

ANNUAL TOWN MEETING

JUNE 12, 2021

CERTIFICATE OF VOTE

ARTICLE 29 – STORMWATER AND EROSION CONTROL BY-LAW AMENDMENT

I, Diane Crory, Town Clerk of the Town of Littleton, hereby certify that pursuant to Article 29 of the Warrant for the Annual Town Meeting duly called and held on June 12, 2021, at which more than the required number of qualified voters present and voting it was:

ARTICLE 29

Stormwater Management and Erosion Control Bylaw Amendment

Passed by the necessary majority to amend the Stormwater Management and Erosion Control Bylaw, Chapter 38, Article II, of the Town's General Bylaw as follows:

1. By revising the following definitions in Section 38-12, Definitions, as shown (additions indicated by underline and deletions indicated by strikethrough):

COMMON PLAN OF DEVELOPMENT (or COMMON PLAN) – ~~Any announcement or documentation (including but not limited to a contract, public notice or hearing, advertisement, drawing, plan, or permit application) or physical demarcation (including but not limited to boundary signs, lot stakes, survey or marking) indicating imminent or future plans to disturb earth regardless of how long the plans will take to complete.~~ A “larger common plan of development or sale” is a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan. For example, if a developer buys a 20-acre lot and builds roads, installs pipes, and runs electricity with the intention of constructing homes or other structures sometime in the future, this would be considered a larger common plan of development or sale. If the land is parceled off or sold, and construction occurs on plots that are less than one acre by separate, independent builders, this activity still would be subject to stormwater permitting requirements if the smaller plots were included on the original site plan.

LAND-DISTURBING ACTIVITY or DISTURBANCE OF LAND – ~~Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.~~ Action that alters the existing vegetation and/or underlying soil of a site, such as clearing, grading, site preparation (e.g., excavating, cutting, and filling), soil compaction, and movement and stockpiling of top soils.

2. By adding the following definitions to Section 38-12, Definitions, in alphabetical order:

CRITICAL AREA – Any of the following: An Outstanding Resource Water or Special Resource Water as designated in 314 CMR 4.00, a recharge area for a public water supply as defined in 310 CMR 22.02 (a Zone I, Zone II, or Interim Wellhead Protection Area for a groundwater source or a Zone A for a surface

water source), a bathing beach as defined in 105 CMR 445.000, or a cold-water fishery as defined in 310 CMR 10.04.

LOW-IMPACT DEVELOPMENT (LID) – Systems and practices that use or mimic natural processes resulting in the infiltration, evapotranspiration or use of stormwater. LID includes (1) environmentally sensitive site design approaches such as minimizing impervious surfaces, fitting the development to the terrain, preserving and capitalizing on natural drainage systems, and reproducing pre-development hydrologic conditions, and (2) stormwater management systems modeled after natural hydrologic features to manage rainfall at the source using decentralized micro-scale controls, such as bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements.

3. By revising Section 38-14, Applicability, as follows (additions indicated by underline and deletions indicated by strikethrough):

This bylaw shall apply to all activities that result in disturbance of one or more acres of land. Except as authorized by the Board in a Stormwater Permit or as provided below, no person shall perform any activity that results in disturbance of an acre or more of land or is part of a larger common plan of development or sale that will ultimately disturb one or more acres of land. For projects that will require a Stormwater Permit, no site preparation activities, including clearing of vegetation, can begin until the permit is obtained.

A. The following activities are exempt from the requirements of this Bylaw:

1. Normal maintenance and improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act (G.L. c. 131, § 40) and its implementing regulations (310 CMR 10);
2. Forestry activities, including harvesting forest products (as defined in G.L. c. 61, § 1), conforming at least to the minimum standards set forth in the Massachusetts Forest Cutting Practices Act (G.L. c. 132) and carried out pursuant to a Forest Management Plan approved by the Department of Conservation and Recreation; and
- ~~3. Normal maintenance of lawns and landscaping; and~~
3. ~~Activities that:~~
 - ~~a. Are subject to jurisdiction under the Wetlands Protection Act (including the stormwater management requirements of the Wetlands Protection Regulations);~~
 - ~~b. Demonstrate compliance with the Massachusetts Stormwater Management Standards, as reflected in an Order of Conditions issued by the Littleton Conservation Commission or the Massachusetts Department of Environmental Protection; and~~
 - ~~c. Are in compliance with the Order of Conditions.~~

B. Effective Date: The amendment to this Bylaw made at the 2021 Littleton Annual Town Meeting will take effect after approval by the Office of the Attorney General and publication pursuant to G.L. c. 40, § 32. The amendment shall not apply to:

1. Stormwater Permits for which a complete application is submitted to the Planning Board by November 1, 2021, as long as the permitting process is not suspended for more than one year by the proponent and the project is not revised so significantly that the Planning Board deems a new application to be necessary; or
2. Projects under the jurisdiction of the Wetlands Protection Act (including the stormwater management requirements of the Wetlands Protection Regulations) for which a Notice of Intent is submitted by November 1, 2021 and an Order of Conditions approving the project (under that Notice of Intent) is issued by the Littleton Conservation Commission by May 1, 2022.

4. By revising Section 38-17, Stormwater Management Plan, as shown (additions indicated by underline and deletions indicated by strikethrough):

- A. The Stormwater Management Plan shall contain sufficient information for the Board to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater post-construction, including Low Impact Development site planning and design strategies. The Stormwater Management Plan shall fully describe the project in drawings and narrative. ~~The Stormwater Management Plan may (but is not required to) follow the format and content of the “Stormwater Report” specified by the Massachusetts Department of Environmental Protection to document compliance with the Massachusetts Stormwater Standards.~~
- B. The stormwater management measures described in the Stormwater Management Plan shall, at a minimum, be designed to meet Massachusetts Stormwater Management Standards 1-6 (for new development) or 7 (for redevelopment). In addition, Low Impact Development site planning and design strategies (as described in §38-12) shall be incorporated unless infeasible in order to reduce the discharge of stormwater. To the extent that the Town’s NPDES stormwater discharge permit contains post-construction requirements that go beyond the Massachusetts Stormwater Management Standards, addition design requirements implementing the NPDES permit requirements may be adopted by the Planning Board in Rules and Regulations developed under § 38-13C. The Rules and Regulations may specify the precipitation estimates to be used when calculating stormwater runoff for drainage system design; the precipitation data set specified shall be one that is regionally appropriate and widely used, such as those published by the

National Oceanic and Atmospheric Administration and the Northeast
Regional Climate Center.

- C. Site plan. The Stormwater Management Plan shall include a site plan, stamped and certified by a qualified Professional Engineer registered in Massachusetts, containing the following information:
1. Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan;
 2. Title, date, north arrow, scale, legend, and locus map;
 3. The site's existing and proposed topography with contours at two-foot intervals;
 4. The existing site hydrology, including any existing stormwater conveyances or impoundments;
 5. Estimated seasonal high groundwater elevation (November to April) in areas to be used for stormwater retention, detention, or infiltration;
 6. The existing and proposed vegetation and ground surfaces with runoff coefficient for each;
 7. A drainage area map showing pre- and post-construction watershed boundaries, drainage area and stormwater flow paths;
 8. Identification of all critical areas and tributaries to critical areas within the geographic area shown on the plan;
 8. 9. Drawings of all components of the proposed drainage system; and
 9. 10. Such other information as is required by the Board.

5. By revising Section 38-21.D as shown (additions indicated by underline and deletions indicated by strikethrough):

- D. Recovery of costs. If the Board undertakes work to correct or mitigate any violation of this Bylaw, the Department or Board shall (within 30 days after completing the work) notify the violator and the owner(s) of the property (if different) in writing of the costs incurred by the Town, including administrative costs, associated with that work. The violator and the property owner(s) shall be jointly and severally liable to pay the Town those costs within 30 days of the receipt of that notice. The violator and/or the property owner(s) (if different) may file a written protest objecting to the amount or basis of costs with the Board within 30 days of receipt of the notice. If the amount due is not received by the Town by the expiration of time in which to file such a protest, or within 60 days after the final decision of the Board or (if appealed to court) a court of competent jurisdiction resolving that protest, the amount of the Town's costs shall constitute a municipal charge for purposes of G.L. c. 40, § 58, and ~~be a special assessment against the property and shall constitute a lien~~ may be imposed upon the property pursuant to G.L. c. 40, § 58. Interest shall accrue on any unpaid costs at the statutory rate, as provided in G. L. c. 59, § 57.

6. By revising the term “Board of Selectmen” in Sections 38-21.E and 38-21.F to “Select Board.”

ATTEST:

A TRUE COPY:

Diane Crory, Town Clerk
April 4, 2022

