

Chapter 340 - PLANNING BOARD RULES AND REGULATIONS

[HISTORY: Adopted by the Planning Board of the Town of Sturbridge 3-22-2011; revised 9-12-2017. Subsequent amendments noted where applicable.]

Chapter 1
General Information

§ 1.00. Planning Board membership; appointment.

In accordance with the Town of Sturbridge Town Charter, the Planning Board consists of seven members that are appointed for five-year terms. The Town Administrator shall make appointments for the specified term, subject to the confirmation by a majority vote of the Board of Selectmen at a regularly scheduled meeting and administration of the oath of office by the Town Clerk.

§ 1.01. Voting and quorum.

- A. Special permits. In the Town of Sturbridge, the Planning Board is the special permit granting authority for certain applications. Please refer to the Zoning Bylaw to determine the appropriate SPGA for your particular proposal. Action on a special permit shall require a two-thirds vote of the Board. (MGL c. 40A, § 9~~);~~)
- B. Site plan approval. The majority of the entire membership of the Planning Board shall vote in the affirmative for a site plan to be approved.
- C. Zoning amendments. The majority of the entire membership of the Planning Board shall concur on a report regarding a proposed adoption or amendment of a zoning ~~by-law or ordinance~~ bylaw. No zoning ~~ordinance or by-law~~ bylaw or amendment thereto shall be adopted or changed except by a two-thirds vote of a Town Meeting. No proposed zoning bylaw which has been unfavorably acted upon by Town Meeting shall be considered by Town Meeting unless the adoption of the proposed bylaw is recommended in the final report of the Planning Board. (MGL c. 40A, § 5~~);~~)
- D. Subdivision approval. Subdivision approval requires approval by the majority of the entire membership of the Planning Board. (MGL c. 41-~~§ 81~~); § 81U)
- E. Regular meeting. A quorum for a meeting of the Planning Board shall be a majority of the entire membership or four of seven members. No action of the Planning Board shall be valid and binding unless taken or ratified by an affirmative vote of the majority of the members attending the meeting.

§ 1.02. Mullin Rule.

The Town of Sturbridge has adopted the provisions of MGL c. 39, § 23D(a), which states "Notwithstanding any general or special law to the contrary, upon municipal acceptance of this section for one or more types of adjudicatory hearings, a member of any municipal board, committee or commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements~~."~~"

The appropriate form for use by Board members can be found in Chapter 9 of these rules and regulations.

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§ 1.03. Public hearing process.

- A. Zoning amendments: procedural steps for the adoption of zoning ~~Ordinance~~, bylaw or amendment thereto:
- (1) The proposed ~~ordinance~~, bylaw, or amendment is submitted to the Selectmen. Such proposal may be submitted by:
 - (a) Board of Selectmen;
 - (b) Board of Appeals;
 - (c) Individual(s) owning land to be affected by change or adoption;
 - (d) Registered voters pursuant to MGL c. 39, § 10;
 - (e) Planning Board;
 - (f) Regional Planning Agency;
 - (g) Others, if so provided by the Sturbridge Municipal Charter.
 - (2) Within 14 days of receipt, the Selectmen shall submit the zoning proposal to the Planning Board for review, public hearing thereon, and report. (MGL c. 40A, § 5)
 - (3) Notice.
 - (a) Notice of the public hearing shall be given and the notice of the public hearing shall be:
 - [1] Published in a newspaper of general circulation in the Town once in each of two successive weeks. The first publication shall not be less than 14 days before the day of the hearing. The date of the public hearing should not be counted in the 14 days.
 - [2] Posted in a conspicuous place in the Town Hall for a period of not less than 14 days before the day of the hearing.
 - (b) The notice shall be mailed to the Central Massachusetts Regional Planning Commission, the Planning Boards of all abutting towns, and the Department of Housing and Community Development by certified mail prior to the hearing.
 - (4) The notice of the public hearing shall include:
 - (a) The time, date, and place of the hearing;
 - (b) The subject matter, sufficient for identification;
 - (c) The place where text and maps may be inspected.
 - (5) Within 65 calendar days after the zoning proposal is submitted to the Planning Board by the Board of Selectmen, the Planning Board shall hold its public hearing.
 - (6) The Planning Board shall submit its final report with recommendations to the Town Meeting. The report may be written or oral.
 - (7) The Town Meeting shall take action on the zoning proposal within six months of the Planning Board public hearing. If more than six months have passed, the Planning Board must hold a new public hearing before Town Meeting may lawfully vote on the proposal. (MGL c. 40A, § 5)

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B. Special permit and site plan approval: procedural steps for a public hearing for a special permit and/or site plan approval:

- (1) Applicant files a special permit in accordance with the filing requirements specified in this regulation and the Town of Sturbridge Zoning Bylaw.
- (2) A special permit and/or site plan approval may not be issued until a public hearing is held. The public hearing must be held within 65 days from the date the application is filed.
- (3) The notice of the public hearing shall include:
 - (a) The name of the applicant;
 - (b) A description of the area or premises, including street address, if any, or other adequate identification of the location;
 - (c) Date, time and place of hearing;
 - (d) The subject matter of the hearing; and
 - (e) The nature of the action requested.
- (4) The notice of the public hearing shall be:
 - (a) Published in a newspaper of general circulation in the Town once in each of two successive weeks. The first publication shall not be less than 14 days before the day of the hearing. The date of the public hearing should not be counted in the 14 days.
 - (b) Posted in a conspicuous place in the Town Hall for a period of not less than 14 days before the day of the hearing.
 - (c) The notice shall be mailed postage pre-paid to the applicant, abutters within 300 feet of all property lines, including abutters in another town and across a public or private street or way, and the Planning Board of all abutting towns. The notice shall also be mailed to other individuals, boards, or agencies for review if required by the Zoning Bylaw.
- (5) Within 90 calendar days or any extended time following the date of the public hearing, the special permit granting authority shall take final action.
- (6) If the special permit granting authority fails to take final action within the ninety-day or extended time limit, the special permit shall be deemed granted.
- (7) After the decision has been made, the special permit granting authority and/or their designee (employees) shall file a copy of the decision with the Town Clerk within 14 days from the date of decision by the special permit granting authority.
- (8) A copy of the decision shall be maintained in the files of the office of the Planning Board and a copy shall be mailed to the applicant and any other person that so requested a copy at the public hearing. (MGL c. 40A, § 9)

C. Subdivision approval: procedural steps for a public hearing for a subdivision plan.

Note: This list is not an all-inclusive list of the steps involved in a subdivision approval. Be sure to consult the Subdivision Regulations of the Town of Sturbridge and MGL ~~Chapter 81C~~, 41, § 81K through § 81GG, for complete information.

- (1) Applicant submits a preliminary or definitive subdivision plan in accordance with the filing requirements specified in this regulation and the Rules and Regulations Governing the

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Subdivision of Land, Sturbridge, Massachusetts.

- (2) Final action may not be taken on a subdivision plan until a public hearing is held.
- (3) The Planning Department reviews the plans and submits the plans for review to other departments as specified in the Rules and Regulations Governing the Subdivision of Land, Sturbridge, Massachusetts. The applicant sends notice of public hearing at its expense. The notice of the public hearing shall include:
 - (a) The name of the applicant;
 - (b) A description of the area or premises, including street address, if any, or other adequate identification of the location;
 - (c) Date, time and place of hearing;
 - (d) The subject matter of the hearing; and
 - (e) The nature of the action requested.
- (4) The notice of the public hearing shall be:
 - (a) Published in a newspaper of general circulation in the Town once in each of two successive weeks. The first publication shall not be less than 14 days before the day of the hearing. The date of the public hearing should not be counted in the 14 days.
 - (b) Posted in a conspicuous place in the Town Hall for a period of not less than 14 days before the day of the hearing.
 - (c) The notice shall be mailed postage pre-paid to the applicant, abutters within 300 feet of the property line, including abutters in another town and across a public or private street or way as shown on the most recent tax list, and the Planning ~~Board~~Boards of all abutting towns. The notice shall also be mailed to other individuals, boards, or agencies for review if required by the ~~zoning bylaw~~Subdivision Regulations.
- (5) Within the time periods specified in the Town of Sturbridge Subdivision ~~Regulation~~Regulations, other Town departments must report to the Planning Board.
- (6) The Planning Board holds the public hearing on the subdivision plan. It is preferable to have reports of the other departments prior to holding the public hearing; however, the Planning Board will hold the public hearing in the time frames allowed by the MGL.
- (7) After the public hearing, the Planning Board will make its decision. The time frames for decision are specified in the MGL. In the case of a preliminary subdivision plan, the Planning Board must notify the Town Clerk and the applicant within 45 days after the date of submission that the plan has been approved, or that the plan has been approved with modifications, or that the plan has been disapproved.
- (8) A decision on a definitive plan must be made within 90 days in the case where a preliminary plan has been filed or within 135 days where a preliminary plan has not been filed. The decision of the Planning Board will be to:
 - (a) Approve the plan if it complies with the Subdivision Control Law, the rules and regulations of the Planning Board, and the recommendations of the Board of Health; or,
 - (b) Modify and approve the plan if it does not so comply; or

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- (c) Disapprove the plan, stating in detail wherein the plan does not conform to the rules and regulations of the Planning Board or the recommendations of the Board of Health. Such disapproval shall be revoked if the plan is amended so that it conforms to the rules and regulations or recommendations. After a public hearing, the Planning Board shall approve the amended plan.
- (9) If the Planning Board fails to take final action within the specified time periods, or further time as mutually agreed upon, the plan shall be deemed approved.
- (10) After the decision has been made, the Planning Board and/or its designee (employees) shall file a copy of the decision with the Town Clerk within the specified time periods.
- (11) A copy of the decision shall be maintained in the files of the office of the Planning Board and a copy shall be mailed to the applicant and any other person that so requested a copy at the public hearing. (MGL c. 81)

§ 1.04. Reports.

- A. Annual reports. The Planning Board shall submit to the Board of Selectmen an annual report of activities for inclusion in the Annual Reports of the Town. The report shall be submitted on or before a date specified by the Board of Selectmen.

§ 1.05. Official files and records.

- A. Planning Board records.

The Massachusetts Public Records Law [MGL c. 4, § 7(26)] provides right of access to public records, broadly defined to include all documentary materials except ~~eleven~~ specific exemptions such as personnel and medical files, proposals and bids, and appraisals of property. The minutes, informational data, memoranda and circulating materials of any Town board are mostly all public information. Appendix B of this handbook contains the text of the Massachusetts Public Records Law. The Town board should consult with the Town Clerk if questions arise or a request made under the freedom of information occurs.

Every person having custody of any public record shall at reasonable times and without ~~reasonable~~unreasonable delay, permit the requested record to be inspected and examined by any person. Within 10 days following a request for inspection or a copy of a public record, a custodian of a public record shall comply with such request or respond to the requesting party regarding the cost and time frame of availability of the requested material.

- B. Access to public records. To meet the intent of the Massachusetts Public Records Law, the following set of protocols ~~are~~is designed to guide the Planning Board and staff in providing public access to municipal records.
- C. Public records requests.
 - (1) The individual seeking a public record relating to the Planning Board shall make the request to the Planning Department.
 - (2) Planning Department staff will verify that the Planning Board is actually the custodian of the record being requested.
 - (3) The staff of the Planning Department shall make arrangements with the requester for the opportunity to inspect and/or receive copies of the requested materials.

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- D. "Active" public records of the Planning Board.
- (1) The individual seeking a public record relating to the Planning Board shall phone email or visit the Planning Department in person or complete a Public Records Request Form on the Town website to request to review the public records.
 - (2) The Planning Department staff shall make arrangements with the requestor for the opportunity to inspect and/or receive copies of the requested materials.
- E. Public records maintained by the Planning Board office. The following is a list of some of the public records kept by the Planning Board office:
- (1) Special permits.
 - (2) Subdivision plans.
 - (3) Subdivision approval not required plans.
 - (4) Planning Board minutes.
 - (5) Master Plan.
 - (6) Official Map.
 - (7) Zoning Map.
 - (8) Overlay maps.
 - (9) GIS data.
 - (10) Rules and regulations.
 - (11) Zoning Bylaw.
 - (12) Subdivision Regulations.
 - (13) Zoning amendments.
 - (14) Zoning Board of Appeals minutes.
 - (15) Other studies and reports as may be prepared by the Board and staff.

Chapter 2 Special Permits

§ 2.00. Special permits required.

Specific types of uses are only allowed in specific districts by special permit; in some cases the Planning Board may serve as the special permit granting authority (SPGA) and in other cases the Zoning Board of Appeals (ZBA) may serve as the SPGA. Please refer to the Town of Sturbridge Zoning Bylaw to determine if a special permit is required for a proposed use and who the appropriate SPGA is for your proposed use.

§ 2.01. Purpose and authority.

The following rules are hereby adopted by the Sturbridge Planning Board as provided in Chapter 40A of the Massachusetts General Laws, for the purpose of establishing uniform procedures for the granting of special permits.

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§ 2.02. Adoption and amendment.

These rules and regulations may be adopted and from time to time amended by majority vote of Board members present and voting, provided such adoption or amendment is taken at a duly posted meeting.

§ 2.03. When effective.

These rules and regulations are effective when voted. A copy shall be filed with the office of the Town Clerk, with appropriate endorsements, date of adoption and amendments.

§ 2.04. Applicant (petitioner).

An application or petition for a special permit may be brought by a property owner, agent, or prospective purchaser who submits certification (such as an executed purchase and sales agreement) of property interest and authority to file.

§ 2.05. Application for special permit.

- A. Official application form. Application for special permits shall be made on an official form, which shall be furnished by the Planning Department upon request. Forms may be found in Chapter 9 of these rules and regulations. Forms may also be obtained on the Town Website: <https://www.Town.sturbridge.ma.us/files>.
- B. Contents of application. The completed application form, original plan and 15 copies shall be submitted to the Planning Department during regular business hours, with an additional copy filed forthwith with the Town Clerk by the applicant. The effective date of the submittal shall be the date the plans are submitted to the Town Clerk. At least one copy of the plan shall be produced in size 11 inches by 17 inches. Additionally, all application submittals shall be provided as a PDF on CD ROM.

The following information shall be furnished by the applicant, or a request for waiver shall be provided in writing at the time of application. If an applicant requests a waiver for a specific item and that is not granted by the Board, the item must be submitted and the public hearing shall be continued to allow sufficient time for submittal and review of the item. Failure to submit a required item shall be cause for disapproval of an application. The following are the submittal requirements:

- (1) A site plan drawn at a scale of one inch ~~equals~~ 40 feet, unless another scale is previously requested by the applicant and found suitable by the Board. All plans shall be prepared, signed and sealed by a Massachusetts licensed engineer, architect or landscape architect, whichever is appropriate;
- (2) The plan shall be stamped by the registered land surveyor who performed the instrument boundary survey and who shall certify the accuracy of the locations of the building(s), setbacks, and all other required dimensions, elevations and measurements, and shall be signed under the penalties of perjury;
- (3) The scale, date, and North arrow shall be shown on the plan;
- (4) Lot numbers, dimensions of lot in feet, size of lot in square feet, and width of abutting streets and ways shall be shown on the plan;
- (5) The location of existing or proposed building(s) on the lot shall be shown with the total square footage and dimensions of all buildings and building elevations and floor plans, and perspective renderings;

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- (6) The plan shall show the location of existing wetlands, water bodies, wells, one-hundred-year floodplain elevation, and other natural features; streams, wetlands, vistas, slope areas, geological features, unique vegetation, historic features, and others that may be important to the site;
 - (7) A landscape plan to include the total square feet of all landscape and recreation areas, and depiction of materials to be used, and the quantity, size, methods, and species of plantings must be provided;
 - (8) All plans shall indicate the percent of building lot coverage and percentage of paved (impervious) area used for parking, loading, and access within the property;
 - (9) The existing and proposed topographical lines at two-foot contour intervals on the tract and within 50 feet thereof are required;
 - (10) The location and a description of proposed open space or recreation areas shall be provided;
 - (11) Existing and proposed street network, parking areas and spaces, drainage, and utility systems shall be prepared by a professional engineer licensed in Massachusetts;
 - (12) The applicant shall submit information regarding all measures proposed to prevent pollution of surface water or groundwater, soil erosion, increased runoff, and flooding;
 - (13) When the property is located in a Water Supply Protection District, please provide projections of down-gradient concentrations of nitrogen, phosphorus, and other relevant chemicals to be disposed of on-site, at property boundaries, and at other locations deemed pertinent by the Board. This information must be prepared by a ~~Hydro-geologist~~hydrogeologist or registered professional engineer possessing experience and education in water supply protection and hydrology;
 - (14) Any additional information which the Board may require. The Board may engage a Massachusetts professional engineer experienced in groundwater evaluation, hydrogeology or hazardous and toxic materials to review the application for completeness and correctness and shall require the applicant to pay for the cost of the review;
 - (15) A locus plan at one inch ~~equal~~equals 100 feet, 200 feet or 400 feet scale showing the location, names, and present widths of the secondary streets bounding, approaching or within reasonable proximity of the site, and including the tracts of land, ownership, and topography taken from Assessor's plans or field survey if available, or properties ~~there-in~~therein;
 - (16) The application shall also furnish a narrative summary of the vital statistics of the project. Such statistics shall include total gross and net square footage, number of parking spaces, and estimated amounts of water consumption and sewer discharge;
 - (17) The applicant shall furnish a current certified abutter's list from the Assessor's office and a certificate of taxes paid from the Finance Director.
- C. Concurrent hearing with site plan approval. Where site plan approval is required for the proposed use which forms the basis of the special permit application (for which the Planning Board is the SPGA), the applicant shall also file the appropriate information and meet the requirements of site plan approval (Chapter 3). These public hearings shall be held concurrently, but separate decisions will be reached for each. Information from one hearing or application may be used by the Planning Board to make its determination on any other concurrently filed application.

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§ 2.06. Fees.

All applications shall be accompanied by the appropriate administrative fee and consultant review fee where required. (Refer to Chapter 7 for information on consultant review fees).

- A. Administrative fee. The filing fee shall be \$275 for a special permit application. The applicant shall also bear the cost of the legal notice and abutter's notification. The notice shall be prepared by the Planning Department; however, the responsibility to notify abutters and publish the advertisement on the appropriate dates shall lie with the applicant.
- B. Other costs and expenses. The applicant shall pay all associated costs of mailing to abutters and any parties in interest and for publication of any required legal notices. The Planning Department shall prepare the notices.
- C. Consultant review fees. The applicant shall pay all associated consultant review fees as required. Please see Chapter 7 for detailed information on consultant review fees.

§ 2.07. Review of application.

- A. Reviews by other Town agencies. After receipt of an application for special permit, Planning Department staff shall transmit a copy of the application and plan to other departments for review and comment. These departments may include, but may not be limited to: Building Inspector, Conservation, DPW, Health, Police, Fire, and Tree Warden.

Comments received from various departments will be provided to the applicant if time permits prior to the public hearing. If reports are not received in sufficient time to provide copies of the reports to the applicant/representative, copies shall be provided at the public hearing.

Applicants are encouraged to address staff comments prior to the public hearing if at all possible or practical. Revised or supplemental documentation shall be submitted to the Planning Department after consultation with the Town Planner.

All final staff reports shall be provided to the Planning Board for review and consideration for the public hearing. However, in no case shall the failure of a department to submit a report prior to the public hearing delay the hearing process.

§ 2.08. Procedural requirements.

- A. Procedural steps for a public hearing for a special permit:
 - (1) Applicant files a special permit in accordance with the filing requirements specified in this regulation and the Town of Sturbridge Zoning Bylaw.
 - (2) A special permit and/or site plan approval may not be issued until a public hearing is held. The public hearing must be held within 65 days from the date the application is filed.
 - (3) The notice of the public hearing shall include:
 - (a) The name of the applicant;
 - (b) A description of the area or premises, including street address, if any, or other adequate identification of the location;
 - (c) Date, time and place of hearing;
 - (d) The subject matter of the hearing; and

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- (e) The nature of the action requested.
- (4) The notice of the public hearing shall be:
 - (a) Published in a newspaper of general circulation in the Town once in each of two successive weeks. The first publication shall not be less than 14 days before the day of the hearing. The date of the public hearing should not be counted in the 14 days.
 - (b) Posted in a conspicuous place in the Town Hall for a period of not less than 14 days before the day of the hearing.
 - (c) The notice shall be mailed postage pre-paid to the applicant, abutters within 300 feet of the property line, including abutters in another town and across a public or private street or way, and the Planning Board of all abutting towns. The notice shall also be mailed to other individuals, boards, or agencies for review if required by the Town of Sturbridge Zoning Bylaw.
- (5) Within 90 days or any extended time following the date of the public hearing, the special permit granting authority shall take final action.
- (6) If the special permit granting authority fails to take final action within the ninety-day or extended time limit, the special permit shall be deemed granted.
- (7) After the decision has been made, the special permit granting authority and/or its designee (employees) shall file a copy of the decision with the Town Clerk within 14 days from the date of decision by the special permit granting authority.
- (8) A copy of the decision shall be maintained in the files of the office of the Planning Board and a copy shall be mailed to the applicant and any other person that so requested a copy at the public hearing. (MGL c. 40A, § 9)

§ 2.09. Disposition of application.

- A. Withdrawal of application. An application may be withdrawn without prejudice by an applicant by notice in writing to the Clerk of the Board, which notice the applicant shall also deliver to the Town Clerk at any time prior to the first publication of the notice of the public hearing.

After such notice, withdrawal of an application shall be permitted only by Board vote, which shall consist of a majority present and voting.
- B. Appeals. Any person aggrieved by a decision of the Board as special permit granting authority may appeal such decision as provided in MGL c. 40A, § 17 within 20 days after such decision has been filed in the office of the Town Clerk.
- C. Reapplication. No application which has been unfavorably and finally acted upon by the Board shall be reconsidered for a special permit within two years after the date of the said final unfavorable action, unless the Board finds, by vote of four members, specific and material changes in the condition upon which the previous unfavorable action was based and such changes are described in the record of the Board's proceedings, and after notice is hereby given to parties in interest of the time and place of the proceedings to reconsider in the same manner as provided for in § 2.05 of these rules and regulations.
- D. Lapse of special permit. No special permit shall be authorized by the Board without the express condition that it will lapse if substantial use under the permit is not commenced within one year three years from the date of final action by the Board, except for good cause or the final determination of

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an appeal, as determined by the Board.

- E. Extension of special permit. Approval in all cases is granted for a one-year period from the date of the filing of such approval with the Town Clerk. If a development has not begun during that time period, the applicant may request an extension of the permit. Any request for an extension shall be made prior to the expiration of the existing permit.

§ 2.10. Recording.

No special permit shall take effect until a copy of the decision, bearing the certification of the Town Clerk that 20 days have elapsed after the filing of the decision and no appeal has been filed, is recorded in the Registry of Deeds and is indexed under the name of the record owner of the land, and a Book and Page reference for said filing presented to the Planning Department and the Building Inspector.

§ 2.11. Performance guarantee.

As a condition of the special permit, the Planning Board may require that the applicant post a bond, or other form of surety, as a safeguard for performance, and/or a penal sum in a form and amount acceptable to the Board, prior to the expiration of the twenty-day appeal period, unless the Board shall specify otherwise. If the applicant is not the owner and must purchase the property in question in order to assume such obligations, or if another form of ownership or control is in force, such person or entity shall comply with the provisions of this ~~subsection~~ within 20 days following the date of such purchase or control. If said performance guarantee shall lapse before completion and certification of final inspection by the Board, a new guarantee shall be filed expeditiously by the application/controller of the land and/or project.

§ 2.12. Waiver of full compliance.

Full compliance with these rules and regulations may be waived by the Planning Board, provided such waivers are deemed to serve the public interest and are not conflicting with Chapter 40A, MGL. Requested waivers shall be submitted in writing when the application is submitted.

§ 2.13. Completeness review.

Any application which does not conform to the requirements herein, or without the proper fee, shall be returned to the applicant with a statement of its deficiencies, and the plan shall not be accepted for review by the Board until the deficiencies are corrected. The Board's designee will be responsible for ensuring the completeness of all applications and shall give written notice by registered mail to the applicant of any deficiencies with the application within 14 days of submission to the Board, at its meeting, specifying the deficiencies. The applicant shall have 14 days from the date of the mailing of such notice to correct the deficiencies. Failure to correct the deficiencies after having been so notified within such time shall be used as the basis for denial of the application without prejudice. Submissions pertaining to consultant review fees are not required prior to application acceptance.

§ 2.14. Severability.

The provisions of these rules and regulations are severable. If any provision of these rules and regulations is held invalid, the other provisions shall not be affected thereby. If the application of these rules and regulations or any of its provisions to any person or circumstances is held invalid, the application of these rules and regulations and their provisions to other persons and circumstances shall not be affected thereby.

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Chapter 3 Site Plan Approval

§ 3.00. Site plan approval required for certain uses.

Certain uses within the Town of Sturbridge require site plan approval. Please refer to the Sturbridge Zoning Bylaw to determine if site plan approval is required for a proposed use.

§ 3.01. Application.

- A. Official application form. Application for site plan approval shall be made on an official form, which shall be furnished by the Planning Department upon request.
- B. Contents of application. The completed application form, original plan and 15 copies shall be submitted to the Planning Department. At least one copy of the plan shall be produced in size 11 inches by 17 inches. Additionally, all application submittals shall be provided as a PDF on CD ROM.

The following information shall be furnished by the applicant, or a request for waiver shall be provided in writing at the time of application. If an applicant requests a waiver for a specific item and that is not granted by the Board, the item must be submitted and the public hearing shall be continued to allow sufficient time for submittal and review of the item. If the item required is not submitted; that shall be cause for disapproval of an application. The following are the submittal requirements:

All submittals shall contain the following information:

- (1) General information:
 - (a) Name and address of applicant and owner of record as listed on the Town's tax rolls. If the applicant is not the owner of record, the latter shall also sign the application;
 - (b) Date, North arrow, and scale shall be shown on plan;
 - (c) A written description of the proposed use or uses;
 - (d) A table or chart indicating the proposed number or amount and types of uses, lot area, lot width, setbacks, building height, lot coverage, floor area, parking spaces, percentage of lot coverage and percentage of impervious surface, landscaping, and open spaces as they are required.
- (2) A site plan drawn at a scale of one inch equals 40 feet, unless another scale is previously requested by the applicant and found suitable by the Board. All plans shall be prepared, signed and sealed by a Massachusetts licensed engineer, architect or landscape architect, whichever is appropriate.
- (3) The plan shall be stamped by the registered land surveyor who performed the instrument boundary survey and who shall certify the accuracy of the locations of the building(s), setbacks and all other required dimensions, elevations, and measurements and shall be signed under the penalties of perjury.
- (4) Lot numbers, dimensions of lot in feet, size of lot in square feet, and width of abutting streets and ways shall be shown on the plan.
- (5) The location of existing or proposed building(s) on the lot shall be shown with the total square footage and dimensions of all buildings and building elevations and floor plans, and perspective renderings.

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- (6) The plan shall show the location of existing wetlands, water bodies, wells, one-hundred-year floodplain elevation, and other natural features; streams, wetlands, vistas, slope areas, geological features, unique vegetation, historic features, and other features that may be important to the site.
- (7) A landscape plan that complies with the requirements of Chapter 3, Site Plan Approval, as may from time to time be amended, must be submitted.
- (8) Existing and proposed topographical lines at two-foot contour intervals on the tract and within 50 feet thereof are required to be shown.
- (9) The location and description of the proposed open space or recreation areas shall be provided.
- (10) Existing and proposed street network, parking areas and spaces, drainage, and utility systems shall be prepared by a professional engineer licensed in Massachusetts.
- (11) The applicant shall submit information regarding all measures proposed to prevent pollution of surface water or groundwater, soil erosion, increased runoff, and flooding.
- (12) When the property is located in a Water Supply Protection District, please provide projections of down-gradient concentrations of nitrogen, phosphorus, and other relevant chemicals to be disposed of on-site, at property boundaries, and at other locations deemed pertinent by the Board, prepared by a ~~Hydro-geologist~~hydrogeologist or registered professional engineer possessing experience and education in water supply protection and hydrology.
- (13) Any additional information which the Board may require. The Board may engage a Massachusetts professional engineer, experienced in groundwater evaluation, hydrogeology or hazardous and toxic materials to review the application for completeness and correctness and shall require the applicant to pay for the cost of the review.
- (14) A locus plan at one inch equals 100 feet, 200 feet or 400 feet scale (as may be appropriate for the location and project) showing the location, names and present widths of the secondary streets bounding, approaching or within reasonable proximity of the site, and including the tracts of land, ownership and topography taken from Assessor's plans or field survey if available, or properties ~~there in~~therein.
- (15) The application shall also furnish a narrative summary of the vital statistics of the project. Such statistics shall include total gross and net square footage, number of parking spaces, and estimated amounts of water consumption and sewer discharge.
- (16) The applicant shall furnish a current certified abutter's list ~~form from~~ the Assessor's office and a certificate of taxes paid from the Finance Director.

§ 3.02. Receipt of application.

An application shall be deemed received when an application or a request has been received in the format prescribed by the Planning Board and is accompanied by all of the supporting materials or documentation and fees as detailed in these rules and regulations and in the Zoning Bylaw of the Town of Sturbridge. No application shall be deemed received until it has been checked for completeness and accuracy by Planning Board staff. If an application is deemed incomplete, it shall be returned to the applicant with a listing of missing information. The applicant shall be given the opportunity to withdraw any incomplete application. The filing fee is ~~non-refundable~~nonrefundable. In the event the applicant does not choose to withdraw the application, the Planning Board may deny the applicant for incomplete information.

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§ 3.03. Procedural requirements.

- A. Procedural steps for a public hearing for site plan approval:
- (1) Applicant files for site plan approval in accordance with the filing requirements specified in this regulation and the Town of Sturbridge Zoning Bylaw.
 - (2) Site plan approval may not be issued until a public hearing is held. The public hearing must be held within 65 days from the date the application is filed.
 - (3) The notice of the public hearing shall include:
 - (a) The name of the applicant;
 - (b) A description of the area or premises, including street address, if any, or other adequate identification of the location;
 - (c) Date, time and place of hearing;
 - (d) The subject matter of the hearing; and
 - (e) The nature of the action requested.
 - (4) The notice of the public hearing shall be:
 - (a) Published in a newspaper of general circulation in the Town once in each of two successive weeks. The first publication shall not be less than 14 days before the day of the hearing. The date of the public hearing should not be counted in the 14 days.
 - (b) Posted in a conspicuous place in the Town Hall for a period of not less than 14 days before the day of the hearing.
 - (c) The notice shall be mailed postage pre-paid to the applicant, abutters within 300 feet of the property line, including abutters in another town and across a public or private street or way, and the Planning Board of all abutting towns. The notice shall also be mailed to other individuals, boards or agencies for review if required by the Zoning Bylaw.
 - (5) Within 90 days or any extended time following the date of the public hearing, the Planning Board shall take final action.
 - (6) If the Planning Board fails to take final action within the ninety-day or extended time limit, the special permit shall be deemed granted.
 - (7) After the decision has been made, the Planning Board ~~their~~and/or its designee (employees) shall file a copy of the decision with the Town Clerk within 14 days from the date of decision by the Board.
 - (8) A copy of the decision shall be maintained in the files of the office of the Planning Board and a copy shall be mailed to the applicant and any other person that so requested a copy at the public hearing. ~~(MGL c. 40A § 9)~~

§ 3.04. Disposition of application.

- A. Withdrawal of application. An application may be withdrawn without prejudice by an applicant by notice in writing to the Clerk of the Board, which notice the applicant shall also deliver to the Town Clerk, at any time prior to the first publication of the notice of the public hearing.

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- A. After such notice, withdrawal of an application shall be permitted only by Board vote, which shall consist of a majority present and voting.
- B. Appeals. Any person aggrieved by a decision of the Board as ~~Special Permit Granting~~ site plan approval authority may appeal such decision as provided in MGL c. 40A, § 17 within 20 days after such decision has been filed in the office of the Town Clerk.

Chapter 4

Expedited Permitting (Chapter 43D) Regulations

§ 4.00. Authority and applicability.

The Town of Sturbridge adopted the provisions of MGL Chapter 43D, Expedited Permitting, and has designated sites as priority development sites. These rules and regulations pertain specifically to those sites.

The following is a chronological step-by-step explanation of the permit process for designated priority development sites.

§ 4.01. Pre-application process.

- A. Technical Review Committee (TRC) - pre-application review. The Town Administrator will appoint the Town Planner ("Planner") as the single point of contact for the purpose of coordinating and facilitating the MGL c. 43D land use permitting process. The Planner will report directly to the Town Administrator.

No application for development permits or approvals for a Chapter 43D priority development site shall be submitted to any Issuing authority until a pre-application review has been conducted. It shall be the applicant's responsibility to contact the Planner in order to initiate the pre-application process. All pre-application meetings will be scheduled to occur during the Town's regular business hours and shall occur within 10 days of a written request, including requisite submittal materials, being filed with the Planner.

- B. Technical Review Committee. The Town Administrator will appoint a Technical Review Committee (TRC) as a multi-agency coordinating body to assist applicants during the pre-application process as set forth below, assist with reviewing and determining the completeness of permit applications, assist the Board of Selectmen and applicable issuing authorities with Chapter 43D compliance, and assist with resolving issues that arise during the permitting process. The TRC will include the Town Planner, Building Inspector, Director of the Department of Public Works, Conservation Commission agent, Health Agent, Fire Chief and Police Chief. Any department representative may recommend that other Town officials be included in the review process. The Town Planner shall serve as Chair of the TRC.

The TRC will adopt a monthly meeting schedule for meetings to be held during the regular work day. These meetings are staff-level review meetings and are not subject to the Open Meeting Law.

- C. Pre-application reviews. Seven copies of a preliminary plan or concept plan, with as much detail as possible, must be submitted to the Town Planner at least one week prior to the pre-application review meeting. The TRC shall assist the applicant by identifying the permits and approvals required for the project; identifying the submission requirements for each issuing authority; and identifying a planned sequence of submissions to individual issuing authorities and timetables, where appropriate. Staff will review the applicant's development application submittal materials in an attempt to avoid unnecessary deficiencies and promote efficiency in the formal review and hearing process. Staff will review an application for its thoroughness and completeness; however, it is the responsibility of the applicant to ensure all materials are complete, ~~thorough~~ thorough and accurate.

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The applicant shall attend the pre-application review meeting. Additionally, the TRC may request that the applicant's engineer (or other appropriate representative) be present for this meeting in order to address concerns, answer questions, or provide insight as may facilitate the review process.

Upon completion of the meeting, the Chairman of the Technical Review Committee shall prepare a summary report outlining the issues discussed, permits to be obtained, the submission requirements for each issuing authority, a planned sequence of submissions to each issuing authority, and a timetable, where appropriate, identifying any permits or approvals that will require action prior to other permits or approvals. This report will be forwarded to the project proponent and to all issuing authorities that have jurisdiction over the project, as well as to the Board of Selectmen, within 14 days of the conclusion of the meeting.

§ 4.02. Master application submittal.

- A. Submit a master application to the Town Planner. Both the applicant and the landowner must sign the master application form ("application"). The application must be accompanied withby the required filing fee and 20 copies of all plans and supporting documentation for determination of completeness prior to submission to the Town Clerk for certification. Failure to file all required material, including all signatures, plans, copies and fees, shall render the application incomplete.

The application shall include, at a minimum:

- (1) Complete applications for all permits or approvals required from any and all issuing authorities, unless the summary report includes a phased submission process, in which case the complete applications for all first-phase permits shall be submitted at the time of submission of the application;
- (2) A certification of the applicant's intent to submit each remaining application for any other permit or approval included in the summary report within the timetables established in that summary report, signed by the applicant;
- (3) A complete copy of the summary report, signed by the applicant. This signed copy of the summary report shall constitute the applicant's written acceptance of, and agreement to adhere to, the contents of the summary report, including timetables;
- (4) A Chapter 43D filing fee in the amount of \$500 has been established by the Town for applications on a priority development site (PDS), in addition to the application fees payable to any issuing authority subject to Chapter 43D;
- (5) Development impact statement;
- (6) A certified abutters list; and
- (7) A certification by the applicant as to the completeness of the application.

No application for any permit or approval shall be filed individually with any issuing authority or with the Town Clerk until such time as the Planner has determined the application to be a complete submission in accordance with Step 3 below.

- B. Waiver from submittal requirements. In the event an applicant seeks a waiver from the submittal requirements, the applicant shall submit a written request that the requirement be waived. Such request shall include a regulatory or procedural reference identifying the submittal item from which the waiver is sought, a clear and concise description of any alternative submittal (if applicable) and a clear expression of the public benefit to be realized from the requested waiver. The completed request

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shall be submitted to the Planner, who will refer it to the appropriate jurisdictional body within one week of receipt.

If an issuing authority grants the requested waiver, or conditionally grants it, the issuing authority shall issue a written decision of such within 14 days of said action. Said written decisions shall be submitted with the application materials in order to demonstrate compliance with the applicable submittal provision. If a waiver is not granted, the required materials shall be submitted. Failure to submit all required materials shall be cause for disapproval of an application.

C. Determination of completeness.

- (1) Upon receipt of the application, the TRC shall review the application for completeness. No later than 20 business days from the date of receipt of the application, the Chairman of the TRC shall notify the applicant and the Board of Selectmen of one of the following determinations:
 - (a) A determination of completeness shall be made if the TRC determinates that the master application as submitted by the applicant is complete; or
 - (b) A determination of incompleteness shall be made if the TRC determines that the master application requires additional information, in which case the TRC shall notify the applicant, in writing, of the additional information the applicant must submit in order for the issuing ~~Authority~~authority(ies) to review and act upon the application.
- (2) Upon receipt of the additional information required by the Planner as described above or receipt of a resubmitted application, the TRC shall conduct a review and notify the applicant and Board of Selectmen within 20 business days, in writing, whether any additional information is required.
- (3) No later than one business day following the date that the Planner sends a determination of completeness to the applicant and the Board of Selectmen, permit applications to any issuing authority contained within the application shall be filed with the Town Clerk and appropriate issuing authorities.
- (4) The 180-day period for a decision on all required permits and approvals shall commence as required under Chapter 43D and 400 CMR 2.08, as of the date of the determination of completeness.
- (5) Failure of the Chairman of the Technical Review Committee to notify the applicant of the completeness review above within 20 business days shall cause the application to be deemed complete.
- (6) If the applicant is required to provide additional information and does not furnish the same within 90 calendar days, the application shall be considered withdrawn and the Board of Selectmen shall notify the interagency permitting board that the permitting process has been discontinued.
- (7) All notifications described herein shall be sent to the applicant by certified mail, return receipt requested.
- (8) The submission requirements and procedures for permits issued by the applicable issuing authority shall be in accordance with these regulations and the rules and regulations of the issuing authority.

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§ 4.03. Completed application.

- A. Public hearing/informational meeting. Within 30 days after an application is determined to be complete, the issuing authority to which application is made will schedule a public hearing or, if no public hearing is required for the permit process, an informational meeting. Public notice of said hearing/meeting shall be in accordance with MGL, ~~Ch. c.~~ 40A, ~~Section §~~ 11. Notice shall be sent by regular first class mail to abutters, the Sturbridge Planning Board, and the Planning Board of every abutting city or town.

At any time prior to a decision of the Town, the applicant may submit a written request to withdraw a submission to the relevant regulatory bodies and to the Chairman of the Technical Review Committee. Both the Chairman of the Technical Review Committee and the relevant regulatory bodies shall acknowledge the withdrawal in writing with a copy delivered to the applicant and filed with the Town Clerk. Fees are not refundable; the filing of an application at a later time shall require the submittal of all applicable materials, including all plans, forms and fees.

Each issuing authority shall review the application independently and hold separate technical review public hearings. In addition, issuing authorities may, by mutual agreement and with the consent of the applicant, conduct a joint public hearing in order to consolidate the hearing process.

In preparation to act on the master application, criteria for evaluation shall include, but not be limited, to, the following:

- (1) Completeness and technical adequacy of all submissions;
 - (2) Determination that development at this location conforms to the purpose of the Zoning ~~By-Law~~ Bylaw, which includes promoting and conserving the health and general welfare of the inhabitants of the Town; to secure safety from fire, confusion or congestion; to facilitate the adequate provision of transportation, water, sewerage, and other public services; to avoid undue concentrations of population; to guide development of housing; to encourage the most appropriate patterns of land ~~-use~~; and to increase the desirability of the Town as a place to live and work;
 - (3) Conformity with the requirements of these rules and compliance with the Zoning ~~By-law~~ Bylaw and any other applicable ~~by-laws~~ bylaws and regulations;
 - (4) Determination, based upon the development impact statement, that the project, as designed, will not cause substantial and irreversible damage to the environment, which damage could be avoided or ameliorated through an alternative development plan.
- B. Action required within 180 days.
- (1) Each issuing authority shall file a written decision with the Town Clerk within seven days after the public hearing and within 180 days beginning the day after notification of completeness. Failure of any Town department to take action within 180 days of the acceptance of a complete application shall be deemed approval with a very limited number of exceptions as provided by law.
 - (2) Within one ~~days~~ day after the filing of all issuing authority decisions with the Town Clerk, or after the expiration of 180 days of the acceptance of a complete application, whichever occurs first, the Planner shall issue a combined notification letter to the applicant, with a copy to the Board of Selectmen, notifying the applicant of the filing of all issuing authority decisions and of the failure of any issuing authority to file a decision.

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- C. Previously unidentified permits/approvals.
- (1) The Board of Selectmen may extend the 180-day period if it determines that an additional permit or approval is required and that such permit or approval was not identified in the original summary report, provided that such a determination is made within 150 days following the determination of completeness.
 - (2) The Board of Selectmen shall notify the applicant of the additional permit or approval by certified mail, and transmit a copy of the notice to the interagency permitting board (400 CMR ~~2.09~~). The extension period shall not exceed the greater of 30 days. (1) the date of the notice to the applicant or (2) the close of the public hearing on such additional permit application, where a public hearing a comment period is required by law.
- D. Extensions of time. The 180~~-calendar-~~day review period may be extended when an issuing authority determines that:
- (1) Action by another federal, state or municipal government agency, not subject to MGL c. 43D, is required before the issuing authority may act;
 - (2) Pending judicial proceedings affect the ability of the issuing authority or applicant to proceed with the application;
 - (3) Enforcement proceedings that could result in revocation of an existing permit for that facility or activity or denial of the application have been commenced, in accordance with 400 CMR 2.09.
- E. Permit modifications. The applicant may request a permit modification if deemed necessary (400 CMR 2.10). Written permit modification requests are to be submitted to the issuing authority. The applicant shall be informed within 20 business days of receipt of a request whether the modification is approved, denied, determined to be substantial or requires additional information for the issuing authority to issue a decision. If additional information is required, the issuing authority shall inform an applicant by certified mail within 20 business days after receipt of the required additional information whether the modification is approved or denied or that further additional information is required by the issuing authority in order to render a decision.
- The Board of Selectmen may assist any local issuing authority with requesting an extension from the interagency permitting board if substantial modifications have been made to a proposed development since the submission of the application, and such modifications make it infeasible for the issuing authority to act within the required 180-day decision period (400 CMR 2.09)
- F. Appeals. Appeals of an issuing authority's decision or from an automatic grant of approval shall be filed within 20 calendar days after the last permitting decision has been rendered or within 20 calendar days after the conclusion of the 180-day period, whichever is later. The 180-day period shall be increased by the number of days in any extension granted under 400 CMR~~2.13~~. Appeals, for a full description of appeals~~);~~.

§ 4.04. Effective period of permits and approvals.

Permits issued pursuant to MGL c. 43D shall expire five years from the date of the expiration of the applicable appeal period unless exercised sooner (400 CMR 2.14). Where permits cover multiple buildings and/or parcels, commencement and continuation of construction of one building shall prevent expiration of all permits on that site. The applicant is responsible for applying for required state and federal permits.

Chapter 43D requires that MEPA and the Massachusetts ~~Historie~~Historical Commission reviews shall conclude within 120 calendar days of a state determination of completeness of required review materials.

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The reviews are conducted concurrent to the 180-day municipal review period. The Secretary of Energy and Environmental Affairs and the State Secretary shall establish time frames for all required filings and additional filings by the applicant in order to comply with this section. In the event an applicant fails to comply with all relevant time frames, the time shall be suspended until the applicant files the required documents.

§ 4.05. Post-approval development steps.

Post-Approval Development Steps 6 through 9 are NOT subject to the 180-day period for issuance of permits. See 400 CMR 2.03 for a definition of "permit" describing which permits are affected by Chapter 43D.

1. Registry of Deeds. Depending on the type of permit, the applicant may be required to record the permit(s) at the Registry of Deeds following the specified appeal period required for special permits, variances, and orders of conditions. Permits shall not transfer automatically to successors in title, unless the permit expressly allows the transfer without the approval of the issuing authority.
2. Apply to the Building Inspector for a building permit. Upon receiving all necessary permits, approvals and licenses from regulatory bodies, boards, and commissions and any necessary state and federal approvals, the applicant should submit them to the proper regulatory authority before applying for a building permit. Please be aware that building permits issued by the Building Inspector are NOT affected by Chapter 43D and are NOT subject to the 180-day period for issuance of permits.
3. Schedule required inspections. The applicant is required to schedule all required inspections through the applicable Issuing Authority during construction. These inspections are NOT affected by Chapter 43D and are NOT subject to the 180-day period for issuance of permits. These can include, but are not limited to: electric, gas, building, plumbing, elevators, wetlands, water, sewer, stormwater, and road opening.
4. Apply for a certificate of compliance (if necessary), occupancy permit, and certificate of completion. Upon completion of construction, the applicant shall apply to the Conservation Commission for a certificate of compliance for projects involving wetlands, for a certificate of completion for site work including roads and utilities, and to the Building Inspector for an occupancy permit. The Conservation Commission should be notified prior to the issuance of a certificate of occupancy. These are NOT affected by Chapter 43D and are NOT subject to the 180-day period for issuance of permits.

This policy/process is a product of the Town's expedited permitting efforts, and is made possible in large part by a grant from the Commonwealth's 43D Program.

Chapter 5

Development Impact Statements (DIS)

§ 5.00. Development impact statement.

§ 5.01. Purpose.

The development impact statement (DIS) is a documented, written analysis of a proposed development which provides the Planning Board and other Town staff and officials with information necessary for plan review. The DIS is intended to serve as a guide to the applicant in formulating the development proposal, as well as a guide to the Town in its evaluation of the proposed development in the context of existing conditions and planning efforts by the Town.

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It is a developer's responsibility to prepare and document the DIS in sufficient detail to permit an adequate evaluation by the Planning Board; however, additional data may be requested in writing by the Board. It is necessary to respond to all sections of the DIS form except when a written exemption is granted by the Planning Board. The applicant is encouraged to contact the Town Planner if any guidance is required when completing the DIS.

The DIS shall clearly and methodically assess the relationship of the proposed development to the natural, physical, and social environment. In preparing the DIS, professionals of the respective fields shall be consulted and a systematic, interdisciplinary approach shall be utilized which will ensure the integrated use of the natural and social sciences and the environmental design arts in planning, designing and engineering of the proposed project.

§ 5.02. When required.

A DIS shall be filed for all 43D projects, OSRD projects and "major projects". For the purpose of these rules and regulations, a "major project" is defined as "any new development proposal that will result in the construction of 5,000 square feet or more of new building construction and/or the addition of 25 parking spaces or more at an existing facility." Projects classified as a ~~Major Project~~ "major project" shall require the submission of a development impact statement (DIS) as part of the application process. For all other projects not noted above, a DIS shall be considered an optional submission requirement; however, applicant should be aware that the information contained within the DIS can ease the review process by providing additional information for Town staff and board members.

§ 5.03. Statement contents.

The following pages describe what must be included as part of the development impact statement (DIS). Applicants may choose to complete the following pages or may submit all the required contents as a separate written document.

Chapter 6 Open Space Residential Development (OSRD)

§ 6.00. Special permit for open space residential developments.

The Planning Board may grant a Special Permit for an OSRD as detailed in Chapter 300, Zoning, Part 3, Article VIII. Applicants shall comply with all requirements of that chapter and these rules and regulations.

§ 6.01. Application for OSRD special permit.

An application for an OSRD special permit may be filed by a property owner, agent or prospective purchaser who submits certification (such as an executed purchase and sales agreement) of property interest and authority to file. Applicants should refer to Chapter 300, Zoning, Part 3, Article VIII, for complete information related to the pre-application and design process.

§ 6.02. Official application form.

An application for an OSRD special permit shall be made on an official form which shall be furnished by the Planning Department upon request. Forms can be found in this document and may also be obtained on the Town of Sturbridge website: <http://www.Town.sturbridge.ma.us>.

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§ 6.03. Contents of application.

The completed application form, original concept plan (which shall include a conventional yield plan and OSRD plan as discussed in Chapter 300, Zoning, Part 3, Article VIII) and 15 copies shall be submitted to the Planning Department during regular business hours, with an additional copy filed forthwith with the Town Clerk by the applicant. The effective date of the submittal shall be the date the plans are submitted to the Town Clerk. At least one copy of the plan shall be produced in size 11 inches by 17 inches. Additionally, all application submittals shall be provided as a PDF in a digital format. At a minimum, the information outlined in this section shall be furnished by the applicant, or a request for waiver shall be submitted in writing.

- A. Conventional yield plan. The conventional yield plan shall contain, at a minimum, the following information:
- (1) Parcel boundaries, North point, date, legend, title "Conventional Yield Plan," and scale.
 - (2) The name and address of the record owner or owners, the applicant, and the design engineer and/or land surveyor that prepared the plan.
 - (3) The names of all abutters as determined from the most recent Assessors' records.
 - (4) The names, approximate location, and widths of adjacent streets.
 - (5) The locus of the land shown on the plan at a scale of one inch equals 1,000 feet.
 - (6) Existing topography at two-foot contour intervals.
 - (7) Map of soils using NRCS soils mapping.
 - (8) All on-site local, state, and federal regulatory resource boundaries and buffer zones shall be clearly identified, and all wetland flag locations shall be numbered and placed upon the yield plan.
 - (9) Lot lines with approximate areas and frontage dimensions, or unit placements and proposed common areas.
 - (10) Location and extent of parking, landscaping, stormwater management, water supply and wastewater management service areas that would be required to accommodate the use.
 - (11) If available, the location and results of any test pit investigations for soil profiles, percolation rates and determination of seasonal high ~~ground-water~~ groundwater levels.
- B. OSRD plan. The OSRD plan shall address the general features of the land, and give approximate configurations of the proposed lots, of open space, and roadways and shall at a minimum contain the following information:
- (1) Topography at two-foot intervals and approximate location of any wetlands (as defined by MGL c. 131, § 40 and by Sturbridge Conservation Commission regulations), to include any abutting parcels within 200 feet.
 - (2) The location of existing landscape features, including forests, farm fields, meadows, wetlands, riverfront areas, water bodies, archaeological and historic structures or points of interest, rock outcrops, boulder fields, stone walls, cliffs, high points, major land views, forest glades, major tree groupings, noteworthy tree specimens, and habitats of endangered or threatened wildlife, as identified as primary and secondary resources. Proposals for all site features to be preserved, demolished, or altered shall be noted on the OSRD plan.

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- (3) The location, names, widths and condition of adjacent streets, approaching or near the proposed development, and the proposed lines of streets, ways, driveways, easements and any parcel of land intended to be dedicated for public use or to be reserved by deed covenant for use of all property owners in the development, or parcels of land or lots to be used for any purpose other than private residential shall be so designated within the development in a general manner.
 - (4) Proposed roadway grades.
 - (5) Official soil percolation tests for the purpose of siting wastewater treatment options shall be required as determined by the Planning Board. However, a narrative explanation shall be prepared by a Massachusetts certified professional engineer detailing the proposed wastewater systems that will be utilized by the development and its likely impacts on-site and to any abutting parcels of land. For example, the narrative will specify whether individual on-site or off-site systems, shared systems, alternative to Title V systems, or any combination of these or other methods will be utilized. Additionally, the narrative shall describe potential flows and shall explain how the proposal will meet Massachusetts Department of Environmental Protection (MADEP) and local standards for wastewater systems, whether individual or shared.
 - (6) A narrative explanation prepared by a Massachusetts certified professional engineer proposing systems for stormwater drainage and likely impacts ~~onsite~~on-site and to any abutting parcels of land. For example, the narrative will specify whether soft or hard stormwater management techniques will be used and the number of any detention/retention basins or infiltrating catch basins. It is not intended to include specific pipe sizes. Any information needed to justify this proposal should be included in the narrative. The proposed system of drainage, including existing natural waterways in a general manner shall be shown on the plan and accompanied by a conceptual landscaping plan.
 - (7) A narrative explanation prepared by a Massachusetts certified professional engineer, detailing the proposed drinking water supply system.
 - (8) A narrative explanation of the proposed quality, quantity, use and ownership of the open space. Proposed open space parcels shall be clearly shown on the plan. Additionally, the proposed open space parcels shall be shown on a plan in relation to other existing protected lands within the Town. Applicants shall contact the Planning Department for electronic and/or paper copies of the most recent protected lands mapping for this purpose.
 - (9) All proposed landscaped and buffer areas shall be noted on the plan and generally explained in a narrative.
 - (10) A list of all legal documents necessary for implementation of the proposed development, including any conservation restrictions land transfers and master deeds, with an accompanying narrative explaining their general purpose.
 - (11) A narrative indicating all requested waivers, reductions, and/or modifications as permitted within the requirements of this bylaw.
 - (12) A narrative providing preliminary findings, in a general way, of the environmental impact analysis if expected to be required. (Note: An environmental impact analysis is required for any subdivision proposing five or more dwelling units. See the Town of Sturbridge Subdivision Regulations for detailed information.)
- C. Development impact statement (DIS). Applicants shall submit a DIS as discussed in Chapter 5 of these rules and regulations. The submittal requirements of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of ~~this~~the Zoning Bylaw.

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To the extent permitted by law, the Planning Board shall coordinate the public hearing required for any application for an OSRD special permit with the public hearing required for approval of a definitive subdivision plan.

§ 6.04. Fees.

Fees for an OSRD application shall be the same as those specified in Chapter 2, Special Permits. This special permit fee shall be in addition to fees required by the Subdivision Regulations.

§ 6.05. Procedural requirements.

Whenever an application for an OSRD special permit is filed with the Planning Department, the Department shall forward, within five working days of the filing of the completed application, copies of the application, accompanying development plan, and other documentation, to the Board of Health, Conservation Commission, Building Inspector, DPW Director, Police Chief, and Fire Chief, for their consideration, review, and report. The applicant shall furnish the copies necessary to fulfill this requirement. Reports from other boards and officials shall be submitted to the Planning Board within 35 days of receipt ~~of by~~ the reviewing party of all of the required materials; failure of these reviewing parties to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition thereto. In the event that the Planning Board opens the public hearing on the application prior to the expiration of the thirty-five-day period, the Planning Board shall continue the public hearing to permit the formal submission of reports and recommendations within that thirty-five-day period.

With respect to materials submitted, time limits for action and other such procedural matters, the Planning Board shall act in accordance with the procedures specified in Chapter 2, Special Permits, and in accordance with the Rules and Regulations Governing the Subdivision of Land, Sturbridge, Massachusetts (2002), as may from time to time be amended.

Chapter 7

Application Review Fees - Special Municipal Account

§ 7.00. Application review fees for consultants; scope of review.

When reviewing an application for a special permit or subdivision approval, the Board may determine that the assistance of outside professional expertise and/or consultants is warranted due to the size, scale, or complexity, potential impact or use of the land and warrants review by outside consultants (such as engineers, planners, landscape architects, lawyers, hydrogeologists, traffic engineers or others). Such consultants shall assist the Planning Board, or any Town board or commission to which a matter is referred for review and comment prior to action by the Planning Board, both in plan review, impact analysis, inspection or other technical assistance necessary to ensure compliance with all relevant laws and regulations. Such assistance may include, but shall not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decisions, conditions or regulations, or inspecting a project during construction or implementation. Such consultants shall be selected and retained by the Planning Board, with the actual and reasonable costs for their services to be paid by the applicant.

In hiring outside professional expertise and/or consultants, the Board may engage engineers, planners, lawyers, urban designers, regional planning agencies or other appropriate professionals who are qualified and capable of assisting the Board in analyzing a project to ensure compliance with all relevant laws, ~~ordinances, By-Laws~~ laws and regulations.

All consultants selected by the Board must meet minimum qualifications consisting of: a. An education degree in, or related to, the field at issue, from a recognized public or private college or university; or b. Three or more years of practice in the field at issue or related field.

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The selection made by the Board shall be recorded with the office of the Town Clerk within five days of the Board's final selection(s).

§ 7.02. Submittal of review fees.

Consultant review fees shall be submitted upon receipt of notice of estimated consultant review cost. Any application filed without the submittal of review fees shall be deemed incomplete and no review work shall commence until the fee has been paid in full.

§ 7.03. Establishment of special account.

- A. Funds received by the Board pursuant to this ~~section~~Chapter 7 shall be deposited with the Municipal Treasurer, who shall establish a special account for this purpose.
- B. If review funds charged are insufficient to cover the costs of outside professional expertise and/or consultant review, the applicant shall pay an additional review fee sufficient to cover these costs. Only costs that are reasonable and directly related to this project undergoing review will be charged to the applicant.
- C. Additionally, the Planning Board may require an additional deposit into the special account when the account falls below 25% of the initial review fee.
- D. Expenditures from this special account may be made at the direction of the Planning Board without further appropriation. Expenditures from this special account shall be made only in connection with the review of a specific project or ~~project's~~projects for which a fee has been, or will be, collected from the applicant.
- E. Failure of an applicant to pay a review fee shall be considered as an incomplete application and therefore not allow the application to go forward.

§ 7.04. Use of funds.

- A. Review fees may only be spent for services rendered in connection with the specific project for which they are collected. These services shall include but not necessarily be limited to: project reviews, document reviews, and project-related inspections. Accrued interest may also be spent for this purpose.
- B. If the outside consultant review begins and expenses are generated prior to the filing of an administrative appeal, all such expenses, up to the time of appeal, shall be paid out of the special account for that particular project.
- C. At the completion of the Board's review of the proposed project, or at a time determined at the submission of the application, any excess amount in that account, including interest attributable to a specific project, shall be repaid to the applicant ~~or~~for the applicant's successor in interest.
- D. A final report of the status of said account shall be made available to the applicant ~~or~~for the applicant's successor in interest.
- E. For the purpose of this regulation, any person or entity claiming to be the applicant's successor in interest shall provide the Board with documentation that legally establishes this succession in interest.

§ 7.05. Appeal of selection of outside consultant.

- A. Any applicant may make an administrative appeal from the selection of the outside professional

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expert and/or consultant to the Town Board of Selectmen.

- B. 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.
- C. Any applicant aggrieved by a selection of an outside consultant may appeal to the Board of Selectmen, provided that such appeal is entered within seven days after such selection has been made as recorded in the office of the Town Clerk. An appeal will not be considered valid unless it is formally filed with the office of the Town Clerk and a copy is given to the Board of Selectmen.
- D. The applicant should notify the Board of its intentions to seek a waiver at the earliest possible time in the review and consultant selection process. If the applicant fails to sign and/or file a formal waiver of appeal, this action will then be viewed as an intention to appeal on the part of the project applicants. Failure to inform the Board of such intention of appeal may result in the delay of the start-up of the Town's outside review services.
- E. In acting on an administrative appeal, the Board of Selectmen may determine that:
 - (1) A conflict of interest does exist, and/or the consultant does not meet the minimum qualifications, therefore the Board must select another consultant.
 - (2) A conflict of interest does not exist and/or the consultant does meet the minimum qualifications, therefore the selection made by the Board stands.
- F. The required time limit for action upon an application by the Board shall be extended by the duration of the administrative appeal, beginning from the date of filing such appeal.
- G. In the event that no decision is made within 30 days following the filing of the appeal, the selection made by the Board shall stand.

§ 7.06. Remedy for failure to pay fee.

Failure of an applicant to pay the consultant review fee determined by the Planning Board, or to replenish the special account when requested, shall be grounds for plan disapproval, denial of the application or permit or refusal to release development security.

Chapter 8

Stormwater Management Regulations [Originally adopted 4-8-2008; amended 9-12-2017]

§ 8.00. Purpose.

The purpose of these Stormwater Regulations is to protect, maintain and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff, decreased groundwater recharge, and non-point source pollution associated with new development and redevelopment, as more specifically addressed in the Stormwater Bylaw of the Town of Sturbridge.

§ 8.01. Definitions.

The definitions contained herein apply to issuance of a stormwater management permit (SMP) established by the Town of Sturbridge Stormwater Bylaw and implemented through these Stormwater Management Regulations. Terms not defined in this section shall be construed according to their customary and usual meaning unless the context indicates a special or technical meaning.

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ALTER — Any activity, which will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. "Alter" may be similarly represented as "alteration of drainage characteristics," and "conducting land disturbance activities."

APPLICANT — A property owner or agent of a property owner who has filed an application for a stormwater management permit.

BEST MANAGEMENT PRACTICE (BMP) — Structural, ~~non-structural~~nonstructural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and non-point source pollution, and promote stormwater quality and protection of the environment. "Structural" BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. "Nonstructural" BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

BETTER SITE DESIGN — Site design approaches and techniques that can reduce a site's impact on the watershed through the use of nonstructural stormwater management practices. Better site design includes conserving and protecting natural areas and green space, reducing impervious cover, and using natural features for stormwater management.

CERTIFICATE OF COMPLETION (COC) — A document issued by the DPW Director/Town Engineer after all construction activities have been completed 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 a SMP.

CONVEYANCE — Any structure or device, including pipes, drains, culverts, basins, curb breaks, paved swales or man-made swales of all types designed or utilized to move or direct stormwater runoff or existing water flow.

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

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

EROSION CONTROL PLAN — A plan that shows the location and construction detail(s) of the erosion and sediment reduction controls to be utilized for a construction site.

HOTSPOT — Land uses or activities with higher potential pollutant loadings, such as auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots with high-intensity use, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances.

IMPERVIOUS SURFACE — Any material or structure on or above the ground that prevents water from infiltrating through the underlying soil. Impervious surface is defined to include, without limitation: paved parking lots, sidewalks, roof tops, driveways, patios, and paved, gravel and compacted dirt surfaced roads.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY — The policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act, MGL c. 131, § 40, and Massachusetts Clean Waters Act, MGL c. 21, §§ 23 through 56. The policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM — The system of conveyances designed or used for collecting or conveying stormwater,

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including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Sturbridge.

NEW DEVELOPMENT — Any construction activities or land alteration resulting in total earth disturbances equal to or greater than one acre (or activities that are part of a larger common plan of development disturbing greater than one acre) on an area that has not previously been developed to include impervious cover.

~~NONPOINT~~**NON-POINT** SOURCE POLLUTION — Pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into water resource areas.

OPERATION AND MAINTENANCE PLAN — A plan that defines the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to insure that it continues to function as designed.

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

PERSON — Any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the commonwealth or political subdivision thereof to the extent subject to Town bylaws, administrative agency, public or quasi-public corporation or body, the Town of Sturbridge, and any other legal entity, its legal representatives, agents, or assigns.

POINT SOURCE — Any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

POST-DEVELOPMENT — The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land. "Post-development" 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-DEVELOPMENT — The conditions that exist at the time that plans for the land development of a tract of land are submitted to the DPW Director/Town Engineer. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

RECHARGE — The replenishment of underground water reserves.

REDEVELOPMENT — Any construction, land alteration, or improvement of impervious surfaces resulting in total earth disturbances equal to or greater than one acre (or activities that are part of a larger common plan of development disturbing greater than one acre) that does not meet the definition of "new development."

RESOURCE AREA — Any area protected under, including without limitation: the Massachusetts Wetlands Protection Act, Massachusetts Rivers Act, or Town of Sturbridge Wetlands Protection Bylaw.

SITE — The area extent of construction activities, including but not limited to the creation of new impervious cover and improvement of existing impervious cover.

STOP-WORK ORDER — An order issued which requires that all construction activity on a site be stopped.

STORMWATER AUTHORITY — The Board of Selectman or duly authorized representatives that ~~has~~**have** the authority to administer, implement, and enforce these Stormwater Regulations. The DPW Director/Town Engineer is responsible for coordinating the review, approval and permit process as defined

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in this bylaw. Other boards and/or departments may participate in the review process.

STORMWATER MANAGEMENT — The use of structural or ~~non-structural~~nonstructural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.

STORMWATER MANAGEMENT PERMIT (SMP) — A permit issued by the DPW Director/Town Engineer after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater runoff.

TSS — Total suspended solids.

WATER QUALITY VOLUME (WQV) — The storage needed to capture a specified average annual stormwater runoff volume. Numerically, (WQV) will vary as a function of drainage area or impervious area.

§ 8.02. (Reserved)

§ 8.03. Authority.

- A. The rules and regulations contained herein have been adopted by the DPW Director/Town Engineer, Planning Board and Conservation Commission in accordance with the Town of Sturbridge Stormwater Bylaw.
- B. Nothing in these rules and regulations is intended to replace or be in derogation of the requirements of the Town of Sturbridge Wetlands Protection Bylaw or any rules and regulations adopted thereunder.
- C. These Stormwater Regulations may be periodically amended by the DPW Director/Town Engineer in accordance with the procedures outlined in the Town of Sturbridge Stormwater Bylaw.

§ 8.04. Administration.

The DPW Director/Town Engineer shall administer, implement and enforce these regulations under the direction of the Board of Selectman. Town boards, including, but not limited to, the Conservation Commission, Planning Board, Zoning Board of Appeals, Department of Public Works, Building Department, Board of Health and others who issue permits and/or approvals for projects and/or activities under their specific jurisdiction shall review projects in accordance with these regulations as adopted and amended from time to time by the Board of Selectman. Projects or activities approved by the Planning Board and/or Conservation Commission shall be deemed in compliance with the intent and provisions of these Stormwater Regulations. Each board must forward written documentation of said approval and all conditions of approval to the DPW Director/Town Engineer within 20 business days of said approval (or the agreed to extended time). Upon receipt of written approval from the board(s), the DPW Director/Town Engineer shall issue a stormwater management permit to the applicant within 30 business days.

Note: The above provision is designed to allow existing Town boards, commissions and/or departments who have current jurisdiction over project approval activities to continue their current review procedures, but to add a provision that would authorize these entities to review and approve stormwater management facilities designed in accordance with this regulation.

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§ 8.05. Applicability.

- A. These Stormwater Regulations apply to all activities in accordance with the applicability section of the Town of Sturbridge Stormwater Bylaw and further described in this section. Projects and/or activities not specifically under the currently regulated jurisdiction of any of the Town of Sturbridge boards, commissions or departments but still within the jurisdiction of the Town of Sturbridge Stormwater Bylaw must obtain a stormwater management permit from the DPW Director/Town Engineer in accordance with the permit procedures and requirements defined in § 8.06 of these regulations. For projects and/or activities within the currently regulated jurisdiction of any of the Town of Sturbridge boards, ~~commission~~commissions or departments, the specific application submission requirements, public notices, and fee requirements of the applicable board, commission and/or department shall govern. Notwithstanding these requirements, the stormwater management plan contents, operation and maintenance plan contents, and stormwater review fee, under § 8.06 of these regulations must also be met.
- B. Exemptions. No person shall alter land within the Town of Sturbridge without having obtained a stormwater management permit (SMP) for the property, with the following exceptions:
- (1) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act ~~regulation~~regulations, 310 CMR 10.04, and MGL c. 40A, § 3;
 - (2) Maintenance of existing landscaping, gardens or lawn areas associated with a single-family dwelling where no greater than 100 cubic yards of land disturbance is involved;
 - (3) Repair or replacement of an existing roof of a single-family dwelling;
 - (4) The construction of any fence that will not alter existing terrain or drainage patterns;
 - (5) Construction of utilities (gas, water, electric, telephone, etc.) other than drainage, which will not alter terrain, ground cover, or drainage patterns;
 - (6) Emergency repairs to any stormwater management facility or practice that poses a threat to public health or safety, or as deemed necessary by the Department of Public Works/Town Engineer;
 - (7) Any work or projects for which all necessary approvals and permits have been issued before the effective date of this bylaw.

§ 8.06. Permit procedures and requirements.

Projects requiring a stormwater management permit shall be required to submit the materials as specified in this section, and are required at a minimum to meet stormwater management guidelines of all federal, state and/or local regulations.

- A. Permit required.
- (1) No landowner or land operator shall receive any of the building, grading or other land development permits required for land disturbance activities without first meeting the requirements of this bylaw prior to commencing the proposed activity.
 - (2) Should a land-disturbing activity associated with an approved plan in accordance with this section not begin during the 180-day period following permit issuance, the DPW Director/Town Engineer may evaluate the existing stormwater management plan to determine whether the plan still satisfies local program requirements and to verify that all design factors are still valid. If the authority finds the previously filed plan to be inadequate, a modified plan

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shall be submitted and approved prior to the commencement of land-disturbing activities.

- B. Filing application. The applicant shall file with the DPW Director/Town Engineer, three copies of a completed application package for a stormwater management permit (SMP). Permit issuance is required prior to any site-altering activity. While the applicant can be a representative, the permittee must be the owner of the site. The SMP application package shall include:
- (1) A completed stormwater management permit application form with original signatures of all owners.
 - (2) Stormwater management plan and project description.
 - (3) Operation and maintenance plan.
 - (4) Payment of the application and review fees.
 - (5) Inspection and maintenance agreement.
 - (6) Erosion and sediment control plan.
 - (7) Surety bond.

§ 8.07. Right of entry.

Filing an application for a permit grants the duly authorized agent permission to enter the site to verify the information in the application and to inspect for compliance with the resulting permit.

§ 8.08. Fees.

The stormwater authority shall obtain with each submission an application fee established by the DPW Director/Town Engineer to cover expenses connected with the review of the stormwater management permit and a technical review fee sufficient to cover professional review services or the project. The DPW Director/Town Engineer is authorized to retain a registered professional engineer or other professional consultant to advise the DPW Director/Town Engineer on any or all aspects of these plans. Applicants must pay review fees before the review process may begin.

A. Rules.

- (1) Application fees are payable at the time of application and are ~~non-refundable~~nonrefundable.
- (2) Application fees shall be calculated by the DPW Director/Town Engineer in accordance with the fee schedule below.
- (3) These fees are in addition to any other local or state fees that may be charged under any other law, ~~Bylaw~~, or ~~local ordinance~~bylaw.
- (4) The fee schedule may be reduced or increased by the DPW Director/Town Engineer. Any such change shall be made at a posted public hearing of the Board of ~~Selectman~~Selectmen not less than 30 days prior to the date upon which the change is to be effective.

B. Stormwater management plan review fee schedule. Contact Planning Department for fee calculations.

C. Engineering and consultant reviews and fees.

- (1) The DPW Director/Town Engineer is authorized to require an applicant to pay a fee for the reasonable costs and expenses for specific expert engineering and other consultant services deemed necessary by the DPW Director/Town Engineer to come to a final decision on the

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application. This fee is called the "engineering and consultant review fee."

- (2) Payment may be required at any point in the deliberations prior to a final decision.
- (3) Any application filed with the DPW Director/Town Engineer must be accompanied by a completed engineering consultant fee acknowledgement form.
- (4) Consultant fees shall be determined at the time of project review based on a specific scope of work, and shall be calculated at a rate ~~of~~ as the stormwater authority may determine.
- (5) The services for which a fee may be utilized include, but are not limited to, wetland survey and delineation, hydrologic and drainage analysis, wildlife evaluation, stormwater quality analysis, site inspections, as-built plan review~~s~~; and analysis of legal issues.
- (6) The DPW Director/Town Engineer is authorized to require an applicant to pay reasonable costs and expenses for certain activities~~s~~, which utilize the services of Town staff. This includes such activities as inquiries concerning potential projects as well as site inspections not associated with a pending permit application.
- (7) The DPW Director/Town Engineer may require any applicant to pay an additional fee of \$30 per hour for review, inspection and monitoring services for any project filing that requires ~~an~~ in excess of two hours of review, inspection~~s~~, and monitoring time by a Town staff member.
- (8) Subject to applicable law, any unused portion of any fees collected shall be returned by the DPW Director/Town Engineer to the applicant within 60 calendar days of a written request by the applicant, unless the DPW Director/Town Engineer decides in a public meeting that other action is necessary.
- (9) The engineering and consultant review fees collected under this section shall be deposited in a revolving account. The DPW Director/Town Engineer shall include a full accounting of the revolving account as part of its annual report to the Town.

§ 8.09. Actions.

A. The DPW Director/Town Engineer's action, rendered in writing, shall consist of either:

- (1) Approval of the stormwater management permit application based upon a determination that the proposed plan meets the standards in § 8.06 and will adequately protect the water resources of the community and is in compliance with the requirements set forth in this bylaw.
- (2) Approval of the stormwater management permit application subject to any conditions, modifications or restrictions required by the DPW Director/Town Engineer which will ensure that the project meets the standards in § 8.06 and adequately protects water resources, set forth in the Stormwater Bylaw.
- (3) Disapproval of the stormwater management permit application based upon a determination that the proposed plan, as submitted, does not meet the standards in § 8.06 or adequately ~~protects~~protect water resources, as set forth in this bylaw.
- (4) The DPW Director/Town Engineer may disapprove an application "without prejudice" where an applicant fails to provide requested additional information that in the DPW ~~Director~~Director's/Town Engineer's opinion is needed to adequately describe the proposed project. Information shall generally be limited to those items listed in § 8.06 of these regulations.

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- B. For projects not requiring permits from other Town boards, including but not limited to the Conservation Commission, Planning Board, Zoning Board of Appeals, etc., failure of the DPW Director/Town Engineer to take final action upon an application within 65 calendar days of receipt of a complete application shall be deemed to be approval of said application. Upon certification by the Town Clerk that the allowed time has passed without DPW Director/Town Engineer action, the DPW Director/Town Engineer must issue a stormwater management permit.

§ 8.10. Plan changes.

The permittee must notify the DPW Director/Town Engineer in writing of any drainage change or alteration in the system authorized in a stormwater management permit before any change or alteration is made. If the DPW Director/Town Engineer determines that the change or alteration is significant, based on the stormwater management standards in § 8.06 and accepted construction practices, the DPW Director/Town Engineer may require that an amended application be filed.

§ 8.11. Appeal of actions of DPW Director/Town Engineer.

A decision of the DPW Director/Town Engineer shall be final. Further relief of a decision by the DPW Director/Town Engineer made under these regulations shall be reviewable in the Superior Court in an action filed within 20 calendar days thereof, in accordance with MGL c. 249, § 4. An appeal of an action by a board, commission or department that has current regulatory authority for a project and/or activity shall be conducted under the applicable appeal provisions of said board, commission and/or department of the Town of Sturbridge. Such an appeal shall result in revocation of the written approval as described under § 8.04 of these regulations, until such time as the appeal process of the applicable board, commission and/or department has been resolved.

§ 8.12. Project completion.

At completion of the project, the permittee shall submit as-built record drawings of all structural stormwater controls and treatment best management practices required for the site as required in § 8.06. The as-built drawings must depict all on-site controls, both structural and ~~non-structural~~nonstructural, designed to manage the stormwater associated with the completed site (post-construction stormwater management). The as-built drawing shall show deviations from the approved plans, if any, and be certified by a registered professional engineer.

§ 8.13. Stormwater management plan contents.

- A. The application for a stormwater management permit shall include the submittal of a stormwater management plan to the DPW Director/Town Engineer. This stormwater management plan shall contain sufficient information for the DPW Director/Town Engineer to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater runoff. This plan shall be in accordance with the criteria established in these regulations and must be submitted with the stamp and signature of a professional engineer (PE) licensed in the Commonwealth of Massachusetts.
- B. The stormwater management plan shall fully describe the project in drawings, narrative, and calculations. It shall include:
- (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.

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- (2) A locus map (preferably copy of Assessor's Map).
- (3) The existing zoning, and land use at the site.
- (4) The proposed land use.
- (5) The location(s) of all existing and proposed easements.
- (6) The location of existing and proposed utilities.
- (7) The site's existing and proposed topography with contours at two-foot intervals.
- (8) The existing site hydrology.
- (9) A description and delineation of existing stormwater conveyances, impoundments, and wetlands (subject to protection under the state and local wetland regulations) on or adjacent to the site or into which stormwater flows.
- (10) A delineation of ~~one-hundred~~100-year floodplains, if applicable.
- (11) Field-verified seasonal high groundwater elevation in areas to be used for stormwater retention, detention, or infiltration (information to be shown on a plan and verified by a professional).
- (12) The existing and proposed vegetation and ground surfaces with runoff coefficients for each.
- (13) A drainage area map showing pre- and post-construction watershed boundaries, drainage area and stormwater flow paths, including municipal drainage system flows.
- (14) A description and drawings of all components of the proposed stormwater management system, including:
 - (a) Locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization.
 - (b) All measures for the detention, retention or infiltration of water.
 - (c) All measures for the protection of water quality.
 - (d) The structural details for all components of the proposed drainage systems and stormwater management facilities.
 - (e) Notes on drawings specifying materials to be used, construction specifications, and expected hydrology with supporting calculations.
 - (f) Proposed improvements, including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable.
 - (g) Any other information requested by the DPW Director/Town Engineer.
- (15) Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in this regulation. Such calculations shall include:
 - (a) Description of the design storm frequency, intensity and duration.
 - (b) Time of concentration.
 - (c) Soil runoff curve number (RCN) based on land use and soil hydrologic group.
 - (d) Peak runoff rates and total runoff volumes for each watershed area.

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- (e) Information on construction measures used to maintain the infiltration capacity of the soil where any kind of infiltration is proposed.
 - (f) Infiltration rates, where applicable.
 - (g) Culvert capacities.
 - (h) Flow velocities.
 - (i) Data on the increase in rate and volume of runoff for the specified design storms.
 - (j) Documentation of sources for all computation methods and field test results.
- (16) Post-development analysis is required to document that post-development flow conditions do not exceed pre-development flow conditions.
- (17) Soils information from test pits performed 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 registered soil evaluator, or a Massachusetts registered professional engineer.
- (18) Landscaping plan describing the woody and herbaceous vegetative stabilization and management techniques to be used within and adjacent to the stormwater practice.
- C. Operation and maintenance plan contents. An operation and maintenance plan (O&M plan) is required at the time of application for all projects. The maintenance plan shall be designed to ensure compliance with the permit, this bylaw and that the Massachusetts Surface Water Quality Standards, 314, CMR 4.00, are met in all seasons and throughout the life of the system. The operation and maintenance plan shall remain on file with the DPW Director/Town Engineer and shall be an ongoing requirement. Additionally, the O&M plan shall be recorded at the Worcester County Registry of Deeds. Proof of recording shall be submitted to the DPW Director/Town Engineer (condition of the stormwater permit). The O&M plan shall include at a minimum:
- (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 catch basins, manholes/access lids, main, and stormwater devices.
 - (3) Maintenance agreements that specify:
 - (a) The names and addresses of the person(s) responsible for operation and maintenance.
 - (b) The person(s) responsible for financing maintenance and emergency repairs.
 - (c) An inspection and maintenance schedule for all stormwater management facilities, including routine and non-routine maintenance tasks to be performed.
 - (d) A list of easements with the purpose and location of each.
 - (e) The signature(s) of the owner(s).
 - (4) Stormwater management easement(s).
 - (a) Stormwater management easements shall be provided by the property owner(s) as necessary for:
 - [1] Access for facility inspections and maintenance.

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- [2] Preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event.
 - [3] Direct maintenance access by heavy equipment to structures requiring regular maintenance.
 - (b) The purpose of each easement shall be 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 DPW Director/Town Engineer.
 - (d) Easements shall be recorded with the Worcester County Registry of Deeds prior to issuance of a certificate of completion by the DPW Director/Town Engineer.
- D. Changes to operation and maintenance plans.
- (1) The owner(s) of the stormwater management system must notify the DPW Director/Town Engineer of changes in ownership or assignment of financial responsibility, and must transfer operation and maintenance plan responsibilities to subsequent owners.
 - (2) The maintenance schedule in the maintenance agreement may be amended to achieve the purposes of this regulation by mutual agreement of the DPW Director/Town Engineer 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 responsibility.

§ 8.14. Stormwater management and low-impact development performance criteria.

A. Exemptions.

- (1) In addition to the exemptions listed in § 8.05, Applicability, the following exemptions apply:
 - (a) Single-family homes.
 - (b) Maintenance of existing paved surfaces.
 - (c) Resurfacing of existing paved surfaces.
 - (d) Project sites creating a disturbance of land of less than one acre in size.
- (2) Exempted projects are still strongly encouraged to use low-impact development (LID) site planning and design strategies for new development and redevelopment projects.

B. Site planning process.

- (1) Low-impact development (LID) site planning and design strategies must be used to the maximum extent feasible, and the design of treatment and infiltration practices should follow the guidance in Volume 2 of the Massachusetts Stormwater Handbook. (See the DEP Stormwater Handbook Volume 2 Chapter 1, for a discussion of ~~non-structural~~ nonstructural approaches to stormwater management.)
- (2) The site planning process shall be documented and shall include the following steps:
 - (a) Identify and map critical environmental resources;
 - (b) Delineate potential building envelopes avoiding environmental resource areas and

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appropriate buffers;

- (c) Develop methods to minimize impervious surfaces, and to protect and preserve open space.
- C. Stormwater credits. The use of better site design and nonstructural stormwater management measures is encouraged to minimize reliance on structural stormwater management measures. The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required and the stream channel protection volume required. The applicant may, if approved by the stormwater authority, take credit for the use of stormwater better site design practices to reduce some of the requirements specified in the criteria section of these regulations. The site design practices that qualify for these credits and procedures for applying and calculating the credits are identified in Appendix A, which follows at the end of these regulations.
- D. Stormwater management in new development and redevelopment (post-construction stormwater management). Objective: The objective of this control measure is to reduce the discharge of pollutants found in stormwater through the retention or treatment of stormwater after construction on new or redeveloped sites. This regulation is designed to address post-construction stormwater runoff from all new development and redevelopment sites that disturb one or more acres. This includes sites less than one acre if the site is part of a larger common plan of development or redevelopment which disturbs one or more ~~acres~~ acres.
- (1) Stormwater management systems on new development sites shall be designed to:
 - (a) Not allow new stormwater conveyances to discharge untreated stormwater in accordance with Massachusetts Stormwater Handbook Standard 1;
 - (b) Control peak runoff rates in accordance with Massachusetts Stormwater Handbook Standard 2;
 - (c) Recharge groundwater in accordance with Massachusetts Stormwater Handbook Standard 3;
 - (d) Eliminate or reduce the discharge of pollutants from land uses with higher pollutant loads as defined in the Massachusetts Stormwater Handbook in accordance with Massachusetts Stormwater Handbook Standard 5;
 - (e) Protect Zone II or Interim Wellhead Protection Areas of public water supplies in accordance with Massachusetts Stormwater Handbook Standard 6;
 - (f) Implement long-term maintenance practices in accordance with Massachusetts Stormwater Handbook Standard 9; and
 - (g) Require that all stormwater management systems be designed to:
 - [1] Retain the volume of runoff equivalent to, or greater than, one inch multiplied by the total post-construction impervious surface area on the site; and/or
 - [2] Remove 80% of the average annual load of total suspended solids (TSS) generated from the total post-construction impervious area on the site ~~14~~ and 60% of the average annual load of total phosphorus (TP) generated from the total post-construction impervious surface area on the site. Pollutant removal shall be calculated consistent with EPA Region 1's BMP Performance Extrapolation Tool 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, any federally or state-approved BMP design guidance or

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performance standards (e.g., state stormwater handbooks and design guidance manuals) may be used to calculate BMP performance.

- (2) Redevelopment requirements.
 - (a) Stormwater management systems on redevelopment sites shall meet the following Massachusetts Stormwater Standards to the maximum extent feasible:
 - [1] Massachusetts Stormwater Standard 1;
 - [2] Massachusetts Stormwater Standard 2;
 - [3] Massachusetts Stormwater Standard 3; and
 - [4] The pretreatment and structural best management practices requirements of Massachusetts Stormwater Standards 5 and 6.
 - (b) Stormwater management systems on redevelopment sites shall also improve existing conditions by requiring that stormwater management systems be designed to:
 - [1] Retain the volume of runoff equivalent to, or greater than, 0.80 inch multiplied by the total post-construction impervious surface area on the site and/or remove 80% of the average annual post-construction load of total suspended solids (TSS) generated from the total post-construction impervious area on the site and 50% of the average annual load of total phosphorus (TP) generated from the total post-construction impervious surface area on the site.
 - [2] Pollutant removal shall be calculated consistent with EPA Region 1's BMP Performance Extrapolation Tool 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, any federally or state-approved BMP design guidance or performance standards (e.g., Massachusetts stormwater handbooks and design guidance manuals) may be used to calculate BMP performance.
 - [3] Stormwater management systems on redevelopment sites may utilize ~~offsite~~off-site mitigation within the same USGS HUC10 as the redevelopment site to meet the equivalent retention or pollutant removal requirements.
 - (c) 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 where feasible and are exempt. Roadway widening or improvements that increase the amount of impervious area on the redevelopment site by greater than or equal to a single lane width shall meet the redevelopment requirements fully.

§ 8.15. Waivers.

- A. The DPW Director/Town Engineer may waive strict compliance with any requirement of the Town of Sturbridge Stormwater Management Regulations or the rules and regulations promulgated hereunder, where:
 - (1) Such action is allowed by federal, state and local statutes and/or regulations.
 - (2) Such action is in the public interest.

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- (3) Such action is not inconsistent with the purpose and intent of the Town of Sturbridge Stormwater Management Regulations.
- B. Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the regulation does not further the purposes or objectives of this regulation.
- C. All waiver requests shall be acted on within 45 calendar days, and written finding will be provided by the DPW Director/Town Engineer.
- D. If, in the DPW ~~Director~~Director's/Town Engineer's opinion, additional time or information is required for review of a waiver request, the DPW Director/Town Engineer may request an extension of the review period. In the event the applicant objects to an extension, or fails to provide requested information, the waiver request may be denied, "without prejudice" by the DPW Director/Town Engineer.

§ 8.16. Security.

The DPW Director/Town Engineer may require the permittee to post, before the start of land disturbance or construction 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 DPW Director/Town Engineer to ensure that the work will be completed in accordance with the permit. If the project is phased, the DPW Director/Town Engineer 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 DPW Director/Town Engineer has received the final inspection report as required by ~~Section §~~ 8.17 of these regulations and issued a certificate of completion.

§ 8.17. Construction inspections.

- A. Notice of construction commencement. The applicant must notify the DPW Director/Town Engineer in advance before the commencement of construction. In addition, the applicant must notify the DPW Director/Town Engineer in advance of construction of critical components of the stormwater facility.

At the discretion of the DPW Director/Town Engineer, periodic inspections of the stormwater management system construction shall be conducted by the DPW Director or a professional engineer or their designee who has been approved by the DPW Director/Town Engineer.

- B. Final inspection.

After the stormwater management system has been constructed and before the surety has been released, all applicants are required to submit actual "as built" plans for any stormwater management facilities or practices after final construction is completed and must be certified by a professional engineer.

The DPW Director/Town Engineer shall inspect the system to confirm its "as-built" features. This inspector shall also evaluate the effectiveness of the system in an actual storm. If the inspector finds the system to be adequate he shall so report to the DPW Director/Town Engineer, which will issue a certificate of completion. ~~As-built~~ plans shall be full-size plans which reflect the "as built" conditions, including all final grades, developed by a professional engineer. All changes to project design should be recorded in red ink on plans to define changes made. All work deleted, corrections in elevations, and changes in materials, should be shown on the ~~as-built~~ drawings.

- C. Inadequacy of system. 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

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be corrected by the applicant before the certificate of completion is released. If the applicant fails to act, the DPW Director/Town Engineer may use the surety bond to complete the work.

If the DPW Director/Town Engineer determines that there is a failure to comply with the plan, the property owner shall be notified in writing of the nature of the violation and the required corrective actions. A stop-work order shall be issued until any violations are corrected and all work previously completed has received approval by the DPW Director/Town Engineer.

§ 8.18. Certificate of completion.

- A. Upon completion, the applicant is responsible for certifying (by a professional engineer) that the completed project is in accordance with the approved plans and specifications and shall provide regular inspections sufficient to adequately document compliance.
- B. The DPW Director/Town Engineer will issue a certification of completion in the form of a letter indicating the following:
 - (1) The conditions of the permit have been met.
 - (2) The final inspection and reports have been accepted.
 - (3) A determination that all work specified by the permit has been satisfactorily completed in conformance with the Town of Sturbridge Stormwater Management Regulations.

§ 8.19. 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 §~~ 8.06 of these regulations must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the requirements of the agreement, the plan and this regulation.
 - (2) The owner of the property on which work has been done pursuant to this regulation 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 approved plans.
 - (3) All stormwater management facilities must undergo inspections to document maintenance and repair needs and ensure compliance with the requirements of this bylaw and accomplishment of its purposes as specified in the operation and maintenance plan and maintenance agreement described under § 8.06 of these regulations.
 - (4) At a minimum, inspections shall occur during the first year of operation and at least once every three years thereafter. In addition, a maintenance agreement as specified under § 8.06 of these regulations between the owner and the DPW Director/Town Engineer shall be executed for privately owned stormwater management systems that specifies the responsible party for conducting long-term inspections.
 - (5) Inspection reports shall be submitted to and maintained by the DPW Director/Town Engineer for all stormwater management systems. The DPW Director/Town Engineer reserves the right to require specific information in the inspection reports.

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- B. (Reserved)
- C. Right-of-entry for inspection. The terms of the inspection and maintenance agreement as specified in these regulations shall provide for the DPW Director/Town Engineer or its designee to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. The DPW Director/Town Engineer, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this regulation and may make or cause to be made such examinations, surveys, or sampling as the DPW Director/Town Engineer deems necessary, subject to the Constitutions and laws of the United States and the commonwealth.

§ 8.20. Enforcement; noncriminal disposition; appeals.

The DPW Director/Town Engineer or an authorized agent of the DPW Director/Town Engineer shall enforce this bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil, criminal and ~~non-criminal~~noncriminal remedies for such violations.

- A. Notices and orders.
 - (1) The DPW Director/Town Engineer or an authorized agent of the DPW Director/Town Engineer may issue a written notice of violation or enforcement order to enforce the provisions of this bylaw or the regulations thereunder, which may include requirements to:
 - (a) Cease and desist from construction or land-disturbing activity until there is compliance with the bylaw 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 enforcing person 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 Sturbridge may, at its option, undertake such work, and the property owner shall reimburse the Town of Sturbridge for expenses incurred.
 - (3) Within 30 days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the Town of Sturbridge, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the DPW Director/Town Engineer within 30 days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within 30 days following a decision of the DPW Director/Town Engineer affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in MGL c 59, § 57, after the 31st day at which the costs first become due.
 - (4) Any person, who violates any provision of the Town of Sturbridge Stormwater Management Regulations order or permit issued thereunder, may be ordered to correct the violation and/or shall be punished by a fine of not more than \$50. Each day or part thereof that such violation

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occurs or continues shall constitute a separate offense.

- B. ~~Non-criminal~~Noncriminal disposition. As an alternative to criminal prosecution or civil action, the Town of Sturbridge may elect to utilize the ~~non-criminal~~noncriminal disposition procedure set forth in MGL c. 40, § 21D and Chapter 1, Article I, of the General Bylaws of the Town of Sturbridge, in which case DPW Director/Town Engineer of the Town of Sturbridge shall be the enforcing agent. The penalty for the first violation shall be \$50. The penalty for the second violation and subsequent violations shall be \$100. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- C. Appeals. The decisions or orders of the DPW Director/Town Engineer shall be final. Further relief shall be to a court of competent jurisdiction.
- D. 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.

§ 8.21. Severability.

The invalidity of any section, provision, paragraph, sentence, or clause of these regulations shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

Chapter 9

Forms

See the forms included as attachments to this chapter.