



## TOWN OF BOXBOROUGH NOTICE OF PUBLIC MEETING

**BOARD/COMMITTEE:** Planning Board  
**MEETING DATE:** November 8, 2021  
**TIME:** 7:00 PM  
**PLACE:** Remote Meeting through Zoom

### AGENDA

7:00 PM Public Comment (3 mins per commenter)

7:15 PM – 526 Stow Road

Owner: Katherine and Jessamyn West  
Applicant: William M. and Eileen C. Sutcliffe  
Engineer: Jefferson G. Perley, PLS, PE  
Approval Not Required

8:15 PM – Construction and Post-Construction Stormwater Bylaw and Stormwater Management Regulations

Comprehensive Environmental, Inc. – Nick Cristofori

Administrative Business

Meeting Minutes – October 28, 2021  
Correspondence and New Business (if any)  
Town Center/Enclave Project  
American Rescue Plan Act (ARPA) projects  
Memorandum of Understanding (MOU) status  
MGL Chapter 148 Sections 26h and 26i  
Cisco/Beaver Brook Campus development options  
Planning Board Training  
Open Door Policy  
Legislative Update

Committee Reports: Community Preservation Committee (Lazarow)  
Design Review Board (Verner)  
Economic Development Committee (White)  
MAGIC Representative (Markowitz)  
Water Resources (Barbadoro)  
LELWD Small Cell Committee (Markowitz)  
Building Committee - TBD

Planning Board Goals:

Funding – TAP Grants and other Grant Opportunities  
Master Plan Action Items Status Spreadsheet  
Website update

Join Zoom Meeting

<https://us02web.zoom.us/j/88030193168?pwd=WmV6MUUpVK1QrOXFlK0hUcVowQlVOZz09>

Meeting ID: 880 3019 3168

Passcode: 572406

One tap mobile

+13126266799,,88030193168# US (Chicago)

+19292056099,,88030193168# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 880 3019 3168

Find your local number: <https://us02web.zoom.us/j/88030193168?pwd=WmV6MUUpVK1QrOXFlK0hUcVowQlVOZz09>

**Upcoming Planning Board Meetings:**

November 22, 2021	December 20, 2021
December 6, 2021	January 10, 2022



# TOWN OF BOXBOROUGH

## Planning Board

29 Middle Road, Boxborough, Massachusetts 01719

Phone (978) 264-1723 • Fax (978) 264-3127

www.boxborough-ma.gov

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Mark Barbadoro, Chair • Cindy Markowitz, Clerk • Mark White • Robin Lazarow • Rebecca Verner

APPROVED ON [ ]

1  
2  
3  
4  
5

### Meeting Minutes October 28, 2021 7:00 PM Remote Meeting

6 **Members Present:** Mark Barbadoro (Chair), Cindy Markowitz (Clerk) [7:04pm], Mark White,  
7 Rebecca Verner, and Robin Lazarow

8 **Also Present:** Simon Corson (Town Planner); Sue Carter (PLACES Associates); Sonali Bhatia  
9 (Council on Aging).

10  
11 Mr. Barbadoro called the meeting to order at 7:00 PM.

12  
13 The Board conducted other business until the time of the first scheduled public hearing, 7:15pm.

14  
15 **Public Comment** – none at this time.

16  
17 **Administrative Business**

18 **Meeting Minutes**

19 *Ms. Markowitz entered the meeting at 7:04pm.*

20  
21 Ms. Verner moved to approve the meeting minutes of October 14, 2021, as amended. Seconded  
22 by Ms. Lazarow.

23 Roll call: Barbadoro – aye; White – aye; Lazarow – aye; Verner – aye; and Markowitz – aye. 5-  
24 0-0; motion passed unanimously.

25  
26 **Correspondence and New Business (if any)**

27 Mr. Corson noted that Sonali Bhatia was in attendance as a liaison to the Council on Aging.

28  
29 **Town Center/Enclave Project**

30 Mr. Corson stated that he would like to wait on this item until Ms. Carter joins the meeting.

31  
32 **American Rescue Plan Act (ARPA) projects**

33 Mr. Barbadoro noted that the Select Board eliminated some of the Planning Board’s proposed  
34 projects for ARPA funding due to procedural reasons, including digitizing some Town records to  
35 allow them to be emailable, certain projects proposed for Town Center, and a Master Plan for the  
36 school’s area. He explained that the aquifer study and business grant project proposals were  
37 accepted.

39 In response to a question from Mr. White, Mr. Barbadoro stated that he was proposing the  
40 digitizing project as a possibility for these COVID-19 funds as a way to minimize interactions  
41 between the public and Town staff.

42

43 The Board discussed that some of these projects may be able to be advanced through CPC  
44 funding.

45

46 **7:15 PM – 615 Depot Road** – *Continued from September 20, 2021*

47 **Owner/Applicant: Roger Kanniard, R.D. Kanniard Homes, Inc.**

48 **Scenic Road Permit and Stone Wall Alteration**

49

50 Mr. Barbadoro read the legal notice.

51

52 Nathaniel Cataldo of Stamski and McNary explained that this proposal is to remove 21 linear  
53 feet of stone wall that acts as a boundary between the 615 Depot Road lot and the right of way.  
54 The purpose of this project is to create driveway access for a 12' wide driveway, for a  
55 construction entrance to create a single-family house, and for emergency vehicle access. While  
56 the Fire Captain mentioned preferring a larger opening, Mr. Cataldo stated that he believes 21  
57 linear feet is appropriate for a minimum width. There are no public shade trees located in the  
58 right of way. This proposal has previously received approval from the Conservation Commission  
59 and PLACES Associates. PLACES Associates commented regarding erosion control during  
60 construction.

61

62 Sue Carter, PLACES Associates, noted that the erosion control notes suggested heavy duty  
63 controls if there are any flood warnings in the area, to keep erosion controls in place.

64

65 In response to a question from Ms. Carter, Mr. Cataldo stated that the Fire Chief recommended a  
66 width of 24 linear feet to better accommodate larger emergency vehicle. Ms. Carter noted that if  
67 there are snowbanks on this site, it will be more difficult for emergency trucks to turn into the  
68 site. There is not a lot of flexibility for this access area.

69

70 In response to a question from Mr. Barbadoro, Mr. Cataldo stated that this client also owns the  
71 lot next door but that not much can be done on that site, due to wetlands.

72

73 In response to a question from Mr. White, Mr. Cataldo stated that the entrance to the driveway is  
74 shown as being 22' wide due to the apron connecting to the street, but 21 linear feet of stone wall  
75 is proposed to be removed.

76

77 Ms. Carter again mentioned snowbanks and that a chimney fire would likely take place in the  
78 winter. She might suggest a wider opening but will cede to the Fire Chief's recommendation.

79

80 Ms. Verner noted that a nearby lot, 621 Depot Road, has a driveway only 16' wide, with stone  
81 walls flanking both sides of the driveway. She has concerns with making this driveway access  
82 wider due to construction purposes, as neighboring driveways are narrower and must function for  
83 emergency access.

84

85 Mr. Cataldo noted that existing driveways are generally undersized. The Fire Chief  
86 recommended to him that all driveways be at least 20' wide.

87

88 In response to a question from Ms. Verner regarding what will be done with the removed stones,  
89 Mr. Cataldo stated that he believes these will be used to demarcate the wetlands on site;  
90 otherwise, the stones will be removed from the site.

91

92 In response to a question from Mr. Barbadoro, Mr. Cataldo stated that the width of the paving on  
93 Depot Road is approximately 23'.

94

95 Ms. Verner noted that many of the nearby properties have smaller driveways access widths. Mr.  
96 Cataldo again stated that the Fire Captain said the 21' proposed would be the absolute minimum  
97 width he would recommend. This area has a difficult turning radius.

98

99 In response to a question from Ms. Lazarow, Mr. Cataldo stated that, while he does not have the  
100 dimensions for a Boxborough fire truck to use in the modeling, he believes the Acton fire truck  
101 dimensions used are probably similar.

102

103 There was no public comment at this time.

104

105 Ms. Markowitz stated that she believes the Town will continue to lose more stone walls to larger  
106 fire trucks. She questioned if the Town would do anything to mitigate this loss, such as a stone  
107 wall fund contribution.

108

109 Ms. Lazarow stated that she would like to see the removed stones remain on the property.

110

111 Mr. White suggested that the Town could encourage the Fire Department to purchase smaller fire  
112 trucks. Europe has narrower roads and smaller trucks to accommodate this, and these seem to  
113 function appropriately.

114

115 Ms. Carter suggested that the removed stones be used to create a stone wall of an equivalent  
116 length running up the side of the driveway. Ms. Verner stated that she would rather see the  
117 removed stones worked into the existing stone walls located on the property.

118

119 Ms. Lazarow moved to close the public hearing. Seconded by Mr. White.

120 Roll call: Barbadoro – aye; White – aye; Lazarow – aye; Verner – aye; and Markowitz – aye.

121 5-0-0; motion passed unanimously.

122

123 Mr. White noted that the width of the road and topography of the lot seem to impact the  
124 geometry of the access road. He has a concern about making the access road too small for safe  
125 access, especially if this is what was recommended by the Fire Chief.

126

127 Ms. Markowitz suggested that the Fire Chief come to a future Board meeting to speak on this  
128 topic.

129

130 Mr. Corson noted that the Staff Report recommends a number of conditions, including that the  
131 removed stones be reincorporated into the existing stone walls on the property.

132

133 Ms. Lazarow moved to approve the application subject to the conditions in the Staff Report.

134 Seconded by Mr. White.

135 Roll call: Barbadoro – aye; White – aye; Lazarow – aye; Verner – nay; and Markowitz – aye.

136 4-1-0; motion passed.

137

138 **Administrative Business**

139 **Town Center/Enclave Project – Consulting Engineer’s letter about Basin Remediation**

140 Ms. Carter stated that the letter deals with remediation for two big ponds on the property. One is  
141 located near the clubhouse and the owner has proposed putting down sod and waiting until the  
142 spring for further remediation. The other pond needs to be cleared out and a nearby stone dust  
143 pile needs to be moved. When she checked last week, the pile was being moved. Once this  
144 occurs, the basin will be cleaned out. If the first pond is not remediated this year, she will check  
145 to make sure it is pumped out so there is always capacity left.

146

147 In response to a question from Ms. Markowitz regarding this being a condition of site plan  
148 approval, Ms. Carter noted that this was originally reviewed in July due to overflow into  
149 Sherriff’s Meadow. This is all being documented on the SWIP and through the Conservation  
150 Commission.

151

152 In response to a question from Ms. Markowitz regarding the sign and sight distance on the  
153 property, Ms. Carter stated that she has informed the Building Department of this issue.

154

155 Ms. Markowitz noted that a request was made approximately four weeks ago for the Board to  
156 check on the grades of the foundation, as they may be higher than proposed on the as built. Ms.  
157 Carter noted that foundation as built do not typically include elevations. These are set by the  
158 road and driveway grades. The buildings on this site will be large, but until they are constructed  
159 it’s hard to say exactly how tall they will be.

160

161 Mr. Corson stated that he is hoping to have Interim Town Administrator Carter Terenzini speak  
162 to the Board regarding the shortages and challenges currently facing the Building Department.

163

164 In response to a question from Ms. Markowitz, Ms. Carter explained that the dead/dying plant  
165 material was replaced on the site approximately one month ago. She will check on the site again  
166 soon for landscaping.

167

168 In response to a question from Ms. Markowitz, Mr. Corson stated that the first certificate of  
169 occupancy has already been issued. He has put together a packet that can be circulated by the  
170 Building Inspector with all associated conditions highlighted to be validated. There is also a  
171 sheet to be signed by various Town departments for those items that are applicable to them to be  
172 validated.

173

174 **8:15 PM Barrett Planning Group – Zoning Bylaw Recodification Project – Tyler Maren**

175 Tyler Maren made a presentation to the Board regarding the recodification process.

176

177 Mr. Corson noted that he would like to set a deadline of October 30, 2021, for Board comments.

178 The Board will receive a first draft of the recodification before its meeting on December 8, 2021,

179 for discussion at that meeting.

180

181 **Administrative Business**

182 **Vibalogics Update**

183 Ms. Markowitz noted that the Board of Health had a meeting with Vibalogics and is looking for

184 more specifics on their application. The Planning Board will be notified when an application has

185 been filed. She noted that she believes the amount of square footage represented on the

186 application is a greater amount than what was approved during the site plan application. She also

187 noted that the application contains a temporary access road of lab modules that was not part of

188 the original site plan application. She stated that Jack Geissert has been identified as the citizen

189 rep to sit on the Biosafety Committee.

190

191 **MGL Chapter 148 Sections 26h and 26i**

192 Mr. Barbadoro explained that Section 26h would allow the Fire Chief to order sprinklers to be

193 installed in lodgings with 6+ unrelated people dwelling in them. Section 26i would require any

194 apartment building with 4+ units in it to be sprinkled if built new, or to retrofit an older building

195 if installing the sprinklers would be as expensive, but not more so, as installing them in a new

196 building. He explained that these local provisions can be adopted through a general bylaw

197 change, or through a citizen's petition. He asked if the Board would be willing to take up these

198 causes and recommend that the Select Board bring it forward.

199

200 In response to a question from Ms. Lazarow regarding non-compliance and cost as a

201 consideration, Mr. Barbadoro explained that the consequence for non-compliance, if these items

202 were adopted, could be jail time. He explained that cost is not a consideration for these items,

203 except in the case of Section 26i, if it is more expensive to retrofit a building than it would be to

204 sprinkle a new building, it will not be ordered.

205

206 Mr. White noted that some of the only affordable housing in Boxborough is in the apartment

207 buildings. He believes it would not be an insignificant cost to retrofit some of these buildings and

208 that there are probably other options to look into.

209

210 Mr. Barbadoro noted that this is an equal protection issue. Those with enough money are able to

211 live in new, sprinkled apartment buildings, while those without as much money live in apartment

212 buildings that are older and not sprinkled.

213

214 Ms. Markowitz noted that in 1984 the Town adopted Section 26c, that apartment buildings of a

215 certain size must have smoke detectors installed. This is a similar provision in the bylaws as to

216 what's being proposed.

217

218 Mr. White noted that he believes, if landlords have to pay for this retrofitting, they will up the  
219 rent, and people in Town will need to move to nearby towns to be able to afford rent.

220

221 Ms. Markowitz noted that the process for this would be that the Planning Board would  
222 recommend these to the Select Board for local adoption as general bylaw provisions, or they  
223 could be brought through a citizen's petition. There would be public hearings through the Select  
224 Board process.

225

226 Mr. Barbadoro noted that the Fire Chief supported these proposals.

227

228 Ms. Markowitz and Ms. Verner agreed to support recommending these to the Select Board, as a  
229 way to hear more from the public.

230

### 231 **Zoom Webinar Format**

232 Mr. Barbadoro noted that he was okay with switching to the Zoom Webinar format, as is being  
233 used by the Select Board for their meetings.

234

235 Mr. White stated that he believes these meetings are not just the Board's meetings, but the  
236 Town's meetings. He does not like that the Webinar format does not allow people to see who  
237 else is in the meeting.

238

239 Ms. Verner agreed. She believes the Town's people attending the meeting need to be represented  
240 to each other. She stated that the Planning Board has only had one "zoom-bombing" issue to  
241 date, and it was quickly remedied.

242

243 Ms. Lazarow also agreed that she likes the current format.

244

245 Ms. Markowitz also agreed that she likes the current format.

246

247 In response to a question from Mr. White, Mr. Corson explained that the current format has  
248 people entering a waiting room where he tries to ascertain who they are and if it is appropriate  
249 for them to enter the meeting. Mr. Corson noted that the Webinar format was proposed as a way  
250 to get hatred and racism out of these community meetings. It was noted that there is a "panic  
251 button" on the current format that allow all members of the meeting to be immediately placed  
252 into a waiting room until the "zoom bomber" can be removed.

253

254 It was agreed that the Planning Board will stick with the current Zoom format for now.

255

### 256 **Committee Reports:**

257 Ms. Verner stated that she reviewed some of the solar bylaw items with the Sustainability  
258 Committee. Discussions on this will proceed.

259

260 **Building Committee:** Ms. Lazarow stated that the Building Committee plans to ask Assistant  
261 Town Administrator Rajon Hudson if some of the remaining funds allocated to the group can be



262 used for an outside consultant's opinion. The Committee may come to Annual Town Meeting to  
263 request design funding but wants to check this item first.

264

265 It was noted that this conversation is mainly revolving around the Stow Road property, but  
266 alternate sites are still on the table.

267

268 **Economic Development Committee:** Mr. White explained that there was a meeting with Jim  
269 Fenton regarding his frontage property located on Route 111, on the backside of the Enclave  
270 project. Mr. Fenton noted that he may be interested in selling the Town this property. Mr. White  
271 stated that the State has cleared the side of the road in this area back to the stone wall. He  
272 explained that he recently saw a drawing that depicted a Fire Station on this site that he had not  
273 previously seen.

274

275 **Planning Board Goals:**

276 **Master Plan Action Items:** Mr. Corson stated that the deadline for submittal of items for this  
277 has passed. He has received response from only a few groups.

278

279 Mr. Corson explained that the FY22 Local Hazard Mitigation Planning Pilot Program is being  
280 offered without a local match, to keep the Town's Hazard Mitigation Plan up to date. He will  
281 need to submit a statement of interest and then will continue a full discussion with the Board. He  
282 noted that he is trying to work this item regionally with other communities and groups.

283

284 The Board discussed how this fits in with the Municipal Vulnerability Preparedness Plan.

285

286 Mr. Corson noted three priority items of interest for this program, including a public water  
287 supply on the west side of Town, understand culverts and preparing for large rain events, and  
288 mapping requirements for the MS4 permit. He will submit an NOI for this and supply the Board  
289 with more information.

290

291 Mr. Barbadoro noted that he cannot discuss much that was said during the recent meeting with  
292 CISCO. The stakeholder's group continues to try to let CISCO tell them what is wants.

293

294 Ms. White moved to adjourn the meeting at 10:01pm. Ms. Lazarow seconded.

295 Roll call: Barbadoro – aye; White – aye; Lazarow – aye; Verner – aye; and Markowitz – aye.

296 Unanimously passed.

297

298

299

300

301

302

303

304

305

306

307 **Meeting Documents:**

308 Draft Meeting Minutes October 14, 2021

309 Memo from PLACES Associates, re: Enclave – Update on Stormwater Basin Remediation,  
310 Project No. 5249, October 19, 2021

311 Memo from PLACES Associates, re: Notice of Intent Review, 595-615 Depot Road, Places  
312 Project No. 5499, August 12, 2021

313 Memo from PLACES Associates, re: Notice of Intent Review, 595-615 Depot Road, Places  
314 Project No. 5499, August 30, 2021

315 Email from John Fallon, re: process, October 6, 2021

316 Section 26h and Section 26i language

317 Memo from Massachusetts Emergency Management Agency, re: FY22 Local Hazard Mitigation  
318 Planning Pilot Program, October 8, 2021

319 Memo from Haley Ward, re: Re: Certificate of Conditional Approval |1414 Massachusetts  
320 Avenue – Arranta Bio, October 7, 2020

321 Email correspondence from Bill Litant, re: Council on Aging liaison to the Planning Board

322 *This meeting was conducted via Remote Participation, pursuant to the Current Executive Order.*

323

324 Join Zoom Meeting

325 <https://us02web.zoom.us/j/88013070229?pwd=aTZ6Rk9MOWQvTWZBeldNb0ZwNW1KZz09>

326 Meeting ID: 880 1307 0229

327 Passcode: 818612

328 One tap mobile

329 +19292056099,,88013070229# US (New York) +13017158592,,88013070229# US (Washington

330 DC)

331



Boxborough Planning Board  
 29 Middle Road  
 Boxborough, MA 01719  
 978-264-1723  
 www.boxborough-ma.gov

**Approval Not Required  
 Under The Subdivision Control Law**

Form A

Town Clerk Received  
**RECEIVED**  
 OCT 13 2021  
 TOWN CLERK  
 TOWN OF BOXBOROUGH

Planning Board Received  
**RECEIVED**  
 OCT 12 2021  
 PLANNING BOARD  
 TOWN OF BOXBOROUGH

Property Location: 526 STOW ROAD

Assessor Parcel Number: 19-131-00 Zoning District(s): AR

Property Acreage: 3.12 AC Number of Existing Lots: 1

Proposed Lot(s) Frontage & Acreage: 201.40 FEET  
1.46 ACRES  
63, 738 15F

Name of Owner: Katherine West Phone # 1-617-921-0113

Address: 8 NICH STREET, STOW, MA 01775

Email Address: bandit@gmail.com

Name of Owner: Jessamyn West Phone # 1-508-415-9074

Address: Box 345, Randolph, VT 05060

Email Address: jessamyn@gmail.com

Name of Applicant: William M. & Eileen C. Sutcliffe Phone # 1-978-263-2250

Address: 540 STOW ROAD, BOXBOROUGH, MA 01719

Email Address: dPFARM@verizon.net

Name of Engineer: Jefferson G. Perley Phone # \_\_\_\_\_

Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Name of Surveyor: Jefferson G. Perley Phone # 1-978-369-2689

Address: 90 Picnic Street, Boxborough, MA 01719

Email Address: jeff@perleyengineering.com

List any Board of Appeals decisions pertaining to this site: NON

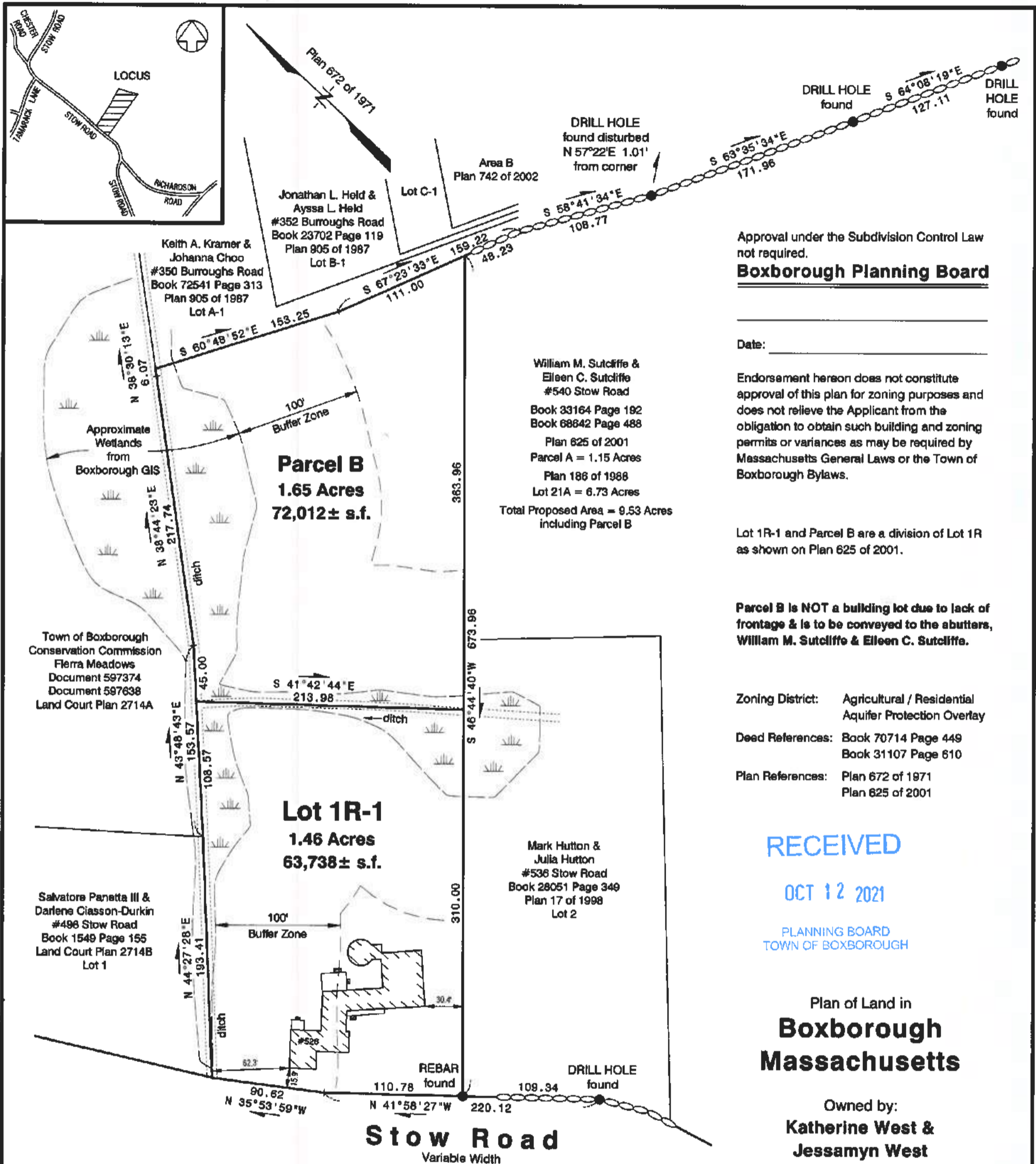
The undersigned Applicant wishes to record the accompanying plan and requests a determination and endorsement by the Board that approval by it under the Subdivision Control Law is not required. The Applicant believes that approval is not required for the following reasons (check each box of applicable paragraph(s) and fill in any blanks in such paragraph(s)):

- 1. The accompanying plan is not a "subdivision" because the plan does not show a division of land.
- 2. The division of the land shown on the accompanying plan is not a "subdivision" because every lot shown on the plan has at least \_\_\_\_\_ feet of frontage as required by the Boxborough Zoning Bylaw; and every lot shown on the plan has such frontage on:
  - a. a public way or way which the Town Clerk certifies is maintained and used as a public way, namely: \_\_\_\_\_
  - or
  - b. a way shown on a plan previously approved and endorsed in accordance with the Subdivision Control Law, namely: \_\_\_\_\_
  - or
  - c. a private way in existence on February 4, 1954, the date when the Subdivision Control Law became effective in the Town of Boxborough, which has sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting the way and for the installation of municipal services to serve the lot(s) and the building(s) erected or to be erected thereon, namely: \_\_\_\_\_
- 3. The division of the tract of land shown on the accompanying plan is not a "subdivision" because it shows a proposed conveyance, which changes the size and/or shape of the lot(s) in such a manner that frontage is not affected.
- 4. The division of the tract of land shown on the accompanying plan is not a "subdivision" because two or more buildings were standing on the land prior to February 4, 1954, and one of such buildings remains standing on each of the lots as shown and located on the accompanying plan. Evidence of the existence of such buildings prior to the effective date of the Subdivision Control Law is submitted as follows: \_\_\_\_\_  
(attach documentation and list items included in that documentation)

Signature of owner(s) Katherine West Date: 10/8/21  
West Date: 10/8/21  
 Signature of Applicant(s): M. H. Sutcliffe Date: Oct 8 - 2021  
 (if different) Eileen C. Sutcliffe Date: 10/8/2021

**Application Submittal Check List**

- 1. One ANR Application; Form A filled out and signed by the property owner and Applicant with three copies
- 2. One mylar ANR Plan in conformance with the Board's Subdivision Rules & Regulations with three copies
- 3. Seven 11" x 17" reduced copies of ANR Plan
- 4. A CD with an electronic version of the ANR Plan in a format compatible with ArcGIS.
- 5. Application fee as established in the Planning Board Fee Schedule
- 6. Assessor Parcel Map GIS fee as established in the Planning Board Fee Schedule



Approval under the Subdivision Control Law not required.  
**Boxborough Planning Board**

Date: \_\_\_\_\_

Endorsement hereon does not constitute approval of this plan for zoning purposes and does not relieve the Applicant from the obligation to obtain such building and zoning permits or variances as may be required by Massachusetts General Laws or the Town of Boxborough Bylaws.

Lot 1R-1 and Parcel B are a division of Lot 1R as shown on Plan 625 of 2001.

Parcel B is NOT a building lot due to lack of frontage & is to be conveyed to the abutters, William M. Sutcliffe & Eileen C. Sutcliffe.

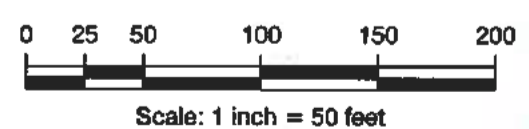
Zoning District: Agricultural / Residential  
 Aquifer Protection Overlay  
 Deed References: Book 70714 Page 449  
 Book 31107 Page 610  
 Plan References: Plan 672 of 1971  
 Plan 625 of 2001

**RECEIVED**  
 OCT 12 2021  
 PLANNING BOARD  
 TOWN OF BOXBOROUGH

Plan of Land in  
**Boxborough  
 Massachusetts**

Owned by:  
**Katherine West &  
 Jessamyn West**

October 5, 2021



**PERLEY ENGINEERING LLC**  
 90 Picnic Street, Boxborough, MA 01719

21-422A0

**RECEIVED**  
 OCT 12 2021  
 TOWN CLERK  
 TOWN OF BOXBOROUGH

I certify that I have conformed with the rules and regulations of the Registers of Deeds in preparing this plan.



*Jefferson G. Perley*  
 Jefferson G. Perley  
 PLS #37055

Digitally signed: October 5, 2021  
 Date

## Mary Nadwairski

---

**From:** S Corson  
**Sent:** Thursday, October 28, 2021 2:50 PM  
**To:** Mary Nadwairski  
**Subject:** Fwd: 526 Stow Road

Please Town Clerk stamp the forwarded email from Jeff and add to file. Thanks!

Sent from my iPhone

Begin forwarded message:

**From:** Jeff Perley <[REDACTED]>  
**Date:** October 28, 2021 at 2:41:58 PM EDT  
**To:** S Corson <scorson@boxborough-ma.gov>  
**Cc:** WM SUTCLIFFE <[REDACTED]>  
**Subject:** Re: 526 Stow Road  
**Reply-To:** Jeff Perley <[REDACTED]>

RECEIVED  
OCT 28 2021  
TOWN CLERK  
TOWN OF BOXBOROUGH

Hi Simon-

My client, William Sutcliffe, has granted the Planning Board an extension to November 9, 2021 for the ANR application for 526 Stow Road, Boxborough.

Jeff Perley

Jefferson Perley, PLS, PE  
**PERLEY ENGINEERING LLC**  
90 Picnic Street, Boxborough, MA 01719  
(978) 369-2689

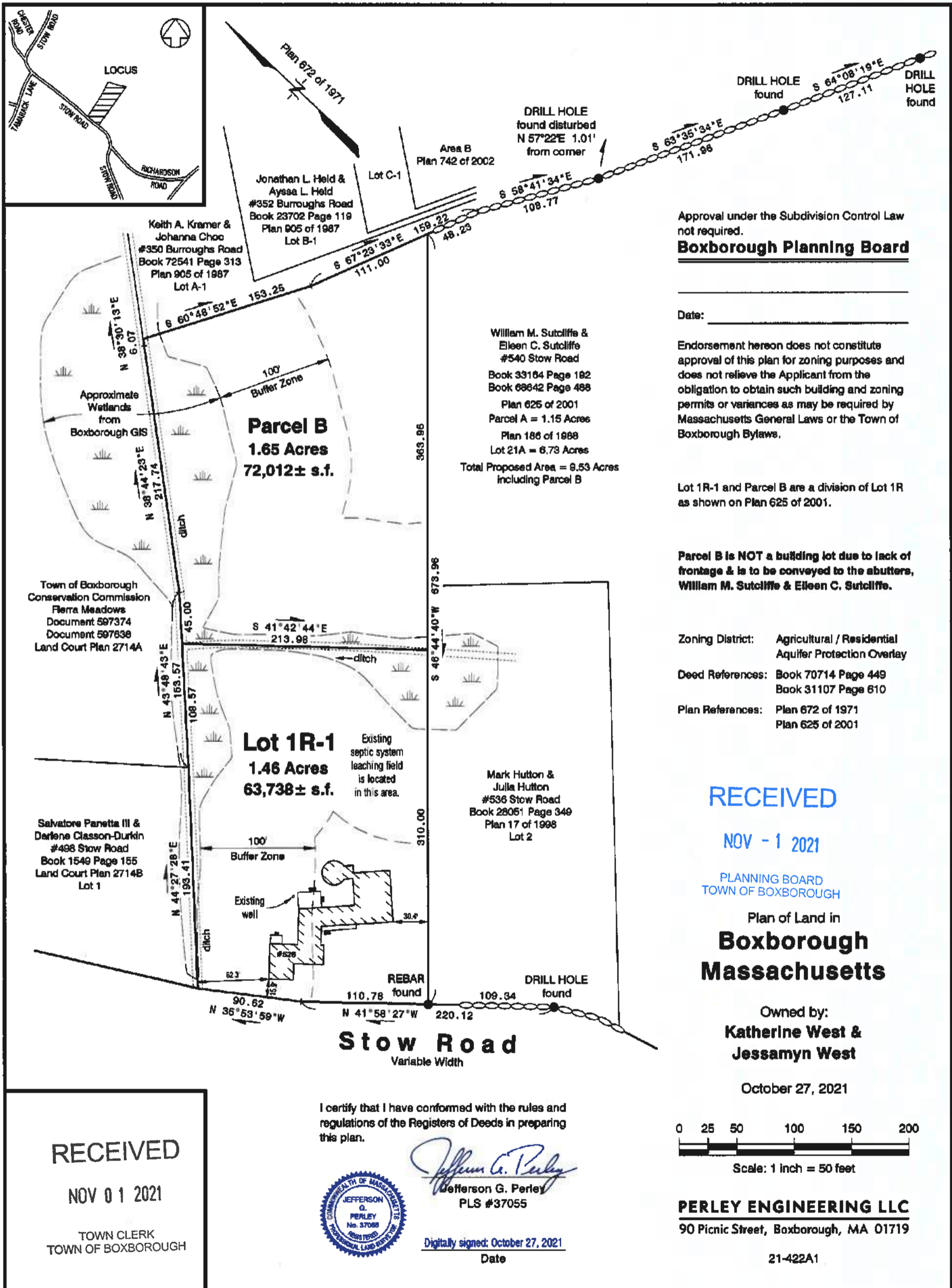
On 10/26/2021 3:46 PM, S Corson wrote:

Jeff,

Would you mind giving me a call on my office line (978) 264-1712 when you have a chance?

Respectfully,  
Simon

**Simon Corson**  
**Town Planner**  
**Town of Boxborough**  
**Office: 978-264-1723**  
**Email: [scorson@boxborough-ma.gov](mailto:scorson@boxborough-ma.gov)**



Approval under the Subdivision Control Law not required.  
**Boxborough Planning Board**

Date: \_\_\_\_\_

Endorsement hereon does not constitute approval of this plan for zoning purposes and does not relieve the Applicant from the obligation to obtain such building and zoning permits or variances as may be required by Massachusetts General Laws or the Town of Boxborough Bylaws.

Lot 1R-1 and Parcel B are a division of Lot 1R as shown on Plan 625 of 2001.

Parcel B is NOT a building lot due to lack of frontage & is to be conveyed to the abutters, William M. Sutcliffe & Eileen C. Sutcliffe.

Zoning District: Agricultural / Residential Aquifer Protection Overlay  
 Deed References: Book 70714 Page 449  
 Book 31107 Page 610  
 Plan References: Plan 672 of 1971  
 Plan 625 of 2001

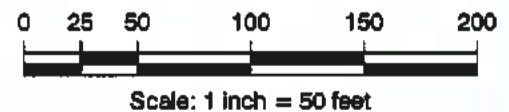
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 NOV - 1 2021

PLANNING BOARD  
 TOWN OF BOXBOROUGH

Plan of Land in  
**Boxborough  
 Massachusetts**

Owned by:  
**Katherine West &  
 Jessamyn West**

October 27, 2021



**PERLEY ENGINEERING LLC**  
 90 Picnic Street, Boxborough, MA 01719

21-422A1

**RECEIVED**

NOV 01 2021

TOWN CLERK  
 TOWN OF BOXBOROUGH

I certify that I have conformed with the rules and regulations of the Registers of Deeds in preparing this plan.



*Jefferson G. Perley*  
 Jefferson G. Perley  
 PLS #37055

Digitally signed: October 27, 2021  
 Date



November 3, 2021

Boxborough Planning Board  
29 Middle Road,  
Boxborough Ma 01719

Re: ANR Plan Review  
526 Stow Rd  
Project No. 5563

Dear Board Members:

This office has reviewed the latest ANR plan dated October 27, 2021, owned by Katherine West and Jessamyn West by Perley Engineering LLC for property located at 526 Stow Road.

This office has reviewed the plan and would recommend this plan for approval by the Board. This ANR creates a landlocked Parcel B which is to be conveyed to the abutters, giving it access via the abutting frontage. The remaining land, Lot 1R-1, meets all the dimensional requirements for a residential lot in the AR district and there is no increase in the non-conformity to the existing structure (front setback is 15.9'). The plans demonstrate that the well and septic system remain on the same lot as the structure.

Please contact this office should you have any questions regarding these comments.

Thank you.

Very truly yours,  
Places Associates, Inc.

BY:

Susan E. Carter, P.E., LEED AP  
Director of Engineering, President



## CONSTRUCTION AND POST-CONSTRUCTION STORMWATER BYLAW

### SECTION 1. PURPOSE

The purpose of this Bylaw is to establish minimum stormwater management requirements and procedures in order to minimize damage to public and private property and infrastructure; safeguard the public health, safety, environment and general welfare; protect aquatic resources and wildlife habitat; protect the quality and health of water resources; conserve groundwater supplies; and, foster climate change resiliency.

This Bylaw seeks to meet that purpose through the following objectives:

1. establish the Town of Boxborough [Planning Board](#) as the legal authority to ensure compliance with the provisions of this Bylaw and its accompanying Rules and Regulations through a reviewal process, inspections, monitoring, and enforcement;
2. establish administrative procedures for: the submission, review, and approval or disapproval of Stormwater Management Permits; the inspection of approved active projects; and post construction monitoring;
3. establish decision-making processes surrounding new development and redevelopment that protect watershed integrity and preserves and/or restores the health of local water resources such as lakes, ponds, streams, rivers, wetlands, and groundwater; and
4. ensure compliance with requirements of the United States Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) and other applicable state and federal mandates.

### SECTION 2. DEFINITIONS

For the purposes of this Bylaw, the following shall mean:

**AGRICULTURAL USE:** The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40, and its implementing regulations.

**APPLICANT:** Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth of Massachusetts or the federal government to the extent permitted by law requesting a [Stormwater Management Permit](#) ~~soil erosion and sediment control permit~~ for proposed [Disturbance of Land](#) ~~land disturbance~~ activity.

**BEST MANAGEMENT PRACTICE (BMP):** ~~An activity, procedure, restraint, or structural improvement that helps reduce the quantity or improve the quality of stormwater runoff.~~

**CERTIFICATE OF COMPLETION:** Document issued by the Town of Boxborough ~~Select Planning Board or its Reviewing Agent or Reviewing Agent~~ upon receipt of a final inspection report and acknowledgement that all conditions of the Stormwater Management Permit have been satisfactorily completed.

**CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC):** A certified specialist in soil erosion and sediment control. This certification program, sponsored by the Soil and Water Conservation Society in cooperation with the American Society of Agronomy, provides the public with evidence of professional qualifications.

**DISTURBANCE OF LAND:** [Action to alter the existing vegetation and/or underlying soil of a site, such as clearing, grading, site preparation \(e.g., excavating, cutting, and filling\), soil compaction, and movement and stockpiling of top soils.](#)

**ENFORCEMENT ORDER:** A written order issued by the [Planning Board or its Reviewing Agent](#) ~~Select Board or Reviewing Agent~~ to enforce the provisions of this Bylaw.

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**Commented [NC2]:** Updated definition to match MS4 permit Appendix A - Definitions

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MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM: The system of conveyances designed or used for collecting or conveying stormwater, 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 Boxborough, ~~MA~~.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT: A permit issued by the EPA or jointly with the Commonwealth of Massachusetts that authorizes the discharge of stormwater to waters of the United States.

~~NEW DEVELOPMENT: Any construction activities or land alteration resulting in total earth disturbances greater than 1 acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) on an area that has not previously been developed to include impervious cover, construction, land alteration, or addition of impervious surfaces on previously undeveloped sites resulting in a total disturbance of land equal to or greater than 1 acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) that does not meet the definition of Redevelopment.~~

**Commented [NC6]:** Updated definition to match MS4 permit Appendix A – Definitions. Note, definition was updated by EPA after the original bylaw was passed

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

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth of Massachusetts or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

PLANNING BOARD: Town of Boxborough Planning Board.

PROFESSIONAL ENGINEER (P.E.): A ~~registered licensed~~ Professional Engineer within the Commonwealth of Massachusetts in good standing.

~~REDEVELOPMENT: Any construction, land alteration, or improvement of impervious surfaces resulting in total earth disturbances greater than 1 acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) that does not meet the definition of new development. Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites. Any construction, land alteration, or improvement of impervious surfaces resulting in total disturbance of land equal to or greater than 1 acre (or activities that are part of a larger common plan of redevelopment disturbing greater than 1 acre) that does not meet the definition of New Development.~~

**Commented [NC7]:** Updated definition to match MS4 permit Appendix A – Definitions. Note, definition was updated by EPA after the original bylaw was passed

~~REVIEWING AGENT: Person designated by the Select Board as responsible for enforcing this Bylaw.~~  
REVIEWING AGENT: The Boxborough Town Planner or other employee designated by the Planning Board for the purposes of administering and enforcing this bylaw.

**Commented [NC8]:** Generally speaking, the Reviewing Agent is authorized to assist PB with bylaw/regulatory implementation, including plan review, permit issuance, enforcement actions, etc. Only times the Reviewing Agent isn't allowed to assist is with regulation adoption, and criminal fines.

SELECT BOARD: Town of Boxborough Select Board.

STORMWATER: Stormwater runoff, snow melt runoff, and surface water runoff and drainage.

STORMWATER MANAGEMENT PERMIT: The written approval granted by the ~~Select-Planning~~ Board to undertake a construction activity pursuant to a Stormwater Management Permit Application. A valid Stormwater Management Permit must be signed by a majority of the ~~Planning Select~~ Board participating at a duly noted public hearing, and such permit must be recorded at the Middlesex Registry of Deeds, prior to the start of any work.

~~WATERS OF THE COMMONWEALTH: All waters within the jurisdiction of the Commonwealth of Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, groundwaters, and vernal pools.~~

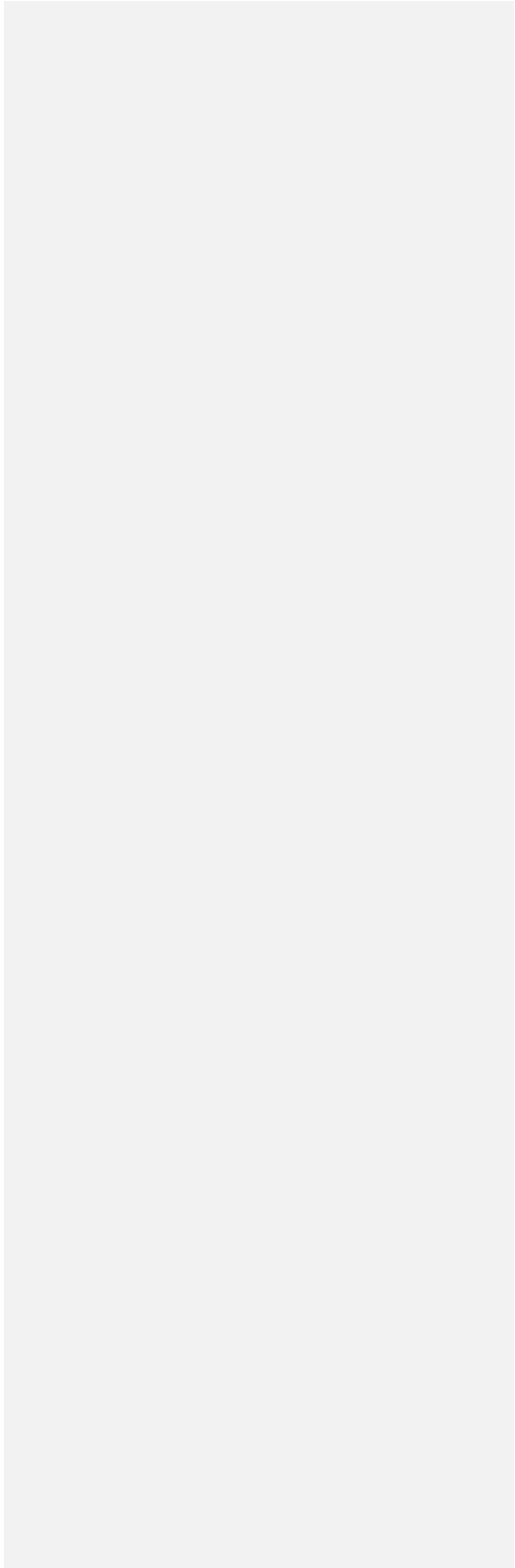
**Commented [NC9]:** Deleted, definition wasn't present anywhere else in the bylaw

WETLAND RESOURCE AREAS: Areas specified in the Massachusetts Wetlands Protection Act Regulations, 310 CMR 10.00, as amended, and in the Town of Boxborough Wetland Bylaw, as amended.

**SECTION 3. APPLICABILITY**

No person may undertake a construction activity, including clearing, grading, or excavation that results in a ~~Disturbance of Land~~ ~~land disturbance~~ to an area equal to or greater than one (1) acre of land or will disturb less than one acres of land but is part of a larger common plan of development or sale that will ultimately disturb an area equal to or greater than one (1) acre of land within the Town of Boxborough without first obtaining a Stormwater Management Permit issued by the ~~Planning Select Board~~ ~~or Reviewing Agent~~.

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## SECTION 4. AUTHORITY

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, pursuant to the Regulations of the federal Clean Water Act found at 40 CFR 122.34, and as authorized by the residents of the Town of Boxborough at the spring 2020 Town Meeting and as amended.

## SECTION 5. RESPONSIBILITY FOR ADMINISTRATION

The ~~Select-Planning~~ Board shall be the permit granting authority for this Bylaw. Any powers granted to or duties imposed upon the ~~Select-Board~~~~Planning Board~~ may be delegated in writing by the ~~Select Board~~~~Planning Board~~ to any Town employee, board, commission, committee or agent, hereby known as the "Reviewing Agent."

The ~~Planning~~ ~~Select~~ Board shall not have jurisdiction over stormwater issues within wetland resource areas and/or buffer zone where the Conservation Commission has jurisdiction under the Wetlands Protection Act, the Boxborough Wetland Bylaw and/or the Town of Boxborough Regulations for the Wetland Bylaw. The Conservation Commission shall be the permit granting authority under this Bylaw for projects requiring a Stormwater Management Permit for ~~disturbance of land~~ ~~land disturbance~~ activities occurring within wetland resource areas and/or buffer zone subject to the Commission's jurisdiction.

The ~~Planning~~ ~~Select~~ Board ~~or its Reviewing Agent~~ shall take any of the following actions as a result of an application for a Stormwater Management Permit as specifically defined within the Stormwater Management Rules and Regulations promulgated as a result of this Bylaw: Approval, Approval with Conditions, or Disapproval.

## SECTION 6. REGULATIONS

The ~~Planning~~ ~~Select~~ Board may adopt, and periodically amend, the Stormwater Management Rules and Regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures and administration of this Bylaw by majority vote of the ~~Planning~~ ~~Select~~ Board, after conducting one (1) advertised public hearing to receive comments on any proposed revisions. The hearing(s) shall be duly advertised in a paper of general circulation in the Town of Boxborough no less than fourteen (14) days prior to the date of the public hearing.

## SECTION 7. EXEMPTIONS

The following activities are exempt from requirements under this bylaw:

1. normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04, as amended;
2. maintenance of existing landscaping, gardens, or lawn areas associated with a single-family dwelling;
3. the construction of fencing that will not substantially alter existing terrain or drainage patterns;
4. normal maintenance and improvements of the Town of Boxborough's publicly owned roadways and associated drainage infrastructure;
5. emergency repairs to any stormwater management system or feature that poses a threat to public health or safety, or as deemed necessary by a Town department or board; and
6. projects that are wholly subject to jurisdiction under the Wetlands Protection Act and/or the Boxborough Wetlands Protection Bylaw and demonstrate compliance with the Massachusetts Stormwater Management Policy as reflected in an Order of Conditions issued by the Conservation Commission.

**Commented [NC10]:** Question for the town. How and/or should the Conservation Commission be involved in plan review? 3 options:

1. Option 1 is there are separate project applications to ConCom and PB. Everything goes through PB for the Stormwater Management Permit applications, whereas anything in ConCom jurisdiction is reviewed by them. PB issues the Stormwater Management Permit.
2. Option 2 is if the entire project is within ConCom jurisdiction, then ConCom becomes the permit authority and issues the Stormwater Management Permit. They review the entire project for wetlands and stormwater compliance.
3. Option 3 is if part of the project is within ConCom jurisdiction, then ConCom reviews the part within their jurisdiction for compliance with wetlands regs and the entire project for stormwater compliance. ConCom issues the Stormwater Management Permit.
4. Option 4 is to create a committee of sorts that review all stormwater applications and determines who and how they're reviewed. Sometimes this consists of representatives from PB, ConCom, DPW, etc.

Option 1 is the cleanest and easiest option for the town. Other options are harder on the town but easier on the applicant. Recommend check with Conservation to get their take.

**Commented [NC11]:** PB issues the Stormwater Management Permit via vote, not the reviewing agent

**Commented [NC12]:** See above comment pertaining to ConCom jurisdiction

## SECTION 8. ENFORCEMENT

The ~~Select-Planning Board~~ or its ~~Reviewing Agent~~, or an authorized agent of the ~~Select Board~~, shall enforce this Bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

Civil Relief. If a person violates the provisions of this Bylaw, permit, notices, or order issued thereunder, the ~~Select Board~~ ~~Planning Board~~ may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Orders. The ~~Select Board~~ ~~Planning Board~~ may issue a written order to enforce the provisions of this Bylaw, which may include requirements to:

1. cease and desist from construction or land disturbing activity until there is compliance with this Bylaw and the Stormwater Management Permit;
2. repair, maintain, or replace the stormwater management system or portions thereof in accordance with the operation and maintenance plan;
3. maintain, install, or perform additional erosion and sediment control measures;
4. perform monitoring, analyses, and reporting;
5. remediate adverse impact resulting directly or indirectly from malfunction of the \_\_\_\_\_ stormwater management system or erosion and sediment control system;
6. cease and desist from unlawful discharges, practices, or operations; and/or,
7. remediate contamination in connection therewith.

If the ~~Select Board~~ ~~Planning Board~~ determines that abatement or remediation of adverse impacts is required, the Enforcement Order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Boxborough may, at its option, with the approval of a court of competent jurisdiction, undertake such work, and the property owner shall reimburse the Town's expense.

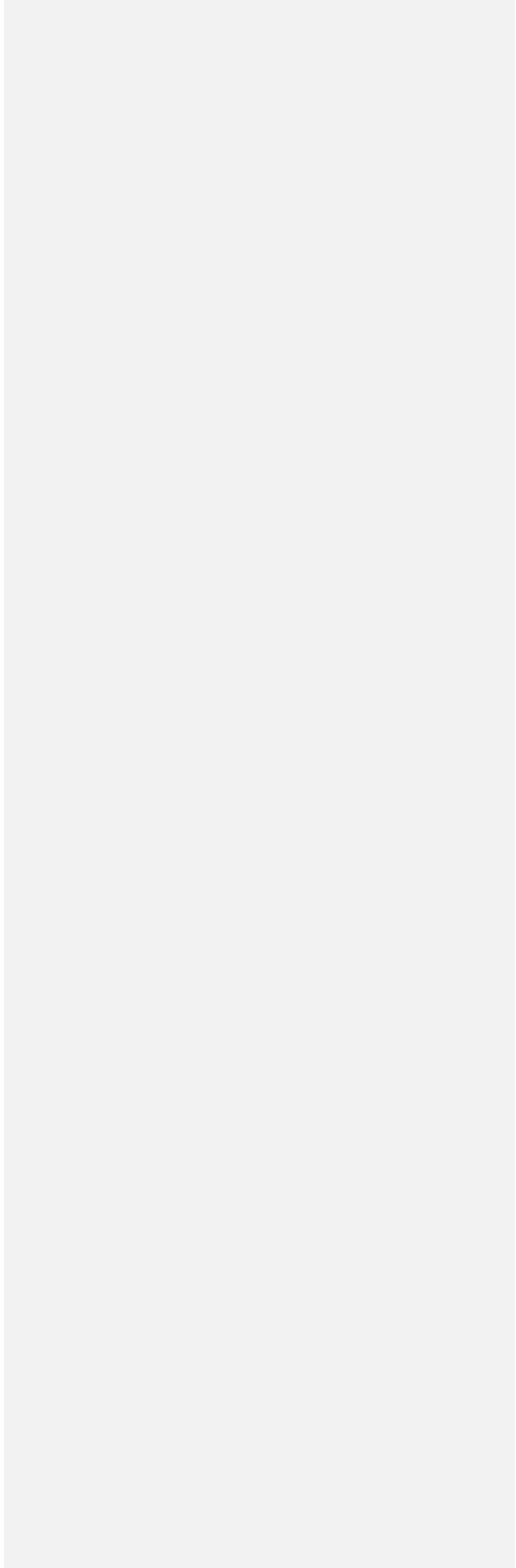
Within thirty (30) days after completing all measures necessary to abate the violation, the violator and the property owner shall be notified of the costs incurred by the Town of Boxborough, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the ~~Select Board~~ ~~Planning Board~~ within thirty (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 thirty (30) days following a decision of the ~~Select Board~~ ~~Planning Board~~ affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall constitute "municipal charges" as set forth in G.L. c.40, §58, and by its adoption of this bylaw the Town of Boxborough authorizes the imposition of a "municipal charges lien" for such costs in accordance with that statute. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57, after the thirty-first day at which the costs first become due.

Criminal Penalty. Any person who violates any provision of this Bylaw, order, or permit issued thereunder, shall be punished by a fine of not more than \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, section 21D, in which case the ~~Select Board~~ ~~Planning Board~~ or its Reviewing Agent shall be the Authorized Enforcing Agent. The penalty for the

|  
| 1<sup>st</sup> violation shall be \$100. The penalty for the 2<sup>nd</sup> violation shall be \$200. The penalty for the 3<sup>rd</sup> and all subsequent\_

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violations shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

Entry to Perform Duties under this Bylaw. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the [Select Board/Planning Board](#) or its Reviewing Agent, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys, or sampling as the [Select Board/Planning Board](#) or Reviewing Agent deems reasonably necessary.

Appeals. A decision of the [Select Board/Planning Board](#) or its Reviewing Agent shall be final. Further relief of a decision by the [Select Board/Planning Board](#) or its Reviewing Agent made under this Bylaw shall be appealed to the Superior Court, in accordance with M.G.L. c. 249, §4.

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.

#### **SECTION 9. WAIVERS AND PROVISIONS FOR RELIEF**

The [Select Board/Planning Board or its Reviewing Agent](#), in its discretion, may waive strict compliance with any requirement of this Bylaw or any other regulations promulgated hereunder, where:

1. such action is allowed by federal, state and local statutes and/or regulations;
2. it is in the public interest;
3. a public safety issue exists; and
4. it is consistent with the purpose and intent of this Bylaw.

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 this Bylaw does not further the purposes or objectives of this Bylaw. The [Select Board/Planning Board or its Reviewing Agent](#) may require documentation to be submitted and stamped by a qualified P.E. ~~registered/licensed~~ in Massachusetts or a Certified Professional in Erosion and Sediment Control (CPESC).

#### **SECTION 10. SURETY**

The [Select Board/Planning Board](#) may require the permittee to post before the start of ~~land disturbance~~ [disturbance of land](#) 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 [Select Board/Planning Board](#) to ensure that the work will be completed in accordance with the Stormwater Management Permit. If the project is phased, the [Select Board/Planning Board](#) may release part of the bond as each phase is completed in compliance with the Stormwater Management Permit but the bond may not be fully released until the [Select Board/Planning Board](#) has received the final inspection report as required by the Stormwater Management Rules and Regulations and issued a Certificate of Completion.

#### **SECTION 11. SEVERABILITY**

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

Adopted: [June 29, 2020](#)  
Approved by the Attorney General's Office: [December 16, 2020](#)

## STORMWATER MANAGEMENT RULES AND REGULATIONS FOR CONSTRUCTION AND POST-CONSTRUCTION ACTIVITIES

Boxborough ~~Select-Planning~~ Board  
Adopted: June 28, 2021

### 1.0 Purpose

The purpose of these rules and regulations is to establish Stormwater Management Rules and Regulations for the Town of Boxborough Construction and Post-Construction Stormwater Bylaw. The Goals are to establish the procedures and requirements for construction and post-construction activities to 1) minimize damage to public and private property and infrastructure, 2) safeguard the public health, safety, environment and general welfare, 3) protect aquatic resources and wildlife habitat, 4) protect the quality and health of water resources, 5) conserve groundwater supplies, and, 6) foster climate change resiliency.

### 2.0 Authority

The Boxborough ~~Select-Planning~~ Board, under the authority of the General Bylaws of the Town of Boxborough, and after holding a duly called Public Hearing on **INSERT DATE OF PUBLIC HEARING**, adopts these Stormwater Management Rules and Regulations. Discharges to Storm Drains, including prohibition of illicit discharges, are regulated by the Board of Health.

Commented [NC1]: Note, changes made throughout

### 3.0 Definitions

3.1. For the purposes of these rules and regulations, the following shall mean:

- (1) **ABUTTER**: The owner(s) of land abutting the site on which the activity occurs.
- (2) **APPLICANT**: Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth of Massachusetts or the federal government to the extent permitted by law requesting a Stormwater Management Permit for proposed land-disturbance activity.
- (3) **ASSESSOR**: Town of Boxborough Town Assessor's office and/or Assessor.
- (4) **BEST MANAGEMENT PRACTICE (BMP)**: Schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. ~~An activity, procedure, restraint, or structural improvement that helps reduce the quantity or improve the quality of stormwater~~

Commented [NC2]: Made consistent with M54 permit definition



Stormwater Management Rules and Regulations  
Revised ~~06/03/2021~~; Annotated by AJC ~~06/17/2021~~09/01/2021

~~runoff.~~

- (5) **CERTIFICATE OF COMPLETION**: Document issued by the Planning Board or its ~~Planning Board~~**Reviewing Agent** upon receipt of a final inspection report and acknowledgement that all conditions of the Stormwater Management Permit have been satisfactorily completed.
- (6) **CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC)**: A certified specialist in soil erosion and sediment control. This certification program, sponsored by the Soil and Water Conservation Society in cooperation with the American Society of Agronomy, provides the public with evidence of professional qualifications.
- (7) **CERTIFIED VERNAL POOLS**: Temporary bodies of freshwater that provide critical habitat for a number of vertebrate and invertebrate wildlife species, certified by the Massachusetts Natural Heritage and Endangered Species Program (NHESP).
- (8) **CLEARING**: Any activity that removes vegetative surface cover.

(9) CONSERVATION COMMISSION: Town of Boxborough.

~~(9)~~(10) CONSTRUCTION WASTE AND MATERIALS: Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter and sanitary waste at a construction site that may adversely impact water quality.

~~(10)~~(11) DISCHARGE OF POLLUTANTS: The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth of Massachusetts from any source.

~~(11)~~(12) DISTURBANCE OF LAND: Action to alter the existing vegetation and/or underlying soil of a site, such as clearing, grading, site preparation (e.g., excavating, cutting, and filling), soil compaction, and movement and stockpiling of top soils. ~~Any action that causes a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material.~~

~~(12)~~(13) EROSION: The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

~~(13)~~(14) EROSION AND SEDIMENT CONTROL PLAN: A document containing narrative, drawings, and details developed by a licensed professional engineer (P.E.) or CPESC, which includes BMPs, or equivalent measures designed to control surface runoff, erosion, and sedimentation during pre-construction and construction-related land disturbance activities.

~~(14)~~(15) ESTIMATED HABITAT OF RARE WILDLIFE: Habitats delineated by the NHESP for state-protected rare wildlife and certified vernal pools for use with the

**Commented [NC3]:** Made consistent with bylaw

**Commented [NC4]:** Made consistent with bylaw. Definition from MS4 permit Appendix A - Definitions

Stormwater Management Rules and Regulations  
Revised 06/03/2021; Annotated by AJC 06/17/2021 09/01/2021

Wetlands Protection Act Regulations (310 CMR 10.00) and the Forest Cutting Practices Act Regulations (304 CMR 11.00).

~~(15)~~(16) GRADING: Changing the level or shape of the ground surface.

~~(16)~~(17) GROUNDWATER: Water beneath the surface of the ground including confined or unconfined aquifers.

~~(17)~~ GRUBBING: The act of clearing land surface by digging up roots and stumps.

Commented [NC5]: Deleted, not present elsewhere in the regs

(18) IMPERVIOUS SURFACE: Any surface that prevents or significantly impedes the infiltration of water into the underlying soil. This can include but is not limited to: roads, driveways, parking areas and other areas created using non porous material; buildings, rooftops, structures, artificial turf and compacted gravel or soil. Any material or structure on or above the ground that prevents or delays water from infiltrating the underlying soil, or causes water to runoff in greater quantities or at an increased rate of flow. Impervious surfaces include, but are not limited to, roads, driveways, parking lots, sidewalks, rooftops, patios, storage areas, concrete or asphalt paving, and gravel/dense graded crushed stone areas.

Commented [NC6]: Updated to match permit definition

(19) INFEASIBLE: means not technologically possible, or not economically practicable and achievable in light of best industry practices.

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~~(19)~~(20) LOW IMPACT DEVELOPMENT (LID): An approach to land development design and stormwater management that attempts to mimic the natural hydrology of the site by avoiding, reducing, and mitigating impacts with natural, non-structural and structural measures.

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~~(20)~~(21) MASSACHUSETTS ENDANGERED SPECIES ACT (MESA): (G.L. c. 131A) and it's implementing regulations at (321 CMR 10.00). This Act prohibits the "taking" of any rare plant or animal species listed as "Endangered", "Threatened", or of "Special Concern".

~~(21)~~(22) MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS (the STANDARDS): The Stormwater Management Standards promulgated by the Massachusetts Department of Environmental Protection (DEP) under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56, and further described in the Wetlands Protection Act Regulations (310 CMR 10.00) and the 401 Water Quality Certification Regulations (314 CMR 9.00). The Stormwater Management Standards address stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and to control the quantity of runoff from a site.

~~(22)~~(23) MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM: The system of conveyances designed or used for

Stormwater Management Rules and Regulations  
Revised [06/03/2021](#); Annotated by AJC [06/17/2021](#)09/01/2021

collecting or conveying stormwater, 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 Boxborough, ~~MA~~.

~~(23)~~(24) NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT: A permit issued by the United States Environmental Protection Agency (EPA) or jointly with the Commonwealth of Massachusetts that authorizes the discharge of stormwater to waters of the United States.

~~(24)~~(25) NEW DEVELOPMENT: Any construction activities or land alteration resulting in total earth disturbances greater than 1 acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) on an area that has not previously been developed to include impervious cover.

~~(25)~~(26) NATURAL HERITAGE AND ENDANGERED SPECIES PROGRAM (NHESP): The Commonwealth of Massachusetts' program for implementing MESA requirements, [administered by the Massachusetts Division of Fisheries and Wildlife \(MassWildlife\)](#).

~~(26)~~(27) OPERATION AND MAINTENANCE PLAN: A plan setting up the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

~~(27)~~(28) OUTFALL: The point where stormwater flows out from a point source which is a discernible, confined and discrete conveyance into ~~waters~~-Waters of the Commonwealth of Massachusetts.

~~(28)~~(29) OWNER: A person with a legal or equitable interest in property.

~~(29)~~(30) PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth of Massachusetts or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

~~(30)~~(31) PLANNING BOARD: Town of Boxborough Planning Board.

~~(31)~~(32) POINT SOURCE: Any [discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff, discernible, confined, and discrete conveyance,](#)

Commented [NC7]: Updated to match permit definition

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~~including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which stormwater is or may be discharged.~~

- ~~(32) POLLUTANT: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or non-point source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth of Massachusetts. Pollutants shall include, but are not limited to:~~
- ~~(a) Chemicals, paints, varnishes, and solvents;~~
  - ~~(b) Oil and other automotive fluids;~~
  - ~~(c) Non-hazardous liquid and solid wastes and yard wastes;~~
  - ~~(d) Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;~~
  - ~~(e) Pesticides, herbicides, and fertilizers;~~
  - ~~(f) Hazardous materials and wastes, sewage, fecal coliform and pathogens;~~
  - ~~(g) Dissolved and particulate metals;~~
  - ~~(h) Animal wastes;~~
  - ~~(i) Rock, sand, salt, and soils;~~
  - ~~(j) Concrete truck washout;~~
  - ~~(k) Sanitary wastes;~~
  - ~~(l) Construction wastes, demolition debris, and discarded building materials; and,~~
- (33) ~~Noxious or offensive matter of any kind~~Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water.
- (34) PRE-CONSTRUCTION: All activity in preparation for construction.
- (35) PRIORITY HABITAT OF RARE SPECIES: Habitats delineated for rare plant and animal populations protected pursuant to the MESA and its regulations.
- (36) RECHARGE: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through soil.
- (37) REDEVELOPMENT: Any construction, land alteration, or improvement of impervious surfaces resulting in total earth disturbances greater than 1 acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) that does not meet the definition of New Development.
- (38) REVIEWING AGENT: The Boxborough Town Planner ~~or other~~A town employee designated by the Planning Board for the purposes of administering and enforcing this bylaw.
- (39) RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

Commented [NC8]: Updated to match permit definition

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

(41) SEDIMENTATION: The process or act of deposition of sediment.

~~(42) SELECT BOARD: Town of Boxborough Select Board.~~

~~(43)~~(42) SITE: The area extent of construction activities, including but not limited to the creation of new impervious cover and improvement of existing impervious cover.

Commented [NC10]: Updated to match permit definition

~~(44)~~(43) SLOPE: The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

~~(45)~~(44) SOIL: Any earth, sand, rock, gravel, or similar material.

~~(46)~~(45) STABILIZATION: The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or minimize erosion.

~~(47)~~(46) STORMWATER: Stormwater, snow melt, and surface water runoff and drainage.

~~(48)~~(47) STORMWATER MANAGEMENT PERMIT: The written approval granted by the Planning Board to undertake a construction activity pursuant to a Stormwater Management Permit Application. A valid Stormwater Management Permit must be signed by a majority of the Planning Board participating at a duly noted public hearing, and such permit must be recorded at the Middlesex Registry of Deeds, prior to the start of any work.

Commented [NC11]: Made consistent with bylaw

~~(49)~~(48) STORMWATER MANAGEMENT PLAN: A plan required as part of the application for a Stormwater Management Permit.

~~(50) STRIP: Any activity that removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.~~

Commented [NC12]: Deleted, not present elsewhere in the regs

~~(51)~~(49) TOTAL SUSPENDED SOLIDS (TSS): Sediment being carried in stormwater.

~~(52)~~(50) WATERCOURSE: A natural or man-made channel through which water flows or a stream of water, including a river, brook, or underground stream.

~~(53)~~(51) WATERS OF THE COMMONWEALTH OF MASSACHUSETTS: All waters within the jurisdiction of the Commonwealth of Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, groundwaters, and vernal pools.

~~(54)~~(52) WETLAND RESOURCE AREAS: Areas specified in the Massachusetts Wetlands Protection Act Regulations, 310 CMR 10.00, as amended, and in the Town of Boxborough Wetland Bylaw, as amended.

#### 4.0 Amendments

The ~~Select-Planning~~ Board may adopt, and periodically amend, these Stormwater Management Rules and Regulations by majority vote of the ~~Planning Select~~ Board, after conducting a minimum of one (1) advertised public hearing to receive comments on any proposed revisions. The hearings shall be duly advertised in a paper of general circulation in the Town of Boxborough no less than fourteen (14) days prior to the date of the public hearing.

#### 5.0 Applicability

These rules and regulations apply to all projects meeting the applicability criteria of the Construction and Post-Construction Stormwater Bylaw (~~Chapter XX of the Town's General Bylaws~~). New ~~development~~ Development and ~~R~~edvelopment projects must comply with the rules and regulations contained herein unless expressly waived by the Planning Board.

#### 6.0 Permit Procedures and Requirements

6.1. No construction, land alteration, or improvement of impervious surfaces resulting in total earth disturbances greater than 1 acre shall commence prior to approval of the Stormwater Management Permit Application. The Stormwater Management Permit process shall be incorporated into existing permits to ensure efficiency of the Town permitting process for the Town and Applicant. The following Town boards or commissions shall serve as the Permit Granting Authority (PGA) as described below and their respective permits may serve as the Stormwater Management Permit upon finding the Project has demonstrated compliance with these rules and regulations:

- (1) Planning Board: Site Plan Applications, Subdivision Plan Applications, or Earth Removal Permit Applications issued by the Boxborough Planning Board shall serve as the Stormwater Management Permit, provided the project demonstrates compliance with these rules and regulations and the decision includes a designation as such.
- (2) Conservation Commission: An Order of Conditions issued by the Boxborough Conservation Commission shall serve as the Stormwater Management Permit, provided the project demonstrates compliance with these rules and regulations and the Order includes a condition as such. In the event that an Order of Conditions is issued by the Conservation Commission to serve as the Stormwater Management Permit, a copy of the Stormwater Management Permit shall be provided to the Reviewing Agent.
- (3) In cases where the above boards or commissions do not include a clear finding of compliance with these rules and regulations or when none of the above permits are required, the Planning Board shall serve as the Stormwater Management Permit Granting AuthorityPGA.

**Commented [NC13]:** See comment in the bylaw and my email. Need to determine role of Conservation Commission in the role of regulatory review before this section can be updated

6.2. Filing Application.

- (1) The site owner or his/her agent shall file with the Reviewing Agent, three (3) copies of a completed Stormwater Management Permit Application package as outlined below. Permit issuance is required prior to any applicable site-altering activity. While the applicant can be a representative, the permittee must be the owner of the site.
- (2) Proposed projects at individual single-family or duplex residences.
  - (a) Completed Application Form with original signatures of all owners;
  - (b) Three (3) copies of the Stormwater Management Plan for Single-Family or Duplex Residences as specified in Section 11.0; and
  - (c) Payment of any application and review fees.
- (3) All other types and/or locations of proposed projects:
  - (a) Completed Application Form with original signatures of all owners;
  - (b) List of abutters, certified by the Assessors' Office;
  - (c) Three (3) copies of the Stormwater Management Plan as specified in Section 7.0;
  - (d) Three (3) copies of the Erosion Control Plan as specified in Section 8.0;
  - (e) Three (3) copies of the Operation and Maintenance Plan as specified in Section 9.0;
  - (f) An acknowledgement of the Site Inspections and Final Reports requirements as specified in Section 10.0
  - (g) Payment of any application and review fees.

6.3. Fee Structure.

- (1) The Reviewing Agent shall obtain with each submission an Application Fee payable to the Town of Boxborough. Applicants shall pay review fees as listed below to cover any expenses connected with the public hearing and review of the Stormwater Management Permit Application before the review process commences. The [Permit Granting Authority Planning Board](#) or ~~its~~ Reviewing Agent may, at the applicant's expense, retain a licensed P.E. or other professional consultant to advise the Reviewing Agent on any or all aspects of these plans.
  - (a) Application fee for single family residential or duplex only .....\$100
  - (b) Application fee for projects from 1 to 2 acres .....\$200
  - (c) Application fee for projects from 3 to 10 acres .....\$300
  - (d) Application fee for projects greater than 10 acres .....\$500
  - (e) Application fee for a resubmittal / amendment.....\$100
  - (f) Fees for a professional peer review ..... Assessed on a case by case basis
- (2) In addition to the above fee, the [PGA or its](#) Reviewing Agent is authorized to require an applicant to pay an initial fee of up to \$2,500 for the reasonable costs and expenses associated with retaining specific expert engineering and other consultant services deemed necessary to reach a final decision on the application. Payment may be required at any point during the review process prior to a final decision. The Reviewing Agent shall notify the applicant of such

**Commented [NC14]:** Note, based on determination re: ConCom, may need to update this throughout

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amount in writing. Failure to submit such amount within 14 days of receipt of said notice shall be deemed sufficient reason by the Reviewing Agent to deny said application.

- (a) If, prior to final action on the plan, the Reviewing Agent finds that \$2,500 is insufficient to cover the costs and expenses associated with specific expert engineering and other consultant services necessary for review of the application, the Reviewing Agent may require the applicant to submit any additional funding required to fund peer review services required for the Reviewing Agent's review of the pending application. The Reviewing Agent shall notify the applicant of any additional funding required in writing. Failure to submit such additional amount of funds to the Reviewing Agent within 14 days of receipt of said notice shall be deemed reason by the Reviewing Agent to deny said application.
- (b) Such fee shall be held in escrow, to be used to engage independent expert engineering and other peer review consultant services, should the Reviewing Agent determine this to be necessary, based on the characteristics or complexity of the issues raised by the application. Such fee shall be governed and administered in accordance with G.L. c. 44, § 53G or § 53E 1/2.
- (c) If the actual cost incurred by the Town for review of said application is less than the amount on deposit as specified above, the Reviewing Agent shall authorize that such excess amount be refunded to the applicant concurrently with final action on said application.
- (d) The services for which a fee may be utilized include, but are not limited to, review of wetland survey and delineation, hydrologic and drainage analysis, wildlife evaluation, stormwater quality analysis, site inspections, as-built plan review, and analysis of legal issues.

6.4. Information Requests. The applicant shall submit all additional information requested by the [Permit Granting Authority](#) ~~Planning Board~~ or ~~its~~ Reviewing Agent to issue a decision on the application within 30 days of the request for additional information.

6.5. Actions. The ~~Planning Board's~~ [Permit Granting Authority's](#) action, rendered in writing, shall consist of either:

- (1) "Approval" of the Stormwater Management Permit Application based upon determination that the proposed Stormwater Management Plan meets the Standards and will adequately protect the water resources of the community and is in compliance with the requirements set forth in these rules and regulations;
- (2) "Approval with Conditions" of the Stormwater Management Permit Application subject to any conditions, modifications, or restrictions that will ensure the proposed Stormwater Management Plan meets the Standards [\(Standards\) as set forth in Section 7.3 or Section 11.2, as applicable](#), and will adequately protect the water resources of the community and is in compliance with the requirements set forth in these rules and regulations;
- (3) "Disapproval" of the Stormwater Management Permit Application based upon determination that the proposed Stormwater Management Plan, as submitted,



does not meet the Standards or will not adequately protect the water resources of the community and is not in compliance with the requirements set forth in these rules and regulations.

- 6.6. Appeals. The applicant may appeal the decision in accordance with M.G.L. c. 249, § 4.
- 6.7. Access Permission. To the extent permitted by Massachusetts law, the Reviewing Agent ~~or their designee~~ and third-party inspector may enter upon privately owned property for the purpose of performing their duties under these rules and regulations and may make or cause to be made such examinations, surveys or sampling as the ~~Permit Granting Authority Planning Board~~ or ~~its~~ Reviewing Agent deems reasonably necessary to determine compliance with the Stormwater Management Permit.
- 6.8. Plan Changes. The ~~permittee applicant~~ must notify the Reviewing Agent in writing of any drainage change or alteration in the system authorized in the Stormwater Management Permit before any change or alteration is made. If the ~~Permit Granting Authority Planning Board~~ or ~~its~~ Reviewing Agent determines that the change or alteration is significant, based on the Standards, the requirements set forth in these rules and regulations, or accepted construction practices, the ~~Permit Granting Authority or Reviewing Agent Planning Board~~ may require that an amended application be filed. If any change or alteration from the Stormwater Management Permit occurs during any land disturbing activities, the ~~Permit Granting Authority or Reviewing Agent Planning Board~~ may require the installation of interim erosion and sedimentation control measures before approving the change or alteration.

#### 7.0 Stormwater Management Permit Application

- 7.1. The Stormwater Management Permit Application shall consist of a submittal of a Stormwater Management Plan to the Reviewing Agent. This Stormwater Management Plan shall contain sufficient information ~~for the Reviewing Agent or their designee~~ to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater. The Stormwater Management Plan shall be designed to meet the Standards, as set forth in Section 7.3, and the Massachusetts DEP Stormwater Handbook Volumes 1, 2, and 3, as amended.
- 7.2. The Stormwater Management Plan shall fully describe the project in drawings and narrative. It shall include, as a minimum, the following:
- (1) Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan;
  - (2) Project narrative containing relevant information related to stormwater requirements;
  - (3) Locus map of the site;
  - (4) Description of existing and proposed conditions;
  - (5) Existing and proposed zoning and land use at the site;

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- (6) Existing and proposed easements and utilities at the site;
  - (7) Existing and proposed topography (1-foot or 2-foot interval contours with additional spot grades as needed to depict detailed drainage patterns) at the site;
  - (8) Existing and proposed hydrology, watershed name, watershed boundaries, drainage area, and stormwater flow paths;
  - (9) Existing and proposed stormwater conveyances, impoundments, and wetlands into which stormwater flows at and adjacent to the site;
  - (10) Existing and proposed 100-year flood plain, if applicable;
  - (11) Estimated high groundwater elevation (November to April) as determined via completion of representative test pits or other geological investigations in areas to be used for stormwater retention, detention, or infiltration;
  - (12) Description of subsurface conditions in areas to be used for stormwater retention, detention, or infiltration;
  - (13) Plans, drawings, and descriptions of proposed drainage system and all components including:
    - (a) Locations, cross sections, and profiles of all stormwater conveyances such as drainage swales and their method of stabilization;
    - (b) All measures for the detention, retention, and/or infiltration of stormwater;
    - (c) All measures for the protection of water quality;
    - (d) The structural details and sizing for all components of the proposed drainage systems and stormwater management facilities;
    - (e) Notes on drawings specifying materials to be used, construction specifications, and typical details and cross-sections;
    - (f) Analysis of existing and proposed hydrology with supporting calculations;
    - (g) Calculations supporting the estimate of stormwater treatment performance;
    - (h) Calculations supporting the design of infiltration practices, including design infiltration rates, estimated dewatering times, and mounding analyses, where applicable;
  - (14) Stormwater runoff shall be calculated using latest Northeast Regional Climate Center (NRCC) extreme precipitation amounts for recurrence intervals (storm events) 2-, 10-, 25-, 50- and 100-year frequencies;
  - (15) An Erosion and Sediment Control Plan as detailed in Section 8.0;
  - (16) An Operation and Maintenance Plan as detailed in Section 9.0;
  - (17) Documents must be stamped and certified by a qualified licensed P.E.; and,
  - (18) Any other information requested by the Reviewing Agent.
- 7.3. Stormwater Management Standards. Projects shall meet the following standards:
- (1) No new stormwater conveyances (e.g., outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or Waters of the Commonwealth of Massachusetts.
  - (2) Low Impact Development (LID) site planning and design strategies must be implemented unless infeasible in order to reduce the discharge of stormwater from development sites;

- (3) Stormwater management system design shall be consistent with, or more stringent than, the requirements of the 2008, or most current version, of the Massachusetts Stormwater Handbook;
- (4) Stormwater management systems on new development shall be designed to meet an average annual pollutant removal equivalent to 90% of the average annual load of Total Suspended Solids (TSS) related to the total post-construction impervious area on the site AND 60% of the average annual load of Total Phosphorus (TP) related to the total post-construction impervious surface area on the site.
  - (a) Average annual pollutant removal requirements in 7.3.(4) are achieved through one of the following methods:
    - i. Installing BMPs that meet the pollutant removal percentages based on calculations developed consistent with EPA Region 1's BMP Accounting and Tracking Tool (2016) or other BMP performance evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the planned or installed BMP performance, then any federally or State-approved BMP design guidance or performance standards (e.g., State stormwater handbooks and design guidance manuals) may be used to calculate BMP performance; or
    - ii. Retaining the volume of runoff equivalent to, or greater than, 1.0 inch multiplied by the total post-construction impervious surface area on the new development site; or
    - iii. Meeting a combination of retention and treatment that achieves the above standards; or
    - iv. Utilizing offsite mitigation that meets the above standards within the same USGS Hydrologic Unit Code (HUC)12 as the new development site.
- (5) Stormwater management systems on redevelopment sites shall be designed to meet an average annual pollutant removal equivalent to 80% of the average annual post-construction load of TSS related to the total post-construction impervious area on the site AND 50% of the average annual load of TP related to the total post-construction impervious surface area on the site.
  - (a) Average annual pollutant removal requirements in 7.3.(5) are achieved through one of the following methods:
    - i. Installing BMPs that meet the pollutant removal percentages based on calculations developed consistent with EPA Region 1's BMP Accounting and Tracking Tool (2016) or other BMP performance evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the planned or installed BMP performance, then any federally or State-approved BMP design guidance or performance standards (e.g., State stormwater handbooks and design guidance manuals) may be used to calculate BMP performance; or

- ii. Retaining the volume of runoff equivalent to, or greater than, 0.8 inches multiplied by the total post-construction impervious surface area on the redevelopment site; or
  - iii. Meeting a combination of retention and treatment that achieves the above standards; or
  - iv. Utilizing offsite mitigation that meets the above standards within the same USGS HUC12 as the redevelopment site.
- (6) 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 from part Section 7.3.(5). 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 requirements of Section 7.3.(5).

#### 8.0 Erosion and Sediment Control Plan

- 8.1. The Stormwater Management Permit Application shall include submittal of an Erosion and Sediment Control Plan to the Reviewing Agent. This Erosion and Sediment Control Plan shall contain sufficient information ~~for the Reviewing Agent or their designee~~ about the nature and purpose of the proposed development, pertinent conditions of the site and adjacent areas, proposed erosion and sedimentation controls, and proposed control for other wastes on construction sites such as demolition debris, litter, and sanitary wastes to ensure they are not discharged to the MS4, drainage system, or waters of the United States or Commonwealth of Massachusetts. The applicant shall submit such material as is necessary to show that the proposed development will comply with the design requirements as follows:
- (1) Minimize total area of disturbance;
  - (2) Sequence activities to minimize simultaneous areas of disturbance;
  - (3) Installing erosion and sediment controls prior to the commencement of any construction activity;
  - (4) Minimize soil erosion and control sedimentation during construction, provided that prevention of erosion is preferred over sedimentation control;
  - (5) Divert uncontaminated water around disturbed areas;
  - (6) Maximize infiltration and groundwater recharge;
  - (7) Install, inspect, and maintain all Erosion and Sediment Control measures in accordance with the manufacturer's specifications and good engineering practices;
  - (8) Prevent off-site transport of sediment and wastes;
  - (9) Protect all storm drain inlets and armor all newly constructed outlets;
  - (10) Protect and manage on and off-site material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project);

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- (11) Comply with applicable federal, state and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control;
  - (12) Institute interim and permanent stabilization measures, which shall be instituted on a disturbed area as soon as practicable but no more than fourteen (14) days after construction activity has temporarily or permanently ceased on that portion of the site;
  - (13) Properly manage on-site construction waste and materials;
  - (14) Stabilize construction site entrances and exits and prevent off-site vehicle tracking of sediments; and,
  - (15) Ensure that any stormwater BMP (for post-construction stormwater management) installed during construction will be protected from compaction, siltation, and erosion or will be restored or replaced such that the BMP will be capable of functioning as designed in accordance with these stormwater regulations.
- 8.2. The content of the Erosion and Sediment Control Plan shall contain the following information:
- (1) Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing this plan;
  - (2) Title, date, north arrow, names of abutters, scale, legend, and locus map;
  - (3) Location and description of natural features including:
    - (a) Watercourses and water bodies, wetland resource areas and all floodplain information, including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map, or as calculated by a qualified P.E. for areas not assessed on these maps;
    - (b) Existing vegetation including tree lines, canopy layer, shrub layer, and ground cover, and trees with a caliper twelve (12) inches or larger, noting specimen trees and forest communities; and,
    - (c) Habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife, and Certified Vernal Pools, and Priority Habitats of Rare Species within five hundred (500) feet of any construction activity.
  - (4) Lines of existing abutting streets showing drainage and driveway locations and curb cuts;
  - (5) Existing soils, volume and nature of imported soil materials;
  - (6) Topographical features including existing and proposed contours at intervals no greater than one (1) foot with spot elevations provided when needed;
  - (7) Surveyed property lines showing distances and monument locations, all existing and proposed easements, rights-of-way, and other encumbrances, the size of the entire parcel, and the delineation and number of square feet of the land area to be disturbed;
  - (8) Drainage patterns and approximate slopes anticipated after major grading activities;

- (9) Location and details of erosion and sediment control measures with a narrative of the construction sequence/phasing of the project, including both operation and maintenance for structural and non-structural measures, interim grading, and material stockpiling areas;
- (10) Path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable;
- (11) Location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures;
- (12) A description of construction and waste materials expected to be stored on-site. The Plan shall include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
- (13) A description of provisions for phasing the project where one acre of area or greater is to be altered or disturbed;
- (14) A description of how the project owner will inspect the site during the course of construction to monitor the management of stormwater in accordance with applicable town, state, and federal regulations;
- (15) Plans must be stamped and certified by a qualified licensed P.E. or a CPESC; and,
- (16) Such other information as is required by the Reviewing Agent.

#### 9.0 Operation and Maintenance Plan

9.1. The Stormwater Management Permit Application shall include a submittal of Operation and Maintenance Plan (O&M Plan) to the Reviewing Agent. This O&M Plan shall be designed to ensure compliance with the Stormwater Management Permit, these rules and regulations, 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 ~~Permit Granting Authority or Reviewing Agent Planning Board~~ shall make the final decision of what maintenance option is appropriate in a given situation. The Reviewing Agent ~~or their designee~~ will consider natural features, proximity of the site to MS4 infrastructure, proximity of the site to waterbodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this decision. The O&M Plan shall remain on file with the Reviewing Agent and shall be an ongoing requirement. The O&M Plan shall include:

- (1) Names, addresses, and telephone numbers of the owner(s) of all components of the system;
- (2) 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) A Maintenance Schedule that includes routine inspection along with routine and non-routine maintenance tasks for each BMP.
  - (d) A list of easements, if applicable, with the purpose and location of each.

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- (e) The signature(s) of the owner(s).
  - (f) Estimated operation and maintenance budget.
  - (g) The responsible party shall:
    - i. Maintain a log of all operation and maintenance activities for the last three years including inspections, repair, replacement, and disposal (the log shall indicate the type of material and the disposal location);
    - ii. Make this log available to the Reviewing Agent ~~or their designee~~ and the Commonwealth of Massachusetts upon request; and,
    - iii. Allow DEP and the Reviewing Agent ~~or their designee~~ to inspect each BMP to determine whether the responsible party is implementing the Operation and Maintenance Plan.
- (3) Stormwater Management Easement(s).
- (a) Stormwater management easements shall be provided by the property owner(s) as necessary for:
    - i. Access for facility inspections and maintenance;
    - ii. Preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event; and,
    - iii. Direct maintenance access by heavy equipment to structures requiring regular cleanout.
  - (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 [Permit Granting Authority](#) ~~Planning Board~~.
  - (d) Easements shall be recorded by the Owner with the Middlesex County Registry of Deeds or Land Registration Office (for registered land) prior to issuance of a Certificate of Completion.
- (4) Changes to Operation and Maintenance Plans.
- (a) The owner(s) of the stormwater management system must notify the Reviewing Agent of changes in ownership or assignment of financial responsibility.
  - (b) The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of these rules and regulations by mutual agreement of the Reviewing Agent 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 during future years.
- 9.2. Stormwater infrastructure shall be privately owned, inspected and maintained per the Operation and Maintenance procedures approved for the project. Inspection and maintenance logs shall be provided to the Reviewing Agent on a yearly basis by final day in June for the Town to use in preparation of its annual report to the US EPA as part of the NPDES MS4 Permit requirements.

- 9.3. The landowner or responsible party shall provide the Reviewing Agent an annual report prepared and stamped by a licensed P.E. documenting and certifying performance of required maintenance and providing an assessment of overall system performance.
- 9.4. The O&M Plan shall include procedures for using dedicated funds, establishing an escrow account, and/or developing a maintenance contract, if determined appropriate to ensure adequate long-term maintenance.
- 9.5. Stormwater Management operation and maintenance duties shall be recorded with the deed for each lot in a subdivision. The applicant may elect to setup a home owner's association (HOA) or other means to ensure all BMPs are inspected and maintained as required.
- 9.6. Long-term operators responsible for O&M Plan implementation shall submit an annual report to the Reviewing Agent documenting all inspection and maintenance completed on the stormwater system.

#### 10.0 Site Inspections and Final Reports

- 10.1. Pre-Construction Meeting. Prior to the commencement of any clearing, excavation, construction, or disturbance of land, the Applicant, the Applicant's technical representative, the general contractor, or any other person with authority to make changes to the project, shall meet with the Reviewing Agent to review the permitted Stormwater Management, Erosion and Sediment Control, and Operation and Maintenance Plans and their implementation.
- 10.2. Erosion and Sediment Control Inspections. The ~~permittee~~ [applicant or responsible party](#) shall conduct and document inspections of all erosion and sediment control measures no less than weekly or as specified in the Stormwater Management Permit, and prior to and following anticipated storm events. The purpose of such inspections is to determine the overall effectiveness of the erosion and sediment control plan, and the need for maintenance or additional control measures. The ~~applicant or responsible party~~ [permittee](#) shall submit monthly erosion and sediment control reports to the Reviewing Agent ~~or their designee~~ in a format approved by the Reviewing Agent.
- 10.3. Routine Inspections. Routine inspections shall be performed as follows:
  - (1) Initial Site Inspection: prior to approval of any permit/plan;
  - (2) Erosion and Sediment Control Inspection: to ensure erosion and sediment control measures are in place and stabilized, and to ensure erosion control practices are in accordance with the filed plan.
  - (3) Site Clearing has been substantially completed;
  - (4) Rough Grading has been substantially completed;
  - (5) Final Grading has been substantially completed;
  - (6) Bury Inspections: prior to backfilling of any underground drainage or stormwater structures.



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- (7) Close of the Construction Season;
- (8) Landscaping (permanent stabilization); and,
- (9) Final Inspection. After the stormwater management system has been constructed, and before any surety is released, the Applicant must submit a record as-built plan detailing the actual stormwater management system as installed. Such plans shall show compliance with the final approved plans by the Reviewing Agent. The Reviewing Agent ~~or their designee~~ 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/she shall so report to [Permit Granting Authority and Reviewing Agent Planning Board](#) which will issue a Certificate of Completion.

10.4. Inspector Qualifications. Inspections shall be performed by an independent third-party ~~licensed registered~~ P.E. or CPESC. Alternatively, inspections shall be performed by a qualified employee of the Town of Boxborough.

10.5. Final Reports. Upon completion of the work, the ~~permittee applicant~~ shall submit a report (including certified as-built construction plans) from a P.E. ~~or CPESC~~. As-built drawings shall be submitted no later than one year after completion of construction projects. The as-built drawings must depict all on site controls, both structural and non-structural, designed to manage the stormwater associated with the completed site (post-construction stormwater management). The report shall certify that all permitted construction, plans, and approved changes and modifications, were completed in accordance with the conditions of the approved Stormwater Management Permit. Any discrepancies should be noted in the report.

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

#### 11.0 Stormwater Management Plan for Single-Family or Duplex Residences Application

11.1. The Stormwater Management Plan for Single-Family or Duplex Residences Application shall consist of a submittal of a Stormwater Management Plan to the Reviewing Agent. This Stormwater Management Plan shall contain sufficient information for the Reviewing Agent ~~or their designee~~ to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater. The Stormwater Management Plan shall fully describe the project in drawings and narrative. It shall include, as a minimum, the following:

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- (1) Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan;
- (2) Project narrative of existing and proposed conditions as relevant to stormwater;
- (3) Existing and proposed easements and utilities at the site;
- (4) Existing and proposed topography (approximate 1-foot or 2-foot interval contours with additional spot grades as needed to depict detailed drainage patterns) at the site;
- (5) Existing and proposed drainage area, and stormwater flow paths;
- (6) Existing and proposed stormwater conveyances and wetlands into which stormwater flows at and adjacent to the site;
- (7) Existing and proposed 100-year flood plain, if applicable;
- (8) Estimated high groundwater elevation (November to April) in areas to be used for stormwater retention, detention, or infiltration;
- (9) Plans, drawings, and descriptions of proposed drainage system and all components including:
  - (a) Locations of all stormwater conveyances such as drainage swales and their method of stabilization;
  - (b) The structural details and sizing for all components of the proposed drainage systems and stormwater management facilities;
  - (c) Notes on drawings specifying materials to be used, construction specifications, and typical details and cross-sections;
  - (d) Calculations supporting the estimate of stormwater treatment performance and design of infiltration practices;
- (10) An Erosion and Sediment Control Plan as detailed below;
- (11) An Operation and Maintenance Plan as detailed below; and
- (12) Any other information requested by the Reviewing Agent.

11.2. Stormwater Management Standards. Projects shall meet the Massachusetts DEP Stormwater Management Standards as follows:

- (1) No new stormwater conveyances (e.g., outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or Waters of the Commonwealth of Massachusetts.
- (2) The design of treatment and infiltration practices should follow the guidance in Volume 2 of the Massachusetts Stormwater Handbook, as amended, or other federally or State approved BMP design guidance.
- (3) 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;

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- (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;
  - (g) Optimize stormwater BMPs for nitrogen and phosphorus removal to the maximum extent practicable; and
  - (h) Require that all stormwater management systems be designed to:
    - i. Retain the volume of runoff equivalent to, or greater than, one (1.0) inch multiplied by the total post-construction impervious surface area on the site AND/OR
    - ii. Remove 90% of the average annual load of Total Suspended Solids (TSS) generated from the total post-construction impervious area 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 performance standards (e.g., state stormwater handbooks and design guidance manuals) may be used to calculate BMP performance.
- (4) Stormwater management systems on redevelopment 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) Meet the pretreatment and structural best management practices requirements of Massachusetts Stormwater Standards 5 and 6;
  - (e) Optimize stormwater BMPs for nitrogen and phosphorus removal to the maximum extent practicable; and
  - (f) Require:
    - i. Retaining 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
    - ii. Removing 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. 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., state stormwater handbooks and design guidance manuals) may be used to calculate BMP performance.

- 11.3. The Stormwater Management Permit Application shall include submittal of an Erosion and Sediment Control Plan to the Reviewing Agent. The content of the Erosion and Sediment Control Plan shall contain the following information:
- (1) Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing this plan;
  - (2) Title, date, north arrow, scale, legend, and locus map;
  - (3) Location and description of natural features including:
  - (4) Watercourses and water bodies, wetland resource areas and all floodplain information, including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map; and,
  - (5) Existing vegetation including tree lines, canopy layer, shrub layer, and ground cover, and trees with a caliper twelve (12) inches or larger, noting specimen trees and forest communities;
  - (6) Lines of existing abutting streets showing drainage and driveway locations and curb cuts;
  - (7) Existing soils, volume and nature of imported soil materials;
  - (8) Topographical features including existing and proposed contours at intervals no greater than one (1) feet with spot elevations provided when needed;
  - (9) Approximate property lines, all existing and proposed easements, rights-of-way, and other encumbrances, the size of the entire parcel, and the delineation and number of square feet of the land area to be disturbed;
  - (10) Surveyed property lines, if determined necessary by the Reviewing Agent;
  - (11) Drainage patterns and approximate slopes anticipated after major grading activities;
  - (12) Location and details of erosion and sediment control measures with a narrative of the construction sequence/phasing of the project, including both operation and maintenance for structural and non-structural measures, interim grading, and material stockpiling areas; and
  - (13) Such other information as is required by the Reviewing Agent.
- 11.4. Operation and Maintenance Plan. The Stormwater Management Permit Application shall include a submittal of Operation and Maintenance Plan (O&M Plan) to the Reviewing Agent. The Reviewing Agent shall make the final decision of what maintenance option is appropriate in a given situation. The Reviewing Agent ~~or their designee~~ will consider natural features, proximity of the site to MS4 infrastructure, proximity of the site to waterbodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this decision. The O&M Plan shall include:
- (1) The name(s) of the owner(s) of all components of the system;

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- (2) A Maintenance Schedule that includes routine inspection along with routine and non-routine maintenance tasks for each BMP.
- 11.5. Ongoing Maintenance. The property owner shall provide the Reviewing Agent an annual report documenting and certifying performance of required maintenance and providing an assessment of overall system performance Stormwater Management operation and maintenance. Duties shall be recorded with the deed for each lot in a subdivision. Maintenance requirements shall be required by all future owners in the event of lot transfer.
  - 11.6. Site Inspections and Final Reports. The responsible party shall provide a description and schedule of how and when the project owner or authorized additional party will inspect the site during the course of construction to monitor the management of stormwater in accordance with applicable town, state, and federal regulations.
  - 11.7. ~~Permittee~~ Erosion and Sediment Control Inspections. The schedule shall be subject to approval by the Reviewing Agent, however may include documenting inspections of all erosion and sediment control measures no less than weekly, and prior to and following anticipated events:
    - (1) Initial Site Inspection: prior to approval of any permit/plan;
    - (2) Erosion and Sediment Control Inspection: to ensure erosion and sediment control measures are in place and stabilized, and to ensure erosion control practices are in accordance with the filed plan.
    - (3) Site Clearing has been substantially completed;
    - (4) Rough and Final Grading has been substantially completed;
  - 11.8. Inspector Qualifications. Inspections shall be performed by the homeowner or an independent third-party licensed P.E. or CPESC. Alternatively, inspections shall be performed by a qualified employee of the Town of Boxborough. If done by the homeowner, the homeowner is responsible for ensuring that inspections are conducted and that any repairs needed are conducted promptly and adequately to meet these Regulations. Failure to do so may subject the homeowner to the enforcement actions outlined under the Construction and Post-Construction Stormwater Bylaw.
  - 11.9. Final Reports. Upon completion of the work, the ~~permittee~~ applicant shall submit as-built construction plans no later than one year after completion of construction projects. The as-built drawings must depict all on site controls, both structural and non-structural, designed to manage the stormwater associated with the completed site (post-construction stormwater management). The report shall certify that all permitted construction, plans, and approved changes and modifications, were completed in accordance with the conditions of the approved Stormwater Management Permit. Any discrepancies should be noted in the report.

## 12.0 Certification of Completion

The ~~Planning Board~~Planning Board or its Reviewing Agent will issue a letter certifying completion of the project upon receipt and approval of the final inspection reports from the Applicant and/or upon otherwise determining that all work of the Stormwater Management Permit has been satisfactorily completed in conformance with these rules and regulations. The ~~Planning Board~~Permit Granting Authority or Reviewing Agent may, in addition to certifying satisfactory completion of the project, require ongoing maintenance procedures as outlined O&M Plan and/or work deemed necessary by the Permit Granting Authority or Reviewing Agent~~Planning Board~~.

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