by a fine of one hundred dollars (\$100.00). Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

D. Non-Criminal Disposition: As an alternative to criminal prosecution or civil action, the Conservation Commission may elect to utilize the non-criminal disposition procedure set forth in M.G.L. c. 40, §21D and Article 1, Section 1 (h) of the Town's General Bylaws. The penalty for violation shall be one hundred dollars (\$100.00). Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

E. Appeals: The decisions or orders of the Conservation Commission shall be final. Further relief shall be to a court of competent jurisdiction.

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

15. SEVERABILITY

The invalidity of any one or more section, provision, paragraph, sentence, or clause of the Regulations shall not invalidate any other section, provision, paragraph, sentence, or clause thereof, nor shall such invalidity invalidate any permit or determination previously issued thereunder.

APPENDIX A: Post Development Criteria for Stormwater Management

(Guidance for Applications, Environmentally Sensitive Site Design and Low Impact Development (LID) Techniques, Review of MA DEP Standards and their Applicability and Modification as Cohasset Standards for Applications under the Stormwater Management Bylaw, Hydrologic Criteria for Design of Structural Practices, Naturalized Detention Basins, and Landscape and Soil Condition Guidelines for Improved Stormwater Management)