

Part III. Summary of Minimum Control Measures

BMP ID # Public Education and Outreach	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 15 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year Covering: April 1, 2018 to March 31, 2019
1-1	Make Brochures Available at DPW, Town Hall and Public Libraries	DPW and Community Development Director	Assess existing brochures and identify data gaps.	EPA Brochures are posted to the town's website and are made available at the following Dracut locations (See Appendices A & D): ■ Conservation office. (Town Hall) ■ Recreation office. (Town Hall) ■ Public library. ■ Public Works office. ■ Community Development Department (Town Hall) Maintained stormwater information on the Town's website. Revised stormwater brochures to reflect new MS4 requirements.	Continue to distribute brochures that are currently in use, update brochures as needed and evaluate additional avenues for educating the public. Update and improve stormwater information on the Town's website. Hold workshops on stormwater issues as well as illicit discharge general bylaw, stormwater mitigation measures, such as how to construct a rain garden, use of rain barrels and other similar topics See Appendix.

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I-Ic	Public outreach regarding preventing stormwater pollution	DPW, Engineering Department, Community Development Department and Board of Health	Providing stormwater pollution prevention information to the public.	Articles about the importance of preventing stormwater pollution and using resources wisely has been added to and updated on the town's website. (See Appendix)	Continue to provide the public with information about stormwater prevention. Work with the Planning Board on developing Low Impact Development (LID) regulations to be used town-wide (See Appendix)
1-2	Annual update of Stormwater Management Plan	DPW	Update of the SWMP	Annual update of the SWMP, prepared by the Department of Public Works.	A yearly update of the SWMP will be presented at Selectman's meetings and will be made available to the public via the Town's local cable access channel as well as the Town's website.

BMP ID # Public Involvement And Participation	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 15 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year Covering: April 1, 2018 to March 31, 2019
2-3	Public awareness of stormwater issues, with an education program on raingarden systems and stormwater stenciling	Community Development, Public Works and Engineering Departments	Public presentations were made in March and April 2017 to the Board of Selectmen. These meetings were taped for cable access. Town meeting presentation was June 5, 2017.	This continues the effort made for the first several years of the stormwater management program, where catch basins were stenciled in years 2-5. A public presentation was made on May 4, 2017 at 7pm at Harmony Hall on stormwater awareness and the Town's proposed Stormwater and Erosion Control Bylaw.	Catch basins will be stenciled as needed next year. We'd also like to have a public hearing on storm water and have a rain garden tutorial for those interested in installing one.
BMP ID # Illicit Discharge Detection and Elimination	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 15 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year Covering: April 1, 2018 to March 31, 2019
3-1	Map Stormwater outfalls and receiving waters	DPW and Engineering Departments	A GIS layer was added to the Town's geographic information system (GIS) showing all outfalls by the end of the first permit year	This BMP was completed on year one.	This BMP was completed on year one. Update and maintain the Town's maps for GIS drainage layer
3-2	Enforcing existing storm sewer bylaw	DPW, Sewer Department and Board of Health	Bylaw maintained and enforced throughout the permit term.	This bylaw has been maintained and enforced during this period. No illegal discharges were discovered in this period.	This bylaw will continue to be maintained and enforced.

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3-5	Continue to enforce bylaw requiring inspection of new construction for correct connection to sanitary sewer	Sewer Dept., DPW and Board of Health	Bylaw is maintained and enforced throughout permit term	This bylaw has been maintained and enforced through Year 15. The building dept. continues to check for illegal hook-ups as do other applicable depts.	This bylaw will continue to be maintained and enforced. New Illicit Discharge General Bylaw is being proposed for Spring 2018 Town Meeting. (see Attachment)
BMP ID # Construction Site Stormwater Runoff Controls	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 15 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year Covering: April 1, 2018 to March 31, 2019
4-1	Continue to apply standard 8 of the Massachusetts Stormwater Policy to all construction projects within the jurisdiction of the Conservation Commission.	Conservation Commission	Standard 8 of the Massachusetts Stormwater Policy applied to all construction projects within the jurisdiction of the Conservation Commission throughout this permit term.	A building checklist had been developed previously to accompany the Building Permit, which includes an approval from the Conservation Commission indicating that all permits are filed and appropriate erosion controls have been proposed and will be established.	The Conservation Commission and their agent will continue to apply these standards.

BMP ID # Construction Site Stormwater Runoff Controls	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 15 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year Covering: April 1, 2018 to March 31, 2019
4-3	Develop Procedure for Receipt and Consideration of Public Comment	Conservation Commission, Community Development Director, DPW, Planning Board and Board of Selectmen	Procedure developed during first year of permit term and implemented throughout remaining permit term.	Town has provided opportunity for public comment through Town's website, Town Hall posting of public meetings, public participation in public meetings and hearings	Public comment procedures will be maintained during the coming permit year. The Town was ultimately successful in creating a separate stormwater utility, and will continue to work with residents on a public commenting program as the stormwater utility is implemented.
4-4	Check Erosion Control Measures and Construction Material Management on Site Inspection	Conservation Commission, Engineering Department, Department of Public Works and Building Department	Develop checklist during first year of permit term. Site inspections updated during spring 2004. Updated site inspection procedure implemented throughout remaining permit term.	Site Inspections and enforcement is provided by several departments involved in construction oversight. Based on the improvement of existing bylaws and implementation of new bylaws, sediment and erosion control measures are monitored during site inspections.	Site inspections will continue to be performed during the coming permit year. As staff is hired to oversee the Town's Stormwater and Erosion Control General Bylaw, the stormwater dept. of the DPW will eventually be responsible for site inspections as part of implementation and enforcement of this bylaw.

5-3	Develop Bylaw to Ensure Long-Term Maintenance of Private Structural BMPs	Task Force (DPW, Engineering, and Conservation)	By the end of the first permit term, include provisions in the bylaw for long-term BMP maintenance. Present the draft bylaw annually to the Town Meeting until passed.	DPW and Community Development Dept. confirmed a list of 135 Town-owned detention ponds during this period. Maintenance is performed on detention ponds on a regular basis. Commercial landowners with privately-owned BMPs are required to post bonds to ensure perpetual maintenance of these BMPs. They are also required to submit annual reports on the condition/maintenance of their BMPs. 23 commercial property owners were notified to file reports on their maintenance activities with DPW.	DPW will continue these practices during the coming permit year.
5-4	Develop Procedures to Ensure Existing Structural BMPs Are Adequately Preventing or Minimizing Impacts to Water Quality	Task Force (DPW, Engineering, and Conservation)	Create BMP inventory and maintenance plan.	Inventory of structural BMPs developed in Year 1 as part of GIS effort (BMP 3-1). DPW annual inspection of BMPs identifies need for necessary improvements. Forwarded to engineering for review.	BMP inventory will be maintained. Improvements to structural BMPs, identified during annual inspections, will be prioritized. DPW would then begin the process of implementing these improvements through their operating budget and capital plan.

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6-5	Develop/Implement Employee Education Program	DPW	Four hours of training for relevant employees each year of the permit	Public works employees have taken general safety training during this permit term. The Town implemented a general training for all public works employees focusing on all BMPs of the SWMP.	The Town will continue to train all DPW and Task Force employees on the various BMPs of the SWMP.
6-6	Use Good Housekeeping Practices for Storing Hazardous Materials, Including Training	DPW	Begin inventory by the end of the first year of the permit term.	An inventory of all current hazardous materials used by the DPW was created in Year 1 and updated in Years 2 & 3.	DPW will continue to maintain and update hazardous material inventory.
6-7	Minimizing Chemicals in Park, Public Playing Field, and Landscape Maintenance	DPW	Continue to minimize the use of chemicals throughout permit term.	Maintenance records were kept for the amount of chemicals used throughout the permit term.	DPW will continue to minimize the use of chemicals and maintain records of chemical used.
6-8	Conduct DPW Site Assessment	DPW		Funds were secured in Year 2 to conduct an environmental site assessment of DPW yard to evaluate stormwater run-off and storage and control of materials. The DPW has completed a site assessment for stormwater management and compliance at the DPW yard.	DPW has reviewed the recommendations from the report and has been implementing them through their operating budget and capital plan.
6-9	Attend Storm Water Management Training	Planning, Engineering		Town Planner, Town Engineer and other town staff attended Storm Water Management training sessions throughout the year.	This BMP was completed in Year 3 and will continue to take place throughout the life of the MS4 permit.

After the Storm

*A Citizen's Guide to
Understanding Stormwater*



Stormwater Pollution Solutions

Residential

Recycle or properly dispose of household products that contain chemicals, such as insecticides, pesticides, paint, solvents, and used motor oil and other auto fluids. Don't pour them onto the ground or into storm drains.

Lawn care

Excess fertilizers and pesticides applied to lawns and gardens wash off and pollute streams. In addition, yard clippings and leaves can wash into storm drains and contribute nutrients and organic matter to streams.



- ◆ Don't overwater your lawn. Consider using a soaker hose instead of a sprinkler.
- ◆ Use pesticides and fertilizers sparingly. When use is necessary, use these chemicals in the recommended amounts. Use organic mulch or safer pest control methods whenever possible.
- ◆ Compost or mulch yard waste. Don't leave it in the street or sweep it into storm drains or streams.
- ◆ Cover piles of dirt or mulch being used in landscaping projects.

Septic systems

Leaking and poorly maintained septic systems release nutrients and pathogens (bacteria and viruses) that can be picked up by stormwater and discharged into nearby waterbodies. Pathogens can cause public health problems and environmental concerns.



- ◆ Inspect your system every 3 years and pump your tank as necessary (every 3 to 5 years).
- ◆ Don't dispose of household hazardous waste in sinks or toilets.

Auto care

Washing your car and degreasing auto parts at home can send detergents and other contaminants through the storm sewer system. Dumping automotive fluids into storm drains has the same result as dumping the materials directly into a waterbody.



- ◆ Use a commercial car wash that treats or recycles its wastewater, or wash your car on your yard so the water infiltrates into the ground.
- ◆ Repair leaks and dispose of used auto fluids and batteries at designated drop-off or recycling locations.

Pet waste

Pet waste can be a major source of bacteria and excess nutrients in local waters.



- ◆ When walking your pet, remember to pick up the waste and dispose of it properly. Flushing pet waste is the best disposal method. Leaving pet waste on the ground increases public health risks by allowing harmful bacteria and nutrients to wash into the storm drain and eventually into local waterbodies.

Education is essential to changing people's behavior. Signs and markers near storm drains warn residents that pollutants entering the drains will be carried untreated into a local waterbody.

Residential landscaping

Permeable Pavement—Traditional concrete and asphalt don't allow water to soak into the ground. Instead these surfaces rely on storm drains to divert unwanted water. Permeable pavement systems allow rain and snowmelt to soak through, decreasing stormwater runoff.

Rain Barrels—You can collect rainwater from rooftops in mosquito-proof containers. The water can be used later on lawn or garden areas.



Rain Gardens and Grassy Swales—Specially designed areas planted with native plants can provide natural places for



rainwater to collect and soak into the ground. Rain from rooftop areas or paved areas can be diverted into these areas rather than into storm drains.

Vegetated Filter Strips—Filter strips are areas of native grass or plants created along roadways or streams. They trap the pollutants stormwater picks up as it flows across driveways and streets.



For more information contact:

or visit

www.epa.gov/npdes/stormwater

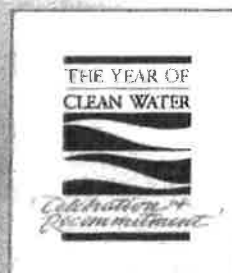
www.epa.gov/nps



EPA 833-B-03-002

January 2003

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Town of *Dracut*

MASSACHUSETTS

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[Home](#) >> [Departments](#) >> [Public Works \(DPW\)](#)

Learn About Dracut Stormwater Requirements

Dracut's Stormwater Obligation

Dracut is one out of over 200 Massachusetts towns that discharge stormwater under U.S. EPA's NPDES Municipal Separate Storm Sewer Systems permit (the MS4 Permit). This 5-year permit, jointly issued by EPA and MassDEP, requires towns to meet six minimum control measures Dracut must report on its progress by sending in Annual Reports each May 1 to EPA and MassDEP. The six minimum control measures are:

1. Pollution Prevention/Good Housekeeping for Municipal Operations - This measure addresses runoff from municipal operations such as DPW yards, salt storage areas, vehicle maintenance yards, road construction, and includes what practices towns should undertake to operate the stormwater system effectively. Towns must:
 - a. Develop an operations and maintenance plan for their stormwater system.

Insurance Requirements

Learn About Dracut Stormwater Requirements

Notice to all Contractors & Public Utilities

Stormwater & the Construction Industry

Stormwater & the Construction Industry Text Sheet 2

Street Opening Permits

The Role of Local Governments in Implementing the NPDES Stormwater Program for Construction Sites

Trench Permit

Water Efficient Landscaping

Contact Info

Phone:

(978) 957-0411

Fax:

(978) 957-9313

Address:

Dillon Center

833 Hildreth Street

Dracut, MA 01826

United States

See map: [Google Maps](#)

Key Contacts

Edward G. Patenaude



What's the Problem?



Pet waste is a major source of water contamination and contains harmful bacteria and parasites. Dog feces can contain fecal coliform bacteria, which can spread diseases like Giardia, Salmonella, and Campylobacter, causing serious illness in humans.

Rain and water from melting snow flows across yards, dog parks, and other surfaces on its way to our water bodies, via our streets and storm drains.

Be a responsible pet owner and clean up your pet's waste every time. Never dispose of dog waste in a catch basin, which flows directly into our waterways. Tips for proper disposal of dog waste are detailed on the back of this brochure.



What about pet waste that is left on the ground?

- It's toxic to plants and can create dead spots on the lawn.
- It can contain e-coli, roundworm, giardia, and other germs that make people and pets sick.
- Some of these disease-causing organisms remain infectious in the soil for weeks or years.
- It washes from land and into our waterways and ground water, causing contamination.
- It causes harmful algae and aquatic weeds to grow and reduces oxygen in the water for fish and other wildlife.



But I'm A Cat Lover...

Proper disposal of cat waste is also important. Dangers may lurk inside your cat's litter box, making proper disposal a must for good health. Some cat feces may contain the bacteria Toxoplasma gondii, which has been linked to many health problems and is especially dangerous for pregnant women. Take the necessary steps to properly handle cat litter:

- Scoop your cat's waste into a receptacle lined with a plastic bag.
- Tie off the plastic bag and deposit it into an outside waste can.
- Wash your cat's scoop with soap and warm water. Use disposable paper towels to eliminate the possibility of transferring waste to a cleaning rag. Wear rubber gloves while performing this step.
- Clean your cat's litter pan monthly if you're using clumping litter, or weekly if you're using the non-clumping brands. Use soap, warm water, and paper towels. Dispose of the paper towels in a plastic bag and tie it off.

Stormwater Management and the Changing EPA Regulations

Key Facts and Information



What is Stormwater Runoff?

Stormwater runoff is rain or snow-melt that flows over the ground.

Where does it go? Some stormwater is absorbed through surfaces such as lawns, farms and woods and eventually discharges into bodies of waters including ponds, rivers and wetlands. However, a large amount travels across impervious surfaces such as parking lots, driveways and rooftops and enters the storm drains. Eventually this water ends up flowing into natural bodies of water, including Beaver Brook and the Merrimack River.

What is the concern? Stormwater is not only water. It carries many pollutants that it comes into contact including animal feces, chemicals, fertilizers, oils and sand. This has been determined to have a detrimental affect on natural bodies of water including the Merrimack River. Stormwater can also cause nuisance flooding and can potentially cause Public Health and Safety concerns.

What does the Town of Dracut do? The DPW, along with several other departments, maintains the present stormwater system. Activities include repairing damaged lines, cleaning out culverts, street sweeping and maintaining catch basins. It is important to note the system is aging and will require more work and resources to maintain.

What are these "Coming EPA Changes"? The Environmental Protection Agency(EPA) has determined that stormwater is a significant source of pollution and has changed its stormwater permitting to reflect this. The Town must comply with the new standards beginning on July 1st, 2017. These are federal requirement throughout the United States. Failure to comply will result in significant fines. More challenging, this is a unfunded mandate and municipalities will receive very little federal or state funding.



- 9.4.12 The Applicant shall execute and provide to the Board an instrument, in a form approved by the Board transferring to the Town, without cost, valid unencumbered title to all sanitary and storm sewers, water mains, and appurtenances thereto, constructed and installed in the subdivision or approved portion thereof, and shall convey to the Town, without cost and free of all liens and encumbrances, perpetual rights and easements to construct, inspect, repair, renew, replace, operate, and forever maintain such sanitary and storm sewers and water mains, with any manholes, pipes conduits, and other appurtenances, and to do all acts incidental thereof, and if any such sanitary and storm sewers, water mains and appurtenances thereto has been constructed and installed in land not within such streets, then in, through and under the land within that easement.

B. Preservation of Buffers and Floodplains

Not Applied or N/A. *Use space below to explain why:*

Select from the following:

Applicable vegetated buffers of wetlands and perennial and intermittent streams have been preserved, where possible

Limits of disturbance included on all construction plans that protect applicable buffers

Other (describe):

Explain constraints and or proposed alternatives in space below:

LID Site Planning and Design Checklist

C. Minimized Clearing and Grading

Not Applied or N/A. *Use space below to explain why:*

Select from the following list:

Site fingerprinting to extent needed for building footprints, construction access and safety (i.e., clearing and grading limited to 15 feet beyond building pad or 5 feet beyond road bed/shoulder).

Other (describe):

Explain constraints and or proposed alternatives in space below:

F. Work with the Natural Landscape Conditions, Hydrology, and Soils Not

Applied or N/A. Use space below to explain why:

Select from the following list:

Stormwater management system mimics pre-development hydrology to retain and attenuate runoff in upland areas (e.g., cuts and fills limited and BMPs distributed throughout site, trees used for interception and uptake)

The post-development time of concentration (t_c) should approximate pre-development t_c

Flow velocity in graded areas as low as practicable to avoid soil erosion (i.e., slope grade minimized)

Site designed to locate buildings, roadways and parking to minimize grading (cut and fill quantities) Other (describe):

Explain constraints and/or proposed alternatives in space below:

Four horizontal lines for text entry.

2. Strategies to Reduce the Impacts

LID Site Planning and Design Checklist

B. Mitigation of Runoff at the point of generation

Not Applied or N/A. Use space below to explain why:

Select from the following list:

A green roof has been designed to reduce runoff

Small-scale BMPs applied at source

Other (describe):

Explain constraints and or proposed alternatives in space below:

C. Stream/Wetland Restoration

Not Applied or N/A. Use space below to explain why:

Select from the following list:

Historic drainage patterns have been restored by removing closed drainage systems and/or restoring degraded stream channels and/or wetlands.

Removal of invasive species.

Other (describe):

Explain constraints and or proposed alternatives in space below:

Dracut Household Hazardous Waste Day

Saturday, March 31, 2018 8:00AM – 12:00Noon

Clean hazardous items out of your basement, closet, garage, etc.

What Do I Bring??

From the Workbench:

- ✓ Oil Based Paints (**No latex**)
- ✓ Stains & Varnishes
- ✓ Wood Preservatives
- ✓ Paint Strippers/Thinners
- ✓ Solvent Adhesives
- ✓ Lighter Fluid
- No** latex paint (*dry & discard with trash*)

From the Garage:

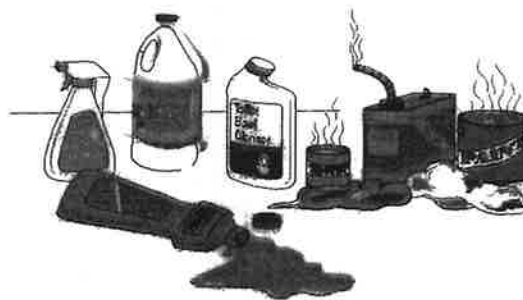
- ✓ Fuels/Gasoline/Kerosene/Anti-freeze
- ✓ Engine Degreaser
- ✓ Brake Fluid/Carburetor Cleaner
- ✓ Anti-freeze / Transmission Fluid
- ✓ Car Wax, Polishes
- ✓ Tires (limit of 4)
- ✓ Driveway Sealer (**No latex based** (e.g. Latexite))
- ✓ Roofing Tar
- ✓ Swimming Pool Chemicals
- ✓ Propane Tanks (*20lb only*) empty (limit of 4)
- ✓ Car Batteries (limit of 4)
- No** Motor Oil (*return to place of purchase*)

From the Yard:

- ✓ Poisons, Insecticides, Fungicides
- ✓ Chemical Fertilizers, Pesticides
- ✓ Weed Killers, Herbicides
- ✓ Moth Balls, Crystals
- ✓ Flea Control Products

From the House:

- ✓ Rubber Cement/ Airplane Glue
- ✓ Fiberglass Resins
- ✓ Photo Chemicals / Chemistry Sets
- ✓ Nail Polish
- ✓ Floor, Metal & Furniture Polish
- ✓ Oven, Drain & Toilet Cleaner
- ✓ Spot Remover / Rug Cleaner
- ✓ Fluorescent bulbs; button cell batteries
- ✓ Hobby Supplies, Artist Supplies
- ✓ Thermometers & thermostats



PLACE: Dillon Center Public Works Yard at 833 Hildreth St.

For More Info: 978 453-8162

- ☞ **\$20 per vehicle entrance fee required (cash or check only)** ☞
- ☞ **Maximum 50 lb. or 50 gallon limit per vehicle** ☞
- ☞ **Proof of residency is required** ☞

What Not To Bring!!

- ☐ Latex Paint (*dry & discard with trash*)
- ☐ Motor Oil (*return to place of purchase*)
- ☐ Latex based Driveway Sealer (e.g. Latexite)
- ☐ Empty containers/ trash / joint compound
- ☐ Contractor, Commercial or Industrial Waste
- ☐ Radioactive Waste, Smoke Detectors
- ☐ Electronics (TV's, computers)
- ☐ Ammunition, Fireworks, Explosives
- ☐ Prescription Medicines/Syringes
- ☐ Asbestos
- ☐ Fire Extinguishers / flares
- ☐ Alkaline Batteries (*discard with trash*)
- ☐ Infectious & Biological Wastes

How Can I Safely Transport These Hazardous Materials???

- Leave materials in original containers.
- Tighten caps and lids.
- Maximum container size of 5 gallons
- Sort and pack separately e.g. oil paint, pesticides, household cleaners.
- Pack containers in sturdy upright boxes and pad with newspaper. **NEVER MIX CHEMICALS**
- Pack your car and drive directly to the site.
- **STAY IN CAR** & let the professionals remove materials.
- **NEVER SMOKE** while handling hazardous material

This is a residential collection only; no commercial material will be accepted.

This Collection is operated By: Stericycle Environmental Services, Inc.

WARRANT
ANNUAL TOWN MEETING
TOWN OF DRACUT
JUNE 4, 2018

*Illicit Discharge
General Bylaw
for Spring 2018
Town Meeting*

ARTICLE #37 (Cont'd):

h. The Town may appropriate money to an agricultural preservation fund of which the treasurer of the municipality shall be the custodian. The treasurer shall receive deposit or invest the funds in savings banks, trust companies incorporated under the laws of the Commonwealth, banking companies incorporated under the Laws of the Commonwealth, which are members of the Federal Deposit Insurance Corporation or national banks or invest the funds in: (i) paid up shares and accounts of and in cooperative banks; (ii) shares of savings and loan associations; or (iii) shares of federal savings and loan associations doing business in the Commonwealth. Any income derived from deposits or investments under this subsection shall be credited to the fund. Money in the fund may be expended by the commission for any purpose authorized by this section.

Section 2:

Amendments.

This Chapter may be amended from time to time by a majority vote of the Town Meeting.

Section 3.

Severability:

In case any section, paragraph, or part of this Chapter is for any reason declared invalid or unconstitutional by any court, every other section, paragraph, or part shall continue in full force and effect;

or act in any other way relative thereto.

Submitted by the Dracut Agricultural Commission
Recommendations:

ARTICLE #38:

To see if the Town will vote to amend the General Bylaws of the Town of Dracut by adding a new Chapter 25 as follows:

"Town of Dracut, Ma. General Bylaws

CHAPTER 25: ILLICIT DISCHARGE BY-LAW

SECTION 1: Purpose

Increased and contaminated stormwater runoff is a major cause of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding.

Regulation of illicit connections and discharges to the municipal storm drain system is necessary for the protection of the town's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.

The objectives of this by-law are:

to prevent pollutants from entering the town's municipal separate storm sewer system (MS4);

to protect existing watercourses within the Town of Dracut by preventing pollutants from entering these resource areas;

to prohibit illicit connections and unauthorized discharges to the MS4;

to require the removal of all such illicit connections;

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ARTICLE #38 (Cont'd):

"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.

Pollutants shall include without limitation:

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

"Process Wastewater": Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

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

"Stormwater": Storm water runoff, snow melt runoff, and surface water runoff and drainage.

"Surface Water Discharge Permit": A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

"Toxic or Hazardous Material or Waste": 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 G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

"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.

"Wastewater": Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

SECTION 3: Applicability

This by-law shall apply to flows entering the municipally owned storm drainage system.

SECTION 4: Authority

This bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

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ARTICLE #38 (Cont'd):

(16) For discharges pertaining to items defined in section 7 and 8 the Town shall require testing of currently conveyed or to be conveyed flow at the expense of the property owner. The town may also require a hydraulic capacity analysis of its drainage system to accommodate the flow conveyed or to be conveyed.

SECTION 9: Emergency Suspension of Storm Drainage System Access

The Board of Selectmen may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Authorized Enforcement Agency may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

SECTION 10: Notification of Spills

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire and police departments and [insert other appropriate departments]. In the event of a release of non-hazardous material, the reporting person shall notify the Authorized Enforcement Agency no later than the next business day. The reporting person shall provide to the Authorized Enforcement Agency written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

SECTION 11: Enforcement

The Board of Selectmen through the STORMWATER PERMITTING AUTHORITY (SPA) shall enforce this by-law, 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 by-law, regulations, permit, notice, or order issued thereunder, the Board of Selectmen 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 STORMWATER PERMITTING AUTHORITY (SPA) may issue a written order to enforce the provisions of this by-law or the regulations thereunder, which may include:

- (a) elimination of illicit connections or discharges to the MS4
- (b) performance of monitoring, analyses, and reporting;
- (c) that unlawful discharges, practices, or operations shall cease and desist; and
- (d) remediation of contamination in connection therewith.

If the town determines that abatement or remediation of contamination is required, the 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 may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

Within thirty (30) days after completing all measures necessary to abate the violation or perform remediation, the violator and the property owner will be notified of the costs incurred by the town including administrative costs. The violator or property owner may file

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ARTICLE #38 (Cont'd):

SECTION 16. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

15.1. Submission of NOI to EPA.

- (1) Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Special Permit Granting Authority prior to the allowing of discharges to the MS4.
- (2) The operator of a facility, including construction sites, required to have an NPDES permit to discharge storm water associated with industrial activity shall submit a copy of the Notice of Intent (NOI) to the Special Permit Granting Authority at the same time the operator submits the original Notice of Intent to the EPA as applicable.
- (3) The copy of the Notice of Intent may be delivered to the authorized enforcement agency either in person or by mailing it to:

Notice of Intent to Discharge Storm Water
Dracut Stormwater Permitting Authority
62 Arlington Street
Dracut, MA 01826

- (4) A person commits an offense if the person operates a facility that is discharging storm water associated with industrial activity without having submitted a copy of the Notice of Intent to do so to the Special Permit Granting Authority.”;

or act in any other way relative thereto.

Submitted by James A. Duggan, Town Manager
Recommendations:

ARTICLE #39:

To see if the Town of Dracut will vote to enact Chapter 27 of the Town of Dracut General Bylaws, entitled “Stretch Energy Code” for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Energy Code, including future editions, amendments or modifications thereto, with an effective date of July 1, 2018. The new Chapter 27 reads as follows:

Chapter 27

STRETCH ENERGY CODE

SECTION 1: DEFINITIONS

- A. International Energy Conservation Code (IECC) - The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the Massachusetts State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.
- B. Stretch Energy Code – Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the Massachusetts State Building Code, the Stretch Energy Code is an appendix to the Massachusetts Building Code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

SECTION 2: PURPOSE

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building code for new buildings.

Appendix 4
Site Plan Review

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ARTICLE #24

(Site Plan Review)

To see if the Town of Dracut will vote to amend the Town of Dracut Zoning Bylaws by adding a new Section 1.16.30, Site Plan Review as follows:

"Section 1.16.30 SITE PLAN REVIEW

1.16.30. Statement of Purpose

The purpose of this section is to provide for Planning Board review of certain construction projects to ensure that sound site utilization principles are used to provide for and protect the public health, safety, and general well-being, in accordance with Massachusetts General Laws, Chapter 40A.

1.16.31. Applicability

The following types of activities and uses require site plan review by the Planning Board:

1. Construction of any new community facility, commercial, industrial or business building; or any additions or alterations in excess of twenty-five hundred (2,500) square feet or thirty (30) percent (%) of the existing gross floor area, whichever is less, which has been constructed within the consecutive two-year period;
2. Any change or intensification of use which increases the parking requirement by ten (10) spaces and/or triggers the requirement of a new loading zone; and
3. Grading, clearing, or other non-residential land development activity except for the following: work incidental to agricultural activities; clearing necessary for percolation and other site tests; or work in conjunction with an earth removal permit.
4. Any activity or use that is indicated elsewhere in this bylaw as requiring site plan review.

1.16.32. General Standards

In the review of any site plan conducted under this Section, the Planning Board (herein "Board") shall determine that reasonably adequate provisions have been made by the Applicant for the following:

1. Traffic circulation and access;
2. Pedestrian safety and access;
3. Off-street parking and loading which is in compliance with the applicable requirements of the Protective Zoning Bylaw;
4. Emergency vehicle access;
5. Storm water drainage, based upon a professional engineering report, utilizing on-site absorption, and low impact development integrated stormwater management practices wherever practical;
6. Water supply and sewage disposal adequate to support the intended use(s);
7. Screening, including the use of natural land features, plantings, and erosion control;
8. Protection and preservation of existing natural features and vistas;
9. Signage and exterior lighting;
10. Visual impact of parking, storage or other outdoor service areas;
11. Consistency with character and scale of surrounding buildings;
12. Energy, water and resource efficient design, through appropriate building orientation, landscaping and use of resource efficient materials and energy- and water-efficient systems.

1.16.33. Submission Procedure

1. Anyone seeking approval of a site plan shall obtain an application and checklist from the Board's Office. Prior to submitting the application, the owner of the subject property, or his or her agent, shall meet with the designee of the Board for the purpose of reviewing the application and the site plan review checklist. Depending on the nature of the application, the designee may

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ARTICLE #24 (Cont'd)

l. A stormwater drainage plan showing:

- i. The existing and proposed method of handling storm water run-off;
- ii. The direction of flow of the run-off through use of arrows;
- iii. The location, elevation, and size of all catch basins, drywells, drainage ditches, swales and other low impact development integrated stormwater management facilities, retention basins, and storm sewers; and
- iv. Engineering calculations used to determine drainage requirements based upon the two (2), ten (10), twenty five (25) and one hundred (100) year storm frequencies;

m. Existing and proposed topography of the site at one (1) foot contour intervals;

n. A plan showing all provisions for water supply and wastewater disposal including the size and location of all piping, holding tanks, leach field, etc.;

o. An elevation plan of all proposed buildings, including proposed building materials and façade treatment; and

p. Location of wetlands, streams, water bodies, areas subject to flooding and unique site features such as specimen trees, view sheds from public ways, and other features.

3. Copies of any proposed or existing easements;

1.16.35. Security Posting

The Board may require the posting, prior to approval of any plan, of security in such form as permitted by Massachusetts General Laws Chapter 41, Section 81U, and in such amounts as are deemed by the Board as being reasonably necessary to ensure completion of all improvements required as conditions of approval of such plan.

1.16.36. Technical Consultant Services

The Board may engage the services of a technical consultant(s) to review any site plan when it believes professional review is necessary to accomplish the purpose of this section. The costs for any professional review (other than Town staff review) shall be borne by the applicant. Costs shall be reasonable and in conformance with MGL, Chapter 44, Section 53G.

1.16.37. Waiver

The Board may waive, by an affirmative vote of three (3) out of five (5) members, any of the preceding submission requirements, if it feels that the requirement does not apply or that strict compliance with this application will, because of the size or special nature of the proposed building or structure, create an undue hardship on the applicant and not be in the public interest

1.16.38. Compliance

1. Except as described in 2. below, no final occupancy permit shall be issued for any building or structure, or portion(s) thereof, until:

a. The Building Inspector receives certification from a registered architect, engineer or land surveyor, that all construction, including utilities, has been done in accordance with the approved site plan; and

b. The Building Inspector verifies that all conditions of the approved site plan have been met.

2. Occupancy permits may be issued for a portion of any building or structure, if the only incomplete work shown on the site plan is landscaping and/or roadway top course, and surety in an amount approved by the Planning Board is posted to ensure that the incomplete landscaping and/or roadway top course is completed within a reasonable time. The Planning Board may allow surety to be posted for site work in addition to landscaping and the roadway top course, if an unusual or unexpected event prevents the applicant from completing the site work.

with said sum to be used for the Town's Chapter 90 Program, reconstruction and improvement of Town roads and/or sidewalks, said sum to be reimbursed on a 100% basis by the Commonwealth of Massachusetts.

Submitted by James A. Duggan, Town Manager
Board of Selectmen recommended approval
Finance Committee recommended approval

ARTICLE #25:

Unanimously, the Town voted to take Article #25 out of order.

By 2/3 Majority, (voice vote clearly heard and so called by the Moderator), the Town voted to include within the General Bylaw a new Chapter 24, which shall be entitled "Storm water and Erosion Control By-Law".

To see if the Town of Dracut will vote to include within the General Bylaw a new Chapter 24, which shall be entitled "Stormwater and Erosion Control By-Law" as follows:

"Stormwater and Erosion Control By-Law"

Section I. Purpose

A. The purpose of this By-Law is to protect, maintain and enhance the public health, safety, environment and general welfare of the Town by establishing minimum requirements and procedures to control the adverse effects of soil erosion and sedimentation, construction site runoff, increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment. It has been determined that proper management of stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, protect water and aquatic resources, protect and enhance wildlife habitat, and promote groundwater recharge to protect surface and groundwater drinking supplies. This Bylaw seeks to meet that purpose through the following objectives:

1. Establish a mechanism by which the municipality can monitor and ensure compliance with requirements of its 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.
2. Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources.
3. Require that new development, redevelopment and other land alteration activities maintain the after-development runoff characteristics as equal to or less than the pre-development runoff characteristics where appropriate in order to reduce flooding, stream bank erosion, siltation, nonpoint source pollution, property damage, and to maintain the integrity of stream channels and aquatic habitats.
4. Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality; establish minimum design criteria for the protection of properties and aquatic resources downstream from land development and land conversion activities from damages due to alterations in volume, velocity, frequency, duration, and peak flow rate of storm water runoff; establish minimum design criteria for measures to eliminate or minimize to the extent feasible nonpoint source pollution from stormwater runoff which would otherwise degrade water quality.
5. Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet or exceed the minimum post-development stormwater management standards, as established by the Massachusetts Department of Environmental Protection (DEP) and by any site plan or subdivision requirements, bylaws or rules and

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ARTICLE #25 (cont'd):

volume of flow from a site. Alter may be similarly represented as "alteration of drainage characteristics," and "conducting land disturbance activities."

APPLICANT: A property owner or duly designated agent who has filed an application for a stormwater management permit with the Town of Dracut.

BEST MANAGEMENT PRACTICE (BMP): Structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and 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.

BETTER SITE DESIGN: Site design approaches and techniques, including low-impact development (LID) that can reduce a site's impact on the watershed through the use of nonstructural stormwater management practices. Better site design includes conserving and protecting natural areas and green space, reducing impervious cover, using natural features for stormwater management, and providing site-wide infiltration.

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

DEVELOPMENT: Any construction that disturbs or alters a parcel of land.

DISTURBANCE OF LAND (Land Disturbance): Any action causing any removal of vegetation including tree and brush clearing; importation, removal or redistribution of soil, sand, rock, gravel or similar earth material.

EMERGENCY REPAIR: A condition that poses a threat to public health and/or safety. Such conditions include, but are not limited to, a utility gas leak, electric problem, collapsed or blocked drain, water leak, etc.

EXISTING LAWN: Grass area which has been maintained and mowed in the previous two years.

ILLCIT CONNECTION: Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the municipal storm drain system, including, but not limited to, any conveyance which allows any non-stormwater discharge, such as sewage, processed wastewater and other wastewater products to enter the municipal storm drain system and any connections to the municipal storm drain system from indoor drains and sinks, regardless of whether said drain or connection has been previously allowed, permitted, or approved by an authorized enforcement agency.

ILLCIT DISCHARGE: Any direct or indirect non-stormwater discharge to the storm drain system or water body, except as exempted in the stormwater rules and regulations.

IMPERVIOUS/IMPERVIOUS COVER: Any material or structure on, above or below the ground that prevents water from infiltrating through the underlying soil. Impervious surface is defined to include, without limitation: paved surfaces (parking lots, sidewalks, and driveways), concrete, brick, stone, and roof tops.

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

LOW IMPACT DEVELOPMENT (LID): An ecosystem-based approach to land development and stormwater management that ensures that each development site is designed to protect, or

ARTICLE #25 (cont'd):

REDEVELOPMENT: Any construction, alteration, or improvement on a previously-developed site which contains impervious cover, including all projects requiring Town of Dracut reviews and provided that the activity does not involve an increase in the net amount of impervious cover.

RUNOFF: Rainfall or snowmelt water flowing over the ground surface or other source which may result in transport of pollutants.

SITE: The entire parcel of land being developed and/or where land-disturbing activities are, or will be performed.

STOCKPILING: The storage of unsecured material for future use, excluding the storage of materials 10 cubic yards or less when secured utilizing erosion controls to prevent erosion of material.

STORMWATER MANAGEMENT: The use of structural or non-structural practices that are designed to control or treat stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates. Stormwater Management includes the use of Low-Impact Development (LID) management practices.

STORMWATER PERMITTING AUTHORITY (SWPA): The entity who reviews and issues stormwater management permits in accordance with this bylaw and the related rules and regulations.

STORMWATER MANAGEMENT PERMIT (SMP): A permit issued by the Stormwater Permitting Authority (SWPA), after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater runoff.

Section III. Authority

This By-Law is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, and 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 Dracut at Town Meeting dated June 5, 2017.

Section IV. Applicability

A. No person shall alter land above the thresholds established within the Town of Dracut without having obtained a stormwater management permit (SWP). The Stormwater Permitting Authority may seek input from town departments during the review of the storm water permit application. Town departments shall provide input to the Stormwater Permitting Authority, upon request.

Where a project is subject to Site Plan Approval, Definitive Subdivision or Special Permit Approval from the Planning Board, Board of Selectmen, the Zoning Board of Appeals and/or any application to the Conservation Commission, the Stormwater Regulations adopted by the Stormwater Permitting Authority shall apply and the stormwater review shall be completed as part of the Planning Board, Board of Selectmen and Zoning Board of Appeals process provided that the applicable Board also finds that the activity is in compliance with any additional performance standards contained in the Regulations promulgated to implement this By-Law.

B. For projects not subject to Site Plan Approval, Definitive Subdivision or Special Permit Approval from the Planning Board, Board of Selectmen, Zoning Board of Appeals or any application to the Conservation Commission, this By-Law shall be applicable to all new development and redevelopment, land disturbance and any other activity that may result in an increased amount of stormwater runoff or pollutants, or changes to drainage characteristics causing an increases in runoff, flowing from a parcel of land, unless exempt pursuant to Section V of this By-Law. This By-Law shall apply to land or parcels of land that are held in common

ARTICLE #25 (cont'd):

Section VI. Fees

A. Filing Fee.

At any time of an application, the applicant shall pay a filing fee pursuant to a fee schedule, which shall be determined by the Stormwater Permitting Authority and approved by the Board of Selectmen. Any subsequent changes to the fee schedule shall be submitted to the Board of Selectmen for approval.

Application fees shall be deposited into an Enterprise fund, which shall be established specifically for this purpose.

B. Consultant Fee.

Pursuant to the rules and regulations promulgated by the Stormwater Permitting Authority, reasonable fees may be imposed upon applicants for the purposes of securing outside consultants including, engineers or other experts, in order to aid in the review of proposed projects. The Stormwater Permitting Authority shall follow the provisions of the Massachusetts General Laws, Chapter 44, Section 53G in securing a consultant to review the project.

Additional consultant fees may be requested where the requisite review is more expensive than originally calculated or where new information requires additional consultant services.

Only costs relating to consultant work done in connection with a project for which a consultant fee has been collected shall be paid from this account and expenditures may be made at the sole discretion of the Stormwater Permitting Authority (SWPA). Any consultant hired under this provision shall be selected by and report exclusively to the Stormwater Permitting Authority (SWPA). The Stormwater Permitting Authority shall provide applicants with written notice of the selection of the consultant, identifying the consultant, the amount of the fee to be charged to the applicant and a request for payment of the fee. Notice shall be deemed to have been given on the date it is mailed or delivered. The applicant may withdraw the application or request within five (5) business days of the date of notice is given without incurring any costs or expenses.

Section VI. Administration

A. The Town Manager shall be the appointing authority for the Stormwater Permitting Authority. The Stormwater Permitting Authority is responsible for the administration, implementation, and enforcement of this By-Law. Meetings of the Stormwater Permitting Authority shall be subject to the Massachusetts Open Meeting Law, MGL Ch. 30A, §§ 18-25.

B. Stormwater Permitting Authority (SWPA). The SWPA shall consist of (7) seven members, five of whom shall permanently be the Town Engineer, Director of Public Works or his appointee, the Director of Community Development, the Conservation Agent, and the Public Health Director. Two (2) additional members shall be residents of the Town of Dracut and each shall possess a degree in landscape architecture, environmental or civil engineering, environmental science or equivalent qualifications appointed by the Town Manager serving a (3) year term. The SWPA shall administer, implement and enforce this By-Law. Any powers granted to or duties imposed upon the SWPA may be delegated in writing by the SWPA to any Town employee, board or agent.

C. Stormwater & Erosion Control Regulations ("Regulations"). The SWPA may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), and delegation of authority, procedures and administration of this By-Law after conducting a public hearing to receive comments on the proposed rules and regulations or any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation at least seven (7) days prior to the hearing date. Failure of the SWPA to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this By-Law.

ARTICLE #25 (cont'd):

day of the hearing. A copy of the hearing notice shall be posted in the Office of the Town Clerk for a period of not less than fourteen (14) days before the date of the hearing. Copies of the notice shall be mailed, postage prepaid, to the applicant, property owner (if different) and to direct abutters and owners of land directly opposite on a public or private way as they appear on the most recent Assessor's list.

b. The SWPA may take any of the following actions following the close of the public hearing for an application for a Stormwater Management Permit

- i. Approve the Permit Application upon finding that the proposed plan will protect water resources and meets the objectives and requirements of this By-Law;
- ii. Approve the Permit Application with conditions, modifications or restrictions that are required to ensure that the project will protect water resources and meets the objectives and requirements of this By-Law; or
- iii. Disapprove the Permit Application if the proposed plan will not protect water resources or fails to meet the objectives and requirements of this By-Law.

G. Appeals of Action by the SWPA. A decision of the SWPA shall be final. Further relief of a decision by the SWPA made under this By-Law shall be to a court of competent jurisdiction.

H. Waivers. The SWPA may waive strict compliance with any of the requirements of this By-Law or the rules and regulations promulgated hereunder, if it determines that some of the application requirements are unnecessary because of the size or character of the development project or because of the natural conditions at the site and 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 this By-Law.

Any request from an Applicant for a waiver of these rules shall be submitted, in writing, to the SWPA at the time of submission of the application. Such requests shall clearly identify the provision/s of the rule from which relief is sought and be accompanied by a statement setting forth the reasons why, in the applicant's opinion, the granting of such a waiver would be in the public interest or the specific information required to show strict compliance is irrelevant to the project, and why a waiver would be consistent with the intent and purpose of this By-Law and the rules and regulations promulgated hereunder.

Section VII. Performance Standards

Criteria for Stormwater Management Standards shall be defined and included as part of any Rules and Regulations promulgated under Section VI.C of this By-Law.

Section VIII. Enforcement

A. The SWPA, or an authorized agent of the SWPA, shall enforce this By-Law, and any Regulations, permits orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for violations.

B. If a person violates the provisions of this By-Law or its Regulations, or a permit, notice or order issued there under, the SWPA may seek injunctive relief in a court of competent jurisdiction to restrain the person from activities which would create further violations or to compel the person to perform abatement or remediation of the violation.

C. The SWPA, or an authorized agent of the SWPA, may issue a written order to enforce the provisions of this By-Law or the Regulations, which may include requirements to

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ARTICLE #10:

By Majority, the Town voted to accept the provisions of Chapter 44, Section 53F1/2 of Massachusetts General Laws establishing Storm Water Control as an Enterprise Fund effective Fiscal Year 2018.

Submitted by James A. Duggan, Town Manager
Board of Selectmen recommended approval
Finance Committee recommended approval

ARTICLE #11:

By Majority, the Town voted to appropriate from free cash Two Hundred Thousand Dollars (\$200,000) for the fiscal year beginning July 1, 2017; said sum of money to be used for the implementation of and costs associated with the Storm Water Control Program.

Submitted by James A. Duggan, Town Manager
Board of Selectmen recommended approval
Finance Committee recommended approval

ARTICLE #12:

By Majority, the Town voted to accept the provisions of Chapter 40, Section 58 of Massachusetts General Laws, so the Town of Dracut may impose a lien on real property for unpaid storm water fees.

Submitted by James A. Duggan, Town Manager
Board of Selectmen recommended approval
Finance Committee recommended approval

ARTICLE #13:

By Majority, the Town voted to appropriate Six Hundred Thousand Dollars (\$600,000) for the purpose of funding the conversion of existing streetlights to energy efficient and long lasting LED, same to be spent under the direction of the Town Manager; that to meet this appropriation, the Treasurer with the approval of the Board of Selectmen is authorized to borrow said sum under chapter 44 of the General laws, that any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; and that the Board of Selectmen is authorized to take any other action to carry out this article.

Submitted by James A. Duggan, Town Manager
Board of Selectmen recommended approval
Finance Committee recommended approval

ARTICLE #14:

Unanimously, the Town voted to raise and appropriate, borrow and/or transfer from available funds Two Thousand Dollars (\$2,000.00) to be used for the repayment of medical bills that have been incurred pursuant to General Laws, Chapter 41, Section 100, and are outstanding from previous years.

Submitted by James A. Duggan, Town Manager
Board of Selectmen recommended approval
Finance Committee recommended approval