Town of Maynard

Stormwater Management Regulations

Amended June 8th, 2021

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Town of Maynard

Stormwater Management Regulations

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Section 1. Purpose

The purpose of these Stormwater Regulations is to protect, maintain and enhance public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased runoff, decreased ground water recharge, erosion and sediment, and nonpoint source pollution associated with new development and redevelopment of land, pursuant to the Town of Maynard's Stormwater Management Bylaw.

Development of land including loss of vegetative cover to create impervious surfaces, regrading, and other land use changes, permanently alters the hydrologic system of local watersheds by decreasing transpiration and infiltration, and increasing stormwater runoff rates and volumes, causing an increase in flooding, stream channel erosion, sediment transport and deposition, and water quality degradation. This additional runoff contributes to increased nonpoint source pollution and degradation of receiving waters.

Stormwater management systems that are properly designed utilizing low impact design (LID) and green infrastructure (GI) techniques and appropriate best management practices (BMPs) can better simulate the natural hydrologic condition and reduce adverse impacts.

During the construction process, soil is often exposed for periods of time and most vulnerable to erosion by wind and water. The eroded soil endangers water resources by reducing water quality and causing the siltation of valuable wetland resources including swamps, streams, rivers, lakes and aquatic habitat for fish and other desirable species.

The impacts of construction and post-development stormwater runoff quantity and quality can adversely affect public safety, public and private property, surface drinking water supplies, groundwater resources including drinking water supplies, recreation, aquatic habitats, fish and other aquatic life, property values and other uses of lands and waters.

These Stormwater Regulations (Regulations) have been developed to provide reasonable guidance for the regulation of project design, construction, and post-development stormwater runoff for the purpose of protecting local water resources from degradation. It is in the public interest to regulate construction and post-development stormwater runoff discharges to control and minimize increases in stormwater runoff rates and volumes, soil erosion and sedimentation, stream channel erosion, and nonpoint source pollution associated with construction site and post-development stormwater runoff.

Section 2. Definitions

ABUTTER: The owner(s) of land adjacent to regulated activity.

ALTERATION OF DRAINAGE CHARACTERISTICS: Any activity on an area of land that changes the water quality, force, direction, timing, or location of runoff flowing from the area. Such changes include change from distributed runoff to confined or discrete discharge, change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

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.

AS-BUILT DRAWING: Drawings developed following project completion that depict all

applicable site drainage features and controls designed to manage stormwater—both structural and non-structural, consistent with the approved Stormwater Management Plans and Permit.

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

CERTIFICATE OF COMPLETION (COC): A document issued by the Commission after all construction activities have been completed, which states that all or certain conditions of an issued Stormwater Management Permit have been met and that a project has been completed in compliance with the conditions set forth in the permit. A Certificate of Completion does not release a project from those conditions set in perpetuity.

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.

CLEARING: Any activity that removes the vegetative surface cover.

CONSERVATION COMMISSION (COMMISSION): The Town of Maynard Conservation Commission, its employees, or authorized agents designated to enforce these regulations.

CONSTRUCTION AND WASTE 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.

DEP STORMWATER STANDARDS: The set of stormwater regulations promulgated by the Massachusetts Department of Environmental Protection which are used to protect Wetland Resource Areas from problems created by changes in stormwater characteristics.

DEVELOPMENT: Any alteration, construction, disturbance, improvement or modification of land or structures to accommodate a use, expansion of use, or redevelopment on a site.

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 from any source.

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

ENFORCEMENT ORDER: A written order issued by the Commission to enforce the provisions of these regulations.

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.

EROSION AND SEDIMENT CONTROL PLAN: A document containing narrative, drawings and details developed by a qualified professional engineer (PE) 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.

EROSION CONTROL: The prevention or reduction of the movement of soil particles or rock fragments due to stormwater runoff.

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

GROUNDWATER: Water beneath the surface of the ground.

GRUBBING: The act of clearing land surface by digging up roots and stumps.

HAZARDOUS MATERIAL: Any material which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as "toxic" or "hazardous" under MGL c. 21C and c. 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

ILLICIT DISCHARGE: Direct or indirect discharge to the municipal storm drain system or into a watercourse or the waters of the Commonwealth that is not composed entirely of stormwater, except as exempted in Chapter 33: Storm Drain System of the Maynard Town Bylaws.

IMPERVIOUS SURFACE: Any material or structure that either prevents or retards the entry of water into the underlying soil or causes water to runoff in greater quantities or at an increased rate of flow. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots, storage areas, concrete or asphalt paving, and gravel or dense-graded crushed stone areas.

IMPOUNDMENT: A stormwater pond created by either constructing an embankment or excavating a pit which retains a permanent pool of water.

INFILTRATION: The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.

LAND-DISTURBING ACTIVITY: Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material; results in an increased amount of runoff or pollutants; measurably changes the ability of a ground surface to absorb waters; involves clearing and grading; or results in an Alteration of Drainage Characteristics.

LOW IMPACT DEVELOPMENT (LID): An approach to environmentally friendly land use planning and stormwater management that includes a suite of landscaping and design techniques that attempt to maintain the natural, pre-developed ability of a site to manage rainfall. LID techniques typically preserve natural drainage characteristics and/or capture water on site, filter it through vegetation, and let it soak into the ground where it can recharge the local water table rather than becoming surface runoff.

LAND USE WITH HIGHER POTENTIAL POLLUTANT LOAD: Land uses such as auto salvage yards, auto fueling facilities, exterior fleet storage yards, vehicle service and equipment cleaning areas, commercial parking lots with high intensity use, road salt storage areas, outdoor storage and loading areas of hazardous substances, confined disposal facilities and disposal sites, marinas, boat yards or other uses as identified by the Massachusetts Stormwater Handbook.

MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS: The performance standards as further defined by the Massachusetts Stormwater Handbook, issued by the Department of Environmental Protection, and as amended, that coordinate the requirements prescribed by state regulations promulgated 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 to prevent or reduce pollutants from reaching water bodies and control the quantity of runoff from a site.

MAXIMUM EXTENT PRACTICABLE (MEP): Refers to the extent of efforts to comply with local post-construction stormwater management requirements. Elements of MEP indicate serious intent to modify or limit the extent of development and implement all practical technology and design elements to comply with these requirements while accounting for site constraints. Maximum extent practicable is defined as the following:

- Proponents of Redevelopment projects have made all reasonable efforts to meet the applicable Massachusetts Stormwater Management Standards;
- They have demonstrated in writing that all practical stormwater management measures have been considered including low impact site design measures to minimize land disturbance and impervious surfaces and stormwater best management practices (BMPs); and,
- If not in full compliance with the applicable Standards, they are implementing the highest practicable level of stormwater management including offsite mitigation alternatives for Redevelopment projects.

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 layout with a drainage system; pavement; gutter; curb; inlet; piped storm drain; pumping facility; retention or detention basin; natural, man-made, or altered drainage channel; reservoir; and other drainage structure(s) that together, comprise a storm drainage system owned or operated by the Town of Maynard or the Commonwealth of Massachusetts.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT: A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

NATURAL HERITAGE AND ENDANGERED SPECIES PROGRAM (NHESP): Program responsible for the conservation and protection of hundreds of species that are not hunted, fished, trapped, or commercially harvested in the State, as well as the protection of the natural communities that make up their habitats.

NEW DEVELOPMENT: Any construction activities of land alteration resulting in total earth disturbance equal to or greater than 10,000 square feet (or activities that are part of a larger common plan of development disturbing greater than 10,000 square feet) on an area that has not previously been developed to include impervious cover.

NONPOINT SOURCE POLLUTION: Pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and man-made pollutants finally depositing them into a water resource area.

OFF-SITE COMPLIANCE: An approach whereby pollutant removal practices are implemented at redevelopment or retrofit sites at another location, as approved by the Commission.

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

OUTFALL: The point at which stormwater flows out from a point source into Waters of the

Commonwealth.

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 or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

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

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 nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include without limitation, but are not limited to:

- paints, varnishes, and solvents;
- oil and other automotive fluids;
- non-hazardous liquid and solid wastes and yard wastes;
- refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- pesticides, herbicides, and fertilizers;
- hazardous materials and wastes; sewage, fecal coliform and pathogens;
- dissolved and particulate metals;
- animal wastes;
- rock, sand, salt, soils;
- construction wastes and residues; and
- noxious or offensive matter of any kind.

PRIORITY HABITAT: Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act and its regulations.

RECHARGE: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

REDEVELOPMENT: Any construction, land disturbance, demolition or expansion of impervious surfaces resulting in total earth disturbances equal to or greater than 10,000 square feet (or activities that are part of a larger common plan of development disturbing greater than 10,000 square feet) that does not meet the definition of new development. 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) are *not* considered Redevelopment.

RETAIN: To collect and hold stormwater runoff such that stormwater infiltrates into underlying soils, evaporates, or can be reused.

RUNOFF: A term used to describe the water from rain, snowmelt, or irrigation that flows over the

land surface and is not absorbed into the ground, instead flowing into streams or other surface waters or land depressions.

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

SEDIMENTATION: The process or act of deposition of sediment.

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

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

SOIL: Any earth, sand, rock, gravel, or similar material.

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

STORMWATER AUTHORITY: The Maynard Conservation Commission (the Commission) or its authorized agent(s).

STORMWATER: Water that accumulates or flows along the land surface and is generated solely by precipitation or snowmelt.

STORMWATER MANAGEMENT PERMIT: The written approval granted by the Commission to undertake a construction or land-disturbing activity pursuant to a Stormwater Management Permit Application.

STORMWATER MANAGEMENT PLAN: A document containing narrative, drawings, details, and reporting requirements developed by a qualified professional engineer (PE), which describes structural and non-structural best management practices designed to control the discharge of pollutants from impervious surfaces and onsite activities as well as the volume and peak rate of surface runoff from a site on an ongoing basis after construction has been completed.

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

TOTAL PHOSPHORUS (TP): Undissolved and dissolved phosphorus in water.

TOTAL SUSPENDED SOLIDS (TSS): Undissolved organic or inorganic particles in water.

UNDEVELOPED VACANT LOT: A designated parcel that has not been previously developed.

VERNAL POOLS: Temporary bodies of freshwater which provide critical habitat for several vertebrate and invertebrate wildlife species.

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

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

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

Section 3. Authority

A. The Stormwater Regulations have been adopted by the Commission in accordance with the Maynard Stormwater Management Bylaw.

B. The Commission may periodically amend these regulations pursuant to Section 4. Administration of the Stormwater Bylaw and other relevant provisions of the General Bylaws of Maynard.

C. Nothing in these Regulations is intended to replace or be in derogation of other Town Bylaws or Regulations adopted thereunder.

Section 4. Applicability

A. Applicability. These regulations shall be applicable to any of the following activities:

1. Any activity that results in a land disturbance greater than 10,000 square feet.

2. Any development project that:

   a. Requires a Special Permit and/or Site Plan Review under the Maynard Zoning Bylaw; or

   b. Requires approval of a definitive plan under the Massachusetts Subdivision Control Law.

3. Any activity that disturbs less than 10,000 square feet if:

   a. The activity is part of a larger common plan of alteration or development that will disturb more than 10,000 square feet; or

   b. The new activity will result in a cumulative disturbance of more than 10,000 square feet since the effective date of this Bylaw, to land that is part of a larger parcel held in common ownership or control at any time since said date. For the purposes of this Section, ownership by related or jointly controlled persons or entities shall be considered common ownership. In such cases, the new activity is prohibited until either:

      1. All activities that previously disturbed land as described in this Section are brought into full compliance with the requirements and standards of these regulations, or

      2. The Application for a Permit under these regulations for the new activity includes bringing the land previously disturbed into full compliance with requirements and standards of this Bylaw. If the involved land is not currently in common ownership, all owners of the involved land must jointly apply for the permit.

4. Any undeveloped vacant lots, where any activity results in the Alteration of Drainage Characteristics, including, but not limited to, construction of buildings and the creation of impervious surface.

B. Interpretation: In determining Applicability, the following factors shall also be

adhered to:

1. A development or alteration of land shall not be segmented or phased in a manner to avoid compliance with these regulations.

2. Alteration of the municipal separate storm sewer system (MS4): No person shall modify or remove any part of the MS4 including surface drainage or piping that crosses private property if it serves the public as part of the drainage system without prior approval of the Commission and the Maynard Department of Public Works.

C. Permits and Exemptions. No person shall alter land within the Town of Maynard meeting the applicability of these regulations without having obtained a Stormwater Management Permit, except as follows:

1. Any work or projects for which all necessary approvals and permits have been issued before the effective date of these Regulations;

2. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act, MGL c. 131, § 40, and its implementing regulations at 310 CMR 10.04;

3. Normal maintenance of existing landscaping, gardens, or lawn areas;

4. The construction, reconstruction, or repair of any fence or wall that will not alter the existing terrain or drainage patterns;

5. Emergency repairs to any stormwater management facility or practice that poses a threat to public safety or health, or as deemed necessary by the Commission.

6. Repair or replacement of an existing septic system.

7. Construction of utilities (gas, water, electric, telephone, etc.) other than stormwater facilities, which will not alter terrain, ground cover, or drainage patterns, provided the work is performed in compliance with the Federal Clean Water Act, NPDES requirements and other applicable federal, state and local laws.

8. Customary cemetery management within the limits of the existing improved cemetery grounds. This does not include cemetery expansion into undeveloped area.

9. Projects requiring a Special Permit from the Planning Board where no site changes are proposed, such as for projects that only propose to change building façade or signage.

Section 5. Administration

A. The Conservation Commission is designated as the Stormwater Authority under the Maynard Stormwater Management Bylaw and shall administer, implement and enforce these regulations. Any powers granted to, or duties imposed upon the Commission

may be delegated in writing by the Commission to its employees or agents.

B. The Commission may amend rules and regulations after holding a public hearing. Notice of the time, place and subject matter shall be published in a newspaper of general circulation in Maynard once, not less than 14 days before the day of such a hearing.

Section 6. Waivers

A. The Commission may waive strict compliance with any requirement of these regulations, where such action is:

1. allowed by federal, state and local statutes and/or regulations;

2. in the public interest; and

3. not inconsistent with the purpose and intent of the Stormwater Management Bylaw.

B. Any Applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of these regulations does not further the purposes or objectives of these regulations. The Commission may require documentation to be submitted and stamped by a Professional Engineer or Certified Professional in Erosion and Sediment Control.

C. All waiver requests shall be discussed and voted on at a public hearing for the project.

D. If in the Commission's opinion, additional time or information is required for review of a waiver request, the Commission may continue a hearing to a date certain announced at the meeting. In the event the Applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

Section 7. Stormwater Management Permit, Procedure, and Enforcement

A. Permit Required. A Stormwater Management Permit must be obtained prior to the commencement of any land disturbing activity that may result in the disturbance of an area of more than 10,000 square feet, or activities that are part of a larger common plan of development that will disturb greater than 10,000 square feet. A Stormwater Management Permit must be obtained prior to applying for a building permit. The Stormwater Management Permit public hearing process may occur in tandem with the Planning Board's permitting processes.

B. Application. A completed Application for a Stormwater Management Permit shall be filed with the Commission. The Stormwater Management Permit Application package shall include one (1) digital copy and three (3) hard copies of each of the following:

1. A completed Application Form with original signatures of all property owners;

2. A list of abutters within 100 feet of the property, certified by the Maynard Assessors Office;

3. Completed Abutter Notification Form(s);

4. Stormwater Management Plan (see Section 8);

5. Erosion and Sediment Control Plan (see Section 9);

6. Operation and Maintenance Plan (see Section 10); and

7. Payment of the Application and Peer Review fees.

C. Fee Structure. Applicants shall pay fees as determined by the Commission sufficient to cover any expenses connected with the public hearing and review of the Stormwater Management Permit Application before the review process commences.

1. Each Application must be accompanied by a fee payable to the Town of Maynard. Applications submitted without payment will not be considered complete.

2. Application fees are as follows:

Activity Type	Fee Amount
Single to Two Family Application	$100.00
Application for Residential Subdivision, Multifamily Development, or Commercial Property	$300.00
Application for any project that will disturb an area greater than three (3) acres	$500.00
Certificate of Completion for Single to Two Family Application	$50.00
Certificate of Completion for Residential Subdivision, Multifamily Development, or Commercial Property	$100.00
Permit Extension	$50.00
Determination of Major/Minor Modification	$50.00
Peer Review Deposit (if deemed necessary by Staff)	$3,000.00

3. The Commission may, at the Applicant's expense, retain a licensed Professional Engineer or other professional consultant to advise the Commission on any or all aspects of the Application. Failure to pay outstanding peer review invoices prior to a scheduled public hearing may result in the continuance of the hearing to a date certain.

4. The Applicant shall be responsible for the cost of legal ads. It is the Applicant's responsibility to notify abutters and provide evidence of notification prior to the public hearing.

5. Projects requiring an Order of Conditions per the Wetlands Protection Act and/or the Maynard Wetlands Bylaw and Regulations that meet the applicability of a Stormwater Permit are not exempt from the aforementioned Application Fees. Applicants shall pay Stormwater Application Fees along with all Wetlands Filing fees.

D. Other Entities. The Commission shall provide one copy of the Application package to the Department of Public Works.

E. Information Requests. The Applicant shall submit all additional information requested by the Commission to issue a decision on the Application.

F. Determination of Completeness. The Commission shall make a determination as to the completeness of the Application and adequacy of the materials submitted. No review shall take place until the Application is determined complete.

G. Entry. Filing an Application for a Stormwater Management Permit grants the Commission, or its agent, permission to enter the site to verify the information in the Application and to inspect for compliance with Permit conditions.

H. Public Hearing.

1. The Commission shall hold a public hearing within twenty-one (21) days of the receipt of a complete Application and shall take final action within twenty-one (21) days from the time of the close of the hearing unless such time is extended by agreement between the Applicant and Commission.

2. Notice of the public hearing shall be by publication, posting and by first-class mailings to abutters at least seven (7) days prior to the hearing.

3. The Commission shall schedule a public hearing in a local newspaper at least 14 days prior to the hearing date. The newspaper will send a bill to the applicant for payment.

4. The Commission shall make the Application available for inspection by the public during business hours.

5. Failure of the Commission to take final action upon an Application within the time specified above, unless an extension is permitted by the Applicant in writing, shall be deemed to be an approval of said Application. Upon certification by the Town Clerk that the allowed time has passed without Commission action, the Commission must issue a Stormwater Management Permit.

I. Action by the Commission. The Commission may:

1. Approve the Stormwater Management Permit Application and issue a Permit if it finds that the proposed plan will protect water resources, not

cause or contribute to a violation of State Water Quality Standards, and meets the objectives and requirements of the Maynard Stormwater Management Bylaw and related Regulations;

2. Approve the Stormwater Management Permit Application and issue a Permit with conditions, modifications, or restrictions that Commission determines are required to ensure that the project will protect water resources and meets the objectives and requirements of the Maynard Stormwater Management Bylaw and related Regulations;

3. Disapprove the Stormwater Management Permit Application and deny the Permit if it finds that the proposed plan will not protect water resources or fails to meet the objectives and requirements of the Maynard Stormwater Management Bylaw and related Regulations; or

4. Disapprove the Stormwater Management Permit Application "without prejudice" where an Applicant fails to provide requested additional information or review fees that in the Commission's opinion are needed to adequately describe or review the proposed project.

J. Term. A Stormwater Management Permit is valid for three (3) years unless another term limit is specified.

K. Permit Extension. Prior to the expiration of the Permit, the Applicant may request an extension to the Stormwater Management Permit. The date can be no more than three (3) years from the expiration date of the original Stormwater Management Permit. Only unexpired Stormwater Management Permits may be extended. The Permit Extension must be recorded at the Registry of Deeds, with proof provided to the Commission.

L. Final Approval. Final approval, if granted, shall be endorsed on the Stormwater Management Permit by the signature of the majority of the Commission (or by the signature of the person officially authorized by the Commission).

M. Plan Changes. The Applicant, or their agent, must notify the Commission in writing of any changes or alterations in the project authorized in a Stormwater Management Permit before any change or alteration is made. If the Commission determines that the change or alteration is significant, based on the design requirements listed in Section 8.E and accepted construction practices, the Commission may require an amended Stormwater Management Permit Application and a public hearing. If any change or alteration from the Stormwater Management Permit occurs during any land disturbing activities, the Commission may require the installation of interim erosion and sediment control measures before approving the change or alteration.

N. Enforcement. The Commission or its designated agent shall enforce these regulations, orders, violations notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

1. Civil Relief. If a person violates the provisions of these regulations, a Stormwater Management Permit, notices, or Orders issued thereunder, the Commission 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.

2. Enforcement Orders. The Commission may issue a written order to enforce the provisions of these regulations, which may include requirements to:

    a. Cease and desist from construction or land disturbing activity until there is compliance with these regulations and the Stormwater Management Permit;

    b. Repair, maintain, or replace the stormwater management system or portions thereof in accordance with the operation and maintenance plan;

    c. Maintain, install or perform additional erosion and sediment control measures;

    d. Perform monitoring, analyses, and reporting;

    e. Remediate adverse impact resulting directly or indirectly from malfunction of the stormwater management system or erosion and sediment control system;

    f. Eliminate illicit connections and/or discharges to the MS4;

    g. Cease and desist from unlawful discharges, practices, or operations; and/or,

    h. Remediate contamination in connection therewith.

    If the Commission 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 Maynard may, at its option, undertake such work, and the property owner shall reimburse the Town's expenses.

    Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the Town of Maynard, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Commission

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 Commission affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57, after the thirty-first day at which the costs first become due.

Section 8. Stormwater Management Plan

A. The Application for a Stormwater Management Permit shall include a Stormwater Management Plan. The Stormwater Management Plan shall contain sufficient information for the Commission to evaluate the environmental impact, effectiveness, and acceptability of the site planning process and the measures proposed by the Applicant to reduce adverse impacts from stormwater runoff during construction, and post-construction in the long-term.

B. The Stormwater Management Plan shall fully describe the project in narrative, drawings, and calculations, meeting performance standards (Section 8.C) and design standards (Section 8.D) outlined below. It shall at a minimum include:

1. Contact Information. The name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the property or properties affected.

2. Narrative describing:

    a. Purpose of the proposed land disturbing activity;

    b. Methodologies and assumptions;

    c. Existing and proposed land uses and conditions;

    d. Existing and proposed site drainage;

    e. Existing and proposed stormwater conveyances, impoundments, and wetlands on or adjacent to the site;

    f. Floodplain impacts and elevations, if applicable;

    g. Estimated seasonal high groundwater elevation in areas to be used for stormwater retention, detention or infiltration;

    h. Project impacts and mitigation techniques including:

i. Summary of proposed land area to be cleared, proposed impervious area, work within proximity of regulated wetland resources, aquifer protection zones, earthwork within 4 feet of seasonal high groundwater elevations, and other sensitive environmental areas;

ii. Low Impact Development (LID) techniques considered for this project and an explanation as to why they were included or excluded from the project;

iii. Proposed stormwater best management practices;

iv. Identifying the immediate down gradient waterbody(s) that stormwater runoff from the project site discharges to, EPA's waterbody assessment and TMDL and/or impairment status of the waterbody(s), and the LIDs and BMPs included in the project to address the pollutant(s) of concern associated with the identified impairments;

i. Summary of pre- and post-development peak rates and volumes of stormwater runoff demonstrating no adverse impacts to down-gradient properties, stormwater management systems and wetland resources; and

j. Conclusions.

3. Plans

a. Portion of the USGS Map indicating the site locus and properties within a minimum of 500 feet of project property line;

b. Existing conditions and proposed design plans showing at least:

i. Location, size, material, inverts and details for all existing and proposed stormwater management system components including structures, pipes, swales, detention, retention, and infiltration systems and any other Low Impact Development techniques or BMPs;

ii. Buildings and/or structures and their low floor elevations;

iii. Impervious surfaces;

iv. Surface vegetation and other ground cover materials;

v. Regulated wetland resource areas on or adjacent to the site;

vi. Delineation of 100- and 500-year floodplain, if applicable;

vii. Profiles of drainage trunk lines; and

viii. Drainage easements.

c. Separate Pre- and Post- Construction Watershed Plans indicating:

i. Structures, pavements, surface vegetation and other ground cover materials;

ii. Contours at a one (1) foot intervals to delineate watershed areas;

iii. Point(s) of analysis;

iv. Watershed areas including upgradient areas that contribute stormwater flow onto the project site, labeled to be easily identified in calculations (total pre- and post-construction watershed areas should be equivalent);

v. Breakdown summary of various surface conditions by soil hydrologic group rating; and

vi. Flow path for time of concentration (Tc) calculation.

4. Calculations

a. Hydrologic calculation, including assumptions and methods, to determine pre- and post-construction peak rates and volumes of stormwater runoff for 2-, 10-, 100-year 24-hour storm events;

b. Groundwater recharge calculations and BMP drawdown (time to empty);

c. TSS and TP removal calculations (see Section 8.C.3);

d. Hydraulic calculations to size drainage pipes, swales and culverts;

e. If the project proposes to discharge to the Town's storm drain system, an assessment of the downstream storm drain flow capacity to accommodate the anticipated peak flow rates from the proposed project shall be provided; and

f. Supplemental calculations for sizing LID and BMPs and addressing impairments to water bodies.

5. Soil mapping and test data;

6. Massachusetts Department of Environmental Protection Checklist for Stormwater Report completed, stamped and signed by a Professional Engineer

(PE) licensed in the Commonwealth of Massachusetts to certify that the Stormwater Management Plan is in accordance with the criteria established in the Massachusetts Stormwater Management Standards (not all requirements of these Regulations are present in the Massachusetts Department of Environmental Protection Checklist for Stormwater Report); and

7. Any other information requested by the Stormwater Authority.

C. General Performance Standards for All Sites

1. Low Impact Development and Green Infrastructure site design strategies shall be utilized to preserve existing natural drainage and hydrologic features of the site, minimize the creation of impervious surfaces and manage stormwater in a decentralized fashion, to the maximum extent practicable.

2. BMP Performance. The selection, design and construction of all pre-treatment, treatment and infiltration BMPs shall be in accordance with Massachusetts Stormwater Handbook and shall be consistent with all elements of the Massachusetts Stormwater Standards including but not limited to those regarding new stormwater conveyances, peak runoff rates, recharge, land uses with higher potential pollutant loads, discharges to Zone II or interim wellhead protection areas, sediment and erosion control, and illicit discharges.

   Further, all stormwater management BMPs must be optimized for phosphorus removal, as the entire Town of Maynard drains to the Assabet River, which is impaired for excess phosphorus according to the Department of Environmental Protection's 2016 303(d) list.

3. Average Annual Pollutant Removal Requirements. Stormwater management systems for New Development projects shall be designed to meet an average annual pollutant removal equivalent to 90% of the average annual load of TSS related to the total post-construction impervious area on the site and 60% of the average annual load of TP related to the total post-construction impervious surface area on the site.

   Stormwater management systems for Redevelopment projects shall be designed to meet an average annual pollutant removal equivalent to 80% of the average annual 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.

   These requirements are to be achieved through one of the following methods:

   a. 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.)

b. Retaining, through a combination of infiltration, reuse, and/or evaporation, the volume of runoff equivalent to, or greater than, 1.0 inch multiplied by the total post-construction impervious surface area on a new development site, or 0.8 inch multiplied by the total post-construction impervious surface area on a redevelopment site.

c. Meeting a combination of retention and treatment that achieves the above standards.

d. If standards cannot be met on site, utilizing Off-Site Compliance, outlined in Section 8.E, to meet the above standards.

D. Stormwater Design Standards

1. Projects shall be designed to collect and dispose of stormwater runoff from the project site in accordance with Massachusetts Stormwater Management Standards, recognized engineering methodologies and these regulations with an emphasis to include Low Impact Development techniques in the design.

2. Projects shall manage surface runoff so that no increased flow is conveyed over public ways or land not owned or controlled by the Applicant unless an easement in proper form is obtained permitting such discharge.

3. Projects shall use Low Impact Development techniques to the Maximum Extent Practical where adequate soil, groundwater and topographic conditions allow. These may include but are not limited to reduction in impervious surfaces, disconnection of impervious surfaces, bioretention (rain gardens) and infiltration systems.

4. Projects shall use TR-55 and TR-20 methodologies to calculate peak rate and volume of runoff from pre-development to post-development conditions.

5. Stormwater management systems shall be designed to avoid disturbance of areas susceptible to erosion and sediment loss, avoiding, to the greatest extent practicable: the damaging of large forest stands; building on steep slopes (15% or greater); and disturbing land in wetland buffer zones and floodplains.

6. Watershed area for hydrologic analysis and BMP sizing calculations shall include, at a minimum, the site area and all upgradient areas from which stormwater runoff flows onto the site.

7. For purposes of computing runoff, all pervious lands in the site are assumed prior to development to be in "good hydrologic condition" regardless of the conditions existing at the time of the computation.

8. Length of sheet flow used for times of concentration shall be no more than 50 feet.

9. Utilize the NOAA Atlas 14 24-hour rainfall data.

10. Soils tests are to be conducted by a Licensed Professional Engineer or Massachusetts Soil Evaluator and performed at the location of all proposed LID techniques and BMPs, to identify soil descriptions, depth to estimated seasonal high groundwater, depth to bedrock, and soil texture.

11. The design infiltration rate shall be determined from an on-site soil texture analysis and published Rawls rates or saturated hydraulic conductivity tests.

12. Drainage pipes shall be sized to accommodate the 10-year storm event and maintain velocities between 2.5 and 10 feet per second using the Rational Method.

13. Drainage swales shall be sized to accommodate the 25-year storm event and velocities below 4 feet per second.

14. Culverts shall be sized to accommodate the 100-year storm event and designed with adequate erosion protection and in accordance with the latest edition of the Massachusetts Stream Crossing Handbook. An Applicant may request a waiver to reduce culvert sizing such that a culvert is sized to accommodate the 50-year storm but shall provide documentation demonstrating no adverse downstream impacts during the 100-year storm. Design stream crossing culverts in accordance with the latest addition of the Massachusetts Stream Crossing Handbook.

15. Stormwater basins shall be sized to accommodate the 2- and 10-year storm events with a minimum of one foot of freeboard. The 100-year storm event should also be analyzed to demonstrate no adverse downstream impacts.

16. All underground drainage structures shall be able to accommodate HS-20 loading.

17. Catch basin structures shall be spaced a maximum of 250 feet apart in roadways.

18. Catch basins adjacent to curbing shall be built with a granite curb inlet.

19. Catch basins in low points of road and on roads with profile grades greater than 5 percent shall be fitted with double grates (parallel with curb).

20. All drainpipes shall consist of reinforced concrete pipe or high density polyethylene pipe and have a minimum diameter of 12 inches.

21. Outfalls shall be designed to prevent erosion of soils, and with bars or grates (to prevent ingress) if diameter is 24 inches or larger.

22. Drainage easements are to provide sufficient access for maintenance and repairs of system components and should be at least 20 feet wide.

23. Minimize permanently dewatering soils by:

    a. Limiting grading within 4 feet of the estimated seasonal high groundwater elevation (ESHGW);

    b. Raising roadways to keep roadway section above ESHGW; and

    c. Setting bottom floor elevation of building(s) a minimum of 2 feet above ESHGW.

E. Off-Site Compliance. For Redevelopment projects where it is not technically feasible to treat 0.8 inch of runoff or meet the performance standards for on-site due to physical site restraints, the Applicant shall describe in writing why it is not technically feasible to do so and describe which on-site treatment BMPs were considered and why they were deemed not feasible. In lieu of requiring the Applicant to meet the standards identified in Section 8.C, the Commission may approve a Stormwater Management Plan that includes Off-Site Compliance meeting the following criteria:

1. Applicant has demonstrated to the satisfaction of the Commission that on-site compliance has been met to the maximum extent practicable.

2. Off-Site Compliance shall be provided for the volume of required runoff not retained or treated for phosphorous on-site.

3. The Off-Site Compliance project shall be located within Maynard and the same tributary to the maximum extent practicable. Under no circumstances shall the off-site mitigation be located outside the same USGS HUC12.

4. The Off-Site Compliance project shall be located in a priority area, identified by the Commission at its discretion, or in another area approved by the Commission.

5. The Off-Site Compliance project shall be designed and constructed in a manner consistent with the requirements of the Maynard Stormwater Management Bylaw and Regulations.

6. The Off-Site Compliance project shall remediate the impacts of existing impervious surface that is not expected to be the subject of redevelopment in the next five or more years.

7. Off-Site Compliance may require a separate Stormwater Management Permit covering the Off-Site Compliance project, the terms, and conditions of which, including ongoing operations and maintenance requirements, shall run with the land where the Off-Site Compliance is located.

    i. Construction of the Off-Site Compliance project shall commence within 12 months of Stormwater Management Permit issuance and shall be completed within 12 months of commencement.

F. Applicants shall submit as-built drawings 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 stormwater associated with the completed site.

Section 9. Erosion and Sediment Control Plan

A. The Erosion and Sediment Control Plan shall be designed to ensure compliance with these regulations and if applicable, the NPDES General Permit for Storm Water Discharges from Construction Activities.

B. If a project requires a Stormwater Pollution Prevention Plan (SWPPP) per the 2017 NPDES General Permit for Storm Water Discharges from Construction Activities (or as amended), then the Applicant is required to submit a complete copy of the SWPPP (including the signed Notice of Intent and approval letter). If the SWPPP meets the requirements of the General Permit, it will be considered equivalent to the Erosion and Sediment Control Plan described in this Section.

C. The Erosion and Sediment Control Plan shall remain on file with the Commission. Refer to the latest version of the Massachusetts Erosion and Sediment Control Guidelines for Urban & Suburban Areas for detailed guidance.

D. Erosion and Sediment Control Plan Content. The Plan shall contain the following information:

1. Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan;

2. Title of plans;

3. Date;

4. North arrow;

5. Names and locations of abutters;

6. Scale;

7. Legend;

8. Locus map;

9. Location and description of natural features including:

    a. Watercourses and water bodies, wetland resource areas and all floodplain information, including the 100-year and 500-year flood elevation based upon the most recent Flood Insurance Rate Map, or as calculated by a professional engineer for areas not assessed on these maps;

    b. Existing vegetation, including tree lines, canopy layer, shrub layer, and ground cover, and trees with an eight (8) inch diameter at breast height 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 within 500 feet of any construction activity.

10. Lines of existing abutting streets showing drainage and driveway locations and curb cuts;

11. Topographical features including existing and proposed contours at intervals no greater than 1 foot with spot elevations provided as needed;

12. 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;

13. Drainage patterns and approximate slopes anticipated after major grading activities (Construction Phase Grading Plans);

14. 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;

15. Path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable;

16. Location and description of industrial discharges, including stormwater discharges from dedicated asphalt plants and dedicated concrete plants, which are covered by this Permit;

17. Stormwater runoff calculations in accordance with the Department of Environmental Protection's Stormwater Management Regulations;

18. Location and description of, and implementation schedule for, temporary and permanent seeding, vegetative controls, and other stabilization measures;

19. 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;

20. A detailed description of project phases;

21. Plans must be stamped and certified by a qualified Professional Engineer (PE) registered in Massachusetts or a Certified Professional in Erosion and Sediment Control (CPESC); and

22. Any other information requested by the Commission.

E. Erosion Controls Design Standards. The Sediment and Erosion Control Plan shall be developed to comply with the MS4 and shall meet the following standards:

1. Minimize total area of disturbance;

2. Sequence activities to minimize simultaneous areas of disturbance;

3. Minimize peak rate of runoff in accordance with the Massachusetts Stormwater Policy;

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 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;

9. 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);

10. 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;

11. Prevent significant alteration of habitats mapped by the Massachusetts Natural Heritage and Endangered Species Program as Endangered, Threatened or Of

Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats from the proposed activities;

12. 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 waste materials on-site during construction using adequately sized and covered containers as well as adequate sanitary waste facilities;

14. Prevent off-site vehicle tracking of sediments;

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; and

16. Incorporate appropriate BMPs designed to comply with the Massachusetts Stormwater Handbook.

Section 10. Post-Construction Operation and Maintenance Plan

A. An Operation and Maintenance Plan (O&M Plan) is required at the time of application for all projects. The O&M Plan shall be designed to ensure compliance with the Stormwater Management Permit, these 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 Commission shall make the final decision of what maintenance option is appropriate in a given situation. When making this decision, the Commission will consider natural features, the proximity of the site to MS4s, water bodies and wetlands, the extent of impervious surfaces, size of the site, the types of stormwater management practices, and potential need for ongoing maintenance activities. The O&M Plan shall remain on file with the Commission and shall be an ongoing requirement. The O&M Plan shall include:

B. The Operation and Maintenance Plan shall include:

1. The name(s) of the owner(s) for all components of the system.

2. A map showing the location of the systems and facilities including all structural and nonstructural stormwater best management practices (BMPs), catch basins, manholes/access lids, pipes, and other stormwater devices.

3. Maintenance Agreement(s) that specifies:

    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. Estimated operation and maintenance budget;

d. An Inspection and Maintenance Schedule for all stormwater management facilities including routine and non-routine maintenance tasks to be performed.

e. Instructions for routine inspections and long-term operation and maintenance, which shall have sufficient detail for responsible parties to perform necessary maintenance activities and prevent actions that may adversely affect the performance of each structural and/or nonstructural stormwater BMP.

f. A list of easements with the purpose and location of each; and

g. The signature(s) of the owner(s) and all persons responsible for operation and maintenance, financing, and emergency repairs, as defined in the Maintenance Agreement, if maintenance is to be performed by an entity other than the owner.

C. Changes to Operation and Maintenance Plan.

1. The owner(s) of record of the Stormwater Management system must notify the Commission of changes in ownership, assignment of Operation and Maintenance responsibilities, or assignment of financial responsibility within 30 days of the change in ownership. The owner of record shall be responsible for Operation and Maintenance activities until a copy of the updated Operation and Maintenance Plan has been furnished to the Commission signed by the new owner or any new responsible person.

2. The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of these regulations by mutual agreement of the Commission 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 and/or maintenance responsibility.

D. Post-Construction Operations and Maintenance Compliance.

1. To ensure adequate long-term operation and maintenance of stormwater management practices, applicants are required to implement the following:

a. Submission by the Applicant of an annual certification documenting the work that has been done over the last 12 months to properly operate and maintain the stormwater control measures. The certification shall be signed by the person(s) or authorized agent of

the person(s) named in the Permit as being responsible for ongoing operation and management;

b. Recording of the Operation and Maintenance Plan at the Middlesex Registry of Deeds, which must take place prior to the issuance of a Certificate of Completion by the Commission, pursuant to Section 14.

Section 11. Inspection and Site Supervision

A. Pre-construction Meeting. Prior to the start of clearing, excavation, construction, or land disturbing activity, the applicant, the applicant's technical representative, the general contractor, or any other person with authority to make changes to the project, may be required to meet with the Commission, to review the approved plans and their proposed implementation. The need for a pre-construction meeting shall be determined by the Commission based on the project scope.

B. Commission Inspections. The Commission or its designated agent shall make inspections as herein required and shall either approve that portion of the work completed or shall notify the Applicant wherein the work fails to comply with the Stormwater Management Permit, as approved. The Stormwater Management Permit and associated Stormwater Management Plan, Erosion and Sediment Control Plan, and Operation and Maintenance Plan, bearing the signature of approval of the Commission, shall be maintained at the site during the progress of the work. To schedule required inspections with the Commission and/or its Agent, the Applicant shall notify the Commission at least two (2) working days before each of the following:

(1) Erosion and sediment control measures are in place and stabilized;

(2) Site Clearing has been substantially completed;

(3) Rough Grading has been substantially completed;

(4) Final Grading has been substantially completed;

(5) BMP construction has been substantially completed;

(6) Backfilling of any underground drainage or stormwater structures;

(7) Close of the Construction Season;

(8) Final Landscaping (permanent stabilization)

(9) Final project completion.

C. Applicant Inspections. The Applicant or his/her agent shall conduct and document inspections of all control measures no less than weekly or as specified in the Permit, and prior to and following anticipated storm events. The purpose of such

inspections will be to determine the overall effectiveness of the Erosion and Sediment Control Plan, and the need for maintenance or additional control measures as well as verifying compliance with the Stormwater Management Plan. The Applicant or his/her agent shall submit monthly reports to the Commission or designated agent in a format approved by the Commission.

Section 12. Surety

The Commission may require the Applicant to post before the start of land disturbance activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. Letters of Credit shall not be accepted. The form of the bond shall be approved by town counsel and be in an amount deemed sufficient by the Commission to ensure that the work will be completed in accordance with the Permit. If the project is phased, the Commission may release part of the bond as each phase is completed in compliance with the Permit but the bond may not be fully released until the Commission has received the final report as required by Section 13 and issued a certificate of completion pursuant to Section 14.

Section 13. Final Reports

Upon completion of the work, the Applicant shall submit a Request for Certificate of Completion form, and a report (including certified as-built construction plans, submitted in both pdf and CAD file format) from a Professional Engineer (P.E.), surveyor, or Certified Professional in Erosion and Sediment Control (CPESC), certifying that all permitted construction, plans, and approved changes and modifications, have been completed in accordance with the conditions of the approved Stormwater Management Permit.

Any discrepancies should be noted in the cover letter. If any 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, or in the Erosion and Sediment Control Plan it shall be corrected by the Applicant before the performance guarantee is released. The Applicant shall revise the O&M Plan based upon the final stormwater management system installed. If the Applicant fails to act, the Town of Maynard may use the surety bond to complete the work.

Section 14. Certificate of Completion

The Commission shall issue a letter certifying completion upon receipt and approval of the final reports and/or upon otherwise determining that all work has been conducted in conformance with these regulations and the Stormwater Management Permit conditions. The Certificate of Completion shall be recorded by the Applicant at the Middlesex Registry of Deeds and proof of such recording shall be supplied to the Commission.