

Stormwater Management Program (SWMP) Plan

Town of Boxborough, Massachusetts

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Prepared For:

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- Appendix B** – Impaired Waterbodies
- Appendix C**– Regulatory Review and Legal Authority
- Appendix D** – Stormwater System Mapping
- Appendix E** – Inventory of Town-Owned Property
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- Appendix H** – SWPPP Facilities
- Appendix I** – List of Stormwater BMPs
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1 Introduction

Boxborough is one of many Massachusetts communities regulated under the Environmental Protection Agency's (USEPA) National Pollutant Discharge Elimination System (NPDES) Phase II rule (40 CFR 122). The rule requires regulated operators of municipal separate storm sewer systems (MS4) to develop a Stormwater Management Program (SWMP) and Best Management Practices (BMPs) to reduce the impacts of stormwater discharges. The requirements are outlined in the NPDES General Permits for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in Massachusetts, which was signed on April 4, 2016, with an effective date of July 1, 2018, hereinafter referred to as the 2016 MS4 Permit.

This SWMP Plan describes and details the activities and measures that will be implemented to meet the terms and conditions of the permit.

1.1 Regulatory Background

The Stormwater Phase II Final Rule was promulgated in 1999 and was the next step after the 1987 Phase I Rule in the United States Environmental Protection Agency's effort to preserve, protect, and improve the Nation's water resources from polluted stormwater runoff. The Phase II program expands the Phase I program by requiring operators of Small Municipal Separate Storm Sewer Systems in urbanized areas, through the use of National Pollutant Discharge Elimination System permits, to implement programs and practices to control polluted stormwater runoff. Phase II is intended to further reduce adverse impacts to water quality and aquatic habitat by instituting the use of controls on the unregulated sources of stormwater discharges that have the greatest likelihood of causing continued environmental degradation. Under the Phase II rule all MS4s with stormwater discharges from Census designated Urbanized Area are required to seek NPDES permit coverage for those stormwater discharges.

On May 1, 2003, EPA Region 1 issued its Final General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (2003 MS4 Permit) consistent with the Phase II rule. The 2003 MS4 Permit covered "traditional" (i.e., cities and towns) and "non-traditional" (i.e., certain Federal and state agencies and/or facilities) MS4 Operators located in the states of Massachusetts and New Hampshire. This permit expired on May 1, 2008 but remained in effect until operators were authorized under the USEPA's 2016 NPDES General Permit for Stormwater Discharges from MS4 in Massachusetts, hereafter referred to as the "2016 Massachusetts MS4 Permit", "2016 Permit", "MS4 Permit, and/or "2016 MS4 Permit" which replaces the 2003 MS4 Permit.

The 2016 Massachusetts MS4 Permit was signed on April 4, 2016 with an original effective date of July 1, 2017, however was postponed by 1 year to a new effective date of July 1, 2018. The permit was cosigned by the Massachusetts Department of Environmental Protection (MassDEP) and thus is jointly regulated by EPA and MassDEP for Massachusetts permittees.

The following sections outline how the Town of Boxborough will meet Phase II regulatory and schedule requirements.

1.2 MS4 Program

As required by the 2016 MS4 Permit, The Town of Boxborough submitted a Notice of Intent (NOI) and required accompanying information, including endangered species, historic preservation, and an outfall map to EPA Region 1 by the September 29, 2018 deadline (**Appendix A**) requesting authorization to discharge under the new permit. Boxborough received official authorization to discharge stormwater from its MS4 on March 5, 2019. Authorization to discharge expires at June 30, 2022.

This Stormwater Management Program Plan has been developed by the Town of Boxborough to address the requirements of the 2016 MS4 Permit as a follow-up to the NOI. This SWMP Plan documents the Town of Boxborough's program, including Best Management Practices, plans, activities, and measures that have been implemented to date, those that are ongoing, and those proposed for the future to comply with the 2016 MA MS4 Permit. This is a "living" document and should be updated and/or modified as required during the permit term as the permittee's activities are modified, changed or updated to meet permit conditions during the permit term.

This permit in part requires that each permittee, or regulated community, address 6 Minimum Control Measures (MCMs). These measures include the following:

1. Public Education and Outreach;
2. Public Involvement and Participation;
3. Illicit Discharge Detection and Elimination Program;
4. Construction Site Stormwater Runoff Control;
5. Stormwater Management in New Development and Redevelopment (Post Construction Stormwater Management); and
6. Good Housekeeping and Pollution Prevention for Permittee Owned Operations.

In addition to the 6 MCMs above, permittees must also address water quality impacts from waterbodies with approved Total Maximum Daily Loads (TMDLs) and certain impairments, generally known as water quality limited waterbodies.

1.3 Regulated Area

Requirements of the 2016 MS4 Permit are limited to a regulated area, defined as the Town's Urbanized Areas (UAs) which generally constitute the largest and most dense areas of settlement in a region. The Bureau of the Census determines UAs by applying a detailed set of published UA criteria to the latest decennial census data. Although the full UA definition is complex, the Bureau of the Census' general definition of a UA, based on population and population density, is provided below:

“An urbanized area (UA) is a densely settled core of census tracts and/or census blocks that have population of at least 50,000, along with adjacent territory

containing non-residential urban land uses as well as territory with low population density included to link outlying densely settled territory with the densely settled core. It is a calculation used by the Bureau of the Census to determine the geographic boundaries of the most heavily developed and dense urban areas.”

The most recent UA maps are based on the 2010 Census. **Figure 1-1** shows the UA in the Town of Boxborough, which covers the majority of the moderately developed municipality except for the more forested northern corner of the Town north of the Interstate 495. Per the most recent census data, the UA covers 4,990 out of 4,994 Town residents, or approximately 99.9% of the population. The UA area increased slightly since the 2000 Census, generally including a slightly expanded area in the eastern corner of the Town. The UA is subject to change every 10 years based on the application of the Census definition, thus a slightly larger area may be covered in the future.

1.4 How to Use this Plan

For the purposes of the 2016 MS4 Permit and ease of use, the Town’s SWMP encompasses 3 separate written documents:

1. SWMP Plan (this document);
2. Illicit Discharge Detection and Elimination (IDDE) Plan; and
3. Operation and Maintenance (O&M) Plan.

Both the IDDE Plan and Operation and Maintenance Plan are prepared as separate standalone documents to this SWMP Plan. This SWMP Plan is divided into several sections and includes the following components:

- Section 2** **Town Characteristics** – Section 2 provides an overview of relevant characteristics, focusing on those aspects related to stormwater runoff and the water quality of surface waters.
- Section 3** **MCM 1: Public Education and Outreach** – regulated operators of MS4s are required to implement a public education program. Section 3 discusses activities to comply with this measure.
- Section 4** **MCM 2: Public Participation and Involvement** – regulated MS4s are required to obtain public participation throughout the stormwater management program. Section 4 discusses activities to comply with this measure.
- Section 5** **MCM 3: Illicit Discharge, Detection, and Elimination** – regulated MS4s must develop and implement an illicit discharge detection and elimination program and develop a regulation to prohibit illicit discharges to the storm drain system. Section 5 discusses activities to comply with this measure.

- Section 6** **MCM 4: Construction Site Stormwater Runoff Control** – regulated MS4s are required to implement and enforce a program to reduce pollutants in stormwater runoff from construction activities that disturb 1 or more acres. This requires the development of a local regulation requiring implementation of proper erosion and sediment controls. Permittees are also responsible for inspections and enforcement. Section 6 discusses activities to comply with this measure.
- Section 7** **MCM 5: Stormwater Management in New Development and Redevelopment** – regulated MS4s are required to develop and enforce a regulation requiring implementation of post-construction runoff controls at sites where construction activities disturb 1 or more acres. The controls must be designed to treat stormwater runoff from post-development sites and must be maintained over the long-term. Section 7 discusses activities to comply with this measure.
- Section 8** **MCM 6: Good Housekeeping and Pollution Prevention** – regulated MS4s must review their operations at specific facilities and those that occur throughout the Town (i.e., catch basin cleaning and street sweeping) and make improvements where needed to minimize pollution to stormwater runoff. Staff involved in these operations must also be trained on appropriate operations and maintenance techniques. Section 8 discusses activities to comply with this measure.
- Section 9** **TMDL and Impaired Waters Controls** – regulated MS4s are required to evaluate and address stormwater contributions to impaired waters. Section 9 discusses activities to comply with this measure.
- Section 10** **Annual Reporting** – Section 10 provides a summary of annual reporting requirements in order to meet the 2016 MS4 Permit.
- Section 11** **Implementation of Best Management Practices** – Section 11 provides a summary of proposed BMPs outlined in Sections 3 through 9 in a concise plan for easy reference.

1.5 Program Responsibilities

This plan is intended to be used by Town of Boxborough staff whose job involves administering the MS4 permit and associated requirements. The Town’s MS4 program will be headed by the following personnel:

Table 1-1. MS4 Responsible Personnel

Name	Title, Department	Contact
Ed Kukkula	DPW Director	(978) 264-1700 ekukkula@boxborough-ma.gov

The Town of Boxborough has 11 departments responsible for implementing portions of its MS4 program as identified in the NOI. Therefore, due to the extensive number of departments involved as part of the Town’s MS4 program, it is not feasible to list names and titles of responsible personnel for each one, as the information within this plan would be frequently out of date. However, **Table 1-2** provides a list of responsible departments and their general responsibilities within the MS4 program. The responsible person is the most senior person (e.g. department head, administrator, senior elected official, etc.) within each department listed below.

Table 1-2. Program Responsibilities

Department / Division	General Responsibilities
Board of Health	Information distribution for public education; public participation; Sanitary Sewer Overflow (SSO) inventory; IDDE program implementation; IDDE training
Building Department	Information distribution for public education; site plan review procedures; site inspections and procedures; bylaw and regulation development; as-built submittal; TMDL requirements
Conservation Commission	Information distribution for public education; public participation; site plan review procedures; site inspections and procedures; bylaw and regulation development; as-built submittal; target properties to reduce impervious areas and for BMP retrofit; TMDL requirements
Department of Public Works	Information distribution for public education; public participation; SSO inventory; system mapping; IDDE program creation and implementation; IDDE training; inventory buildings and facilities; establish operation and maintenance procedures; SWPPP development and implementation; catch basin cleaning and street sweeping; road salt optimization program; BMP inspections and maintenance; TMDL requirements
Information Technology	Website-related public education; social media participation; public participation;
Permanent Building Committee	Inventory buildings and facilities
Planning Board	Information distribution for public education; website-related public education; public participation; SSO inventory; system mapping; IDDE program creation; IDDE training; site plan review procedures; site inspections and procedures; bylaw and regulation development; as-built submittal; target properties to reduce impervious areas and for BMP retrofit; TMDL requirements
Town Clerk	Information distribution for public education
Zoning Board	Information distribution for public education; regulation development; TMDL requirements

2 Town Characteristics

This section provides some background information on the Town of Boxborough, Massachusetts, useful in understanding the Town’s characteristics and resources to develop a tailored Stormwater Management Plan. Town characteristics are described below.

2.1 Community Information

Boxborough is a landlocked community located in northeastern Massachusetts within Middlesex County. It is generally bordered by Littleton Massachusetts to the north, Acton Massachusetts to the east, Stow Massachusetts to the south, and Harvard MA to the west. It lies within the Assabet River Watershed. Select relevant community profile information is provided below:

- Total Area = 10.4 square miles (*source: Wikipedia*)
- 2010 Population = 4,994 (*source: EPA maps based on 2010 US Census*)
- Regulated Area Population = 4,990 (*source: EPA maps based on 2010 US Census*)

2.2 Demographics

Demographics play a role in developing a public education program that targets the appropriate audience through the most appropriate means. Information on owner occupancy versus rentals and languages spoken can help shape how information is disseminated. The majority of Boxborough residents (approximately 95.8%) speak English “very well”. Because this is the vast majority of the population, the public education and outreach program can proceed with distributing its materials in English.

2.2 Land Use

The land uses within the regulated area of the Town of Boxborough are shown on **Figure 2-1** and provided below. Impervious area is shown on **Figure 2-2**.

- Commercial 2%
- Forest 55%
- Industrial 2%
- Open Land and Agriculture 5%
- Residential 16%
- Transportation and Utilities 3%
- Wetlands 16%
- Water 0%

As per the above, Boxborough has substantial forest, open land, and water/wetland area (approximately 76%), with much of the remaining consisting of low-density residential development (approximately 16%). Remaining land use (approximately 7%) consists largely of roadways and minor commercial and industrial development.

2.3 303(d) Impaired Waterbodies

The ultimate goal of this Stormwater Management Plan is to outline a program to effectively maintain the Town's stormwater infrastructure and to improve the water quality of receiving waters (waters which receive stormwater discharges from the MS4) in compliance with the 2016 MS4 Permit. 303(d) impaired waters are those surface waters identified by the MassDEP as priority waters that do not meet water quality criteria. As part of the 2016 MS4 Permit, communities must implement BMPs to address all 303(d) waters and specifically address those that have a completed TMDL study.

Of particular note to Boxborough, according to the Final 2014 Massachusetts Integrated List of Waters produced by MassDEP every 2 years¹, no waterbodies within the Town's regulated area are listed as Category 4 or Category 5. However, due to its location within the Assabet River Watershed, the town of Boxborough must address phosphorus TMDL requirements as outlined further in Section 9. Resource waters are shown in **Figure 2-3**. Boxborough will review changes as new lists are published and record these changes and any new permit requirements in **Appendix B**.

2.4 Endangered Species Act Determination

In order to be eligible to discharge stormwater under the 2016 MS Permit, the Town of Boxborough must certify that its stormwater system is not impacting federally listed rare or endangered species habitat or other critical environmental locations. This was completed in the summer of 2018 as meeting "Criterion B" on the Notice of Intent with the results documented in **Appendix A**. The Northern Long-eared Bat (*Myotis septentrionalis*), Red Knot (*Calidris canutus rufa*), Roseate Tern (*Sterna dougallii dougallii*), and Small Whorled Pogonia (*Isotria medeoloides*) were identified as potentially being present within Boxborough's regulated area. No critical habitats were identified.

2.5 National Historic Preservation Act Determination

Regulated MS4s must also evaluate whether its discharges have the potential to affect historic properties. The MS4 Permit typically authorizes discharges from existing facilities and requires control of the pollutants discharged from the facility, however, EPA does not anticipate effects on historic properties from the pollutants in the authorized discharges. Thus, to the extent EPA's issuance of the MS4 General Permit authorizes discharges of such constituents, confined to existing channels, outfalls or natural drainage areas, the permitting action does not have the potential to cause effects on historical properties. If there have been no relevant changes in operation of the MS4 since the 2003 MS4 General Permit, the discharge can still be considered to have no potential to have an effect on historic properties.

¹Note that at the time of preparation of this report (March 27, 2019), the 2014 303d list is the most up to date finalized 303d List as approved by USEPA on February 23, 2016.

This has been documented as “Criterion A” on the Notice of Intent (**Appendix A**) and thus no additional information is required for documentation.

Where there is disturbance of land through the construction and/or installation of control measures, there is a possibility that artifacts, records, or remains associated with historic properties could be impacted. In these cases, such as during future construction of structural stormwater BMPs, the Town will need to ensure that historic properties will not be impacted by their activities, or that they are in compliance with a written agreement with the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), or other tribal representative that outlines all measures the applicant will carry out to mitigate or prevent any adverse effects on historic properties. This will be completed as required during a later date(s).

3 MCM 1: Public Education and Outreach

3.1 Summary of Permit Requirements

3.1.1 Core Permit Requirements

Under MCM 1, permittees must develop an educational program, define educational goals, express specific messages, define the targeted audience for each message, and identify responsible parties for program implementation. At a minimum, the program must provide information concerning the impact of stormwater discharges on water bodies within the community, especially those waters that are impaired or identified as priority waters. The program must identify steps and/or activities that the public can take to reduce the pollutants in stormwater runoff and their impacts to the environment.

The Town must address 4 core target audiences, unless 1 of these audiences is not present in the MS4 community:

1. Residents;
2. Businesses, Institutions, and Commercial facilities;
3. Developers and Construction; and
4. Industrial facilities.

Because no industrial sector exists in the Town of Boxborough, Item 4 on the above list does not apply to its MS4 and will thus be omitted from the Town's program. At least 2 educational messages must be distributed to the remaining audiences over the permit term spaced at least a year apart. See sections below for more information.

3.1.2 TMDL & Impaired Waters Requirements

Public education and outreach programs must also address impaired waterbodies or those identified as priority waters. In Boxborough, the only waterbody impairments listed as having specific requirements under the 2016 MS4 Permit is phosphorus related to the Assabet River watershed. Relevant public information on phosphorus topics as outlined by the 2016 MS4 Permit will be included with each of the 4 applicable target audiences as outlined below.

3.2 Objectives and Goals

The Town of Boxborough will implement an education program that includes educational goals based on stormwater issues of significance within the MS4 area, increase knowledge, and change behavior of the public so that pollutants in stormwater are reduced.

3.3 Existing Public Education Program

In response to requirements under the 2003 permit, Boxborough has enacted a multifaceted approach to stormwater public education and outreach. The following summarizes Boxborough's current public education activities that will be continued under the 2016 MS4 Permit:

- **Stormwater Website** – maintain a web presence with information and helpful links relating to stormwater management.
- **Stormwater Brochure** – distribute brochures regarding various stormwater management topics at Town events.

3.4 Proposed Public Education Program

The following sections outline how Boxborough will meet the requirements of the 2016 MS4 Permit by completing targeted outreach to the 3 required audiences. As noted previously and in the NOI filing, industrial audiences are not present in Boxborough and will not be targeted. Additionally, since the Town has waterbodies with water quality impairments associated with bacteria, the program will include messages to help minimize contributions of these pollutants, in accordance with the “Enhanced BMPs” requirements in Appendix F of the 2016 MS4 Permit.

3.4.1 Residential

Informational Topics

As required for all communities under the 2016 MS4 Permit, the following topics will be addressed under the Residential public education and outreach program:

- Effects of outdoor activities such as lawn care (use of pesticides, herbicides, and fertilizers) on water quality;
- Benefits of appropriate on-site infiltration of stormwater;
- Effects of automotive work and car washing on water quality;
- Proper disposal of swimming pool water;
- Proper management of pet waste; and
- Maintenance of septic systems.

As required for waterbodies subject to the phosphorus water quality limited waterbody requirements, the Town shall supplement its Residential program with the following annual messages encouraging:

- Spring (April-May): proper disposal of grass clippings and use of slow-release and phosphorus-free fertilizers;
- Summer (June-July): proper management of pet waste; and
- Fall (August-October): proper disposal of leaf litter.

Educational Message and Methods of Distribution

The following table shows the proposed educational messages and methods of distribution for the above topics, along with responsible parties and measurable goals.

Table 3-1. BMP Description – Residential Outreach

BMP Description	Message	Method of Distribution	Responsible Parties	Measurable Goal
BMP 1-1: Residential Education Program	Brochures / Pamphlets	Distribute fact sheets or brochures on pet waste pickup with dog licenses	Town Clerk	Provide informational flyers with all pet waste license applications/renewals
	Brochures / Pamphlets	Distribute brochures regarding various stormwater management topics at Town events	Conservation Commission, Board of Health, Planning Board, Department of Public Works	Provide information at Town events
	Stormwater webpage	Provide relevant information and links for viewing and/or download from Town webpage	Information Technology, Planning Board	Continue to update and maintain the websites to include relevant stormwater information
	Social media outreach	Provide relevant information to different audiences via various social media platforms	Information Technology	Follow statewide “Think Blue” campaign on social media platforms

The following table lists which of the topics will be covered under each message.

Table 3-2. Residential Public Outreach Topics and Message

Topics and Educational Message	Brochures / Pamphlets	Stormwater Webpage	Social Media Outreach
Core Program Topics			
Effects of outdoor activities such as lawn care (use of pesticides, herbicides, and fertilizers) on water quality	x	x	x
Benefits of appropriate on-site infiltration of stormwater	x	x	x
Effects of automotive work and car washing on water quality	x	x	x
Proper disposal of swimming pool water;	x	x	x

Table 3-2 (continued). Residential Public Outreach Topics and Message

Topics and Educational Message	Brochures / Pamphlets	Stormwater Webpage	Social Media Outreach
Proper management of pet waste	x	x	x
Maintenance of septic systems	x	x	x
An annual message encouraging the proper management of pet waste, including noting any existing bylaws where appropriate	x	x	x
Disseminate educational materials to dog owners at the time of issuance or renewal of a dog license, or other appropriate time	x	x	x
Describe detrimental impacts of improper pet waste management, requirements for waste collection and disposal, and penalties for non-compliance	x	x	x
Provide information to owners of septic systems about proper maintenance in any catchment that discharges to a water body impaired for bacteria or pathogens		x	x
Phosphorus TMDL Topics			
Spring (March/April): encourage proper use and disposal of grass clippings and use of slow-release and phosphorus free fertilizers	x	x	x
Summer (June/July): encourage proper management of pet waste	x	x	x
Fall (August/September/October): encourage the proper disposal of leaf litter	x	x	x

Schedule

Due to the importance of educating Town residents, many of the above topics will be made available continuously via brochures and the website. Information pertaining to the phosphorus seasonal messages will be made available on the website continuously with notes provided for the appropriate timeframes for implementing certain topics.

3.4.2 Businesses, Institutions, and Commercial Facilities

Informational Topics

As required for all communities under the 2016 MS4 Permit, the following topics will be addressed under the Business, Institutions, and Commercial public education and outreach program:

- Proper lawn maintenance (use of pesticides, herbicides and fertilizer);
- Benefits of appropriate on-site infiltration of stormwater;
- Building maintenance and storage of materials;
- Proper use and storage of salt or other de-icing and anti-icing materials;
- Proper management of waste materials and dumpsters;
- Proper management of parking lot surfaces;
- Proper car care activities; and

- Proper disposal of swimming pool water by entities such as motels, hotels, and health and country clubs.

As required for waterbodies subject to the phosphorus water quality limited waterbody requirements, the Town shall supplement its Business, Institutions, and Commercial program with the following annual messages encouraging:

- Spring (April-May): proper disposal of grass clippings and use of slow-release and phosphorus-free fertilizers;
- Summer (June-July): proper management of pet waste; and
- Fall (August-October): proper disposal of leaf litter.

Educational Message and Methods of Distribution

The following table shows the proposed educational messages and methods of distribution for the above topics, along with responsible parties and measurable goals. All informational topics will be addressed on the Town’s website.

Table 3-3. BMP Description – Businesses, Institutions, and Commercial Outreach

BMP Description	Message	Method of Distribution	Responsible Parties	Measurable Goal
BMP 1-2: Businesses, Institutions, and Commercial Education Program	Stormwater webpage	Provide relevant information and links for viewing and/or download from Town webpage	Information Technology, Planning Board	Continue to update and maintain the websites to include relevant stormwater information
	Social media outreach	Provide relevant information to different audiences via various social media platforms	Information Technology	Follow statewide “Think Blue” campaign on social media platforms

Schedule

Information pertaining to the Business, Institutions, and Commercial public education and outreach program will be made available on the website and via social media continuously.

3.4.3 Developers and Construction

Informational Topics

As required for all communities under the 2016 MS4 Permit, the following topics will be addressed under the Developers and Construction public education and outreach program:

- Proper sediment and erosion control management practices;
- Information about Low Impact Development (LID) principles and technologies; and
- Information about EPA’s construction general permit (CGP).

Educational Message and Methods of Distribution

The following table shows the proposed educational messages and methods of distribution for the above topics, along with responsible parties and measurable goals. All informational topics will be addressed on the Town’s website and via erosion control and fact sheets provided to developers when applying for applicable permits.

Table 3-4. BMP Description – Developers and Construction Outreach

BMP Description	Message	Method of Distribution	Responsible Parties	Measurable Goal
BMP 1-3: Developers and Construction Education Program	Stormwater webpage	Provide relevant information and links for viewing and/or download from Town webpage	Information Technology, Planning Board	Continue to update and maintain the websites to include relevant stormwater information
	Social media outreach	Provide relevant information to different audiences via various social media platforms	Information Technology	Follow statewide “Think Blue” campaign on social media platforms
	Brochures / Pamphlets	Distribute fact sheets or brochures on erosion and sediment control with permit applications	Planning Board, Zoning Board, Building Department, Conservation Commission	Provide informational brochures with all applications and track the number distributed.

Schedule

Information pertaining to the Developers and Construction will be made available continuously on the website and via social media.

3.4.4 Industrial

Informational Topics

As required for all communities under the 2016 MS4 Permit, the following topics will be addressed under the Industrial public education and outreach program:

- Equipment inspection and maintenance;
- Proper storage of industrial materials and dumpster management;
- Proper management and disposal of wastes;
- Minimization of use and proper storage of salt or other de-icing/anti-icing materials;
- Benefits of on-site stormwater from areas with low exposure to industrial materials;
- Proper maintenance of parking lot surfaces; and
- Information about EPA’s CGP.

Educational Message and Methods of Distribution

The following table shows the proposed educational messages and methods of distribution for the above topics, along with responsible parties and measurable goals. All informational topics will be addressed on the Town’s website.

Table 3-5. BMP Description – Industrial Outreach

BMP Description	Message	Method of Distribution	Responsible Parties	Measurable Goal
BMP 1-4: Industrial Education Program	Stormwater webpage	Provide relevant information and links for viewing and/or download from Town webpage	Information Technology, Planning Board	Continue to update and maintain the websites to include relevant stormwater information
	Social media outreach	Provide relevant information to different audiences via various social media platforms	Information Technology	Follow statewide “Think Blue” campaign on social media platforms

Schedule

Information pertaining to the Industrial public education and outreach program will be made available continuously on the website and via social media.

3.5 Measuring Public Education Program Effectiveness

During completion of the Town’s annual report as detailed further under **Section 10**, Boxborough will review the effectiveness of each message and the Town’s overall education program. Effectiveness is expected to vary by message, however will generally be measured based on quantities of materials distributed and feedback from town employees based on observations in their area of work. Educational messages and/or distribution techniques will be modified as needed, should program managers determine that they are ineffective.

4 MCM 2: Public Participation & Involvement

4.1 Summary of Permit Requirements

Under MCM 2, permittees must provide annual opportunities for public participation in the review and implementation of the Town's SWMP as part of a public education and involvement program. All public involvement activities must comply with state public notice requirements. The SWMP and annual reports must also be made available so that the public has opportunities to review and comment.

4.2 Objectives and Goals

Boxborough will implement a public participation and involvement program that provides opportunities for review and implementation of the Town's SWMP. This will help support public education and outreach items under MCM 1.

4.3 Existing Public Participation and Involvement Opportunities

The Town of Boxborough provides multiple public participation and involvement opportunities throughout the year. The following summarizes Boxborough's current public participation activities that will be continued under the 2016 MS4 Permit:

- **Land Stewardship Program for Conservation Lands** – evaluate conservation lands and trails for recommended drainage improvements.
- **Household Hazardous Waste Collection Days** – sponsor a household hazardous waste collection day at least every other year.

4.4 Proposed Public Participation and Involvement Opportunities

The following outlines how Boxborough will meet permit requirements to provide the public with opportunities to participate in reviewing and implementing the SWMP.

4.4.1 Make Documents Publicly Available for Comment

Boxborough will make this written SWMP Plan and annual reports available for review and comment via the Town's website, along with the name, email address and/or phone number of a contact person from the Town government to request additional information or submit comments. This will allow the public to comment on the program at least once per year. An updated SWMP Plan will be posted to the website as additional tasks are completed. The following table shows the proposed BMP, responsible parties and measurable goals.

Table 4-1. BMP Description – Make Documents Publicly Available for Comment

BMP Description	Responsible Parties	Measurable Goal
<u>BMP 2-1:</u> Make SWMP Plan Publicly Available	Information Technology, Planning Board	Annual review of stormwater management plan and posting on website. Allow public to comment on the plan at least annually.

4.4.2 Land Stewardship Program for Conservation Lands

The Town will continue to evaluate conservation lands and trails for recommended drainage and water quality improvements. The following table shows the proposed BMP, responsible parties and measurable goals.

Table 4-2. BMP Description - Habitat and Inventory Monitoring

BMP Description	Responsible Parties	Measurable Goal
<u>BMP 2-2:</u> Habitat Inventory and Monitoring	Conservation Commission	Continue to conduct habitat inventories and monitoring of Town conservation lands and holdings

4.4.3 Household Hazardous Waste Collection

Sponsor a household hazardous waste collection day at least every other year to allow residents to properly disposal of hazardous materials.

Table 4-3. BMP Description - Household Hazardous Waste Collection

BMP Description	Responsible Parties	Measurable Goal
<u>BMP 2-3:</u> Sponsor Household Hazardous Waste Event	Department of Public Works, Board of Health	Continue to allow public to drop off household hazardous waste every other year

5 MCM 3: Illicit Discharge, Detection, and Elimination

5.1 Summary of Permit Requirements

Under MCM 3, permittees must implement an IDDE program to systematically find and eliminate sources of non-stormwater discharges to its MS4 and implement procedures to prevent such discharges. A summary of the required IDDE activities and timelines are provided below. See sections below for more information.

5.1.1 Legal Authority

The IDDE program shall include adequate legal authority in the form of a currently effective ordinance, bylaw, or other regulatory mechanism to prohibit, investigate, and eliminate illicit discharges. For permittees authorized by the MS4-2003 permit such as Boxborough, the ordinance, bylaw, or other regulatory mechanism was required to be effective by May 1, 2008.

5.1.2 Sanitary Sewer Overflow

Regulated communities must identify all known locations where SSOs have discharged to the MS4 during the previous 5-years and update it annually. Upon detection of an SSO, the permittee must eliminate it as quickly as possible and take interim mitigation measures to minimize or eliminate the discharge of pollutants until remediation work is complete.

5.1.3 System Mapping

Regulated communities must complete a comprehensive map of their stormwater system in 2 phases. Phase 1 must be completed within 2 years and include infrastructure such as outfalls and preliminary catchment delineations, waterbodies, open channel conveyances, interconnections with other MS4s, and structural stormwater BMPs. Phase 2 must be completed within 10 years and include information such as outfalls with high accuracy GPS location and refined catchment delineations, catch basins, manholes, pipe connectivity, and sanitary or combined sewer systems as available/applicable.

5.1.4 Illicit Discharge, Detection, and Elimination Program

The 2016 MS4 Permit requires preparation of a comprehensive written IDDE Program or IDDE Plan that provides detailed procedures for assessment and priority ranking of outfalls and interconnections, dry and wet weather outfall sampling, catchment investigation procedures, system vulnerability factor (SVF) assessment, identification of an illicit discharge, illicit discharge removal, and ongoing screening requirements. The written IDDE Program must be prepared as a standalone IDDE Plan separate from this SWMP Plan.

5.2 Objectives and Goals

The Town of Boxborough will implement an IDDE program to systematically find and eliminate sources of non-stormwater discharges to its MS4 and implement procedures to prevent such discharges. The ultimate goal is to remove sources of pollution and improve water quality in receiving waterbodies.

5.3 Existing IDDE Program

The Town of Boxborough has completed some program measures related to mapping in response to implementing its IDDE program.

- **Stormwater Infrastructure Mapping** – completed stormwater infrastructure mapping, including outfalls, catch basins, manholes, and connecting pipes as feasible based on personnel availability to improve Town infrastructure maps.
- **Adopted a Stormwater Ordinance** – enacted a “Stormwater Bylaw – Discharges into Storm Drains” within the general Town bylaws.

5.4 Proposed IDDE Program

The following sections outline how Boxborough will meet the requirements of the 2016 MS4 Permit to implement an IDDE program to locate, eliminate, and prohibit illicit discharges.

5.4.1 Establish Legal Authority

Requirements

Permittees must develop an ordinance, bylaw or regulatory mechanism to:

- Prohibit illicit discharges;
- Investigate suspected illicit discharges;
- Eliminate illicit discharges, including discharges from properties not owned by or controlled by the MS4 that discharge into the MS4 system; and
- Implement appropriate enforcement procedures and actions.

Work to be Performed

The Town of Boxborough previously enacted a “Stormwater Bylaw” under the general Town bylaws effective August 22, 2007 to meet IDDE regulatory mechanism requirements, and is provided under **Appendix C**. This regulatory mechanism provides the Town of Boxborough with adequate legal authority as required to comply with 2016 MS4 Permit requirements. Thus, Boxborough will continue enforcing its existing regulatory mechanism and update it as necessary. The following table shows the proposed BMP, responsible parties and measurable goals.

Table 5-1. BMP Description – Establish IDDE Legal Authority

BMP Description	Responsible Parties	Measurable Goal
BMP 3-1: Enact and Enforce IDDE Bylaw	Planning Board, Board of Health	Continue enforcing existing “Stormwater Bylaw” and update as necessary

5.4.2 Complete System Mapping

Requirements

The 2016 MS4 Permit requires the storm system map to be updated in 2 phases. Phase I mapping must be completed within 2 years of the effective date of the permit (July 1, 2020) and include the following information:

- Outfalls and receiving waters (previously required by the MS4-2003 permit);
- Open channel conveyances (swales, ditches, etc.);
- Interconnections with other MS4s and other storm sewer systems;
- Municipally owned stormwater treatment structures;
- Waterbodies identified by name with a list of impairments as identified on the most recent EPA approved Massachusetts Integrated List of Waters report; and
- Initial catchment delineations based on topography or contributing structures.

Phase II mapping must be completed within 10 years of the effective date of the permit (July 1, 2028) and include the following information:

- Outfall locations (latitude and longitude with a minimum accuracy of +/-30 feet);
- Pipe connectivity;
- Manholes;
- Catch basins;
- Refined catchment delineations based on updated mapping information;
- Municipal sanitary sewer system; and
- Municipal combined sewer system.

Work to be Performed

As noted previously, the Town of Boxborough has already begun mapping some aspects of its stormwater system. Current mapping status is provided in **Appendix D**. The Town of Boxborough will continue to update its stormwater mapping by the required deadlines to include the above information. All information will be incorporated into its GIS library. Where applicable, GIS information can be exported into other formats, such as Microsoft Excel, for use with annual reporting or tracking. The following table shows the proposed BMPs, responsible parties and measurable goals.

Table 5-2. BMP Description – Complete System Mapping

BMP Description	Responsible Parties	Measurable Goal
<u>BMP 3-2:</u> Phase I Storm Sewer System Map	Department of Public Works, Planning Board	Complete preliminary system map within 2 years of effective date of permit
<u>BMP 3-3:</u> Phase II Storm Sewer System Map	Department of Public Works, Planning Board	Complete full system map 10 years after effective date of permit

5.4.3 Complete Sanitary Sewer Overflow Inventory

Requirements

The 2016 MS4 Permit requires municipalities to prohibit illicit discharges, including SSOs, to the separate storm sewer system. SSOs are discharges of untreated sanitary wastewater from a municipal sanitary sewer that can contaminate surface waters, cause serious water quality problems and property damage, and threaten public health. SSOs can be caused by blockages, line breaks, sewer defects that allow stormwater and groundwater to overload the system, power failures, improper sewer design, and/or vandalism.

Work to be Performed

Boxborough’s entire population relies on septic systems for wastewater management. Therefore, SSO considerations do not apply to the Town's program, as noted in the NOI (**Appendix A**).

5.4.4 Develop and Implement Written IDDE Program

Requirements

The Town of Boxborough must develop an IDDE Program, the majority of which is contained in a written Illicit Discharge, Detection, and Elimination Plan, a standalone document separate from this SWMP Plan. The IDDE Plan must include a statement of responsibilities and detailed written procedures for the following:

- Assessment and priority ranking of outfalls and interconnections;
- Dry and wet weather outfall sampling;
- Catchment investigation procedures;
- System vulnerability factor (SVF) assessment;
- Identification of an illicit discharge;
- Illicit discharge removal; and
- Ongoing screening requirements.

Work to be Performed

Boxborough has developed a written IDDE Plan as a separate standalone document to address the illicit discharge requirements of the 2016 MS4 Permit. Boxborough will work towards implementing a comprehensive IDDE Plan and program, according to the schedule set forth in the permit. The following table shows the proposed BMPs, responsible parties and measurable goals.

Table 5-3. BMP Description – Written IDDE Program and Program Implementation

BMP Description	Responsible Parties	Measurable Goal
<u>BMP 3-4:</u> Written IDDE Program	Department of Public Works, Board of Health	Department of Public Works, Planning Board
<u>BMP 3-5:</u> Outfall Inventory and Ranking	Department of Public Works	Department of Public Works, Planning Board
<u>BMP 3-6:</u> Implement IDDE Program	Department of Public Works, Board of Health	Department of Public Works, Planning Board

5.4.5 Perform Dry and Wet Weather Outfall Screening

Requirements

Outfalls and contributing catchment areas must be categorized into Problem, High, Low, and Excluded outfalls and then ranked within each category. The 2016 MS4 Permit then requires all outfalls classified as High and Low to be inspected for the presence of dry conditions within 3 years of the permit effective date. While completing screening, permittees must also document various physical indicators of the outfall and sample flowing outfalls. Additionally, outfalls with at least 1 SVF must also be sampled during wet weather. Depending on the results, additional screening and sampling may be required further up into the contributing catchment. Once dry and wet weather sampling is complete, additional ongoing screening shall be performed once every 5 years in accordance with the catchment prioritization and ranking. Both dry and wet weather outfall screening must be conducted in accordance with screening procedures outlined in the written IDDE Plan. All sampling results shall be reported in the permittee's annual report.

Work to be Performed

The Town of Boxborough does not currently have a formal outfall sampling program in place, however the Town does periodically collect and analyze flow for potential water quality impacts. Thus, in accordance with the Permit, a program will be created to perform dry and wet weather screening on Town outfalls, including those with SVFs where applicable. The program will be performed in accordance with the written procedures and schedules in the IDDE Plan. The following table shows the proposed BMP, responsible parties and measurable goals.

Table 5-4. BMP Description – Perform Dry and Wet Weather Outfall Screening

BMP Description	Responsible Parties	Measurable Goal
Dry Weather Screening	Department of Public Works	Complete in accordance with outfall screening procedure within 3 years of the effective permit date
Wet Weather Screening	Department of Public Works	Complete in accordance with outfall screening procedure within 10 years of the effective permit date
Ongoing Screening	Department of Public Works	Conduct ongoing dry and wet weather outfall screening upon completion of the IDDE program

5.4.6 Perform Annual IDDE Training

The 2016 MS4 Permit requires annual IDDE training to be provided to all employees involved in the IDDE program. Therefore, Boxborough will provide annual training that will at a minimum include information on how to identify illicit discharges and may also include additional training specific to the functions of particular personnel and their function within the framework of the IDDE program. The Department of Public Works, Planning Board, and Board of Health will be the sole municipal departments responsible for implementing the IDDE program, and thus training will focus on these departments. Frequency and type(s) of training will be included in the annual report. The following table shows the proposed BMP, responsible parties and measurable goals.

Table 5-5. BMP Description – Perform Annual IDDE Training

BMP Description	Responsible Parties	Measurable Goal
Perform IDDE Training	Department of Public Works, Planning Board, Board of Health	Complete annual training

5.5 Measuring IDDE Program Effectiveness

The success of the IDDE Program will be evaluated according to the following parameters:

- Storm system mapping progress;
- Number of illicit discharges identified and removed;
- Number and percent of total outfall catchments served by the MS4 evaluated using the catchment investigation procedures;
- Updated SVF and catchment inventory and ranking;
- Dry weather and wet weather screening and sampling results; and
- Number of employees successfully trained on IDDE.

The above will be tracked throughout the year and reported as part of each annual report submitted to EPA each year by September 29.

6 MCM 4: Construction Site Stormwater Runoff Control

6.1 Summary of Permit Requirements

Under MCM 4, permittees are required to implement and enforce a program to reduce pollutants in stormwater runoff discharged to the MS4 from all construction activities that result in a land disturbance of greater than or equal to 1 acre within the regulated area. This program shall also regulate disturbances less than 1 acre if they are part of a larger common plan of development or sale that would disturb 1 or more acres. A summary of the required Construction Site Stormwater Runoff Control Program activities and timelines are provided below:

6.1.1 Legal Authority

The Construction Site Stormwater Runoff Control Program shall include adequate legal authority in the form of a currently effective ordinance, bylaw, or other regulatory mechanism to:

- Require the use of sediment and erosion control practices at construction sites; and
- Include controls for other wastes on construction sites.

For permittees authorized by the MS4-2003 permit such as Boxborough, the ordinance, bylaw, or other regulatory mechanism was required to be effective by May 1, 2008.

6.1.2 Construction Site Stormwater Runoff Control Program

The 2016 MS4 Permit requires preparation of a written Construction Site Stormwater Runoff Control Program procedures that includes pre-construction site plan review and onsite construction inspections. Permittees must also establish requirements for developers to implement a Sediment and Erosion Control Program as part of its Construction Site Stormwater Runoff Control Program that includes BMPs to reduce pollutant sources from construction sites. This program should also include requirements for controlling other wastes during construction.

6.2 Objectives and Goals

The Town of Boxborough will implement an effective construction stormwater runoff control program to minimize or eliminate erosion and maintain sediment onsite so that it is not transported in stormwater and allowed to discharge to a water of the U.S through the permittee's MS4.

6.3 Existing Construction Site Stormwater Runoff Control Program

The Town of Boxborough has completed some program measures to satisfy construction site stormwater runoff requirements:

- **Required Site Plan Reviews** – “Stormwater Drainage and Management,” found in article IV of the Boxborough’s Site Plan Approval Rules and Regulations, section 4.10, requires site plan reviews to account for stormwater drainage requirements before approval.
- **Subdivision Regulations** – require many of the items outlined under this minimum measure, such as use of erosion and sediment control measures, site inspection requirements, and plan review requirements, however only applies to subdivisions.
- **Erosion Control Plans** – required submittal of Erosion Control Plans (ECPs) and standard conditions for approval.
- **Site Inspections** – the Town’s consulting engineer performs site visits and inspections of current construction projects at varying times during construction.

6.4 Proposed Construction Site Stormwater Runoff Control Program

The following sections outline how Boxborough will meet the requirements of the 2016 MS4 Permit to establish a Construction Site Stormwater Runoff Control Program.

6.4.1 Establish Legal Authority

Requirements

Permittees must develop an ordinance, bylaw or regulatory mechanism to:

- Require the use of sediment and erosion control practices at construction sites;
- Include controls for other wastes on construction sites.

In addition, the bylaw may require updates to address the requirements of the Assabet River phosphorus TMDL. See Section 9 for more information.

Work to be Performed

Although the Town has some existing regulatory requirements pertaining to erosion control and submittal of plans for approval, they do not comprehensively address all requirements and review thresholds require by the permit. Because no construction site-related stormwater bylaw currently exists in the Town of Boxborough, all of the above requirements will be addressed through the establishment of a new or amended bylaw. The Town is

currently reviewing a sample bylaw and determining changes that must be made to suit the Town. Boxborough anticipates that the final bylaw will be developed during 2019, and put on the agenda for the spring 2020 town meeting for final adoption by voters. The following table shows the proposed BMP, responsible parties and measurable goals. Legal authority is documented in **Appendix C**.

Table 6-1. BMP Description – Establish Construction Site Legal Authority

BMP Description	Responsible Parties	Measurable Goal
<u>BMP 4-1:</u> Develop and Enforce Construction Bylaw	Planning Board, Conservation Commission, Building Department	Complete bylaw within 1 year of the effective date of the permit

6.4.2 Establish Written Procedures for Site Plan Review

Requirements

The 2016 MS4 Permit requires establishing written procedures for pre-construction plan review of the site design, planned operations, planned BMPs during the construction phase, and planned BMPs to manage runoff after development that includes the following:

- Potential water quality impacts;
- Consideration of information submitted by the public; and
- Evaluation of opportunities for use of LID and green infrastructure (GI).

Work to be Performed

The Town will reassess its current site plan review program for compliance with the 2016 MS4 Permit and make changes as required. As noted previously, the Town has several existing applications and programs through various Town departments that will be reviewed and amended as needed, or changes incorporated into a new bylaw. In addition, procedures must be established to track the number of site reviews, and will be done as part of the annual reporting requirements. The following table shows the proposed BMP, responsible parties and measurable goals.

Table 6-2. BMP Description – Establish Site Plan Review Procedures

BMP Description	Responsible Parties	Measurable Goal
<u>BMP 4-2:</u> Develop Written Procedures for Site Plan Review	Planning Board, Conservation Commission, Building Department	Establish procedures for site plan review within 1 year of the effective date of the permit

6.4.3 Establish Procedures for Site Inspections and Enforcement

Requirements

The 2016 MS4 Permit requires the development of written procedures for site inspections and enforcement actions to take place both during construction of BMPs and after construction of BMPs is completed to ensure they are working as described in the approved plans. Procedures must define the following:

- Who is responsible for site inspections;
- Qualifications necessary to perform inspections;
- Who has authority to implement enforcement procedures;
- Ability to impose sanctions to ensure program compliance;
- The use of standardized inspection forms (if appropriate); and
- How to track the number inspections and enforcement actions for reporting in the Annual Report.

Work to be Performed

As noted previously, the Town’s consulting engineer periodically monitors and inspects construction sites, however there are no formal written procedures. Therefore, Boxborough will modify its inspection process within 1 year of the effective date to provide formal inspection procedures as part of a new bylaw or under existing regulations. The following table shows the proposed BMP, responsible parties and measurable goals.

Table 6-3. BMP Description – Establish Site Inspections and Enforcement Procedures

BMP Description	Responsible Parties	Measurable Goal
BMP 4-3: Develop Written Procedures for Site Inspections and Enforcement	Planning Board, Conservation Commission, Building Department	Establish procedures for site inspections and enforcement within 1 year of the effective date of the permit

6.4.4 Establish a Sediment and Erosion Control Program

Requirements

Permittees must establish requirements for construction site operators performing land disturbance activities within the MS4 jurisdiction that result in stormwater discharges to the MS4 to implement a sediment and erosion control program that includes BMPs appropriate for the conditions at the construction site. Examples of sediment and erosion control measures for construction sites include local requirements to:

1. Minimize the amount of disturbed area and protect natural resources;
2. Stabilize sites when projects are complete or operations have temporarily ceased;
3. Protect slopes on the construction site;
5. Protect all storm drain inlets and armor all newly constructed outlets;
6. Use perimeter controls at the site;
7. Stabilize construction site entrances and exits to prevent off-site tracking;
8. Inspect stormwater controls at consistent intervals.

Work to be Performed

The Town will develop a sediment and erosion control program for compliance with the 2016 MS4 Permit within 1 year of the effective date. This program will be incorporated into a new construction-related bylaw and emulate the above examples in order to reduce the erosion of sediments on construction sites. The following table shows the proposed BMP, responsible parties and measurable goals.

Table 6-4. BMP Description – Develop an Erosion and Sediment Control Program

BMP Description	Responsible Parties	Measurable Goal
<u>BMP 4-4:</u> Establish a Sediment and Erosion Control Program	Planning Board, Conservation Commission, Building Department	Establish procedures for development of an erosion and sediment control program within 1 year of the effective date of the permit
<u>BMP 4-5:</u> Develop Procedures for Waste Control	Planning Board, Conservation Commission, Building Department	Establish requirements to control construction site wastes within 1 year of the effective date of the permit

7 MCM 5: Stormwater Management in New Development and Redevelopment

7.1 Summary of Permit Requirements

Under MCM 5, permittees shall develop, implement, and enforce a program to address post-construction stormwater runoff from new development and redevelopment sites that disturb 1 or more acres and discharge into an MS4 system. This program shall also regulate disturbances less than 1 acre if they are part of a larger common plan of development or sale that would disturb 1 or more acres. A summary of the required Stormwater Management in New Development and Redevelopment, also known as Post Construction Stormwater Management, activities and timelines are provided below:

7.1.1 Legal Authority

The Post Construction Stormwater Management Program shall include adequate legal authority in the form of a currently effective ordinance, bylaw, or other regulatory mechanism to:

- Require LID site planning and design strategies;
- Meet many of the requirements of the Massachusetts Stormwater Handbook and associated stormwater standards; and
- Incorporate runoff volume storage and/or pollutant removal requirements.

Updates must be made within 2 years of the effective permit date.

7.1.2 As-Built Submittals

The permittee must require the submission of as-built drawings within 2 years after completion of construction projects and include structural and non-structural controls.

7.1.3 Operation and Maintenance

The program must include procedures to ensure adequate long-term operation and maintenance of BMPs are established after completion of a construction project, along with a dedicated funding source within 2 years of the effective permit date.

7.1.4 Regulatory Assessment

The permittee must complete an assessment of existing regulations that could affect creation of impervious cover to determine if changes are required to support LID. Additionally, the permittee must assess current regulations to ensure that certain green infrastructure is allowable where feasible. Any required changes must be completed within 4 years of the effective permit date.

7.1.5 Inventory of Potential Retrofit Sites

The permittee must complete an inventory within 4 years of the effective permit date to determine at least 5 permittee-owned properties that could be modified or retrofitted with stormwater BMP improvements.

7.2 Objectives and Goals

The Town of Boxborough will implement and enforce a program to reduce pollutants in stormwater runoff discharged to the MS4 from all construction activities that result in a land disturbance greater than or equal to 1 acre within the regulated area.

7.3 Existing Post Construction Stormwater Management

The Town of Boxborough has completed some program measures for post construction stormwater management:

- **As-Built Submission** – the Town’s Site Plan Approval Rules and Regulations require developers to submit as-built record drawings of all drainage facilities to the Planning Board.
- **Subdivision Regulations** – requires some provisions for handling stormwater runoff, however only applies to subdivisions.
- **Low-Impact Development** – the “Stormwater Drainage and Management” clause found in section IV of the Site Plan Approval Rules and Regulations encourages developers to use non-structural, LID techniques where practical

7.4 Proposed Post-Construction Stormwater Management Program

The following sections outline how Boxborough will meet the requirements of the 2016 MS4 Permit to establish a Post-Construction Stormwater Management Program.

7.4.1 Establish Legal Authority

Requirements

Under the 2016 MS4 Permit, permittees shall develop or modify an ordinance, bylaw, or other regulatory mechanism within 2 years of the effective date of the permit to contain provisions that are as least as stringent as the following:

1. Use LID site planning and design strategies to the maximum extent feasible;

2. Design of treatment and infiltration practices should follow Volume 2 of the Massachusetts Stormwater Handbook and associated Standards;
3. Stormwater management systems on new development sites shall be designed to:
 - a) Not allow untreated stormwater discharges (Standard 1), control peak runoff rates (Standard 2), recharge groundwater (Standard 3), eliminate or reduce discharge of pollutants from land uses with higher pollutant loads (Standard 5), protect Zone II or Interim Wellhead Protection Areas (Standard 6), and implement long term maintenance practices (Standard 9); and
 - b) Require that all stormwater management systems be designed to:
 - 1) Retain the volume of runoff equal to at least 1.0 inches over the total post-construction impervious surface area on the site and/or
 - 2) Remove 90% of the average annual Total Suspended Solids (TSS) load and 60% of the average annual Total Phosphorus (TP) load from the total post-construction impervious surface area on the site.
4. Redevelopment Requirements
 - a) Stormwater management systems on Redevelopment sites shall meet the following to the maximum extent feasible:
 - 1) Standards 1, 2, and 3, and pretreatment and structural BMP requirements of Standards 5 and 6.
 - b) Stormwater management systems on Redevelopment sites shall also improve existing conditions by requiring stormwater BMPs be designed to:
 - 1) Retain the volume of runoff equal to at least 0.80 inches over the total post-construction impervious surface area on the site and/or
 - 2) Remove 80% of the average annual TSS load and 50% of the TP load from the total post-construction impervious area on the site.
 - c) Redevelopment activities that are limited to maintenance and improvement of existing roads, (including widening less than a single lane, adding shoulders, improving existing drainage systems, and repaving projects) shall improve existing conditions where feasible and are exempt from other parts above.

Finally, the bylaw must include updates to address the requirements of the Assabet River phosphorus TMDL. See Section 9 for more information.

Work to be Performed

Although the Town has Site Plan Approval Rules and Regulations that address some items related to LID, it does not comprehensively address all requirements and review thresholds require by the permit. Because no post-construction site-related stormwater bylaw currently exists in the Town of Boxborough, all of the above requirements will be addressed through the establishment of a new or amended bylaw. The Town is currently reviewing a sample bylaw and determining changes that must be made to suit the Town. Boxborough anticipates that the final bylaw will be developed during 2019, and put on the agenda for the spring 2020 town meeting for final adoption by voters. The following table shows the proposed BMP, responsible parties and measurable goals. Legal authority is documented in **Appendix C**.

Table 7-1. BMP Description – Establish Post-Construction Site Legal Authority

BMP Description	Responsible Parties	Measurable Goal
<u>BMP 5-1:</u> Develop and Enforce Post-Construction Bylaw	Planning Board, Conservation Commission, Building Department	Complete bylaw within 2 years of the effective date of the permit

7.4.2 Require Submittal of As-Built Plans

The permittee must require the submission of as-built drawings that include structural and non-structural stormwater controls within 2 years after completion of construction projects. The Town does not currently require the submission of as-built drawings other than through Site Plan Approval Rules and Regulation, and thus a new mandate will be written to comply with this part of the 2016 MS4 Permit as part of the revised legal authority outlined above. The following table shows the proposed BMP, responsible parties and measurable goals.

Table 7-2. BMP Description – Require Submittal of As-Built Plans

BMP Description	Responsible Parties	Measurable Goal
<u>BMP 5-2:</u> Require Stormwater As-Built Plan Submittal	Planning Board, Conservation Commission, Building Department	Require submittal of as-built plans for completed projects within 2 years of completion

7.4.3 Require Long Term Operation and Maintenance

As part of its Post Construction Stormwater Management Program, the Town of Boxborough shall develop procedures to ensure that the adequate long-term operation and maintenance of BMPs is accounted for at the conclusion of a construction project, along with a dedicated funding source, within 2 years of the effective permit date. The Town’s existing program will be reviewed and expanded upon as necessary in order to meet permit requirements. The following table shows the proposed BMP, responsible parties and measurable goals.

Table 7-3. BMP Description – Require Long Term Operation and Maintenance Plans

BMP Description	Responsible Parties	Measurable Goal
<u>BMP 5-3:</u> Require Long Term Operation and Maintenance	Planning Board, Conservation Commission, Building Department	Require submittal of operation and maintenance plans and dedicated funding to ensure long term maintenance within 2 years of the effective date of the permit

7.4.4 Complete Regulatory Assessment

Requirements

The 2016 MS4 permit requires permittees to complete a report that assesses current street design, parking lot guidelines, and other local requirements that could affect creation of impervious cover to determine if changes to existing design standards are required to support LID. If the assessment indicates that changes can be made, the assessment shall include recommendations and proposed schedules to incorporate policies and standards into relevant documents and procedures to minimize impervious cover. Any required changes to reduce mandatory creation of impervious cover in support of LID should be made within 4 years of the effective permit date.

Additionally, the permittee must complete a report that assesses current regulations to determine the feasibility of allowing green roofs, infiltration practices, porous/pervious pavement, and water harvesting/storage devices where feasible. The assessment must indicate if the practices are allowed in the MS4 area and under what circumstances they are allowed. If the practices are not allowed, the permittee shall determine what hinders the use of these practices, what changes in local regulations may be made to make them allowable, and provide a schedule for implementation of recommendations. Any required changes to allow for these BMPs must be completed within 4 years of the effective permit date.

Work to be Performed

The Town of Boxborough has not yet performed a comprehensive review of all regulations for the above items. Although no known barriers to LID and GI are known, the Town will review and update relevant regulations within 4 years of the effective permit date to meet permit requirements. The following table shows the proposed BMP, responsible parties and measurable goals.

Table 7-4. BMP Description – Complete LID and GI Regulatory Updates

BMP Description	Responsible Parties	Measurable Goal
<u>BMP 5-4:</u> Street design and parking lot guidelines	Planning Board, Conservation Commission, Zoning Board	Complete regulatory updates within 4 years of the effective date of the permit
<u>BMP 5-5:</u> Allow green infrastructure	Planning Board, Conservation Commission, Building Department,	Complete regulatory updates within 4 years of the effective date of the permit

7.4.5 Complete Inventory of Potential BMP Retrofit Sites

Requirements

Permittees must complete an inventory of at least 5 existing permittee-owned properties that could be modified or retrofitted with structural stormwater BMP improvements to reduce the frequency, volume, and pollutant loads within 4 years of the effective permit date. The

inventory provided in **Appendix E** should include municipal properties with significant impervious cover such as parking lots, buildings, and maintenance yards, along with infrastructure such as existing rights-of-way, outfalls and stormwater conveyances such as swales or detention practices. The permittee should address potential site constraints that could hinder BMP construction, such as subsurface conditions, depth to water table, and utility impacts, and should ideally allow opportunities for public education. In addition, the inventory must consider BMPs to reduce phosphorus discharges because of the phosphorus impairment to the Assabet River.

Beginning with the fifth annual report, should BMPs at 1 or more sites be constructed, the inventory should be updated so that it always contains at least 5 sites in the inventory for potential improvement. Additionally, the permittee must report on all properties that have been modified or retrofitted to mitigate impervious area.

Work to be Performed

The Town of Boxborough will complete an inventory (**Appendix E**) of at least 5 properties that could be retrofitted with stormwater BMPs, along with a review of existing site conditions within 4 years of the effective date. This inventory will be updated continuously starting in Year 5. The following table shows the proposed BMP, responsible parties and measurable goals.

Table 7-5. BMP Description – Complete Inventory of Properties for BMP Retrofit

BMP Description	Responsible Parties	Measurable Goal
<u>BMP 5-6</u> : Target properties to reduce impervious areas	Planning Board, Conservation Commission	Complete inventory within 4 years of the effective date of the permit and update annually on retrofitted properties

8 MCM 6: Good Housekeeping and Pollution Prevention

8.1 Summary of Permit Requirements

Under MCM 6, permittees shall develop and implement an operations and maintenance program to reduce stormwater pollution from permittee activities. This includes optimizing existing activities related to parks and open space, buildings and facilities, vehicles and equipment, and stormwater infrastructure maintenance. A summary of the required Good Housekeeping and Pollution Prevention for Permittee Owned Operations activities and timelines is provided below.

8.1.1 Operations and Maintenance Programs

Permittees shall develop written operations and maintenance procedures for parks and open space, buildings and facilities, vehicles and equipment, winter road maintenance, stormwater infrastructure, and structural stormwater BMPs within 2 years of the effective permit date. This program shall also optimize catch basin cleaning and street sweeping, along with establishing proper storage techniques for cleaning residuals. All maintenance activities, inspections, and training shall be logged for annual reporting.

8.1.2 Stormwater Pollution Prevention Plans

Develop and implement Stormwater Pollution Prevention Plans (SWPPPs) for municipally-owned maintenance garages, public works yards, transfer stations within 2 years of the effective permit date.

8.2 Existing Good Housekeeping and Pollution Prevention Program

The Town of Boxborough has completed a number of existing program measures to satisfy good housekeeping and pollution prevention program requirements. The following summarizes Boxborough's current activities that will be continued under the 2016 MS4 Permit:

- **Street and Parking Lot Sweeping** – sweep streets and permittee-owned parking lots in the spring. The Town's current Street Sweeping Prioritization Plan can be found in **Appendix F**.
- **Catch Basin Cleaning** – clean all catch basins at least every 3 to 4 years and repair as needed. Boxborough also prepared a Catch Basin Optimization Plan that outlines the plans, procedures, and schedules for establishing a goal that sumps are never more than 50% full. The plan can be found as **Appendix G**.

- **Winter Roadway Maintenance Optimization** – refine snow and ice management technique with a focus on brine pre-treatments to minimize overall use of salt and sand on roads. Boxborough prepared and documented existing and proposed winter O&M items to be included under a separate Operation and Maintenance document as noted under Section 1.4.
- **Employee Training Program** – ongoing spill prevention and cleanup training for DPW and Fire Department employees.

8.3 Proposed Good Housekeeping and Pollution Prevention Program

The following sections outline how Boxborough will meet the requirements of the 2016 MS4 Permit to establish a Good Housekeeping and Pollution Prevention Program.

8.3.1 Complete Facilities O&M Procedures

Requirements

The permittee must complete an inventory of all parks and open space, buildings and facilities where pollutants are exposed to stormwater runoff, including those coming from vehicles and equipment, within 2 years of the permit effective date. The inventory must be reviewed annually and updated as necessary. Upon completion, the permittee must establish written procedures as part of a Operation and Maintenance Plan within 2 years of the permit effective date for the following items:

Parks and Open Space

- Proper use, storage, and disposal of pesticides, herbicides, and fertilizers;
- Lawn maintenance and landscaping activities to protect water quality, such as reducing mowing, lawn clippings handling, and use of alternative materials;
- Pet waste handling collection and disposal locations at all locations where pets are permitted, including signage;
- Control of waterfowl in areas where they congregate to reduce waterfowl droppings from entering the MS4s;
- Management of trash containers; and
- Addressing erosion or poor vegetative cover, particularly near a surface waterbody.

Buildings and Facilities

- Use, storage, and disposal of petroleum products and other potential pollutants.
- Materials handling training to applicable employees;
- Ensuring that Spill Prevention, Control, and Countermeasures (SPCC) Plans are in place if needed (aboveground petroleum storage greater than 1,320 gallons or underground petroleum storage greater than 42,000 gallons);
- Dumpsters and other waste management equipment; and

- Sweeping parking lots and keeping facility areas clean to reduce pollutants in runoff.

Vehicles and Equipment

- Storage of vehicles to prevent fluid leaks to stormwater;
- Fueling area evaluation, including feasibility of fueling under cover; and
- Preventing vehicle wash waters from entering surface waters or the MS4.

Work to be Performed

The Town recently updated its existing street sweeping, catch basin cleaning, and winter O&M procedures in order to meet the majority of the above requirements. If it is determined that changes are required during periodic review of the existing O&M Plan, relevant portions of the plan will be updated. In addition, the Town must establish requirements for use of slow release fertilizers and establish procedures to manage grass cuttings and leaf litter on permittee property within areas of town draining to phosphorus-impaired waterbodies. Remaining items above will be incorporated into a detailed written Operation and Maintenance Plan, a standalone document separate from this SWMP Plan, to cover applicable Town-owned facilities. This document will also include the inventory of relevant Town-owned properties. The following table shows the proposed BMP, responsible parties and measurable goals.

Table 8-1. BMP Description – Complete Written Facilities O&M Procedures

BMP Description	Responsible Parties	Measurable Goal
<u>BMP 6-1:</u> Inventory open spaces, buildings and facilities, and vehicles and equipment	Department of Public Works, Permanent Building Committee	Complete inventory of open spaces, buildings and facilities, and vehicles and equipment within 2 years of the effective date of the permit
<u>BMP 6-2:</u> Create Written O&M Procedures for MS4 Properties	Department of Public Works	Create written O&M Plan for open spaces, buildings and facilities, and vehicles and equipment within 2 years of the effective date of the permit

8.3.2 Complete Infrastructure O&M Procedures

Requirements

The permittee must establish written procedures as part of an Operation and Maintenance Plan within 2 years of the permit effective date to ensure that MS4 infrastructure is maintained in a timely manner to reduce the discharge of pollutants from the MS4 for the following items:

Street Sweeping (Appendix F)

- Sweeping all streets and permittee-owned parking lots, with the exception of rural uncurbed roads with no catch basins or high-speed limited access highways at least 1 per year in the spring;
- More frequent sweeping of targeted areas based on inspections, land use, or known water quality impacts;

- For rural uncurbed roadways with no catch basins or limited access highways, either an evaluation to meet the minimum frequencies above or development and implementation of an inspection, documentation, and targeted sweeping plan within 2 years of the effective date and submitted with the Year 1 annual report.

Catch Basin Cleaning (Appendix G)

- Prioritization of catch basins located near construction activities for more frequent inspection and maintenance;
- Establishing a schedule with a goal that at the time of maintenance, no catch basin is more than 50% full;
- For catch basins that are more than 50% full during 2 consecutive inspections or cleaning events, methods for investigating the contributing drainage area for sources of excessive sediment loads; and
- Establishing a plan for optimizing catch basin cleaning, inspections, and documentation.

Catch Basin and Street Sweeping Residuals Management

- Ensure proper storage of catch basins cleanings and street sweepings prior to disposal or reuse such that they will not be discharged to receiving waters based on available MassDEP policies.

Winter Operation and Maintenance

- Establish and implement procedures for winter road maintenance including the use and storage of salt and sand
- Minimizing use of sodium chloride and other salts and evaluation of opportunities to use alternative materials; and
- Ensuring that snow disposal activities do not result in disposal of snow into waters of the United States.

Work to be Performed

As noted previously, the Town recently updated its existing street sweeping, catch basin cleaning, and winter O&M procedures in order to meet permit requirements. Street sweeping is expected to continue under the existing Street Sweeping Prioritization Plan provided in the Town’s O&M Plan, with a portion of the town being swept twice per year for areas draining to the Assabet River. Catch basin prioritization will also continue for the next several years as catch basin inspections continue according to the methodology and schedule outlined in the Catch Basin Optimization Plan provided in **Appendix G**. Results will be reviewed at the end of each year to determine recommended next steps. The following table shows the proposed BMP, responsible parties and measurable goals.

Table 8-2. BMP Description – Complete Written Infrastructure O&M Procedures

BMP Description	Responsible Parties	Measurable Goal
BMP 6-3: Create Written O&M Procedures for MS4 Infrastructure	Department of Public Works	Create written O&M Plan for stormwater infrastructure within 2 years of the effective date of the permit

Table 8-2 (continued). BMP Description – Complete Written Infrastructure O&M Procedures

BMP Description	Responsible Parties	Measurable Goal
<u>BMP 6-4</u> : Catch Basin Cleaning	Department of Public Works	Clean catch basins on established schedule and report number of catch basins cleaned and volume of material moved annually
<u>BMP 6-5</u> : Street Sweeping	Department of Public Works	Sweep all streets and parking lots at least annually
<u>BMP 6-6</u> : Road salt optimization program	Department of Public Works	Implement salt use optimization during winter maintenance operations

8.3.3 Stormwater Pollution Prevention Plans

Requirements

The permittee must establish written Stormwater Pollution Prevention Plans for the following permittee-owned or operated facilities: maintenance garages, public works yards, transfer stations, and other waste handling facilities where pollutants are exposed to stormwater as determined by the permittee. SWPPPs must address a number of components, including the following:

- Pollution Prevention Team;
- Facility description, identification of potential pollutant sources, and identification of stormwater controls;
- Stormwater management practices, including measures to minimize or prevent exposure, good housekeeping and preventative maintenance, spill prevention and response, erosion and sediment control, management of runoff, salt storage, employee training, and control measure maintenance; and
- Procedures for site inspections and sampling.

Work to be Performed

The Town of Boxborough will perform a preliminary analysis of regulated facilities to determine which facilities, if any, are located within areas that drain to the MS4. This assessment will take place during the first half of Year 2 to determine which facilities require SWPPPs. Should SWPPPs for any facility be required, they will be prepared by the end of Year 2 of the permit to ensure compliance with permit requirements. A listing of facilities evaluated and status of SWPPPs will be maintained in **Appendix H**. The following table shows the proposed BMP, responsible parties and measurable goals.

Table 8-3. BMP Description – Prepare SWPPPs for Regulated Facilities

BMP Description	Responsible Parties	Measurable Goal
<u>BMP 6-7:</u> Assess regulated facilities to determine SWPPP eligibility	Department of Public Works	Complete facilities assessment within 2 years of the effective date of permit.
<u>BMP 6-8:</u> Develop SWPPPs for applicable facilities	Department of Public Works	Complete and implement within 2 years of the effective date of the permit

8.3.4 Structural Stormwater BMP Inspections

Requirements

The permittee must establish and implement written inspection and maintenance procedures and frequencies for all stormwater treatment structures, such as infiltration and detention basins, proprietary stormwater treatment structures, gravel wetlands, etc. at least annually.

Work to be Performed

The Town of Boxborough will perform an inventory (**Appendix I**) of known structural stormwater BMPs by the end of Year 2 as required by MCM 3, mapping requirements. Once an inventory has been completed, the Town will develop appropriate inspection and maintenance procedures for the various types of BMPs located within the Town’s regulated area. The O&M Plan will also document logs for BMP inspection and maintenance. The following table shows the proposed BMP, responsible parties and measurable goals.

Table 8-4. BMP Description – Inspect Structural BMPs Annually

BMP Description	Responsible Parties	Measurable Goal
<u>BMP 6-9:</u> Establish BMP O&M Procedures	Department of Public Works	Create written O&M Plan for stormwater BMPs within 2 years of the effective date of the permit
<u>BMP 6-10:</u> Inspect and maintain stormwater BMPs	Department of Public Works	Inspect and maintain treatment structures annually

BMP inspection Standard Operating Procedures (SOPs) and results will be tracked under the standalone O&M Plan under separate cover.

9 TMDL and Impaired Waters Controls

9.1 Permit Requirements

The 2016 MS4 Permit requires regulated operators of MS4s to determine whether stormwater discharges from their MS4 contribute to any impaired waterbodies, including those subject to an approved TMDL and certain water quality limited waterbodies. Water quality limited waters are any waterbodies that do not meet applicable water quality standards, including waterbodies listed in categories “4a” and “5” on the Massachusetts Integrated List of Waters, also known as the “303(d) List”. MassDEP is responsible for preparing TMDLs for many of these listed waters to identify the problem pollutant and establish water quality goals. TMDLs are prepared based on the priority assigned to the waterbody and are being completed over the course of several years.

As outlined in Section 2.3, the Town of Boxborough is subject to the following TMDL and impaired waters requirements:

Table 9-1. TMDL and Impaired Waters Requirements

Waterbody Name	Impairment	2016 Permit Requirements
Assabet River	Phosphorus	Appendix F, Part A.V

Thus, the Town of Boxborough must implement control measures for discharges to approved TMDL waters and to impaired waters without a TMDL as summarized in the sections below. The Town will review the most recent approved list of impaired waters as it is released and outline any additional requirements associated with the most recent list in **Appendix B**.

9.2 Assabet River Phosphorus TMDL Requirements

The Town of Boxborough is subject to the phosphorus TMDL requirements for discharges to the Assabet River and thus is required to implement the following requirements as outlined under Appendix F, Part A.V.

9.2.1 Additional or Enhanced BMPs

The Town of Boxborough must include the following additional or enhanced BMPs, in addition to the 6 MCMs outlined previously:

- **Public Education** – supplement its Residential and Business/Commercial/Institution programs with additional annual messages as follows:
 - Spring (April-May): Proper use and disposal of grass clippings and use of slow-release and phosphorus-free fertilizers;
 - Summer (June-July): Proper management of pet waste; and
 - Fall (August-October): Proper disposal of leaf litter.

- **Stormwater Management in New Development and Redevelopment** – supplement standard permit bylaw requirements to also mandate the use of stormwater BMPs optimized for phosphorus removal as part of new development and redevelopment projects. Additionally, retrofit opportunities must consider opportunities for constructing infiltration BMPs for properties within the Assabet River watershed.
- **Good Housekeeping and Pollution Prevention** – establish requirements for reducing fertilizer usage and/or using slow release fertilizers on permittee owned properties, procedures for properly managing grass cuttings and leaf litter on permittee owned property, and prohibit blowing organic waste onto impervious surfaces. Additionally, street sweeping must be increased to at least twice per year, once in the spring and once in the fall.

Work to be Performed

Requirements for meeting the Assabet River TMDL requirements will be performed according to the schedule in the 2016 Permit.

Table 9-2. TMDL Requirements – Assabet River Phosphorus

BMP Description	Responsible Parties	Measurable Goal
BMP 7-1: TMDL Requirements – Assabet River Phosphorus	Department of Public Works, Conservation Commission, Planning Board, Zoning Board, Building Department	Adhere to requirements in part A.V of Appendix F

10 Annual Reporting

The permittee shall submit annual reports each year of the permit term. The reporting period will be a one-year period commencing on the permit effective date, and subsequent anniversaries thereof, except that the first annual report under this permit shall also cover the period from May 1, 2018 to the permit effective date. The annual report is due 90 days from the close of each reporting period, or by September 29 of each year. The annual reports must contain the following relevant information which should be tracked throughout the year, and should be filed within **Appendix J**:

- A self-assessment review of compliance with the permit terms and conditions.
- An assessment of the appropriateness of the selected BMPs.
- The status of any plans or activities, including:
 - Identification of all discharges determined to be causing or contributing to an exceedance of water quality standards and description of response;
 - For discharges subject to TMDL or water quality limited waterbody requirements, identification of BMPs used to address the impairment and assessment of the BMPs effectiveness;
 - For discharges to water quality limited waters a description of each BMP and any deliverables required.
- An assessment of the progress towards achieving the measurable goals and objectives of each of the 6 minimum measures:
 - Evaluation of the public education program including a description of the targeted messages for each audience; method and dates of distribution; methods used to evaluate the program; and any changes to the program.
 - Description of the activities used to promote public participation including documentation of compliance with state public notice regulations.
 - Description of IDDE activities including: status of mapping and results of the ranking and assessment; identification of problem catchments; status of all IDDE Plan components; number and identifier of catchments evaluated; number and identifier of outfalls screened; number of illicit discharges located and removed; gallons of flow removed; identification of tracking indicators and measures of progress; and employee training.
 - Evaluation of construction runoff management including number of project plans reviewed; number of inspections; and number of enforcement actions.
 - Evaluation of stormwater management for new and redevelopment including status of bylaw development; review and status of the street design and barriers to green infrastructure assessment; and inventory status.
 - Status of the O&M Programs.
 - Status of SWPPPs, including inspection results.
- All outfall screening and monitoring data during the reporting period and cumulative for the permit term; and a description of any additional monitoring data received by the permittee during the reporting period.
- Description of activities for the next reporting cycle.
- Description of any changes in identified BMPs or measurable goals.
- Description of activities undertaken by any entity contracted for achieving any measurable goal or implementing any control measure.

11 Implementation of Best Management Practices

The Town of Boxborough's Best Management Practices Plan as outlined in the Town's NOI (**Appendix A**) is summarized in **Table 11-1**.

For consistency with the 6 MCMs and impaired water requirements, the BMPs are broken down into 7 categories:

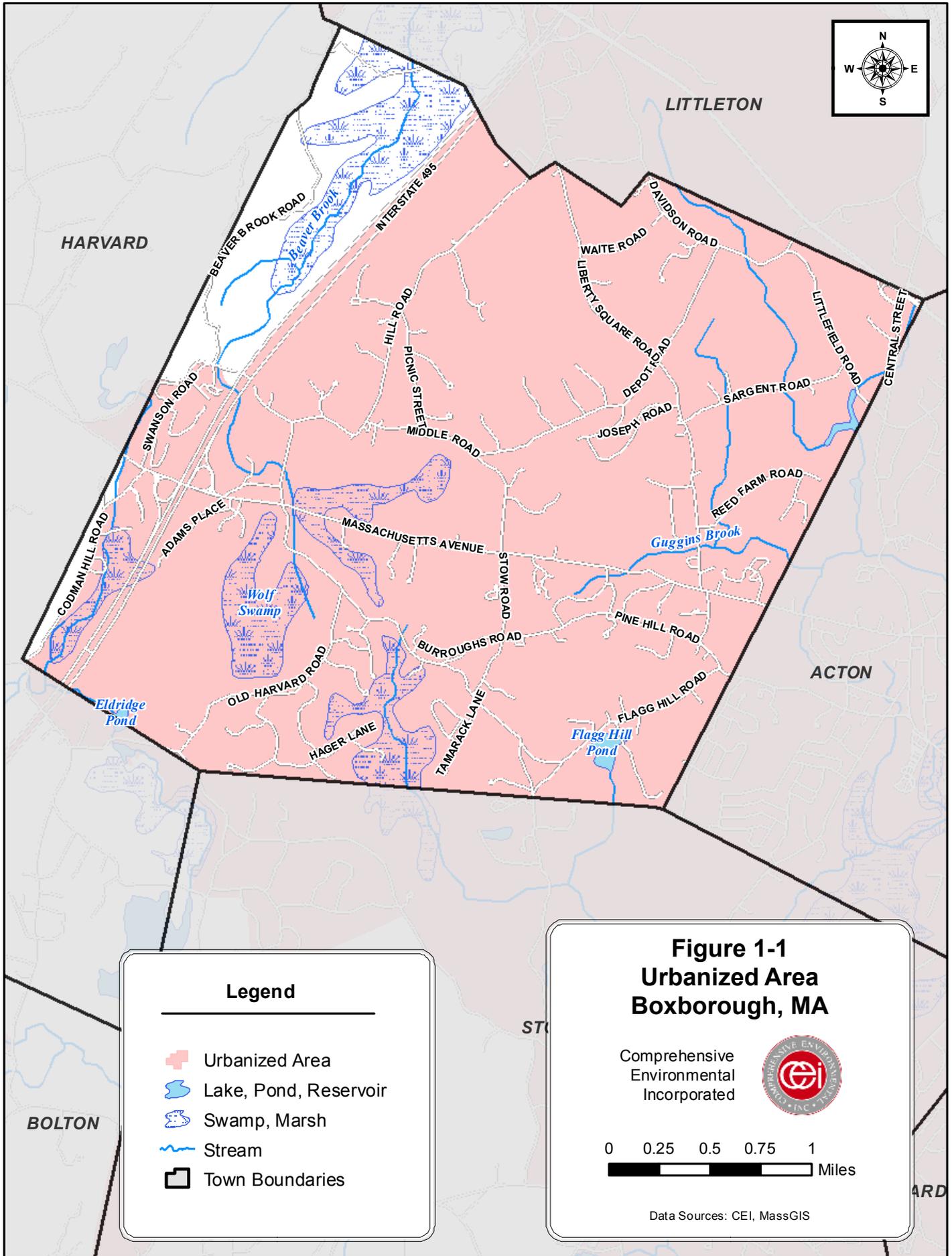
1. Public Education and Outreach;
2. Public Participation and Involvement;
3. Illicit Discharge Detection and Elimination;
4. Construction Site Stormwater Runoff Control;
5. Stormwater Management in New Development and Redevelopment;
6. Good Housekeeping and Pollution Prevention; and
7. TMDL and Water Quality Limited Waterbodies Controls

The BMP tables also outline the measurable goals for each BMP to gauge permit compliance, the responsible party(ies) for implementing each BMP, and an implementation schedule to be used throughout the permit period. In addition to the implementation activities outlined in this plan, the Town will also perform the following activities throughout the duration of the permit:

1. **Program Evaluation** – conduct annual evaluations of the Stormwater Management Program for compliance with permit conditions. The evaluation must include a determination of the appropriateness of the selected BMPs in efforts towards achieving the measurable goals outlined in **Table 11-1**.
2. **Record Keeping** – maintain records that pertain to the Stormwater Management Program for a period of at least 5 years. Records need to be made available to the public and the Town may charge a reasonable fee for copying. Records need not be submitted to EPA or MassDEP unless specifically requested.
3. **Reporting** – submit an annual report to EPA and MassDEP, including the information as noted in Section 10.

Refer to the following link for a copy of the 2016 MA MS4 Permit:

<https://www.epa.gov/npdes-permits/massachusetts-small-ms4-general-permit>



Legend

-  Urbanized Area
-  Lake, Pond, Reservoir
-  Swamp, Marsh
-  Stream
-  Town Boundaries

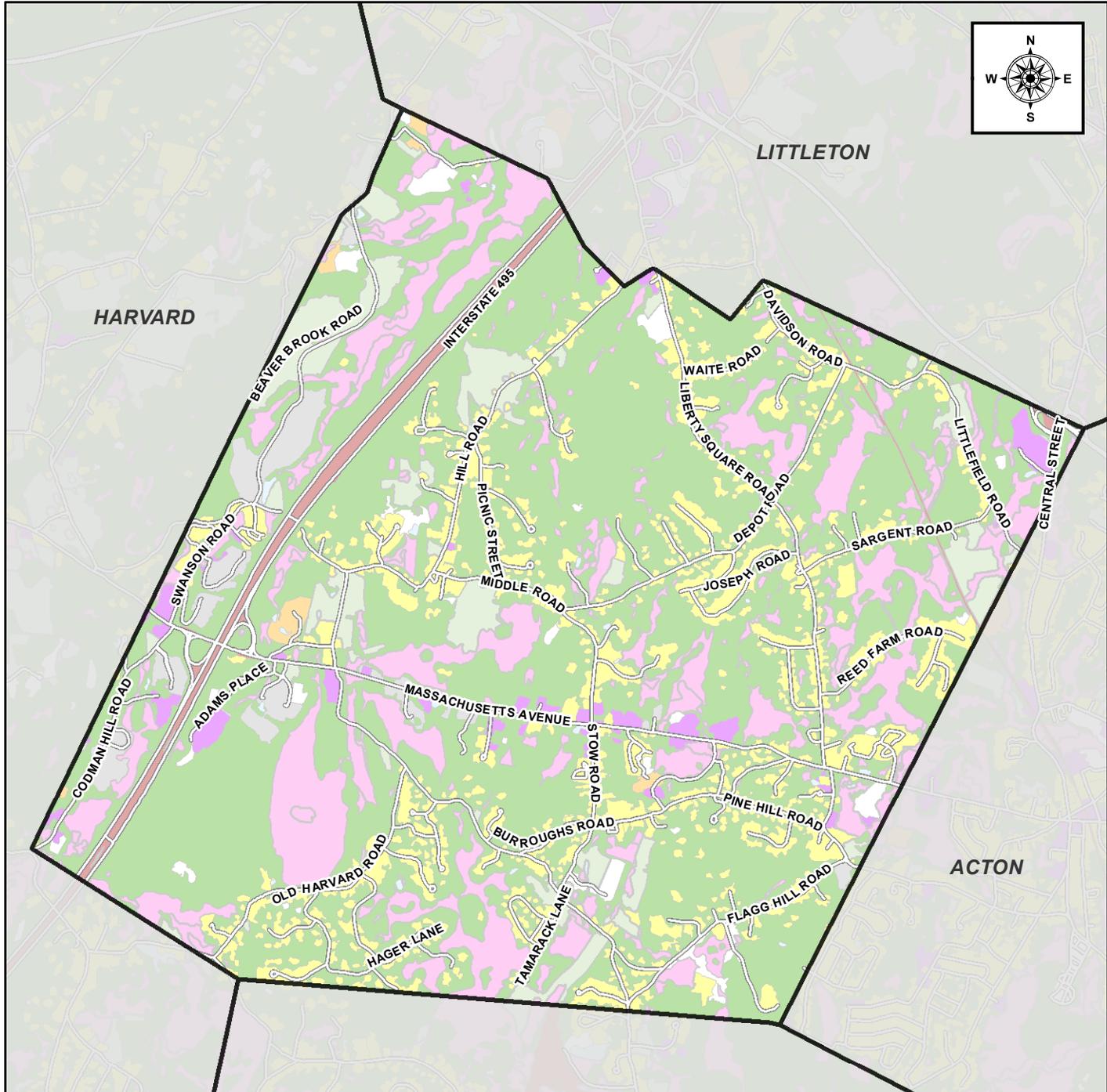
**Figure 1-1
Urbanized Area
Boxborough, MA**

Comprehensive
Environmental
Incorporated



0 0.25 0.5 0.75 1
Miles

Data Sources: CEI, MassGIS



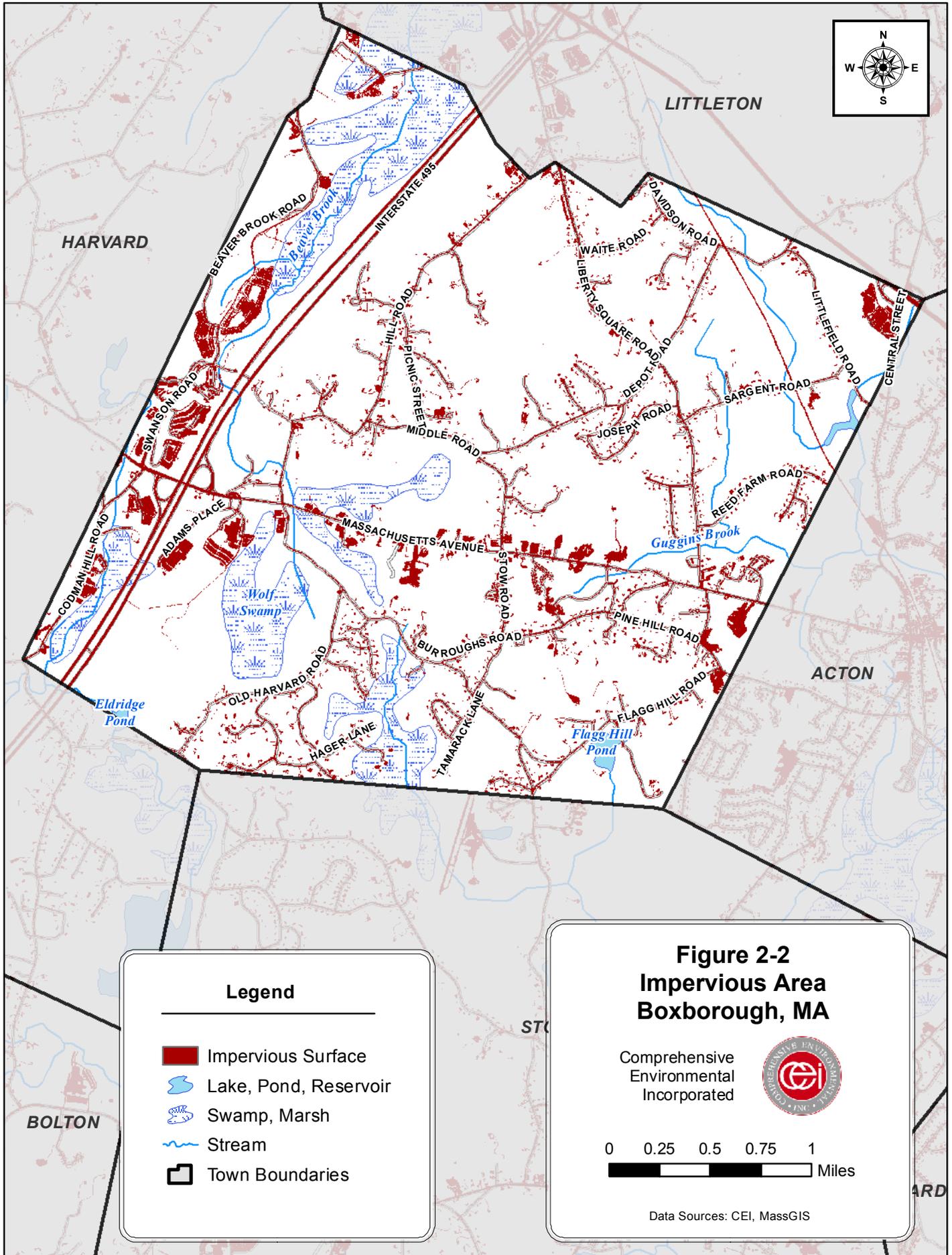
Legend

Forest	Commercial	Wetland	Other Cleared Land
Agriculture	Industrial	Water	
Residential	Transportation	Disturbed Land	

Comprehensive Environmental Incorporated  **Figure 2-1. Land Use Boxborough, MA**

0 0.25 0.5 0.75 1
Miles

Data Sources: CEI, MassGIS



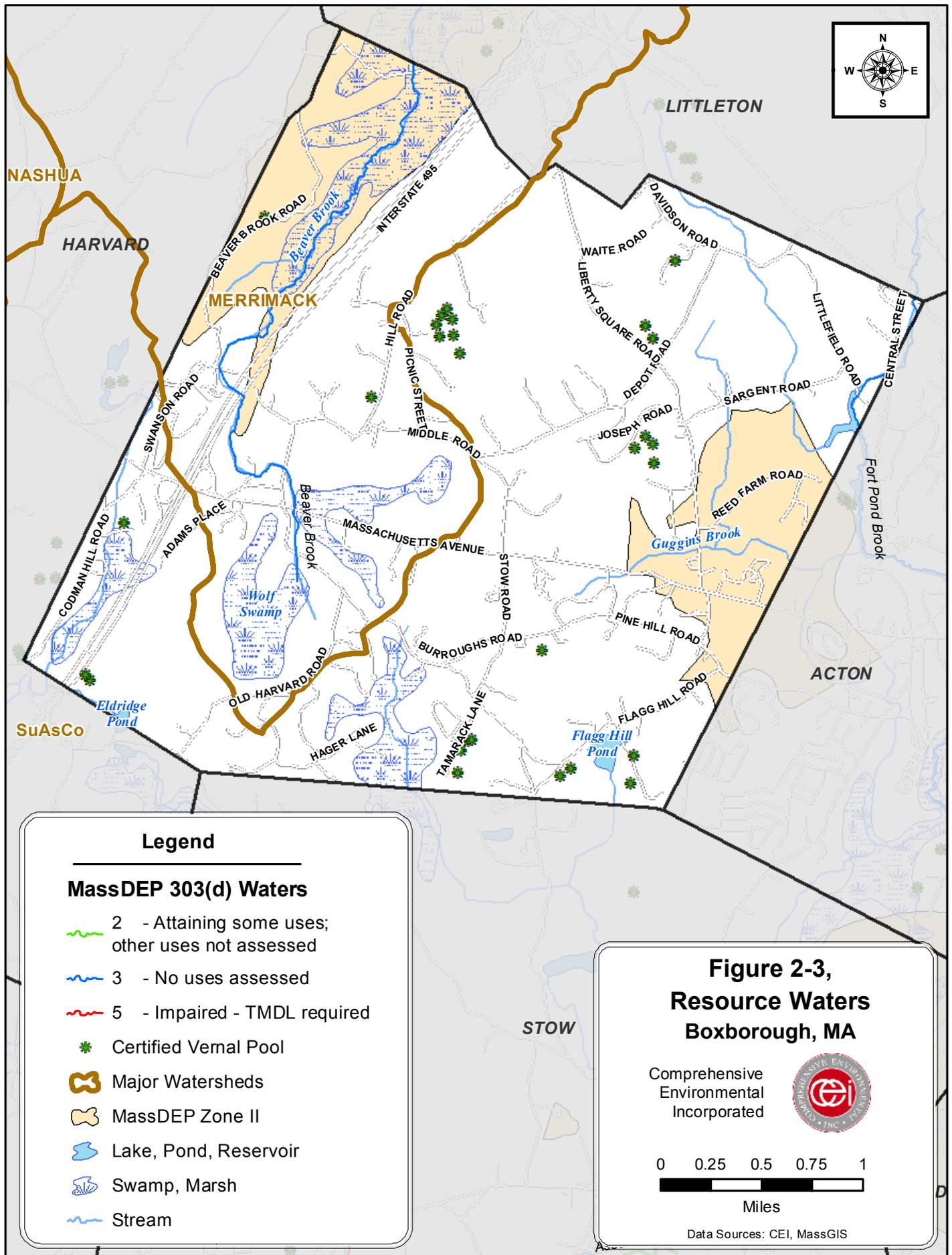


Table 11-1. Proposed BMP Plan - Implementation of Phase II Activities

BMP ID	BMP Description	Implementation	Responsible Dept./Person	Measurable Goal	Report Section	Year / Schedule					
						1	2	3	4	5	6
						7/1/18-7/1/19	7/1/19-7/1/20	7/1/20-7/1/21	7/1/21-7/1/22	7/1/22-7/1/23	7/1/23-7/1/24
1. Public Education and Outreach											
1-1	Residential Education Program	1. Provide relevant stormwater information to different audiences via various social media platforms	Information Technology	Follow statewide "Think Blue" campaign on social media platforms	3.4.1	*	*	*	*	*	*
		2. Provide fact sheets on pet waste management with all dog registrations and renewals	Town Clerk	Provide information with all applications and renewals		*	*	*	*	*	*
		3. Distribute brochures regarding stormwater awareness at Town Hall and Town events	Conservation Commission, Board of Health, Planning Board, Department of Public Works	Continue to provide information at Town Hall and public town events. Distribute brochures to residents.		*	*	*	*	*	*
		4. Provide comprehensive stormwater information on the Town's website, including effects of outdoor activities such as lawn care on water quality; benefits of appropriate on-site infiltration of stormwater; effects of automotive work and car washing on water quality; proper disposal of swimming pool water; proper management of pet waste; and maintenance of septic systems.	Information Technology, Planning Board	Continue to update and maintain the websites		*	*	*	*	*	*
1-2	Businesses, Institutions, and Commercial Education Program	1. Provide comprehensive stormwater information on the Town's website, including effects of outdoor activities such as lawn care on water quality; benefits of appropriate on-site infiltration of stormwater; building maintenance and storage of materials; proper use and storage of salt or other de-icing and anti-icing materials; proper management of waste materials and dumpsters; proper management of parking lot surfaces; proper car care activities; and proper disposal of swimming pool water by entities such as motels, hotels, and health and country clubs.	Information Technology, Planning Board	Continue to update and maintain the websites	3.4.2	*	*	*	*	*	*
		2. Provide relevant stormwater information to different audiences via various social media platforms	Information Technology	Follow statewide "Think Blue" campaign on social media platforms		*	*	*	*	*	*
1-3	Developer and Construction Education Program	1. Distribute fact sheets or brochures on erosion and sediment control with building permit applications	Planning Board, Zoning Board, Building Department, Conservation Commission	Provide information with all applications	3.4.3	*	*	*	*	*	*
		2. Provide relevant stormwater information to different audiences via various social media platforms	Information Technology	Follow statewide "Think Blue" campaign on social media platforms		*	*	*	*	*	*
		3. Provide comprehensive stormwater information on the Town's website, including proper sediment and erosion control management practices; information about Low Impact Development (LID) principles and technologies; and information about EPA's construction general permit (CGP).	Information Technology, Planning Board	Continue to update and maintain the websites		*	*	*	*	*	*
1-4	Industrial Education Program	1. Provide relevant stormwater information to different audiences via various social media platforms	Information Technology	Follow statewide "Think Blue" campaign on social media platforms	3.4.4	*	*	*	*	*	*
		2. Provide web information on equipment maintenance and inspection, material storage, solid waste handling, salt usage, benefits of onsite infiltration, management of parking lot surfaces, and EPA's MSGP.	Information Technology, Planning Board	Continue to update and maintain the websites		*	*	*	*	*	*

Table 11-1. Proposed BMP Plan - Implementation of Phase II Activities

BMP ID	BMP Description	Implementation	Responsible Dept./Person	Measurable Goal	Report Section	Year / Schedule					
						1	2	3	4	5	6
						7/1/18-7/1/19	7/1/19-7/1/20	7/1/20-7/1/21	7/1/21-7/1/22	7/1/22-7/1/23	7/1/23-7/1/24
2. Public Participation and Involvement											
2-1	Make SWMP Plan Publicly Available	1. Post SWMP Plan on Town website, along with contact name, email address and/or phone number of a contact person at the Town to contact for information or submit comments.	Information Technology, Planning Board	Annual review of stormwater management plan and posting on website. Allow public to comment on the plan at least annually	4.4.1	*	*	*	*	*	*
2-2	Habitat Inventory and Monitoring	1. Work with volunteers and Land Stewardship Committee to maintain conservation land trails; evaluation of most heavily used trails, recommendation and implementation of improvements to correct drainage issues	Conservation Commission	Continue to evaluate drainage issues on existing trails and recommend improvements for future implementation	4.4.2	*	*	*	*	*	*
2-3	Sponsor Household Hazardous Waste Event	1. Allow public participation in bi-annual household hazardous waste collection for proper disposal of waste.	Department of Public Works, Board of Health	Allow bi-annual participation in a household hazardous waste event every other year	4.4.3	*		*		*	

Table 11-1. Proposed BMP Plan - Implementation of Phase II Activities

BMP ID	BMP Description	Implementation	Responsible Dept./Person	Measurable Goal	Report Section	Year / Schedule					
						1	2	3	4	5	6
						7/1/18-7/1/19	7/1/19-7/1/20	7/1/20-7/1/21	7/1/21-7/1/22	7/1/22-7/1/23	7/1/23-7/1/24
3. Illicit Discharge Detection and Elimination											
3-1	Enact and Enforce IDDE Bylaw	1. Establish a legal authority in order to create an IDDE program to satisfy the 2016 MS4 Permit	Planning Board, Board of Health	Regulatory mechanism in place within 1 year of the permit effective date.	5.4.1	*	*	*	*	*	*
3-2	Phase I Storm Sewer System Map	1. Delineate catchment areas based on topography for each MS4 outfall and map in GIS. 2. Update outfalls, conveyances receiving waters, interconnections, MS4-owned BMPs & initial catchment delineations.	Department of Public Works, Planning Board	Updated map within 2 years of effective date of permit	5.4.2	*	*				
3-3	Phase II Storm Sewer System Map	1. Update outfall spatial location, pipes, manholes, catch basins, refined catchment delineations as new information becomes available.	Department of Public Works, Planning Board	Updated map within 10 years of effective date of permit	5.4.2	*	*	*	*	*	*
3-4	Written IDDE Program	1. Prepare written IDDE Plan to include procedures on assessing and priority ranking outfalls and interconnections, dry and wet weather outfall sampling, catchment investigations, system vulnerability factor assessment, identification of an illicit discharge, illicit discharge removal, and ongoing screening requirements.	Department of Public Works, Board of Health	Complete within 1 year of the effective date of permit and update as required	5.4.4	*					
3-5	Outfall Inventory and Ranking	1. Develop an outfall and interconnection inventory that identifies each outfall and interconnection discharging from the MS4, records its location and condition and provides a framework for tracking inspections, screenings and other activities under the IDDE program. 2. Classify/rank outfalls. Initial ranking by end of Year 1. Update ranking annually with new information.	Department of Public Works	Identification of outfalls and initial ranking by July 1, 2019	5.4.4	*					
3-6	Implement IDDE Program	1. Inspect key catchment structures (manholes, catch basins) during dry weather conditions. Where flowing water is observed, collect samples for analysis. 2. Inspect key catchment structures (manholes, catch basins) in all catchments during dry weather conditions. Where flowing water is observed, collect samples for analysis.	Department of Public Works, Board of Health	Implement catchment investigations according to program and permit conditions (Problem Outfalls by July 1, 2025, all outfalls by July 1, 2028)	5.4.4		*	*	*	*	*
3-7	Dry Weather Screening	1. Inspect drainage outfalls classified as High or Low priority during dry weather. 2. Investigate potential illicit discharges, if any. 3. Enforce removal of illicit discharges, if any.	Department of Public Works	Complete in accordance with outfall screening procedure and permit conditions by July 1, 2021	5.4.5	*	*	*	*	*	*
3-8	Wet Weather Screening	1. Sample select outfalls with System Vulnerability Factors under wet weather conditions. Sampling can be done upon completion of any dry weather investigation, but must be completed before catchment investigation is marked as complete.	Department of Public Works	Complete in accordance with outfall screening procedure within 10 years of the effective permit date	5.4.5						*
3-9	Ongoing Screening	1. Upon completion of catchment investigations, reprioritize outfalls for ongoing screening. 2. Continue performing dry and wet weather sampling according to the new prioritization at least once every 5 years.	Department of Public Works	Conduct ongoing dry and wet weather outfall screening upon completion of the IDDE program	5.4.5						*
3-10	Perform IDDE Training	1. Provide annual training to employees involved in the IDDE program.	Department of Public Works, Planning Board, Board of Health	Train applicable employees annually	5.4.6	*	*	*	*	*	*

Table 11-1. Proposed BMP Plan - Implementation of Phase II Activities

BMP ID	BMP Description	Implementation	Responsible Dept./Person	Measurable Goal	Report Section	Year / Schedule					
						1	2	3	4	5	6
						7/1/18-7/1/19	7/1/19-7/1/20	7/1/20-7/1/21	7/1/21-7/1/22	7/1/22-7/1/23	7/1/23-7/1/24
4. Construction Site Stormwater Runoff Control											
4-1	Develop and Enforce Construction Bylaw	1. Develop and enforce construction bylaw to address control of other wastes at construction sites.	Planning Board, Conservation Commission, Building Department	Complete bylaw updates within 1 year of the effective date of the permit	6.4.1	*					
4-2	Develop Written Procedures for Site Plan Review	1. Review and update existing requirements mandating site plan review and make changes as needed, such as incorporating additional information submitted by the public.	Planning Board, Conservation Commission, Building Department	Establish procedures for site plan review within 1 year of the effective date of the permit	6.4.2	*					
4-3	Develop Written Procedures for Site Inspections and Enforcement	1. Review and update existing requirements mandating site inspections, enforcement, and requirements for submittal of monthly inspection reports as needed	Planning Board, Conservation Commission, Building Department	Establish procedures for site inspections and enforcement within 1 year of the effective date of the permit	6.4.3	*					
4-4	Establish a Sediment and Erosion Control Program	1. Establish procedures for development of an Erosion and Sediment Control Plan for construction site operators performing land disturbance activities.	Planning Board, Conservation Commission, Building Department	Establish procedures for development of an erosion and sediment control program within 1 year of the effective date of the permit	6.4.4	*					
4-5	Develop Procedures for Waste Control	1. Establish requirements to control construction site wastes within 1 year of the effective date of the permit	Planning Board, Conservation Commission, Building Department	Establish requirements to control construction site wastes within 1 year of the effective date of the permit	6.4.4	*					

Table 11-1. Proposed BMP Plan - Implementation of Phase II Activities

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						7/1/18-7/1/19	7/1/19-7/1/20	7/1/20-7/1/21	7/1/21-7/1/22	7/1/22-7/1/23	7/1/23-7/1/24
5. Stormwater Management in New Development and Redevelopment											
5-1	Develop and Enforce Post-Construction Bylaw	1. Adopt a post-construction stormwater management bylaw that addresses 2016 MS4 Permit requirements. Include a requirement that stormwater management BMPs that ultimately discharge to a phosphorus impaired water body be optimized for phosphorus removal.	Planning Board, Conservation Commission, Building Department	Complete bylaw updates within 2 years of the effective date of the permit	7.4.1	*	*				
5-2	Require Stormwater As-Built Plan Submittal	1. Require submittal of as-built drawings for structural and non-structural stormwater controls.	Planning Board, Conservation Commission, Building Department	Require submittal of as-built plans for completed projects within 2 years of completion	7.4.2	*	*				
5-3	Require Long Term Operation and Maintenance	1. Establish procedures to require long term operation and maintenance of BMPs, such as addressing funding sources.	Planning Board, Conservation Commission, Building Department	Require submittal of operation and maintenance plans to ensure long term maintenance within 2 years of the effective date of the permit	7.4.3	*	*				
5-4	Street Design and Parking Lot Guidelines	1. Review existing by-laws, regulations and guidance pertaining to current street and parking lot design and all regulations for ability to incorporate LID into designs. 2. Prepare a report assessing whether existing street and parking lot design regulations allow for incorporation of LID practices and recommendations for changes.	Planning Board, Conservation Commission, Zoning Board	Complete regulatory updates within 4 years of the effective date of the permit	7.4.4		*	*			
5-5	Allow Green Infrastructure	1. Review existing by-laws, regulations and guidance to determine the feasibility of making green practices allowable. 2. Prepare a report assessing existing local regulations to determine the feasibility of allowing green roofs, infiltration practices, and water harvesting devices.	Planning Board, Conservation Commission, Zoning Board	Complete regulatory updates within 4 years of the effective date of the permit	7.4.4		*	*		*	
5-6	Target Properties to Reduce Impervious Area	1. Identify 5 properties for potential retrofits to stormwater impacts, as well as phosphorus impacts to the Charles River Watershed. 2. Track and report annually properties that have been modified or retrofitted with BMPs.	Planning Board, Conservation Commission	Complete inventory within 4 years of the effective date of the permit and update annually on retrofitted properties	7.4.5				*	*	*

Table 11-1. Proposed BMP Plan - Implementation of Phase II Activities

BMP ID	BMP Description	Implementation	Responsible Dept./Person	Measurable Goal	Report Section	Year / Schedule					
						1	2	3	4	5	6
						7/1/18-7/1/19	7/1/19-7/1/20	7/1/20-7/1/21	7/1/21-7/1/22	7/1/22-7/1/23	7/1/23-7/1/24
6. Good Housekeeping and Pollution Prevention											
6-1	Inventory Open Spaces, Buildings and Facilities, and Vehicles and Equipment	1. Inventory all permittee-owned parks and open spaces, building and facilities (including storm drains), and vehicles and equipment in the regulated area.	Department of Public Works, Permanent Building Committee	Complete inventory of open spaces, buildings and facilities, and vehicles and equipment within 2 years of the effective date of the permit	8.3.1		*				
6-2	Create Written O&M Procedures for MS4 Properties	1. Evaluate practices at MS4 properties (parks and open spaces, building and facilities, vehicles and equipment) and develop written Facilities O&M Plan.	Department of Public Works	Create written O&M Plan for open spaces, buildings and facilities, and vehicles and equipment within 2 years of the effective date of the permit	8.3.1		*				
		2. Distribute written O&M/SOPs as part of employee training.					*				
		3. Update inventory annually					*	*	*	*	*
		4. Ensure all vehicle maintenance and washing is performed indoors.				*	*	*	*	*	*
6-3	Create Written O&M Procedures for MS4 Infrastructure	1. Develop written O&M procedures or SOPs for the storm drain system, roadways and existing Town-owned BMPs (e.g., catch basin cleaning, street sweeping, winter road maintenance, stormwater BMPs).	Department of Public Works	Create written O&M Plan for stormwater system within 2 years of the permit effective date.	8.3.2		*				
		2. Distribute written O&M/SOPs as part of employee training.					*				
6-4	Catch Basin Cleaning	1. Establish a cleaning schedule and maintain catch basins so that they remain less than 50% full of sediment.	Department of Public Works	Clean catch basins on established schedule and report number of catch basins cleaned and volume of material moved annually	8.3.2	As Needed					
		2. Properly manage storage of catch basin residuals.				*	*	*	*	*	*
6-5	Street Sweeping	1. Sweep streets once a year in spring and twice a year where drainage is to a phosphorus impaired water.	Department of Public Works	Sweep all streets and parking lots at least annually and sweep all streets within the Charles River watershed twice per year.	8.3.2	*	*	*	*	*	*
		2. Properly manage storage of street sweeping residuals.									
6-6	Develop Road Salt Optimization Program	1. Establish and implement procedures for proper winter road maintenance, including use and storage of salt and sand, and procedures to minimize the use of road salt.	Department of Public Works	Implement salt use optimization during winter maintenance operations	8.3.2	*					
6-7	Assess Regulated Facilities to Determine SWPPP Eligibility	1. Evaluate the need for SWPPPs for municipal maintenance garages, public works yards, transfer stations, and other waste handling facilities where pollutants are exposed to stormwater. Complete SWPPP or document No Exposure as applicable.	Department of Public Works	Document whether a SWPPP is needed and where required, prepare SWPPP by July 1, 2020.	8.3.3		*				
6-8	Develop SWPPPs for Applicable Facilities	1. Complete SWPPP or document No Exposure as applicable.	Department of Public Works	Prepare SWPPP if needed by July 1, 2020.	8.3.3		*				
6-9	Establish BMP O&M Procedures	1. Establish written inspection and maintenance procedures and frequencies for inspection of all structural stormwater BMPs.	Department of Public Works	Create written O&M Plan for stormwater BMPs within 2 years of the effective date of the permit	8.3.4		*				
6-10	Inspect and Maintain Stormwater BMPs	1. Annually inspect MS4-owned stormwater treatment BMPs. Document inspections and maintenance performed.	Department of Public Works	Inspect and maintain treatment structures annually	8.3.4		*	*	*	*	*

Table 11-1. Proposed BMP Plan - Implementation of Phase II Activities

BMP ID	BMP Description	Implementation	Responsible Dept./Person	Measurable Goal	Report Section	Year / Schedule					
						1	2	3	4	5	6
						7/1/18-7/1/19	7/1/19-7/1/20	7/1/20-7/1/21	7/1/21-7/1/22	7/1/22-7/1/23	7/1/23-7/1/24
7. TMDL and Impaired Waters Controls											
7-1	Discharges to Approved TMDL Waterbodies - Phosphorus (Assabet River)	1. Enhanced BMPs - Public Education. Include fertilizer use, disposal of grass clippings and leaf litter, and pet waste management with the Residential and Commercial public education programs.	Department of Public Works, Conservation Commission, Planning Board, Zoning Board, Building Department	Distribute materials with Residential and Commercial education programs.	9.2.1	*	*	*	*	*	*
		2. Enhanced BMPs - Stormwater Management in New Development and Redevelopment. Include a requirement in the regulatory mechanism that new development and redevelopment stormwater management BMPs be optimized for phosphorus removal.		Complete bylaw updates within 2 years of the effective date of the permit		*	*				
		3. Enhanced BMPs - Consider BMPs to infiltrate stormwater where feasible when identifying MS4 properties for retrofits.		Evaluate stormwater BMPs for stormwater infiltration during facility inventory within 2 years of the effective date of the permit		*	*				
		4. Enhanced BMPs - Good Housekeeping and Pollution Prevention. Incorporate phosphorus reduction practices into Town good housekeeping practices such as fertilizer use and managing grass cuttings and leaf litter.		Create written O&M Plan for open spaces, buildings and facilities, and vehicles and equipment within 2 years of the effective date of the permit			*				
		5. Enhanced BMPs - Good Housekeeping and Pollution Prevention. Increase street sweeping to twice per year (spring and fall) for catchment areas that discharge to MS4 areas within the Assabet River watershed.		Sweep all streets and parking lots within the Charles River watershed twice per year.		*	*	*	*	*	*

Appendix A

Notice of Intent and Authorization to Discharge

Part I: General Conditions

General Information

Name of Municipality or Organization: Town of Boxborough State: MA

EPA NPDES Permit Number (if applicable): MA941183

Primary MS4 Program Manager Contact Information

Name: Adam L. Duchesneau, AICP Title: Town Planner

Street Address Line 1: 29 Middle Road

Street Address Line 2:

City: Boxborough State: MA Zip Code: 01719

Email: ADuchesneau@Boxborough-MA.gov Phone Number: (978) 264-1723

Fax Number: (978) 264-3127

Other Information

Stormwater Management Program (SWMP) Location (web address or physical location, if already completed):

Eligibility Determination

Endangered Species Act (ESA) Determination Complete? Yes

Eligibility Criteria (check all that apply): A B C

National Historic Preservation Act (NHPA) Determination Complete? Yes

Eligibility Criteria (check all that apply): A B C

Check the box if your municipality or organization was covered under the 2003 MS4 General Permit

MS4 Infrastructure (if covered under the 2003 permit)

Estimated Percent of Outfall Map Complete? 90% If 100% of 2003 requirements not met, enter an estimated date of completion (MM/DD/YY): 06/30/19

Web address where MS4 map is published: If outfall map is unavailable on the internet an electronic or paper copy of the outfall map must be included with NOI submission (see section V for submission options)

Regulatory Authorities (if covered under the 2003 permit)

Illicit Discharge Detection and Elimination (IDDE) Authority Adopted? Yes Effective Date or Estimated Date of Adoption (MM/DD/YY): 08/22/07

Construction/Erosion and Sediment Control (ESC) Authority Adopted? Yes Effective Date or Estimated Date of Adoption (MM/DD/YY): 04/11/11

Post- Construction Stormwater Management Adopted? Yes Effective Date or Estimated Date of Adoption (MM/DD/YY): 04/11/11

Notice of Intent (NOI) for coverage under Small MS4 General Permit

Part III: Stormwater Management Program Summary

Identify the Best Management Practices (BMPs) that will be employed to address each of the six Minimum Control Measures (MCMs). For municipalities/organizations whose MS4 discharges into a receiving water with an approved Total Maximum Daily Load (TMDL) and an applicable waste load allocation (WLA), identify any additional BMPs employed to specifically support the achievement of the WLA in the TMDL section at the end of part III.

For each MCM, list each existing or proposed BMP by category and provide a brief description, responsible parties/departments, measurable goals, and the year the BMP will be employed (public education and outreach BMPs also requires a target audience). **Use the drop-down menus in each table or enter your own text to override the drop down menu.**

MCM 1: Public Education and Outreach

BMP Media/Category (enter your own text to override the drop down menu)	BMP Description	Targeted Audience	Responsible Department/Parties (enter your own text to override the drop down menu)	Measurable Goal	Beginning Year of BMP Implementation
Brochures/Pamphlets	Distribute fact sheets or brochures on pet waste pickup with dog licenses.	Residents	Town Clerk	Provide information with all applications and renewals.	2018
Web Page	Provide web information on septic system maintenance, illicit discharges, pet waste disposal, lawn care, pesticide and fertilizer use, grass clippings and leaf litter disposal, car washing, and use of environmentally friendly products.	Residents	Information Technology, Planning Board	Continue to update and maintain the websites.	2018
Brochures/Pamphlets	Distribute brochures regarding illicit storm drain dumping, private septic system and well maintenance, pet waste disposal, lawn care, pesticides and fertilizers, and Hazardous Waste Collection Day at Town events.	Residents	Conservation Commission, Board of Health, Planning Board, Depar	Continue to provide information at Town events and continue to make educational materials available to the residents at town events and meetings.	2018

<p>Web Page</p>	<p>Provide web information on pesticide and fertilizer use, grass clippings and leaf litter disposal, building maintenance, salt usage, storage of materials and wastes, car washing, benefits of infiltration, and use of environmentally friendly products.</p>	<p>Businesses, Institutions, and Commercial Facilities</p>	<p>Information Technology, Planning Board</p>	<p>Continue to update and maintain the websites.</p>	<p>2018</p>
<p>Web Page</p>	<p>Provide web information on erosion and sediment control, Low Impact Development, and the NPDES Construction General Permit.</p>	<p>Developers (construction)</p>	<p>Information Technology, Planning Board</p>	<p>Creation of website with periodic updates.</p>	<p>2018</p>
<p>Brochures/Pamphlets</p>	<p>Distribute fact sheets or brochures on erosion and sediment control with permit applications.</p>	<p>Developers (construction)</p>	<p>Planning Board, Zoning Board, Building Department, Conservator</p>	<p>Provide information with all applications</p>	<p>2018</p>
<p>Web Page</p>	<p>Provide web information on equipment maintenance and inspection, material storage, solid waste handling, salt usage, benefits of onsite infiltration, management of parking lot surfaces, and EPA's MSGP.</p>	<p>Industrial</p>	<p>Information Technology, Planning Board</p>	<p>Creation of website with periodic updates.</p>	<p>2018</p>
<p>Social Media</p>	<p>Provide relevant stormwater information to different audiences via social media.</p>	<p>Residents, Businesses, Institutions, Commercial Facilities, Developers (construction), Industrial</p>	<p>Information Technology</p>	<p>Follow statewide "Think Blue" campaign on social media platforms.</p>	<p>2019</p>
<p></p>	<p></p>	<p></p>	<p></p>	<p></p>	<p></p>

Notice of Intent (NOI) for coverage under Small MS4 General Permit

Part III: Stormwater Management Program Summary *(continued)*

MCM 2: Public Involvement and Participation

BMP Categorization	Brief BMP Description <small>(enter your own text to override the drop down menu)</small>	Responsible Department/Parties <small>(enter your own text to override the drop down menu)</small>	Additional Description/ Measurable Goal	Beginning Year of BMP Imple- mentation
Public Review	SWMP Review	Information Technology, Planning Board	Allow annual review of stormwater management plan and posting of stormwater management plan on website.	2018
Public Participation	Develop and upload SWMP to the Town website and provide a link to	Information Technology, Planning Board	Allow public to comment on stormwater management plan annually.	2018
Public Participation	Land Stewardship Program for Conservation Lands	Conservation Commission	Continue to evaluate drainage issues on existing trails and recommend improvements.	2018
Public Participation	Allow community participation in bi-annual Hazardous Waste Collec	Department of Public Works, Board of Health	Allow bi-annual participation in a household hazardous waste event every other year.	2018
▼	▼	▼		▼
▼	▼	▼		▼
▼	▼	▼		▼
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Notice of Intent (NOI) for coverage under Small MS4 General Permit

Part III: Stormwater Management Program Summary *(continued)*

MCM 3: Illicit Discharge Detection and Elimination (IDDE)

BMP Categorization <small>(enter your own text to override the drop down menu)</small>	BMP Description	Responsible Department/Parties <small>(enter your own text to override the drop down menu)</small>	Measurable Goal <small>(all text can be overwritten)</small>	Beginning Year of BMP Implementation
SSO inventory	Develop SSO inventory in accordance of permit conditions	Department of Public Works, Planning Board, Board of Health	Complete within 1 year of effective date of permit	2018
Storm sewer system map	Create map and update during IDDE program completion	Department of Public Works, Planning Board	Update map within 2 years of effective date of permit and complete full system map 10 years after effective date of permit	2018
Written IDDE program	Create written IDDE program	Department of Public Works, Planning Board	Complete within 1 year of the effective date of permit and update as required	2018
Implement IDDE program	Implement catchment investigations according to program and permit conditions	Department of Public Works, Board of Health	Complete 10 years after effective date of permit	2020
Employee training	Train employees on IDDE implementation	Department of Public Works, Planning Board, Board of Health	Train annually	2018
Conduct dry weather screening	Conduct in accordance with outfall screening procedure and permit conditions	Department of Public Works	Complete 3 years after effective date of permit	2019
Conduct wet weather screening	Conduct in accordance with outfall screening procedure	Department of Public Works	Complete 10 years after effective date of permit	2028
Ongoing screening	Conduct dry weather and wet weather screening (as necessary)	Department of Public Works	Complete ongoing outfall screening upon completion of IDDE program	2024
IDDE Ordinance/Bylaw	Enforce existing IDDE bylaw	Planning Board, Board of Health	Continue to enforce IDDE bylaw, adopted in 2007	2018

Notice of Intent (NOI) for coverage under Small MS4 General Permit

Part III: Stormwater Management Program Summary *(continued)*

MCM 4: Construction Site Stormwater Runoff Control

BMP Categorization <small>(enter your own text to override the drop down menu or entered text)</small>	BMP Description	Responsible Department/Parties <small>(enter your own text to override the drop down menu)</small>	Measurable Goal <small>(all text can be overwritten)</small>	Beginning Year of BMP Implementation
Site inspection and enforcement of Erosion and Sediment Control (ESC) measures	Complete written procedures of site inspections and enforcement procedures	Planning Board, Conservation Commission, Building Department	Complete within 1 year of the effective date of permit	2018
Site plan review	Complete written procedures of site plan review and begin implementation	Planning Board, Conservation Commission, Building Department	Complete within 1 year of the effective date of permit	2018
Erosion and Sediment Control	Adoption of requirements for construction operators to implement a sediment and erosion control program	Planning Board, Conservation Commission, Building Department	Complete within 1 year of the effective date of permit	2018
Waste Control	Adoption of requirements to control wastes, including but not limited to, discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes	Planning Board, Conservation Commission, Building Department	Complete within 1 year of the effective date of permit	2018
Construction Ordinance/ Bylaw	Enforce existing construction site stormwater runoff control bylaw and accompanying rules and regulations	Planning Board, Conservation Commission, Building Department	Continue to enforce bylaw, rules and regulations	2018

Notice of Intent (NOI) for coverage under Small MS4 General Permit

Part III: Stormwater Management Program Summary (continued)

MCM 5: Post-Construction Stormwater Management in New Development and Redevelopment

BMP Categorization (enter your own text to override the drop down menu or entered text)	BMP Description	Responsible Department/Parties (enter your own text to override the drop down menu)	Measurable Goal (all text can be overwritten)	Beginning Year of BMP Implementation
As-built plans for on-site stormwater control	The procedures to require submission of as-built drawings and ensure long term operation and maintenance will be a part of the SWMP	Planning Board, Conservation Commission, Building Department	Require submission of as-built plans for completed projects	2018
Target properties to reduce impervious areas	Identify at least 5 permittee-owned properties that could be modified or retrofitted with BMPs to reduce impervious areas and update annually	Planning Board, Conservation Commission	Complete 4 years after effective date of permit and report annually on retrofitted properties	2020
Allow green infrastructure	Develop a report assessing existing local regulations to determine the feasibility of making green infrastructure practices allowable when appropriate site conditions exist	Planning Board, Conservation Commission, Building Department,	Complete 4 years after effective date of permit and implement recommendations of report	2020
Street design and parking lot guidelines	Develop a report assessing requirements that affect the creation of impervious cover. The assessment will help determine if changes to design standards for streets and parking lots can be modified to support low impact design options.	Planning Board, Conservation Commission, Zoning Board	Complete 4 years after effective date of permit and implement recommendations of report	2020

Notice of Intent (NOI) for coverage under Small MS4 General Permit

Part III: Stormwater Management Program Summary *(continued)*

MCM 6: Municipal Good Housekeeping and Pollution Prevention

BMP Categorization (enter your own text to override the drop down menu or entered text)	BMP Description	Responsible Department/Parties (enter your own text to override the drop down menu)	Measurable Goal (all text can be overwritten)	Beginning Year of BMP Implementation
O&M procedures	Create written O&M procedures including all requirements contained in 2.3.7.a.ii for parks and open spaces, buildings and facilities, and vehicles and equipment	Department of Public Works	Complete and implement 2 years after effective date of permit	2019
Inventory all permittee-owned parks and open spaces, buildings and facilities, and vehicles and equipment	Create inventory	Department of Public Works, Permanent Building Committee	Complete 2 years after effective date of permit and implement annually	2019
Infrastructure O&M	Establish and implement program for repair and rehabilitation of MS4 infrastructure	Department of Public Works	Complete 2 years after effective date of permit	2019
Stormwater Pollution Prevention Plan (SWPPP)	Create SWPPPs for maintenance garages, transfer stations, and other waste-handling facilities	Department of Public Works	Complete and implement 2 years after effective date of permit	2019
Catch basin cleaning	Establish schedule for catch basin cleaning such that each catch basin is no more than 50% full and clean catch basins on that schedule	Department of Public Works	Clean catch basins on established schedule and report number of catch basins cleaned and volume of material moved annually	2018
Street sweeping program	Sweep all streets and permittee-owned parking lots in accordance with permit conditions	Department of Public Works	Sweep all streets and permittee-owned parking lots once per year in the spring	2018
Road salt use optimization program	Establish and implement a program to minimize the use of road salt	Department of Public Works	Implement salt use optimization during deicing season	2018

Part IV: Notes and additional information

Use the space below to indicate the part(s) of 2.2.1 and 2.2.2 that you have identified as not applicable to your MS4 because you do not discharge to the impaired water body or a tributary to an impaired water body due to nitrogen or phosphorus. Provide all supporting documentation below or attach additional documents if necessary. Also, provide any additional information about your MS4 program below.

Because the Town of Boxborough's population relies entirely on septic systems for wastewater management, SSO considerations will not apply to the Town's program.

Notice of Intent (NOI) for coverage under Small MS4 General Permit

Part V: Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

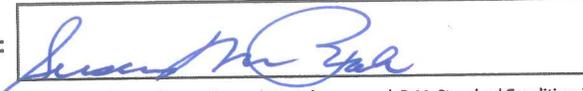
Name:

Susan Bak

Title:

Chair, Board of Selectmen

Signature:



[To be signed according to Appendix B, Subparagraph B.11, Standard Conditions]

Date:

9-10-2018

Note: When prompted during signing, save the document under a new file name



United States Department of the Interior



FISH AND WILDLIFE SERVICE
New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5094
Phone: (603) 223-2541 Fax: (603) 223-0104
<http://www.fws.gov/newengland>

In Reply Refer To:

July 27, 2018

Consultation Code: 05E1NE00-2018-SLI-2539

Event Code: 05E1NE00-2018-E-05955

Project Name: Boxboro MS4 Endangered Species Review

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
-

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New England Ecological Services Field Office

70 Commercial Street, Suite 300

Concord, NH 03301-5094

(603) 223-2541

Project Summary

Consultation Code: 05E1NE00-2018-SLI-2539

Event Code: 05E1NE00-2018-E-05955

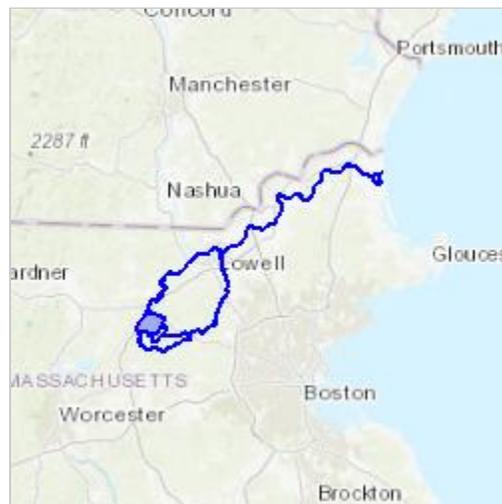
Project Name: Boxboro MS4 Endangered Species Review

Project Type: LAND - DRAINAGE

Project Description: Determination of impact of stormwater discharges and discharge related activities to threatened and endangered species per Appendix C of the MA MS4 General Permit. Stormwater discharge occurs from pre-existing outfalls within the regulated zone, as shown on the map.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/42.6313844732382N71.38365809056398W>



Counties: Essex, MA | Middlesex, MA | Worcester, MA

Endangered Species Act Species

There is a total of 4 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Birds

NAME	STATUS
Red Knot <i>Calidris canutus rufa</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened
Roseate Tern <i>Sterna dougallii dougallii</i> Population: northeast U.S. nesting pop. No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2083	Endangered

Flowering Plants

NAME	STATUS
Small Whorled Pogonia <i>Isotria medeoloides</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1890	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

VIA EMAIL

March 5, 2019

Susan Bak
Chair, Board of Selectmen

And;

Adam Duchesneau
Town Planner
29 Middle Rd
Boxborough, MA. 01719
aduchesneau@boxborough-ma.gov

Re: National Pollutant Discharge Elimination System Permit ID #: MAR041183, Town of Boxborough

Dear Adam Duchesneau:

The 2016 NPDES General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in Massachusetts (MS4 General Permit) is a jointly issued EPA-MassDEP permit. Your Notice of Intent (NOI) for coverage under this MS4 General Permit has been reviewed by EPA and appears to be complete. You are hereby granted authorization by EPA and MassDEP to discharge stormwater from your MS4 in accordance with the applicable terms and conditions of the MS4 General Permit, including all relevant and applicable Appendices. This authorization to discharge expires at midnight on **June 30, 2022**.

For those permittees that certified Endangered Species Act eligibility under Criterion C in their NOI, this authorization letter also serves as EPA's concurrence with your determination that your discharges will have no effect on the listed species present in your action area, based on the information provided in your NOI.

As a reminder, your first annual report is due by **September 30, 2019** for the reporting period from May 1, 2018 through June 30, 2019.

Information about the permit and available resources can be found on our website: <https://www.epa.gov/npdes-permits/massachusetts-small-ms4-general-permit>. Should you have any questions regarding this permit please contact Newton Tedder at tedder.newton@epa.gov or (617) 918-1038.

Sincerely,

A handwritten signature in blue ink that reads "Thelma Murphy". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Thelma Murphy, Chief
Stormwater and Construction Permits Section
Office of Ecosystem Protection
United States Environmental Protection Agency, Region 1

and;

A handwritten signature in black ink that reads "Lealdon Langley". The signature is cursive and somewhat stylized, with a prominent loop at the end.

Lealdon Langley, Director
Wetlands and Wastewater Program
Bureau of Water Resources
Massachusetts Department of Environmental Protection

Appendix B

Impaired Waterbodies

According to the Final 2014 Massachusetts Integrated List of Waters produced by MassDEP, no waterbodies within the Town's regulated area are listed as Category 4 or Category 5. This section will be updated as additional waterbodies are added to the list.

Appendix C

Regulatory Review and Legal Authority

MS4 REGULATORY REVIEW – TOWN OF ABINGTON

TO: Town of Abington
FROM: Steve Wright P.E., Sanborn Head and Nick Cristofori P.E., CEI
DATE: March 29, 2019
SUBJECT: MS4 Regulatory Review

Sanborn Head Associates and Comprehensive Environmental, Inc. have performed a preliminary review of Abington’s existing bylaws and applicable regulations to determine compliance with Section 2.3.4.a of Minimum Measure 3 – Illicit Discharge Detection and Elimination (IDDE) Program, and Section 2.3.5 of Minimum Measure 4 – Construction Site Stormwater Runoff Control of the 2016 Massachusetts MS4 General Permit. The bylaws and regulations that were reviewed include the following:

- Chapter 128 “Sewers” under general bylaws, Article II “Illicit Discharges to Municipal Separate Storm Sewer System” adopted 4/2/12;
- Chapter 171 “Wetlands” under general bylaws, adopted 4/3/06;
- Chapter 175 “Zoning” under general bylaws, adopted 3/1/54, last revised 10/23/00; and
- Chapter 200 “Subdivision Rules and Regulations,” adopted 1/2/01.

The following table summarizes the requirements of the permit, existing regulatory mechanisms in the Town that address the requirements and to what extent, and recommendations for regulatory updates or supplemental information for full compliance.

Minimum Measure 3 – Illicit Discharge, Detection, and Elimination		
Required Elements	Current Municipal Regulatory Requirements	Recommended Changes
<p>Section 2.3.4.a. Have adequate legal authority to:</p> <ul style="list-style-type: none"> • Prohibit illicit discharges. • Investigate suspected illicit discharges. • Eliminate illicit discharges, including those from properties not owned or controlled by the Town. • Implement appropriate enforcement procedure and actions. 	<p>Code of the Town of Abington, Chapter 128 of <u>general Town bylaws</u>, “Sewers” gives the Town the legal authority to prohibit illicit discharges, investigate suspected illicit discharges, eliminate discharges — including those from properties not owned or controlled by the Town, and implement appropriate enforcement actions and procedures.</p>	<p>In compliance, no recommended changes.</p>
Minimum Measure 4 – Construction Site Stormwater Runoff Control		
<p>Section 2.3.5.a. Implement program that reduces stormwater pollutants at construction sites >1 acre, or < 1 acre if part of a development that will disturb >1 acre.</p>	<p>No comprehensive program in place.</p>	<p>As part of a comprehensive construction site runoff program, develop and approve a new bylaw that meets all permit requirements.</p>

MS4 REGULATORY REVIEW – TOWN OF ABINGTON

Minimum Measure 4 (continued) – Construction Site Stormwater Runoff Control		
Required Elements	Current Municipal Regulatory Requirements	Recommended Changes
<p>Section 2.3.5.c.i. and iv. Regulatory mechanism that requires the use of sediment and erosion control practices at construction sites.</p>	<p><u>Code of the Town of Abington, Rules and Regulations, Chapter 200, “Subdivision Rules and Regulations,”</u> requires subdivision design to limit the volume of cut and fill, and soil loss or instability during and after construction.</p> <p><u>Code of the Town of Abington, General Town Bylaws, Chapter 175 “Zoning,” Section 64, “Erosion Control”</u> requires all developments to prevent erosion during construction to the satisfaction of the Building Inspector.</p>	<p>Current bylaws likely partially meet permit requirements, but are not part of a unified program. Recommend combining regulations into one bylaw that clearly requires the control of runoff at construction sites and defines other construction wastes.</p>
<p>Ordinance must include requirement for construction site operators to control other wastes on construction sites, such as demolition debris, litter, concrete truck wash-out, and chemicals.</p>	<p><u>Code of the Town of Abington, General Town Bylaws, Chapter 128 “Sewers”</u> Prohibits the direct or indirect discharge of construction waste, solid waste, or other pollutant into any catch basin.</p>	
<p>Section 2.3.5.c.ii. and v. Written procedures for site inspections and enforcement:</p> <ul style="list-style-type: none"> • Inspection procedures. • Inspections to occur during and after BMP construction. 	<p>No written procedures for site inspection or enforcement of sediment/erosion control measures currently in place.</p>	<p>Develop written site inspection procedures, likely as an accompanying regulation to the bylaw.</p>
<ul style="list-style-type: none"> • Who’s responsible for inspecting. • Inspector qualifications. • Who has authority to implement enforcement. • Statement that sanctions may be imposed. 	<p><u>Code of the Town of Abington, General Town Bylaws, Chapter 175 “Zoning,” Section 64, “Erosion Control”</u> requires all developments to prevent erosion during construction to the satisfaction of the Building Inspector.</p>	<p>Incorporate qualifications for performing site inspections into inspection program.</p>
<ul style="list-style-type: none"> • Using standard inspection form (if appropriate). • Procedures for tracking number of site reviews, inspections, and enforcement actions. 	<p>No use of a standard inspection form or tracking.</p>	<p>Develop program with standard inspection form to help with annual report tracking requirements.</p>

MS4 REGULATORY REVIEW – TOWN OF ABINGTON

Minimum Measure 4 (continued) – Construction Site Stormwater Runoff Control		
Required Elements	Current Municipal Regulatory Requirements	Recommended Changes
<p>Section 2.3.5.c.iii. Requirements for construction site runoff control programs to include BMPs. Program may reference state or Town BMP design standards.</p>	<p><u>Code of the Town of Abington, General Town Bylaws, Chapter 175 “Zoning,” Section 64, “Erosion Control”</u> requires all developments to prevent erosion during construction to the satisfaction of the Building Inspector., however no design standard in place for construction site runoff control.</p>	<p>Develop regulations to accompany new bylaw to require best management practices and specify standards for BMPs of construction site runoff control.</p>
<p>Section 2.3.5.c.v. Written procedures for site plan review:</p> <ul style="list-style-type: none"> • Pre-construction review of the site design. • Planned construction site operations. • Planned BMPs during construction. • Planned BMPs to manage stormwater after development. • Consideration of water quality impacts. • Evaluation of Low Impact Development (LID) and Green Infrastructure (GI) opportunities. 	<p><u>Code of the Town of Abington, General Town Bylaws, Chapter 175 “Zoning,” Section 77 “Site Plan Review”</u> requires a site plan review of any construction or excavation, unless it meets the listed exceptions. Plan must provide all site drainage structures and calculations. Applicants must also show that after construction, the stormwater drainage rates do not exceed pre-development rates, and that the plan has adequate stormwater drainage.</p> <p><u>Code of the Town of Abington, General Town Bylaws, Chapter 175 “Zoning,” Section 63 “Surface Water Drainage”</u> requires that as possible, percolation be used to remove water by natural drainage courses and impounding areas.</p> <p><u>Code of the Town of Abington, Rules and Regulations, Chapter 200, “Subdivision Rules and Regulations,”</u> requires subdivision design to limit the increase in peak stormwater runoff. Appendix B outlines BMP criteria and states that the system should follow DEP best management practices before approval is granted.</p>	<p>Current regulations partially meet permit requirements, as it requires a pre-construction review that includes the post-development site drainage. In the new regulations to accompany the bylaw, create a written procedure for site plan review that meets the permit requirements.</p>
<ul style="list-style-type: none"> • Procedures for the receipt and consideration of information submitted by the public. 	<p>No procedures for consideration of public comments.</p>	

Chapter 128

SEWERS

GENERAL REFERENCES

Subdivision of land — See Ch. 200.

ARTICLE I

**Connection of Runoff Sources to System
[Adopted 4-3-2006 ATM by Art. 8¹]****§ 128-1. Certain connections prohibited.**

No property owner shall allow roof downspouts, foundation drains, sump pumps, areaway drains, or any other sources of surface runoff or groundwater to be connected to a building sewer or other pipe which discharges to the municipal sewer system.

§ 128-2. Notice to discontinue illegal connection.

Any property owner found to be in violation of this article shall be given written notice by the Board of Sewer Commissioners requiring said property owner to provide proof of discontinuance of said illegal connection within 30 days thereafter, unless further extended by vote of the Board of Sewer Commissioners.

§ 128-3. Violations and penalties.

Failure to discontinue said illegal connection pursuant to said notice shall cause said property owner to be assessed a fine of \$50 per day until the violation is shown to be removed and proven to be remedied. Said fine shall be added to the property owner's sewer usage bill and shall be subject to the interest and lien penalties of the usage bill.

1. Editor's Note: This Article also superseded former Art. I, Connection of Runoff Sources to System, adopted 6-13-2001 STM by Art. 14.

ARTICLE II

**Illicit Discharges to Municipal Separate Storm Sewer System
[Adopted 4-2-2012 ATM by Art. 14]****§ 128-4. Purpose.**

- A. The purpose of this Bylaw is to eliminate non-stormwater discharges to the Town of Abington's municipal separate storm sewer system. Non-stormwater discharges contain contaminants and supply additional flows to the Town's storm drain system. Both increased and contaminated stormwater runoff are major causes of:
- (1) Impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;
 - (2) Contamination of drinking water supplies;
 - (3) Alteration or destruction of aquatic and wildlife habitat; and
 - (4) Flooding.
- B. Regulation of illicit connections and discharges to the municipal separate storm sewer system is necessary for the protection of the Town of Abington's natural resources, municipal facilities, and to safeguard the public health, safety, welfare and the environment.
- C. The objectives of this Bylaw are:
- (1) To prevent pollutants from entering the Town's municipal separate storm sewer system (MS4);
 - (2) To prohibit illicit connections and unauthorized discharges to the MS4;
 - (3) To require the removal of all such illicit connections;
 - (4) To comply with state and federal statutes and regulations relating to stormwater discharges; and
 - (5) To establish the legal authority to ensure compliance with the provisions of this Bylaw through inspection, monitoring, and enforcement.

§ 128-5. Definitions.

Unless a different definition is indicated in other sections of this Bylaw, the following definitions and provisions shall apply throughout this Article, also referred to in this Article as this Bylaw.

BEST MANAGEMENT PRACTICE (BMP) — An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of storm water runoff.

CLEAN WATER ACT — The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

DISCHARGE OF POLLUTANTS — The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the Wetland Resource Areas from any source.

DISCHARGER — A person or persons who discharge any pollutant or combination of pollutants into the municipal storm drain system or into the Wetland Resource Areas from any source.

ENFORCEMENT AUTHORITY — The Town Manager, and Town employees and/or agents designated by the Town Manager to enforce this Bylaw.

GROUNDWATER — Water beneath the surface of the ground.

ILLCIT CONNECTION — A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed or approved before the effective date of this Bylaw.

ILLCIT DISCHARGE — Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted herein.

ILLCIT DISCHARGE DETECTION AND ELIMINATION (IDDE) — One of six Minimum Control Measures regulated under the Town's NPDES Phase II MS4 Permit. The federal regulation governing implementation of the IDDE program under this Permit is Section (b)(3) of 40 CFR 122.34, "Storm Water Phase II Regulations."

IMPERVIOUS SURFACE — Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and roof tops.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM — The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Abington.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT — A permit issued by United States Environmental Protection Agency or jointly with the Commonwealth of Massachusetts that authorizes and regulates the discharge of pollutants to waters of the United States.

NON-STORMWATER DISCHARGE — Discharge to the municipal storm drain system not composed entirely of stormwater.

NOTICE OF VIOLATION — A written notice given to a person by the Enforcement Authority that states that said person has violated this Bylaw on any specified occasion.

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.

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 Wetland Resource Areas. Effluent waters from dewatering operations are adequately regulated under NPDES. Pollutants shall include without limitation:

- A. Paints, varnishes, and solvents;
- B. Oil and other automotive fluids;
- C. Non-hazardous liquid and solid wastes and yard wastes;
- D. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, accumulations and floatables;
- E. Pesticides, herbicides, and fertilizers;
- F. Hazardous materials and wastes;
- G. Sewage, fecal coliform and pathogens;
- H. Dissolved and particulate metals;
- I. Animal wastes;
- J. Rock, sand, salt, soils;
- K. Construction wastes and residues; and
- L. 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 — Runoff from precipitation or snow melt.

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 as defined under MGL Ch. 21C and Ch. 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000. 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 these laws and regulations.

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.

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

WETLAND RESOURCE AREAS — All wetlands and watercourses protected under the Massachusetts Wetlands Protection Act and the Abington Wetlands Protection Bylaw.

§ 128-6. Applicability.

This Bylaw shall apply to flows entering the municipally owned storm drainage system, a watercourse, and any Wetland Resource Areas located within the boundaries of the Town of Abington.

§ 128-7. Authority.

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

§ 128-8. Responsibility for administration.

The Enforcement Authority shall administer, implement and enforce this Bylaw. Any powers granted to or duties imposed upon the Enforcement Authority may be delegated in writing by the Enforcement Authority to employees or agents of the Enforcement Authority, including other Town officials and employees.

§ 128-9. Regulations.

The Enforcement Authority may promulgate rules and regulations to effectuate the purposes of this Bylaw. Failure by the Enforcement Authority to promulgate such rules and regulations shall not have the effect of suspending or invalidating this Bylaw.

§ 128-10. Prohibited activities.

- A. Illicit discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the

municipal separate storm sewer system (MS4), into a watercourse, or into the Wetland Resource Areas.

- B. Illicit connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- C. Obstruction of municipal storm drain system (MS4). No Person shall obstruct or interfere with the normal flow of stormwater into or out of the MS4 without prior consent from the Enforcement Authority. No person shall dump or dispose of yard waste (leaves, grass clippings, etc.) into the MS4, or into open watercourses (swales, brooks and streams).
- D. Other prohibited activities.
 - (1) Drains. No one shall tie any pump, cellar, yard, roof or area drain directly into the storm water drainage system without approval from the Enforcement Authority.
 - (2) Catch basins. No Person shall directly or indirectly dump, discharge or cause or allow to be discharged into any catchbasin, any solid waste, construction debris, paint or paint product, antifreeze, hazardous waste, oil, gasoline, grease and all other automotive and petroleum products, solvents and degreasers, drain cleaners, commercial and household cleaners, soap, detergent, ammonia, food and food waste, grease or yard waste, animal feces, dirt, sand, gravel or other pollutant. Any Person determined by the Applicable Authority to be responsible for the discharge of any of the above substances to a catchbasin may be held responsible for cleaning the catchbasin and any other portions of the storm water system impacted according to Town standards and requirements or paying the cost for such cleaning. In addition, the Person shall be responsible for paying any penalties assessed by the Town pursuant to this Bylaw.
 - (3) Septage. No Person shall discharge or cause or allow to be discharged any septage, or septage tank or cesspool overflow into the Town's storm water drainage system.
 - (4) Storage and disposal of hazardous material. No one shall dispose of anything other than clear water into the Town's storm drainage system. The disposal of waste, gasoline or any other hazardous material into the storm drainage system is strictly prohibited and is in violation of state and federal pollution laws.
 - (5) Private drainage systems. It is prohibited for anyone with a private drainage system from tying into the municipal storm drainage system without written approval from the Enforcement Authority. The maintenance of any and all private drainage systems shall be the responsibility of the owners.

§ 128-11. Exemptions.

- A. Discharges or flows resulting from fire fighting activities or other authorized hydrant use are exempt.
- B. The following non-stormwater discharges or flows are exempt from the prohibitions of this Bylaw provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:
 - (1) Waterline flushing;
 - (2) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
 - (3) Discharge from landscape irrigation or lawn watering;
 - (4) Water from individual residential car washing;
 - (5) Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week following last chlorination prior to draining and the pool is drained in such a way as not to cause a nuisance;
 - (6) Discharge from street sweeping;
 - (7) Flow from potable water sources;
 - (8) Springs;
 - (9) Natural flow from riparian habitats and wetlands;
 - (10) Diverted stream flow;
 - (11) Rising groundwater;
 - (12) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater (e.g., sump pump), provided that the operator seeks written approval from the Enforcement Authority prior to discharge, and thereafter discharges in accordance with the applicable laws and regulations to be issued by the Enforcement Authority;
 - (13) Dye testing, provided verbal notification is given to the Enforcement Authority prior to the time of the test;
 - (14) Non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the written approval, waiver, or order and applicable laws and regulations; and

- (15) Discharge for which advanced written approval is received from the Enforcement Authority as necessary to protect the public interest.

§ 128-12. Emergency suspension of storm drainage system access.

- A. The Enforcement Authority 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 Enforcement Authority may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.
- B. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Bylaw, without the prior written approval of the Enforcement Authority.

§ 128-13. Industrial or construction activity discharges.

- A. NPDES stormwater permit. 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 Enforcement Authority prior to the allowing of discharges to the MS4.
- B. Monitoring of discharges. Upon notice of an alleged illicit discharge or connection, the Enforcement Authority have the right to investigate any facility that has storm water discharges associated with industrial activity, including construction activity. The exercise of this right does not constitute a replacement or substitution for enforcement by federal or state agencies for facilities that are adequately regulated either under a NPDES permit or, if a violation is determined to have occurred, under 310 CMR 40.00, the Massachusetts Contingency Plan.

§ 128-14. Watercourse protection.

- A. Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.
- B. Failure by the property owner to maintain the watercourse does not constitute an obligation on the part of the Town to assume this responsibility.

§ 128-15. 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 Wetland Resource Areas, 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. In the event of a release of non-hazardous material, the reporting person shall notify the Enforcement Authority no later than the next business day. The reporting person shall provide to the Enforcement Authority 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.

§ 128-16. Enforcement.

The Enforcement Authority or an authorized agent of the Enforcement Authority shall enforce this Bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

- A. Entry to perform duties. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Enforcement Authority may enter upon privately owned property for the purpose of performing their duties under these regulations and may make or cause to be made such examinations, surveys or sampling as the Enforcement Authority deems reasonably necessary.
- B. Civil relief. If a person violates the provisions of this Bylaw, regulations, written approval, notice, or order issued thereunder, the Enforcement Authority 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.
- C. Orders.
 - (1) The Enforcement Authority may issue a written order to enforce the provisions of this Bylaw 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;
 - (d) Remediation of contamination in connection therewith; and
 - (e) Implementation of source control or treatment BMPs.
 - (2) If the enforcing person 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.
 - (3) Within 30 days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified, in writing, of the costs incurred by the Town, including administrative costs, for which payment is due to the Town. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Enforcement Authority within 30 days of the Town's issuance of the notification of the costs incurred. Payment of the Town's costs is due within 30 days of the issuance of the notification, or if a protest is filed, within 30 days following a decision of the Enforcement Authority affirming or reducing the costs, whichever is later. Pursuant to MGL Ch. 40, § 58, the Town is hereby authorized to impose and record a municipal charges lien on the property for any costs that have not been paid to the Town by the applicable due date, and unpaid charges shall be added to the tax on the property, in the manner provided in said statute.
- D. Criminal penalty. Any person who violates any provision of this Bylaw, regulation, order or written approval issued thereunder, shall be punished by a fine not to exceed \$300 per violation. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- E. Non-criminal disposition. As an alternative to criminal prosecution or civil action, the Town may elect to utilize the non-criminal disposition procedure set forth in MGL Ch. 40, § 21D in which case the Enforcement Authority shall be the enforcing person. For non-criminal disposition, the penalty for the first violation shall be \$100, the penalty for the second violation shall be \$200, and the penalty for the third and subsequent violations shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- F. Appeals. The decisions or orders of the Enforcement Authority shall be final. Further relief shall be to a court of competent jurisdiction.

- G. Remedies not exclusive. The remedies listed in this Bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

§ 128-17. Severability.

The provisions of this Bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw.

§ 128-18. Transitional provisions.

Property owners shall have 90 days from the effective date of the Bylaw to comply with its provisions provided good cause is shown for the failure to comply with the Bylaw during that period.

Chapter 171

WETLANDS PROTECTION

GENERAL REFERENCES

Zoning — See Ch. 175.

Subdivision rules and regulations — See Ch. 200.

§ 171-1. Purpose.

The purpose of this Bylaw is to protect the wetlands, water resources, and adjoining land areas in Abington by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect upon resource area values, including but not limited to the following public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention including water quality, water pollution controls, fisheries, wildlife habitat, rare species habitat including rare plant species, agriculture, aquaculture, and recreation values, deemed important to the community (collectively, the "resource area values protected by this Bylaw"). This Bylaw is intended to utilize the Home Rule authority of this municipality to protect additional resource areas, for additional values, with additional standards and procedures stricter than those of the Wetland Protection Act (M.G.L. c. 131 § 40) and Regulations thereunder (310 CMR 10.00).

§ 171-2. Jurisdiction.

Except as permitted by the Conservation Commission or as provided in this Bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: any freshwater wetlands, marshes, wet meadows, bogs, swamps, vernal pools, banks, reservoirs, lakes, ponds of any size, rivers, streams, creeks, beaches, dunes, estuaries, lands under water bodies, lands subject to flooding or inundation by groundwater or surface water, or flooding, and lands abutting any of the aforesaid resource areas as set out in § 171-7 (collectively the "resource area protected by this Bylaw"). Said resource areas shall be protected whether or not they border surface waters.

§ 171-3. Applications for permits and requests for determination.

- A. Written application shall be filed with the Commission to perform activities affecting resource areas protected by this Bylaw. The notice of intent permit application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the resource areas protected by this Bylaw. No activity shall commence without receiving and complying with a permit issued pursuant to this Bylaw.

- B. The Commission will accept as the permit application and plans under this Bylaw the notice of intent and plans filed under the Wetlands Protection Act (M.G.L. c. 131 § 40) and Regulations (310 CMR 10.00).
- C. Any person desiring to know whether or not a proposed activity or an area is subject to this Bylaw may in writing request a determination from the Commission. Such a request for determination (RFD) shall include information and plans as are deemed necessary by the Commission.
- D. At the time of the permit application or RFD, or application for certificate of compliance, the applicant shall pay a filing fee specified in Regulations of the Commission. The fee is in addition to that required by the Wetlands Protection Act (M.G.L. c. 131 § 40) and Regulations (310 CMR 10.00).
- E. Upon receipt of a permit application or RFD, or at any point during the hearing process, the Commission is authorized to require an applicant to pay a fee for the reasonable costs and expenses borne by the Commission to come to a final decision on the application. This fee is called the "consultant fee." The specific consultant services may include, but are not limited to, performing or verifying the accuracy of resource area survey and delineation; analyzing resource area functions and values, including wildlife habitat evaluations, hydro geologic and drainage analysis; and researching environmental or land use law.
- F. The Commission may require the payment of the consultant fee at any point in its deliberations prior to a final decision. If a revolving fund for consultant expenses and fees is authorized by the Town Meeting, or by the general or special law, the applicant's fee shall be put into such revolving fund, and the Commission may draw upon that fund for specific consultant services approved by the Commission at one of its public meetings. Any unused portion of the consultant fee shall be returned to the applicant unless the Commission decides at a public meeting that additional services will be required.
- G. The exercise of discretion by the Commission in making its determination to require the payment of a consultant fee shall be based upon its reasonable finding that additional information acquirable only through outside consultants would be necessary for the making of an objective decision. Any applicant aggrieved by the imposition of, or size of, the consultant fee, or any act related thereto, may appeal according to the provisions of the Massachusetts General Laws.
- H. The Commission may waive the filing fee, consultant fee, and costs and expenses for a permit application or RFD filed by a government agency.
- I. The maximum consultant fee charged to reimburse the Commission for reasonable costs and expenses shall be according to industry standard fees.

- J. The project cost means the estimated, entire cost of the project including, but not limited to, building construction, site preparation, landscaping, and all site improvements. The consultant fee shall be paid pro rata for that portion of the project cost applicable to those activities within resource areas protected by this Bylaw. The project shall not be segmented to avoid being subject to the consultant fee. The applicant shall submit estimated project costs at the Commission's request, but the lack of such estimated project costs shall not avoid the payment of the consultant fee.

§ 171-4. Notice and hearings.

- A. Any person filing a notice of intent ("permit application") with the Commission shall give written notification thereof, by delivery in hand or certified mail, return receipt requested, to all abutters within 100 feet of the property line of the land where the activity is proposed, at the mailing addresses shown on the most recent applicable tax list of the assessors, including, but not limited to, owners of land directly opposite said proposed activity on any public or private street or way, and in another municipality or across a body of water. Said notification shall be at the applicant's expense, and shall state where copies of the notice of intent may be examined and obtained and the date, time and place of the public hearing. Notices to abutters shall be postmarked or hand delivered no less than 10 days prior to the public hearing. Proof of such notification, with a copy of the notice mailed or delivered, shall be filed with the Conservation Commission.
- B. The Commission shall conduct a public hearing on any permit application or RFD, with written notice given at the expense of the applicant, five business days prior to the hearing, in a newspaper of general circulation in the municipality.
- C. The Commission shall commence the public hearing within 21 days from receipt of a completed permit application or RFD unless an extension is authorized in writing by the applicant.
- D. The Commission shall issue its permit or determination in writing within 21 days of the close of the public hearing thereon unless an extension is authorized by the applicant.
- E. The Commission in an appropriate case may combine its hearing under this Bylaw with the hearing conducted under the Wetlands Protection Act (M.G.L. c. 131 § 40) and Regulations (310 CMR 10.00).
- F. The Commission shall have the authority to continue the hearing to a certain date announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information from the applicant or others deemed necessary by the Commission in its discretion.

§ 171-5. Permits and conditions.

- A. If the Commission, after a public hearing, determines that the activities which are subject to the permit application or the land and water uses which will result therefrom are likely to have a significant individual or cumulative effect upon the resource area values protected by this Bylaw, the Commission, within 21 days of the close of the hearing shall issue or deny a permit for the activities requested. If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions. The Commission shall take into account the cumulative adverse effects of loss, degradation, isolation, and replication of protected resource areas throughout the community and the watershed, resulting from past activities, permitted and exempt, and unforeseeable future activities.
- B. The Commission is empowered to deny a permit for failure to meet the requirements of this Bylaw; for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards, and other requirements in regulations of the Commission; for failure to avoid or prevent unacceptable significant or cumulative effects upon the resource area values protected by this Bylaw; and where no conditions are adequate to protect those values. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.
- C. Land within 20 feet of rivers, ponds, and lakes and lands within 100 feet of other resource areas are presumed important to the protection of these resources because activities undertaken in close proximity to resource areas have a high likelihood of adverse impact upon wetland or other resource, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitations, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. The Commission therefore may require that the applicant maintain a strip of continuous, undisturbed vegetative cover within two-hundred-foot or one-hundred-foot area, unless the applicant convinces the Commission that the area or part of it may be disturbed without harm to the values protected by the Bylaw.
- D. To prevent the wetlands loss, the Commission shall require applicants to avoid wetlands alteration wherever feasible; shall minimize wetland alteration; and, where alteration is unavoidable, shall require full mitigation. The Commission may authorize or require replication of wetlands, but only with adequate security, professional design, and monitoring to assure success.
- E. A permit shall expire three years from the date of issuance. Notwithstanding the above, the Commission in its discretion may issue a permit expiring five years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time

and location of work is given to the Commission. Any permit may be renewed for an additional period of up to three years, provided that a request for a renewal is received in writing by the Commission at least 30 days prior to expiration. Notwithstanding the above, a permit may contain requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all owners of the land.

- F. For good cause the Commission may revoke or modify a permit or determination issued under this Bylaw after notice to the holder of the permit or determination.
- G. No work proposed in any permit application shall be undertaken until the permit issued by the Commission with respect to such work has been recorded in the Registry of Deeds or, if the land affected is registered land, in the registry section of the Land Court for the district wherein the land lies, and until the holder of the permit certifies in writing to the Commission that the permit has been recorded.

§ 171-6. Regulations.

- A. After public notice and public hearing, the Commission shall promulgate rules and regulations relative to effectuate the purposes of this Bylaw effective when voted and filed with the Town Clerk. Failure by the Commission to promulgate such rules and regulations or legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this Bylaw.
- B. At a minimum these regulations shall define key terms in this Bylaw not inconsistent with the Bylaw and procedures governing the amount and filing of fees.

§ 171-7. Definitions.

The following definitions shall apply in the interpretation and implementation of this Bylaw.

- A. The term "bank" shall include the land area which normally abuts and confines a water body, the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.
- B. The term "vernal pool" shall include a confined basin depression which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, and which is free of adult fish populations, as well as the area within 100 feet of the mean annual boundary of such depression, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife.
- C. The term "rare species" shall include, without limitation, all vertebrate and invertebrate animal and plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of

Fisheries and Wildlife, regardless of whether the site in which they occur has been previously identified by the Division.

- D. The term "person" shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the commonwealth or political subdivision thereof to the extent subject to Town Bylaws, administrative agency, public or quasi-public corporation or body, this municipality, and any other legal entity, its legal representative, agents, or assigns.
- E. The term "alter" shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this Bylaw:
- (1) Removal, excavation, or dredging of soil, sand, gravel or aggregate materials of any kind.
 - (2) Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics.
 - (3) Drainage, or other disturbance of water level or water table.
 - (4) Dumping, discharging, or filling with any material which may degrade water quality.
 - (5) Placing of fill, or removal of materials, which would alter elevation.
 - (6) Driving of piles, erection, or repair of building, or structures of any kind.
 - (7) Placing of obstructions or objects in water.
 - (8) Destruction of plant life including cutting trees.
 - (9) Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any water.
 - (10) Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or groundwater.
 - (11) Incremental activities which have, or may have, a cumulative adverse impact on the resource areas protected by this Bylaw.
- F. Except as otherwise provided in this Bylaw or in regulations of the Commission, the definitions of terms in this Bylaw shall be set forth in the Wetlands Protection Act (M.G.L. c. 131 § 40) and Regulations (310 CMR 10.00).

§ 171-8. Security.

As part of a permit issued under this Bylaw, in addition to any security required by any other municipal or state board, agency, or official, the Commission may require that the performance and observation of the

conditions imposed there under (including conditions required mitigation work) be secured wholly or in part by one or more of the methods described below:

- A. By proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility sufficient in the opinion of the Commission, to be released in whole or in part upon issuance of a certificate of compliance for work performed pursuant to the permit.
- B. By accepting a conservation restriction, easement, or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of this municipality whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed. This method shall be used only with the consent of the applicant.

§ 171-9. Enforcement.

- A. No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this Bylaw, or cause, suffer or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this Bylaw.
- B. The Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this Bylaw and may make or cause to make such examinations, surveys, or sampling as the Commission deems necessary, subject to the Constitution and laws of the United States and the Commonwealth.
- C. Upon request of the Commission, the Selectmen and the Town Counsel shall take legal action for enforcement under civil law. Upon request of the Commission, the Chief of Police shall take legal action for enforcement under criminal law.
- D. Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.
- E. Any person who violates any provision of this Bylaw, or regulations, permits, or administrative orders issued thereunder, shall be punished by a fine if not more that \$300 each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the Bylaw, regulations, permits, or administrative orders violated shall constitute a separate offense.

§ 171-10. Burden of proof.

The applicant for a permit shall have the burden of providing by a preponderance of the credible evidence that the work proposed in the

permit application will not have unacceptable significant or cumulative effect upon the resource area values protected by this Bylaw. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

§ 171-11. Appeals.

A decision of the Commission shall be reviewable by the Superior Court in accordance with M.G.L. c. 249 § 4.

§ 171-12. Relation to Wetlands Protection Act.

This Bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statues, independent of the Wetlands Protection Act (M.G.L. c. 131 § 49) and Regulations (310 CMR 10.0) thereunder.

§ 171-13. Severability.

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued.

Chapter 175

ZONING

GENERAL REFERENCES

Fences — See Ch. 63.

Historical Commission — See Ch. 89.

**Investigation of land use complaints — See
Ch. 98, Art. I.**

Wetlands protection — See Ch. 171.

ARTICLE I

Title, Authority and Purpose**§ 175-1. Adoption; statutory authority.**

The "Abington Zoning Bylaw and Map" adopted October 2, 1962 and all subsequent amendments thereto is hereby amended in total and a revised "Abington Zoning Bylaw and Map" hereinafter called "this bylaw" is adopted pursuant to the authority granted by Chapter 40A of the General Laws of the Commonwealth of Massachusetts and amendments thereto, herein called the "Zoning Enabling Act" and the powers granted to the Town under the Home Rule amendment to the Massachusetts Constitution.

§ 175-2. Purposes.

The purposes of this Zoning Bylaw are to promote the health, safety, morals, convenience and general welfare of the inhabitants of Abington; to lessen the danger from fire and congestion and from the hazards of flood water inundation; to conserve health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to protect and conserve the value of property; to prevent overcrowding of land; to avoid undue concentration of population; to preserve and increase the amenities of the Town; to conserve natural conditions; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other requirements; and to improve and beautify the Town by encouraging the most appropriate uses of land within the Town under the provisions of Chapter 40A of the General Laws as amended.

§ 175-3. Regulations in accordance with purposes.

In accordance with these purposes, the use, construction, erection, establishment, movement, repair, alteration, enlargement, height, appearance, location, and occupancy of buildings and structures and the uses and occupancy of premises in the Town of Abington are hereby regulated and restricted as hereinafter provided.

ARTICLE II
Definitions

§ 175-4. Definitions and word usage.

For the purpose of this bylaw certain terms and words shall have the following meanings. Words used in the present tense include the future; the singular number includes the plural; the plural the singular; the words "used" or "occupied" include the words "designed," "arranged," "intended," or "offered," to be used or occupied; the words "building," "structure," "lot," "land," or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "shall" is always mandatory and not merely directory. Terms and words not defined herein but defined in the Abington Subdivision Rules and Regulations¹ shall have the meanings given therein unless a contrary intention clearly appears.

ABANDONMENT — The visible or otherwise apparent intention of an owner to discontinue a use of a building, structure or lot, whether conforming or nonconforming or the removal of the characteristic equipment or furnishings used in the performance of the nonconforming use without its replacement by similar equipment or furnishings or the replacement of the nonconforming use or building for a period of two years or more.

ABUTTING — Having a common property line with; contiguous, fronting upon.

ACCESSORY USE OR STRUCTURE — A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

ADULT ENTERTAINMENT ESTABLISHMENTS —

ADULT BOOKSTORE — An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in Section 31 of Chapter 272 of the Massachusetts General Laws. For the purposes of this definition "substantial or significant portion of stock" shall mean greater than 25% of the subject establishment's inventory stock; or 25% of the subject premises' gross floor area, or 200 SF, whichever is greater.

ADULT MOTION PICTURE THEATRE — An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in Section 31 of Chapter 272 of the Massachusetts General Laws.

ADULT PARAPHERNALIA STORE — An establishment having as a substantial or significant portion of its stock, devices, objects, tools, or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in Section

1. **Editor's Note: See Ch. 200, Subdivision Rules and Regulations.**

31 of Chapter 272 of the Massachusetts General Laws. For the purposes of this definition "substantial or significant portion of stock" shall mean greater than 25% of the subject establishment's inventory stock; or 25% of the subject premises' gross floor area, or 200 SF, whichever is greater.

ADULT LIVE NUDITY ESTABLISHMENTS — Any establishment which provides live entertainment for its patrons, which includes the display of nudity, as that term is defined in Section 31 of Chapter 272 of the Massachusetts General Laws.

ADULT USE — For the purposes of this bylaw, adult use shall be defined as any of the following: adult bookstore, adult motion picture theater, adult paraphernalia store, adult video store, and live nudity establishment or any other business or establishment characterized by an emphasis depicting, describing or related to sexual conduct or excitement as defined in Section 31 of Chapter 272 of the Massachusetts General Laws. For the purposes of this definition an adult use is any use or combination of uses which either have greater than 25% of the subject establishment's inventory stock; or 25% of the subject premises' gross floor area, or 200 SF, whichever is greater devoted to materials for sale or rent distinguished by or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in Section 31 of Chapter 272 of the Massachusetts General Laws.

ADULT VIDEO STORE — An establishment having a substantial or significant portion of its stock in trade, videos, movies, or other film material which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in Section 31 of Chapter 272 of the Massachusetts General Laws. For the purposes of this definition "substantial or significant portion of stock" shall mean greater than 25% of the subject establishment's inventory stock; or 25% of the subject premises' gross floor area, or 200 SF, whichever is greater.

ALTERATION — Any construction, reconstruction or other action resulting in a change in the structural parts or height, number of stories or exits, size, use or location of a building or other structure.

APARTMENT — One or more rooms forming a habitable unit, containing complete and independent living facilities. **[Amended 5-22-2017 ATM by Art. 20]**

AREA OF SPECIAL FLOOD HAZARD — The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This shall include any area designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE, or V on the FIRM and FIS. **[Added 5-21-2012 STM by Art. 1]**

BASE FLOOD — The flood having a one percent chance of being equaled or exceeded in any given year. **[Added 5-21-2012 STM by Art. 1]**

BASEMENT — A portion of a building partly below grade which has more than 1/2 of its height measured from finished floor to finished ceiling above the average finished grade of the ground adjoining the building. A

basement is not considered a story unless its ceiling is 4.5 feet or more above the finished grade or one half of the total height above finished grade, whichever is greater.

BUILDING — A combination of any materials whether portable or fixed having a roof built to form a structure that is safe and stable supported by columns or walls resting on its own foundation for the shelter, housing or enclosure of persons, animals, chattels of property of any kind. For the purposes of this definition "roof" shall include an awning or any similar covering whether or not permanent in nature. **[Amended 5-21-2018 ATM by Art. 22]**

BUILDING, ACCESSORY — A detached building the use of which is customarily incidental and subordinate to that of the principal building and which is located on the same lot as that occupied by the principal building to which it is accessory.

BUILDING, ATTACHED — A building having any portion of one or more walls in common with adjoining buildings.

BUILDING, DETACHED — A building having open space on all sides.

BUILDING LINE — The closest location on a lot that any portion of a foundation may be situated from the front lot (street) line, parallel to the street. See front setback requirements of Article VI. On a lot with an existing principal structure, this line exists at the closest point of the foundation to the front lot (street) line, parallel to the street.

BUILDING, PRINCIPAL — A building in which is conducted the principal use on the lot on which it is located.

CELLAR — A portion of a building partly or entirely below grade which has more than 1/2 of its height measured from finished floor to finished ceiling below the average established finished grade of the ground adjoining the building. A cellar is not deemed a story.

CERTIFICATE OF OCCUPANCY — The final permit required from the Town before any use of structure may be occupied; issued by the Building Inspector; a means of assuring that all work has been completed in accordance with plans approved for building permits and that all work conforms to the requirements of all building, zoning and health regulations of the Town.

COASTAL HIGH HAZARD AREA — An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as Zone V, V1-30, or VE. **[Added 5-21-2012 STM by Art. 1]**

CONDOMINIUM COMPLEX — An area of land designed for joint ownership of property, or property so owned, such as an apartment complex with each unit bought and sold, without the approval of other owners, and where common facilities are maintained by a service fee.

DEVELOPMENT — For floodplain management purposes any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.**[Added 5-21-2012 STM by Art. 1]**

DISTRICT — A zoning district as established by Article III of this bylaw.

DRIVEWAY — A private access for vehicles to required parking, and for vehicles to move between the required frontage and a location within a lot provided that a "driveway" shall not be used to connect a lot through any portion of another lot.

DUPLEX DWELLING — A two-family building designed with separated dwelling units side-by-side separated by a fire wall.

DWELLING — A privately or publicly owned permanent structure containing a dwelling unit or dwelling units. The terms "one-family," "two-family" or "multifamily" dwelling shall not include hotel, lodging house, hospital, membership club, trailer, however mounted, or dormitory, or structure solely for transient or overnight occupancy.

DWELLING UNIT — One or more living or sleeping rooms arranged for the use of one or more individuals living as a single housekeeping unit with permanent provisions for cooking, living, sanitary, eating, and sleeping facilities.

DWELLING, MULTIFAMILY — A building containing three or more dwelling units constructed on a single lot.

FAMILY — One or more persons, including domestic employees, occupying a dwelling unit and living as a single, non-profit housekeeping unit provided that a group of five or more persons who are not within the second degree of kinship shall not be deemed to constitute a family.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — Administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.**[Added 5-21-2012 STM by Art. 1]**

FLOOD BOUNDARY AND FLOODWAY MAP — Shall include an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway.**[Added 5-21-2012 STM by Art. 1]**

FLOOD HAZARD BOUNDARY MAP (FHBM) — An official map of a community issued by FEMA where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E.**[Added 5-21-2012 STM by Art. 1]**

FLOOD INSURANCE RATE MAP (FIRM) — An official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.**[Added 5-21-2012 STM by Art. 1]**

FLOOD INSURANCE STUDY (FIS) — An examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.**[Added 5-21-2012 STM by Art. 1]**

FLOODPLAIN — Any area that is subject to periodic flooding and that is shown as an area mapped as flood plain on the Zoning Map or shown as a special flood hazard area on the FIRM and FIS incorporated by reference into the Zoning Map.**[Amended 5-21-2012 STM by Art. 1]**

FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.**[Added 5-21-2012 STM by Art. 1]**

FLOOR AREA — The sum of the areas of the several floors of a building, measured from the exterior faces of the walls. It does not include cellars, unenclosed porches or attics not used for human occupancy or any floor space in accessory buildings or in the main building intended and designed for parking of motor vehicles in order to meet the parking requirements of this bylaw, or any such floor space intended and designed for accessory heating and ventilating equipment.

FRONTAGE — That portion of a lot contiguous with a street or street right-of-way line and providing access thereto.**[Amended 4-7-2008 by Art. 15]**

HEIGHT — The vertical distance from the average finished grade of the adjacent ground to the top of the structure or the highest roof beams of a flat roof or the mean level of the highest gable or the slope of a hip roof.

HISTORICAL NEW ENGLAND CHARACTER — The general use of architectural details and designs which conform to the traditional building styles of New England, including but not limited to Colonial/Cape, Georgian, Federal, Greek Revival and Victorian styles, and the use of traditional exterior surfaces and accents on facades facing the street or nearby public property, such as clapboard or siding, peaked roof lines, attractive light fixtures, appropriate window sizes and styles, and the like, without, however, prohibiting the use of modern building materials which may replicate or mimic traditional styles but with longer lasting, more durable or more energy efficient materials. The use of photovoltaic systems (solar panels), satellite dishes or other exterior communication hardware shall not be prohibited, but shall be encouraged to be screened from street view wherever reasonably possible.**[Added 5-22-2017 ATM by Art. 18]**

HOME OCCUPATION — An accessory use which by custom has been carried on entirely within a dwelling unit and is incidental and subordinate to the dwelling use and which shall not occupy more than 25% of the floor area or 400 square feet whichever is less of the dwelling unit so used. No commodities except those processed on the premises shall be sold. Permitted uses shall be carried on by the occupants of the dwelling unit with no more than one non-resident employee, and shall not in any manner change the residential character of the building.

HOSPITAL — A building providing twenty-four-hour in-patient services for the diagnosis, treatment or other care of human ailments including, where appropriate, a sanitarium, clinic, rest home, sanatorium, nursing homes, and convalescent home.

HOTEL — A building or any part of a building containing rooming units without individual cooking facilities for transient occupancy and having a common entrance or entrances including an inn, motel, motor inn, and tourist court, but not including a boarding house, lodging house, or rooming house.

LODGING UNIT — One or more rooms for the use of one or more individuals not living as a single housekeeping unit and not having cooking facilities. A "lodging unit" shall include rooms in boarding houses, tourist houses or rooming houses.

LOT — A single or contiguous tract of land held in the same ownership throughout and defined by bounds or lot lines ascertainable by recorded deed or plan.

LOT AREA — For all lots created after April 2, 2001, the horizontal area exclusive of any area in a street or recorded way open to public use. At least 50% of the area required to meet the minimum lot area requirement in the zoning district in which the lot is located must be contiguous upland as defined in this Bylaw and not part of a detention and/or retention basin or easement for drainage purposes, land under water, or land subject to flooding.

LOT, CORNER — A lot at the point of intersection of and abutting on two or more intersecting streets, the interior angle of intersection of the street lot lines, or in the case of a curved street, extended lot lines, being not more than 135 degrees.

LOT DEPTH — The mean horizontal distance between the front lot line and the rear lot line.

LOT FRONTAGE — The horizontal distance measured continuously along the front lot line between the points of intersection of the side lot lines with the front lot line. The street frontage for a lot on a cul-de-sac shall be the measured frontage of the lot along the outside radius of the street right-of-way line between the side lot lines. **[Amended 4-7-2008 by Art. 15]**

LOT LINE, FRONT — The property line dividing a lot from a street (right-of-way).

LOT LINE, REAR — The lot line or lines opposite from the front lot line.

LOT LINE, SIDE — Any lot line not a front or rear lot line.

LOT, NONCONFORMING — A lot lawfully existing at the effective date of this bylaw or any subsequent amendment thereto which is not in accordance with all provisions of this bylaw.

LOT, WIDTH — The horizontal distance between the side lot lines as measured at the minimum front yard depth (required setback distance) required by this bylaw.

LOWEST FLOOR — The lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3. **[Added 5-21-2012 STM by Art. 1]**

MANUFACTURED HOME — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. **[Added 5-21-2012 STM by Art. 1]**

MANUFACTURED HOME PARK OR SUBDIVISION — A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. **[Added 5-21-2012 STM by Art. 1]**

MEMBERSHIP CLUB — A social, sports or fraternal association or organization which is used exclusively by members and their guests which may contain bar facilities.

MOBILE HOME — A large trailer outfitted as a home meant to be parked more or less permanently at a location. See "trailer."

MULTI-UNIT DWELLING — A building exclusively for residential use with three or more dwelling units. **[Added 4-7-2003 ATM by Art. 25]**

NEW CONSTRUCTION — For floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community. **[Added 5-21-2012 STM by Art. 1]**

ONE-HUNDRED-YEAR FLOOD — See "base flood." **[Added 5-21-2012 STM by Art. 1]**

OWNER (REAL ESTATE) — Any person or entity of record, holding fee simple title to a lot of land.

OPEN SPACE — The space on a lot unoccupied by buildings, unobstructed to the sky, not devoted to streets, driveways, or off-street parking or loading spaces and expressed as a percentage of total lot area.

PARKING SPACE — An off-street space, whether inside or outside a structure for exclusive use as a parking space for one motor vehicle as required elsewhere in these bylaws.

PLANNED COMMERCIAL DEVELOPMENT — A business complex excluding apartments which is planned, designed, and developed as a unit.

PLANNED CLUSTER DEVELOPMENT — An area of land, designed and developed as a unit, with common open space as an integral characteristic which departs from the zoning regulations conventionally required in the district concerning lot size and dimensional requirements.

PREMISES — A lot together with all buildings, structures, and uses thereon.

REGULATORY FLOODWAY — See "floodway."**[Added 5-21-2012 STM by Art. 1]**

SIGN — Any permanent or temporary representation used as, or which is in the nature of, an advertisement, announcement, or direction, or is designed to attract the eye by intermittent or repeated motion or illumination, provided however that the following shall not be included in the application of the regulations herein.

- A. Flags and insignia of any government except when displayed in connection with commercial promotion.
- B. Legal notices, identification, informational or directional signs erected or required by government bodies.
- C. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

SIGN, SURFACE AREA OF —

- A. For a sign the area shall be considered to include all lettering, wording, and accompanying designs and symbols together with the background, whether open or enclosed, on which they are displayed. Frames and structural members not bearing advertising matter shall not be included in computation of sign area.
- B. For a sign consisting of individual letters, designs and symbols attached to or painted on a surface building wall or window the area shall be considered to be that of the smallest quadrangle which encompasses all of the letters, designs and symbols.

SPECIAL FLOOD HAZARD AREA — An area having special flood and/or flood-related erosion hazards, and shown on a Flood Hazard Boundary Map or FIRM or FIS as Zone A, AO, A1-30, AE, A99, AH, V, V1-30, or VE.**[Added 5-21-2012 STM by Art. 1]**

SPECIAL PERMIT —

- A. A permit which may be issued by the special permit granting authority (SPGA) as designated within this Bylaw or Chapter 40A of the Massachusetts General Laws, to authorize a use which would not be allowed generally or without restriction throughout any particular zoning district; but which, if controlled as to the number, area, location, relation to the neighborhood and other characteristics would not be injurious to the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare; a special permit is not a "variance" but may include a variance of dimensional and similar requirements incidental to the special permit. Special permits may also impose conditions, safeguards, and limitations on time and use.

- B. In granting a special permit, the SPGA shall give due regard to the nature and condition of all adjacent structures and uses, and the district within which the same is located. The SPGA shall also take into consideration the fulfillment of the following general conditions in addition to other appropriate safeguards as determined by the SPGA:
- (1) The use requested is listed in the Table of Use Regulations as a special permit in the District for which application is made.
 - (2) The requested use will not overload any public water, sewer, or drainage system, or any other municipal system; create undue traffic congestion, or unduly impair sight lines for traffic or hinder pedestrian safety to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare.
 - (3) Any special regulations for the use, set forth in this Bylaw are met.
 - (4) The requested use is desirable to the public convenience or welfare.
 - (5) Any special permit granted by the SPGA shall lapse if substantial use or construction has not commenced within two years of the expiration date of the appeal period, or within two years after such time required to pursue or await the determination of an appeal, whichever is later.

STREET — A way that is dedicated or devoted to public use by legal mapping or by any other lawful procedure. A street includes all public ways, a way which the Town Clerk certifies is maintained and used as a public way, a way shown on a plan approved and endorsed in accordance with the Subdivision Rules and Regulations in Abington, Massachusetts,² and a way having in the opinion of the Abington Planning Board sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed uses of the land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. The Planning Board shall not deem a way adequate for the purposes of the Subdivision Control Law whether approval is required or not required and this Zoning Bylaw unless said way meets the following minimum standards.

- A. A right-of-way width of 40 feet.
- B. A traveled way of 16 feet exclusive of berms or curbs.
- C. An all-weather surface of bituminous concrete which is in suitable condition to allow access for emergency vehicles.
- D. The way shall be properly graded so as to allow for drainage of surface water runoff as determined by the Board or its agent.

2. Editor's Note: See Ch. 200, Subdivision Rules and Regulations.

STREET LINE — The right-of-way line of a street.

STRUCTURE —

- A. A combination of materials assembled at a fixed location that is safe and stable to give support or shelter such as a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, bin, sign, fence, flagpole, swimming pool, shelters, sheds, or the like.
- B. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home. "Structure," for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, which is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises. **[Added 5-21-2012 STM by Art. 1]**

STRUCTURE, NONCONFORMING — A structure lawfully existing at the effective date of this bylaw or any subsequent amendment thereto which does not conform to one or more provisions of this bylaw.

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. **[Added 5-21-2012 STM by Art. 1]**

SUBSTANTIAL IMPROVEMENT — Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. **[Added 5-21-2012 STM by Art. 1]**

TOXIC OR HAZARDOUS WASTES AND MATERIALS — Toxic or hazardous materials include, without limitation organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkali's, and include products such as pesticides, herbicides, solvents and thinners.

TRAILER — Any vehicle which is designed primarily to be portable and is arranged, intended, designed, or used temporarily for sleeping, eating, or business use in conjunction with construction, or is a place in which persons may congregate including a tent trailer, travel trailer, motor home, or camper.

TWO-FAMILY/THREE-FAMILY DWELLING — A building designed to accommodate two- or three-family households, each with separate units on each floor within the structure. **[Added 4-7-2003 ATM by Art. 25]**

UPLAND — Non-wetland as defined by the Wetlands Protection Act and/or the Town of Abington Wetlands Bylaw.³

USE — The purpose for which a structure or lot is arranged, designed, or intended to be used, occupied or maintained.

USE, ACCESSORY — A use incidental and subordinate to the principal use of a structure or lot, or a use, not the principal use, which is located on the same lot as the principal structure.

USE, NONCONFORMING — A use lawfully existing at the time of adoption of this bylaw or any subsequent amendment thereto, which does not conform to one or more provisions of this bylaw including an existing use permissible on special permit from the Board of Appeals but which has not been so authorized.

USE, PRINCIPAL — The main or primary purpose for which a structure, building, or lot is designed, arranged, constructed, or intended, or for which it may be used, occupied or maintained under this bylaw. Any other use within the main structure or the use of any other structure or land on the same lot and incidental or supplementary to the principal use and permitted under this bylaw shall be considered an accessory use.

USE, SUBSTANTIALLY DIFFERENT — A use which by reason of its normal operation would cause readily observable differences in patronage, service, sight, noise, employment or similar characteristics from the use to which it is being compared.

VARIANCE — See § 175-82D(3).

WIRELESS COMMUNICATIONS FACILITY — A structure, including a tower, antenna, monopole, satellite dish, or other similar devices and accessory structures, built for the providing of wireless communications services. A wireless communications facility may include accessory mechanical, electronic or telephone equipment and/or building(s) necessary to operate such facility.

WIRELESS COMMUNICATIONS SERVICES — The communications services provided for radio, television, cellular telephone, personal communications, and enhanced specialized mobile radio via wireless communications facilities.

YARD — A portion of a lot upon which the principal building is situated, unobstructed from the ground to the sky except as otherwise provided herein.

YARD, FRONT — A yard extending for the width of the lot between the front line of the nearest building wall and the front lot line.

3. Editor's Note: See MGL c. 131, §§ 40 and 40A, and Ch. 171, Wetlands Protection, of the Code of the Town of Abington

YARD, REAR — A yard, unoccupied except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the building wall and the rear lot line.

YARD, SIDE — A yard extending for the full length of the lot between the nearest building wall and the side lot line.

ZONE A — The 100-year floodplain area where the base flood elevation (BFE) has not been determined. **[Added 5-21-2012 STM by Art. 1]**

ZONE A1-30 and ZONE AE — The 100-year floodplain where the base flood elevation has been determined. **[Added 5-21-2012 STM by Art. 1]**

ZONE AH and ZONE AO — The 100-year floodplain with flood depths of one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. **[Added 5-21-2012 STM by Art. 1]**

ZONE A99 — Areas to be protected from the 100-year flood by federal flood protection system under construction. **[Added 5-21-2012 STM by Art. 1]**

ZONES B, C, AND X — Areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X shall replace Zones B and C on the revised maps. **[Added 5-21-2012 STM by Art. 1]**

ZONE V — A special flood hazard area along a coast subject to inundation by the 100-year flood with the additional hazards associated with storm waves. **[Added 5-21-2012 STM by Art. 1]**

ZONE X — An Area identified in the Flood Insurance Study as an area of moderate minimal flood hazard. **[Added 5-21-2012 STM by Art. 1]**

ZONING ENABLING ACT — Chapter 40A of the Massachusetts General Laws and subsequent amendments thereto.

ARTICLE III
Establishment of Zoning Districts

§ 175-5. Division into districts. [Amended 4-7-2003 ATM by Art. 25; 5-21-2018 ATM by Art. 31]

The Town of Abington, Massachusetts, is hereby divided into the following Zoning Districts.

Full Title	Short Name
High Density Residential	R-20
Medium Density Residential	R-30
Low Density Residential	R-40
General Commercial	GC
Highway Commercial	HC
Industrial	I
Flood Plain and Wetlands Protection	FW
Watershed Protection District	WPD
Business Development	BD
Transit Oriented Development District	TOD
Central Business District	CBD
Multiple Use Planned Development District	MUPDD
Transitional Commercial District	TCD

§ 175-6. Zoning Map. [Amended 4-7-2003 ATM by Art. 25; 5-21-2012 STM by Art. 1]

The Zoning Map for the Town of Abington shall include the following maps. The location and boundaries of the Zoning Districts shall be and are as shown on a map entitled, "Town of Abington, Massachusetts, Zoning Map," dated February 3, 2003, which is incorporated into this Bylaw by reference. The locations and boundaries of the Flood Plain Watershed Protection District shall be and are as shown on a map entitled, Town of Abington, Zoning Map, as adopted by the May 3, 1976 Town Meeting (the "1976 Flood Plain Map") and as shown on the Flood Insurance Rate Map prepared for FEMA, dated and effective on July 17, 2012, with respect to the following panels shown on the map panels of the Plymouth County FIRM that are wholly or partially within the Town of Abington, including Map Panels; 25023C0069J, 25023C0088J, 25023C0089J, 25023C0093J, 25023C0157J, 25023C0176J, 25023C0177J, 25023C0178J, 25023C0179J, and 25023C0181J. Furthermore, the exact boundaries of the Floodplain District shall be defined as the floodplain areas shown on the 1976 Flood Plain Zoning Map and shall include the 100-year base flood elevations and all of the special flood hazard areas within the Town of Abington as shown on the FIRM and as further defined by the Plymouth County Flood Insurance Study report dated July 17, 2012 (FIS). The enumerated FIRM panels and the FIS

report are hereby incorporated by reference and are on file with the Town Clerk and Planning Department. The authenticity of the Zoning Map shall be identified by the signature of the Town Clerk, and said Bylaw and Map shall be on file with the Town Clerk.⁴

§ 175-7. Changes to Zoning Map.

Any change in the location of boundaries of a Zoning District hereafter made through the amendment of this bylaw shall be indicated by the alteration of such map and the map thus altered as declared to be part of the bylaw thus amended. It shall be the responsibility of the Planning Board to direct such alterations.

§ 175-8. Boundaries of districts.

Where any uncertainty exists with respect to the boundary of any district as shown on the Zoning Map the following rules apply:

- A. Where a boundary is indicated as a street, railroad, watercourse or other body of water it shall be construed to be the centerline of middle thereof, or where such boundary approximates a Town boundary, then to the limits of the Town boundary.
- B. Where a boundary is indicated as following approximately or parallel to a street sideline, railroad, watercourse, or other body of water, it shall be construed to be parallel thereto and at such distance there from, as dimensioned on the Zoning Map. If no dimension is given such distance shall be determined by the use of the scale shown on the Zoning Map.
- C. Where a dimensioned boundary coincides with a lot line, the boundary established by Tax Assessor records as of 1975 shall be construed to be the lot line.
- D. Where a boundary is indicated as intersecting the centerline of a street, railroad, watercourse or other water body, it shall be construed to intersect at right angles to said centerline, or in the case of a curved centerline, at right angle to the tangent to the curve at the point of intersection.
- E. The Flood Plain and Wetlands Protection District shall be and hereby is established as an overlay district which shall include the floodplain areas shown on the 1976 Flood Plain Zoning Map and the 100-year base flood elevations and all of the special flood hazard areas within the Town of Abington that are shown on the FIRM and the FIS that are incorporated by reference into the Zoning Map and this Zoning Bylaw. The Flood Plain and Wetlands Protection District boundary lines shown on the 1976 Flood Plain Zoning Map shall be determined by the use of the scale appearing on that map. If a conflict between the boundary illustrated on the 1976 Flood Plain Zoning Map and actual

4. Editor's Note: Said Zoning Map is also included in the online version of the Code of the Town of Abington (eCode360®).

field conditions, the affected party may request a special permit to allow an exception according to the procedures set forth under Zoning Bylaw § 175-35G. **[Amended 5-21-2012 STM by Art. 1]**

§ 175-9. District boundary interpretation.

The Building Inspector in consultation with the Planning Board shall have the authority to interpret district boundaries where there is some question in the interpretation of the rules in this article or where boundaries on the ground are unclear or at variance with those on the Zoning Map.

ARTICLE IV
Interpretation and Application

§ 175-10. Interpretation.

The provisions of this bylaw shall be interpreted to be the minimum requirements adopted for the promotion of the health, safety, or the general welfare of the Town of Abington, Massachusetts and except for the Zoning Bylaw of the Town of Abington dated 10/2/62 and any amendments thereto, the provisions of this bylaw are not intended to repeal, or in any way impair or interfere with any lawfully adopted bylaw, regulations, or rules. Whenever the regulations made under the authority hereof differ from those prescribed by any bylaw or other regulations, that provision which imposes the greater restriction or the higher standard shall govern.

§ 175-11. Application.

Except as herein provided, or as specifically exempted by the Zoning Enabling Act, the provisions of this bylaw shall apply to the erection, construction, reconstruction, alteration, or use of buildings and structures or use of land. Except as herein provided, any existing conforming use, structure, or lot shall not by any action become nonconforming, and any existing nonconforming use, structure, or lot shall not become further nonconforming.

§ 175-12. Portions of lots situated in adjacent municipalities.

When a lot is situated in part in the Town of Abington and in part in an adjacent municipality, the provisions of the bylaw shall be applied to the portion of such lot in the Town of Abington in the same manner as if the entire lot were situated in the Town of Abington

§ 175-13. Lots transected by district boundary line.

When a lot is transected by a zoning district boundary line, the regulations of the bylaw applicable to the larger part (50% or greater) of such lot may also at the option of the lot owner be deemed to govern in the smaller part up to a maximum distance of 50 feet beyond such zoning district boundary line, provided that the buffer areas required in § 175-66 of this bylaw are met.

**§ 175-14. Location of and driveway access to principal building
[Amended 4-7-2003 ATM by Art. 25]**

No principal building shall be built except on a lot fronting on a street. There shall be not more than one principal building on a lot except for attached dwellings, apartments, and condominium developments in accordance with §§ 175-31 and 175-32 of this bylaw or for commercial development in accordance with §§ 175-33, 175-37, 175-38 or 75-39 of this bylaw. For any residential dwelling unit, the driveway access to all principal

buildings shall be from the same location on which the required lot frontage is located.

§ 175-15. Land within street lines.

Land within the lines of a street on which a lot abuts shall not be counted as part of such lot for the purposes of meeting the area requirements of the bylaw even though the fee to such land may be in the owner's abutting lots.

§ 175-16. Existing structures and uses; applicability to alterations and reconstruction.

This bylaw shall not apply to existing buildings, structures, or recorded lots, nor to the existing use of any building, structure, or land to the extent to which it is used at the adoption of this bylaw. It shall apply to any change of use thereof and to any alteration of a building or structure when the same would amount to reconstruction, extension or structural change, and to any alteration of a building or structure to provide for its use for a purpose or in a manner substantially different from the use to which it was put before alteration or for its use for the same purpose to a substantially greater extent.

§ 175-17. Mixed occupancy.

In cases of mixed occupancy, the regulation for each use shall apply to the portion of the building or land so used.

ARTICLE V
Use Regulations

§ 175-18. Applicability of Table of Use Regulations.

Except as provided by law or in this bylaw, in each district no building, structure, or land shall be used or occupied except for the purposes permitted as set forth in the accompanying Table of Use Regulations, § 175-21.

§ 175-19. Key to Table of Use Regulations.

A use listed in § 175-21 is permitted as of right in any district under which it is denoted by the letter "Y" subject to such requirements as may be specified elsewhere in this bylaw. If designated in the table by the letters "SP" the use may be permitted as an exception only if the Board of Appeals so determines and grants a special permit therefore as provided in Article XII subject to such restrictions as set forth elsewhere in this bylaw and such further restrictions as said Board of Appeals may establish. The letter "N" shall designate that the use is not permitted, except by a variance from the Board of Appeals.

§ 175-20. Districts' intent.

- A. High Density Residential, R-20 - To encourage compact residential development.
- B. Medium Density Residential, R-30 - To provide areas for a reasonably spacious residential environment.
- C. Low Density Residential, R-40 - To provide areas for a particularly spacious residential environment.
- D. General Commercial, GC - To primarily establish compact business centers which do not include noxious or land expansive uses and which are centrally located, have adequate vehicular access, and are designed for pedestrian shoppers as much as possible.
- E. Highway commercial, HC - To primarily provide locations for businesses which cater to a traffic-oriented market or which need large expanses of land and would not be appropriate in compact general commercial centers.
- F. Industrial, I - To reserve areas for the development of industry that will be compatible with the Town and the immediate area.
- G. Flood Plain and Wetlands Protection, FW - To protect and preserve the marshes, bogs, ponds, water courses and their adjoining wetlands; to reduce the hazards of floods upon the public health, safety and general welfare; to protect flood plain occupants from a flood that is or may be caused by their own land use and that is or may be undertaken without full realization of the dangers therein; to protect the public

from the burden of extraordinary financial expenditure for flood control and relief; to protect the capacity of flood plain and wetland areas to absorb, transmit and store runoff; to assure retention of sufficient floodway area to convey flows which can reasonably be expected to occur.

- H. Business Development, BD - To primarily establish general commercial and business uses which require or cater to traffic-oriented business, pass-by visibility and/or adequate large vehicle or large volume access as provided by the state highway, but also prohibiting the future development of residential uses. **[Amended 5-21-2018 ATM by Art. 31]**
- I. Watershed Protection District, WPD - To protect existing and future water resources.
- J. Transit Oriented Development, TOD - To encourage the development of land uses that compliment both the existing commuter rail line and the established residential areas surrounding the station, by providing for a mix of small uses on well buffered sites to support commuters and adjacent residential development, encourage the continued use of rail service, increase the number of pedestrian and bicycle trips, while decreasing the number of automobile trips within the Town. (See § 175-37.) **[Added 4-7-2003 ATM by Art. 25]**
- K. Central Business District, CBD - To allow for the reasonable use, enhancement, expansion and redevelopment of those areas of the Town that are currently developed in a building intensive manner where parking is available on-street as well as in common lots. (See § 175-38.) **[Added 4-7-2003 ATM by Art. 25]**
- L. Multiple Use Planned Development District, MUPDD - To establish areas and standards for the overall planned development of land with mixed-uses. The District attempts to accommodate low-impact activities in an overall low density but with intensive use clusters, making use of natural features and vegetation, screening and setbacks to have minimal impact on surrounding land uses. (See § 175-39.) **[Added 4-7-2003 ATM by Art. 25]**
- M. Transitional Commercial District, TCD - To preserve the residential character of existing development along thoroughfares that are undergoing pressure for commercial development by providing for the transition to more intensive but compatible uses. (See § 175-40.) **[Added 4-7-2003 ATM by Art. 25]**

§ 175-21. Table of Use Regulations. [Amended 4-7-2003 ATM by Art. 25]

(Editor's Note: The Table of Use Regulations is included at the end of this chapter.)

§ 175-22. Adult entertainment establishments.

All adult entertainment establishments as defined in Article II of this Zoning Bylaw are allowed in the Industrial District (I) upon the granting of a special permit by the Zoning Board of Appeals. All adult entertainment uses shall comply with the following requirements:

A. No adult entertainment establishment shall be located within the following designated areas:

- (1) Within 500 feet from the nearest boundary line of any residential zoning district or from the nearest property line of any residential use;
- (2) Within 500 from the nearest property line of any public or private school, or municipal building open to the general public;
- (3) Within 500 feet from the nearest property line of any church or other religious facility;
- (4) Within 500 feet from the nearest property line of any public park or recreation area and any principal or accessory private recreational facility use;
- (5) Within 500 feet from the nearest property line of any group day care center, family day care center, nursing home and hospital;
- (6) Within 1,000 feet from the nearest property line of any other adult entertainment establishment.
- (7) Within 500 feet from any establishment licensed under the provisions of Section 12 of Massachusetts General Laws Chapter 138.

The distances specified above shall be measured by a straight line from the nearest property line of the premises on which the adult entertainment establishment is to be located to the nearest boundary line of a residential zoning district, or to the nearest property line of any residential use, public or private school, church or other religious facility, public park or recreational area, group day care center, family day care center, nursing home, hospital or any other adult entertainment use, as the case may be.

- (8) Within 50 feet of a public or private way or 50 feet from all other property lines.

B. Additional siting requirements.

- (1) The maximum lot coverage, including building, parking and driveways shall be 50% of the upland lot area.
- (2) A fifty-foot vegetated buffer containing adequate screening appropriate to the character of the area and the intensity of the use

shall be provided between an adult entertainment establishment and other abutting commercial uses.

- (3) An adult entertainment use shall not be allowed within a building containing other retail, consumer or residential uses, or within a shopping center, shopping plaza, or mall.
- (4) The appearance of buildings for adult uses shall be consistent with the appearance of buildings in similar (but not specifically "adult") use, and not employ unusual color or building design which would attract attention to the premises.
- (5) There shall be screening of windows and doors to prevent the public's view of the interior from any public or private right-of-way or abutting property.

C. Sign requirements.

- (1) Sign content shall identify the name of the establishment only and shall contain no advertisement in addition to the identification of the use. Only one identification sign to be mounted on the building wall face shall be allowed for an adult use. All other signs whether on the exterior of the building or visible from the exterior of the building are prohibited.
- (2) No adult entertainment establishment may have any flashing lights visible from outside the establishment. Furthermore, no sign shall rotate, or contain reflective or fluorescent elements.
- (3) No pictures, publications, videotapes, movies, covers or other advertising items that fall within the definition of an adult bookstore, adult cabaret, adult motion picture theater, adult paraphernalia store or adult video store shall be displayed in the windows of, or on the building of, any adult entertainment establishment.

D. Special permit submission and approval.

- (1) A site plan shall be submitted by the applicant in order that the special permit granting authority may determine that the above standards have been met. The site plan shall be prepared and submitted in accordance with § 175-3, Site Plan Review, of this bylaw. The site plan shall also show when appropriate the distances between the proposed adult entertainment establishment and any residential zoning district, public or private school, church or other religious facility, public park or recreation area, group day care center, family day care center, nursing home and hospital, municipal building, and any other adult entertainment establishment(s).
- (2) All applications for a special permit must include the following information:

- (a) Names and addresses of the legal owner(s) of the adult entertainment establishment.
 - (b) Name and address of all persons having a fee, equity and/or security interest in such establishment. In the event a corporation, partnership, trust or other entity is listed, the name and address of every person who has an ownership interest and/or beneficial interest in the entity must be listed in order that the special permit granting authority will know who are the persons who will actually own and control the establishment. The applicant and/or owner must disclose if they have been convicted of violating the provisions of Massachusetts General Laws Section 63 of Chapter 119 or Section 28 of Chapter 272.
 - (c) Name and address of the manager.
 - (d) The number of employees, or proposed number of employees, as the case may be.
 - (e) Proposed security precautions.
- (3) Special permits shall be granted for adult entertainment establishments only upon determination by the special permit granting authority that the location and design of the facility are in harmony with its surroundings, and that adequate safeguards exist through licensing or other means to assure on a continuing basis that activities therein will not be patently contrary to prevailing standards of adults in the community and will not involve minors in any way.
- (4) In approving a special permit, the special permit granting authority may attach such conditions, limitations and safeguards as are deemed necessary to protect the immediate area and the Town, provided however that no such conditions in fact prohibit the use of the property for the use intended. No special permit shall take effect until such decision has been recorded in the Registry of Deeds. Conditions of approval may include but are not limited to the following:
- (a) Street, side or rear setbacks greater than the minimum required by this bylaw.
 - (b) Requirement of screening of parking areas or other parts of the premises from adjoining premises or from the street, by walls, fences, planting, or other means.
 - (c) Modification of the exterior features or appearances of the structure.
 - (d) Limitation of size, number of occupants, method or time of operation, or extent of facilities.

- (e) Regulation of number, design and location of access drives or other traffic features.
- (f) Requirement of off-street parking or other special features beyond the minimum required by this or other applicable ordinances.
- (g) The special permit shall be issued to the owner of the establishment and shall not transfer with a change in ownership of the business and/or property.
- (h) Where the adult use is not governed by other state or local licensing boards, the following conditions shall apply:
 - [1] A manager responsible for the operation of the establishment shall be designated by the owner, if the owner is not the manager. The manager shall register with the Board of Selectmen. No manager shall be designated who has been convicted of violating MGL Ch. 119, Section 63, (Inducing or abetting delinquency of a child) or MGL Ch. 272, Section 28, (Matter harmful to minors, etc.) or similar laws in other states.
 - [2] The special permit granting authority may limit the hours of operation.
- (5) Special permits for adult entertainment establishments shall not be granted to any person or persons convicted of violating the provisions of Massachusetts General Laws Chapter 119, Section 63, nor Massachusetts General Laws Chapter 272, Section 28, similar laws in other states.

E. Lapse of permit.

- (1) Any special permit granted hereunder for an adult entertainment establishment shall lapse after one year, including such time required to pursue or await the determination of an appeal from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or if in the case of a permit for construction, if construction has not begun by such date except for good cause, including such time to pursue or await the determination of an appeal referred to in Massachusetts General Laws Chapter 40A, Section 17, from the grant thereof.
- (2) The special permit shall lapse after two years, unless a shorter term is specified by the special permit granting authority. Upon receipt of a valid application, the special permit granting authority may grant another special permit provided that the Board finds that all conditions of this section and of approval have been complied with.

- (3) The special permit shall not be renewed if any of the following has taken place on or in proximity to and associated with the premises:
 - (a) Unlawful sexual activity;
 - (b) Gambling;
 - (c) Drug use;
 - (d) Violent crimes;
 - (e) Offenses against children;
 - (f) Repeated public disturbances requiring intervention by the police; and
 - (g) Any other illegal activities.
 - (4) Violation of any of the conditions of approval of the special permit shall be grounds for non-renewal of the special permit as provided for above.
- F. Existing adult entertainment establishments. Any adult entertainment establishment that was in existence as of the first date of the publication of the notice of public hearing on the this zoning amendment regulating adult uses may continue to operate in the same location, without material change in scale or content of the business but shall apply for such special permit within 90 days following the adoption of this bylaw.
- G. Prohibited uses. Nothing in this ordinance is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violated any Town ordinance or statute of the Commonwealth of Massachusetts regarding public nuisances, sexual conduct, lewdness, or obscene or harmful matter, or the exhibition or public display thereof.

§ 175-23. Wireless communications facilities.

- A. Purpose. This section as been created to protect the general public from hazards associated with wireless communications facilities and to minimize visual impacts from wireless communications facilities on residential districts. This section does not apply to satellite dishes and antennas with a diameter of less than five feet.
- B. General requirements.
- (1) Free-standing monopoles, with associated antenna and/or panels are the only wireless communications facilities allowed. Lattice style towers and similar facilities requiring three or more legs and/or guy wires for support are not allowed.
 - (2) To the extent feasible, all service providers shall co-locate on a single facility. Wireless communications facilities shall be designed

to accommodate the maximum number of users technologically practicable. The intent of this requirement is to reduce the number of facilities which will be required to be located within the community.

- (3) Any proposed extension in the height, addition of cells, antennas or panels, construction or alteration of a facility shall be subject to an application for an amendment to an existing special permit.
- (4) New facilities shall be permitted by the special permit granting authority only upon a finding by the Board that existing or approved facilities cannot accommodate the wireless communications equipment planned for the proposed facility.
- (5) In no event shall any facility be located closer than one mile to any other such facility.
- (6) No facility or attached accessory antenna shall exceed 100 feet in height as measured from ground level at the base of the facility. All facilities shall be designed to be constructed at the minimum height necessary to accommodate the anticipated and future use. Greater heights shall require a variance from the Zoning Board of Appeals in accordance with § 175-82 of this Zoning Bylaw.
- (7) A facility shall not be erected nearer to any property line than a distance equal to the vertical height of the facility (inclusive of any appurtenant devices), measured at the mean finished grade of the facility base. Provided however that a facility shall not be erected nearer to a lot line for residential use than 500 feet.
- (8) Siting of the facility shall be such that the view of the facility from adjacent abutters, residential neighbors and other areas of Town shall be as limited as possible. All facilities shall be painted or otherwise colored so they will blend in with the landscape or the structure on which they are located. A different coloring scheme shall be used to blend the facility with the landscape below and above the tree or building line.
- (9) Wireless communications facilities shall be suitably screened from abutters and residential neighborhoods. Existing on-site vegetation shall be preserved to the maximum extent practicable.
- (10) Fencing shall be provided to control access to wireless communications facilities and shall be compatible with the adjacent land uses.
- (11) There shall be no signs, except for announcement signs, no trespassing signs and a required sign giving a phone number where the owner can be reached on a twenty-four-hour basis. All signs shall comply with Article IX of this Bylaw.

- (12) Night lighting of the facilities shall be prohibited unless required by the Federal Aviation Administration. Lighting shall be limited to that needed for emergencies and/or as required by the FAA.
- (13) There shall be a minimum of one parking space and one off-street loading space for each facility, to be used in connection with the maintenance of the facility and the site, and not to be used for the permanent storage of vehicles.
- (14) To the extent technologically feasible, all network interconnections from the facility shall be via land lines.
- (15) Satellite dishes and/or antenna may be located on structures or may be free-standing. Satellite dishes and/or antenna shall be situated on a structure in such a manner that they are screened, preferably not being visible from abutting streets. Free-standing dishes or antenna shall be located on the landscape in such a manner so as to minimize visibility from abutting streets and residences and to limit the need to remove existing vegetation. All equipment shall be colored, molded and/or installed to blend into the structure and/or the landscape.
- (16) Antennas or dishes located on a structure shall not exceed 10 feet in height above the level of its attachment to the structure.
- (17) Annual certification demonstrating continuing compliance with the standards of the Federal Communications Commission, Federal Aviation Administration and the American National Standards Institute and required maintenance shall be filed with the Building Inspector by the special permit holder.
- (18) All unused facilities or parts thereof, or accessory facilities and structures, which have not been used for two years shall be dismantled and removed at the owner's expense. The Town shall require a surety bond at the time of application for the dismantling and removal of the facility.

C. Procedure for a special permit.

- (1) All applications for wireless communications facilities, antennas or satellite dishes shall be made and filed on the applicable application forms for a special permit in compliance with the Abington Zoning Board of Appeals. In addition, site plan review by the Planning Board under § 175-77 of this bylaw shall be required. The following additional information shall be included in the application for a special permit.
 - (a) A locus plan at a scale of one inch equals 200 feet which shall show all property lines, the exact location of the proposed structure(s), streets, landscape features, residential dwellings and neighborhoods and all buildings within 500 feet of the facility.

- (b) The following information must be prepared by a registered professional engineer.
 - [1] A description of the facility and the technical, economic and other reasons for the proposed location, height and design.
 - [2] Confirmation that the facility complies with all applicable federal and state standards.
 - [3] A description of the capacity of the facility including the number and type of panels, antennas and/or transmitter receivers that it can accommodate and the basis for these calculations.
 - [4] If applicable, a written statement that the proposed facility complies with, or is exempt from applicable regulations administered by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health.
 - (c) Applicants proposing to erect facilities on municipally owned land or structures shall provide evidence of contractual authorization from the Town of Abington to conduct wireless communications services on municipally owned property.
- D. Exemptions. The following types of wireless communication facilities are exempt from the requirements of this section.
- (1) Amateur radio towers used in accordance with the terms of any amateur radio service license issued by the Federal Communications Commissions, provided that the tower is not used or licensed for any commercial purpose.
 - (2) Facilities used for the purposes set forth in M.G.L. c. 40A, Sec. 3.
 - (3) Wireless communication facilities which are ground mounted with a height of no more than six feet, provided the Building Inspector determines that the facility is designed to blend in with its surroundings or is adequately screened from adjacent areas.

§ 175-24. Watershed Protection District.

- A. The Watershed Protection District (WPD) is an overlay district whose limits are as shown on the Abington Zoning Map. The requirements of the WPD shall be superimposed upon the underlying districts established in this bylaw. Regulations pertaining to the WPD District shall be in addition to the regulations of the underlying districts and other Town bylaws. This overlay district shall apply to all new construction, reconstruction or expansion of existing buildings and new or expanded uses.

- B. Purpose: The purpose of the WPD is to protect the public health by preventing contamination of the ground and surface water resources both existing and future which provide drinking water to the Town. Because pollution of groundwater resources can occur as a result of the cumulative effect of many insignificant uses, there is a need to establish parameters for land use in these specific areas to avoid pollutants which would affect the water supplies.
- C. Watershed Protection District boundary disputes. If a landowner disputes the location of the district boundary in relation to a particular parcel the resolution of the boundary shall be through a determination by the Board of Appeals.
- D. Use regulations. The Watershed Protection District shall be considered to be superimposed over any other district established in this Bylaw. Land in the Watershed Protection District may be used for any use otherwise permitted in the underlying district, subject to the following limitations:
- (1) Prohibited uses. The following are prohibited on any lot or portion of a lot within a Watershed Protection District:
 - (a) Manufacture, storage or disposal of toxic or hazardous materials, as that term is defined by state and local laws. (See definitions.)
 - (b) Sanitary landfill and open dump as defined in 310 CMR 19.006, junkyard, salvage yard or road salt stockpile.
 - (c) Motor vehicle service or repair and automobile graveyards and junkyards, as defined in M.G.L. C. 140B.
 - (d) Storage of hazardous materials (as that term is defined by state and local laws), fuel oil or gasoline either aboveground or underground except as follows:
 - [1] Five hundred fifty gallons of aboveground fuel oil storage per lot unless fully contained within a building.
 - [2] For normal household use.
 - [3] Aboveground waste oil retention facilities required by statute, rule or regulation.
 - [4] Emergency generators required by statute, rule or regulation.
 - [5] Treatment works approved pursuant to 314 CMR 5.00, including privately owned sewage treatment facilities for treatment of groundwater and surface-waters.
 - [6] Storage of chemicals used for the treatment of potable water in accordance with 310 CMR 22 and the Department

of Environmental Protection's Guidelines and Policies for Public Water Systems, as amended.

The exceptions [1], [3], [4], [5] and [6] under Subsection D(1)(d) are permitted only to the extent that the materials are stored in double-lined containers within buildings or above ground with secondary containment adequate to contain a spill 125% of the size of the total storage capacity of the container, as approved by the Department of Environmental Protection and in accordance with state law.

- (e) Except in areas serviced by public sewers, individual on-site sewage disposal systems having an estimated sewage flow exceeding 110 gallons per day per 10,000 square feet of lot area, provided that the replacement or repair of a system which will not result in an increase in the design capacity over the original design, or the design capacity of 310 CMR 15.00, whichever is greater, shall be exempted.
- (f) Disposal and stockpiling of snow and ice that contain deicing chemicals and that have been brought in from outside the district.
- (g) Removal, excavation or grading of vegetation, soil and/or other geological material solely for commercial earth removal purposes.
- (h) Hazardous waste generation, treatment, storage and disposal, as defined by MGL C. 21C and 310 CMR 30.00 and which require the obtaining of an Environmental Protection Agency identification number, except for the following:
 - [1] Very small quantity generators as defined under 310 CMR 30.000.
 - [2] Household hazardous waste centers and events under 310 CMR 30.390.
 - [3] Waste oil retention facilities required by MGL C. 21, Section 52A.
 - [4] Water remediation treatment works approved by the Department of Environmental Protection for the treatment of contaminated groundwater or surface waters.
- (i) Any use having on-site disposal of industrial waste as defined in Title V of the State Environmental Code.
- (j) On-site sewage disposal having an estimated sewage flow greater than 10,000 gallons per day, regardless of composition or lot size. On-site sewage disposal having an estimated sewage flow greater than 2,500 gallons per day, but less than

10,000 gallons per day, shall be permitted by special permit by the Board of Appeals only upon the approval of the design by a hydrogeologist retained by the Town of Abington at the expense of the applicant. Exempt from this subsection shall be water treatment works approved by the Massachusetts Department of Environmental Protection for treatment of contaminated groundwater found on site.

- (k) Rendering impervious more than 15% or 2,500 square feet of the lot area, whichever is greater, of a lot located within the Watershed Protection District. However, rendering impervious more than 15% but no more than 50% of the lot area of a lot located within the Watershed Protection District is permitted in industrial and commercial districts upon the issuance of a special permit by the Board of Appeals. An applicant for a special permit must provide artificial recharge that does not degrade groundwater quality. The proposed water recharge efforts shall be permitted by the Board of Appeals only upon the approval of the design by a hydrogeologist retained by the Town of Abington at the expense of the applicant, under the provisions of MGL C. 44.
- (l) Landfilling of sludge and septage as defined in 310 CMR 32.05.
- (m) Storage of sludge and septage, unless in compliance with 310 CMR 32.30 and 310 CMR 32.31.
- (n) Storage of animal manure unless covered or contained.
- (o) Storage of commercial fertilizers, as defined in MGL C. 128, Section 64, and soil conditioners, unless within a structure designed to prevent the generation and escape of contaminated runoff or leachate.
- (p) The use of septic system cleaners which contain toxic or hazardous chemicals.
- (q) Storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.
- (r) Storage of liquid petroleum except for normal household use, outdoor maintenance, heating of a structure, waste oil retention facilities, emergency generators or treatment works for contaminated groundwater or surface water, provided that such storage is indoors or above ground with adequate spill containment as determined by the Fire Department and the Water Department.
- (s) Industrial and commercial uses which discharge process wastewater on site.

- (2) Change of use. A change in activity on premises developed prior to the adoption of this bylaw, if resulting in exceeding any limitations established in a special permit or thresholds of Subsection D(1), shall constitute a change of use. Such change of use may be allowed upon application to and approval of a special permit by the Board of Appeals, subject to conditions as may be required by the Board.
- (3) Uses permitted only by special permit. The following uses are permitted only by special permit by the Board of Appeals:
 - (a) Any use that will render impervious more than 15% or 2,500 square feet of any lot, whichever is greater. Artificial recharge must be provided that does not degrade groundwater quality.
 - (b) Activities involving the handling of toxic or hazardous materials in quantities greater than those associated with normal household use.
 - (c) The construction of dams or other water control devices or water bodies or courses created for recreational or agricultural uses or drainage improvements.
 - (d) The application of pesticides or fertilizers for non-domestic or non-agricultural uses.
- E. Design and operation guidelines. Within the Watershed Protection District, the following design and operation guidelines shall be observed in all new construction except for single-family dwellings:
 - (1) Safeguards. Provisions shall be made to protect against hazardous materials discharge or loss through corrosion, accidental damage, spillage or vandalism. Measures such as spill control in the vicinity of chemical or fuel delivery points, secure storage areas for hazardous materials and indoor storage provisions for corrodible or dissolvable materials shall be provided.
 - (2) Location. Where the premises are partially outside of the Watershed Protection District, such potential pollution sources as on-site waste disposal systems shall, to the degree feasible, be located outside the district.
 - (3) Disposal. Provisions shall be made to assure that any waste disposed on the site shall contain no hazardous materials in quantities substantially greater than associated with normal household use.
 - (4) Drainage. Provision shall be made for on-site recharge of all stormwater runoff from impervious surfaces unless, following consultation with, and written approval from, the Conservation Commission, the Building Inspector determines that either recharge is not feasible because of site conditions or is undesirable

because of uncontrollable risk to water quality from such recharge. Recharge shall be by surface infiltration through vegetative surfaces unless otherwise approved by the Building Inspector following consultation with the Conservation Commission. Dry wells shall be used only where other methods are infeasible and shall employ oil, grease and sediment traps. Drainage from loading areas for hazardous materials shall be separately collected for safe disposal. Floor drainage systems are specially prohibited.

- (5) Placement of fill. Prior to the placement of any construction fill in a Watershed Protection District, a certification shall be presented to the Building Inspector from a Department of Environmental Protection (DEP) licensed site professional (LSP) that the fill material does not exceed the standards for oil and hazardous material set forth in the most recently published Massachusetts Contingency Plan (MCP). For the purposes of this bylaw only, the term "construction fill" shall include the following materials: ordinary and special borrow, gravel, processed gravel for sub-base, sand borrow, sand borrow for subdrains, loam, peat, processed planting material and topsoil.

F. Installation of new public sewers.

- (1) New public sewers within the Watershed Protection District shall be designed and constructed in a manner such that groundwater levels, flows and/or recharge will not be significantly lowered, diverted or otherwise altered by such construction.
- (2) Review by the Sewer Department and Water Department. Within the Watershed Protection District, all plans and specifications for new public or private sewers must meet Sewer Department standards and shall also be submitted to the Water Department for review and approval.
- (3) Proximity to municipal wells. Where possible, no sewer line shall be placed within 600 feet of a municipal well or within the zone of influence of a municipal well, whichever is the greater distance. In addition, no private septic system shall be located closer than the distance required pursuant to 310 CMR 15.00, as amended.
- (4) Cleaning and inspection. A schedule of regular periodic cleaning and inspection of all sewers within the Watershed Protection District shall be maintained and reports filed with the Sewer Department until such time as the street has been accepted by the Town.
- (5) Alternatives. Design and construction proposals differing from Sewer Department standards may be approved by special permit by the Board of Appeals after consultation with the Water Department, the Conservation Commission and the Board of Health, if the Board of Appeals determines, based on reports of subsurface investigations, that the alternative design affords

groundwater protection as great as or greater than the requirements of this section.

G. Special permits.

- (1) Authority and procedure. For purposes of this section, the special permit granting authority shall be the Board of Appeals. Upon receipt of the special permit application, the Board of Appeals shall transmit one copy each to the Planning Board, Conservation Commission, Board of Health and Building Inspector for their written recommendations. Failure to respond within 35 days of transmittal shall indicate approval by said agencies.
- (2) Submittals. In applying for a special permit under this section, the information listed below shall be submitted:
 - (a) A complete list of all chemicals, pesticides, herbicides, fertilizers, fuels or other hazardous or potentially hazardous materials to be used or stored on the premises in containers each holding more than 55 gallons' liquid volume or 25 pounds' dry weight, accompanied by a detailed description of:
 - [1] The measures proposed to protect all storage containers or facilities from vandalism, corrosion and leakage.
 - [2] The methods of containment.
 - [3] Spill prevention and control measures.
 - [4] Emergency cleanup procedures.
 - [5] On-site personnel training program.
 - [6] Evidence of compliance with the regulations of the Massachusetts Hazardous Waste Management Act, 310 CMR 30, including obtaining an Environmental Protection Agency identification number from the Department of Environmental Protection, and compliance with Chapter 99, Hazardous Materials.
 - (b) A description of potentially hazardous wastes to be generated, including storage and disposal methods as in Subsection G(2)(a) above.
 - (c) For aboveground storage of hazardous materials or wastes, evidence of qualified professional supervision of design and installation of such storage facilities or containers and the information required by Subsection G(2)(a).
 - (d) For disposal on site of domestic wastewater with an estimated sewage flow greater than 2,500 gallons per day and less than 10,000 gallons per day, evidence of qualified professional

supervision of design and installation, including an assessment of nitrate or coliform bacteria impact on groundwater quality.

- (e) Results of water quality testing for groundwater located beneath the site.
 - (f) Proposed location(s) for groundwater monitoring well(s),
- (3) Special permit criteria.
- (a) Special permits under this subsection shall be granted only if the Board of Appeals determines that:
 - [1] Groundwater quality resulting from on-site waste disposal, other operations on site and natural recharge will not fall below federal or state standards for drinking water or that, if existing groundwater quality is already below those standards, on-site disposal or operations will result in no further deterioration.
 - [2] Proposed control and response measures adequately and reliably mitigate risk to groundwater quality resulting from accident or system failure.
 - [3] The proposed use is designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed.
 - (b) In its decision, the Board of Appeals shall explain any departures from the recommendations of other Town agencies in its decision. The Board of Appeals shall retain qualified experts, upon notice to and at the reasonable expense of the applicant, if necessary in order to evaluate the application. If necessary, the Board of Appeals may attach reasonable conditions to its approval as necessary to protect the public health, safety and welfare.
- (4) Conditions. Special permits shall be granted only subject to such conditions as necessary to assure adequate protection of the public health and safety and the safeguarding of water quality and shall include the following, among others:
- (a) Potential pollution sources shall have monitoring wells, with periodic sampling to be provided to the Board of Health annually, or as directed by the Board of Health, at the owner's expense.
 - (b) Pollutant source reduction, including limitations on use of parking area deicing materials and periodic cleaning or renovation of pollution control devices such as catch basin sumps.

§ 175-24.1. Special requirements for registered marijuana dispensaries. [Added 6-9-2014 ATM by Art. 25]

A. Purposes.

- (1) To provide for the establishment of registered marijuana dispensary (RMD), as defined by Massachusetts Department of Public Health (DPH) regulations, 105 CMR 725.000, in appropriate places and under strict conditions and in accordance with the Humanitarian Medical Use of Marijuana Act, MGL c. 94C, App. 1-I, as approved by the voters on the November 2012 state ballot (the Act).
- (2) To minimize the adverse impacts of RMD on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts, and other land uses potentially incompatible with said dispensaries.
- (3) To regulate the siting, design, placement, security, safety, monitoring, modification, and removal of RMD.

B. Applicability.

- (1) The commercial cultivation, unless it meets the requirements for an agricultural exemption under MGL c. 40A, § 3, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana for medical use is prohibited unless a special permit for the RMD is issued under this section.
- (2) No RMD shall be established except in compliance with the provisions of this section.
- (3) Nothing in this Bylaw shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.
- (4) If any provision of this section or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this section are severable.

C. Definitions.

MARIJUANA — The same substance defined as "marijuana" under MGL c. 94C.

MARIJUANA FOR MEDICAL USE — Marijuana that is designated and restricted for use by, and for the benefit of, qualifying patients in the treatment of debilitating medical conditions as set forth in the Act and DPH regulations.

MIPS - MARIJUANA INFUSED PRODUCT — As defined in the DPH regulations.

REGISTERED MARIJUANA DISPENSARY — A "medical marijuana treatment center" to mean a not-for-profit entity, as defined by DPH regulations, 105 CMR 725.00, only, registered under this law, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers. These dispensaries shall be wholly located inside a structure or building.

D. Eligible locations for registered marijuana dispensaries.

(1) RMDs, other than agricultural operations meeting exemption standards under MGL c. 40A, § 3, may be allowed in the HC, 1, and TB Zoning Districts by special permit from the Abington Planning Board provided the RMD meets the requirements of this section.

E. General requirements and conditions for all registered marijuana dispensaries.

(1) All non-exempt RMDs shall be contained wholly within a building or structure.

(2) No RMD shall have a gross floor area of less than 2,500 square feet or in excess of 20,000 square feet.

(3) A RMD shall not be located in buildings that contain any medical doctor's offices or the offices of any other professional practitioner authorized to prescribe the use of marijuana for medical use.

(4) The hours of operation of RMDs shall be set by the special permit granting authority, but in no event shall a RMD be open for retail business between the hours of 8:00 p.m. and 8:00 a.m.

(5) No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a RMD.

(6) No RMD shall be located inside a building containing residential units, including transient housing such as motels and dormitories, or inside a movable or mobile structure such as a van, truck or mobile home.

(7) RMDs shall provide the Abington Police Department, Building Commissioner and the special permit granting authority with the names, phone numbers and email addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the RMD.

- (8) All RMDs shall be located 500 feet away from the nearest boundary line of any residential zoning district or from the nearest property line of any residential use and 1,000 feet away from places where children congregate, including but not limited to: schools, day cares, dance schools, private home housing day care, Town parks, any areas that children commonly congregate in a structured, scheduled manner or any principal or accessory private recreational facility use.
- (9) No RMD shall be located within 500 feet of the nearest property line of any public or municipal building.
- (10) No RMD shall be located within 500 feet of the nearest property line of any church or other religious facility.
- (11) No RMD shall be located within 500 feet from the nearest property line of any family day care center, nursing home or hospital.
- (12) No RMD shall be located within 1,000 feet from another RMD.

F. Special permit requirements.

- (1) A RMD shall only be allowed by special permit from the Abington Planning Board in accordance with MGL c. 40A, § 9, subject to the following additional requirements, conditions and limitations.
- (2) A special permit for a RMD shall be limited to one or more of the following uses that shall be prescribed by the special permit granting authority:
 - (a) Cultivation of marijuana for medical use (horticulture) except that sites protected under MGL c. 40A, § 3, shall not require a special permit;
 - (b) Processing and packaging of marijuana for medical use, including marijuana that is in the form of smoking materials, food products, oils, aerosols, ointments, and other products;
 - (c) Retail sale or distribution of marijuana for medical use to qualifying patients;
- (3) In addition to the application requirements set forth in Subsections E and F of this Bylaw, a special permit application for a RMD shall include the following:
 - (a) The name and address of each owner of the RMD;
 - (b) Copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the RMD;
 - (c) Evidence of the applicant's right to use the site of the RMD for the RMD, such as a deed, or lease;

- (4) If the applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly situated individuals and entities and their addresses. If any of the above are entities rather than persons, the applicant must disclose the identity of the owners of such entities until the disclosure contains the names of individuals.
 - (a) A certified list of all parties in interest entitled to notice of the hearing for the special permit application, taken from the most recent tax list of the town and certified by the Town Assessor;
 - (b) Proposed security measures for the RMD, including lighting, fencing, gates and alarms, and the like, to ensure the safety of persons and to protect the premises from theft.
- G. Mandatory findings. The special permit authority shall not issue a special permit for a registered marijuana dispensary unless it finds that:
- (1) The RMD is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in MGL c. 40A, § 11;
 - (2) The RMD demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations; and
 - (3) The Applicant has satisfied all of the conditions and requirements of Subsection G(3)(a) and (b) herein;
 - (a) Annual reporting. Each RMD permitted under this Bylaw shall, as a condition of its special permit, file an annual report to and appear before the special permit granting authority and the Town Clerk no later than January 31, providing a copy of all current applicable state licenses for the dispensary and/or its owners and demonstrate continued compliance with the conditions of the special permit.
 - (b) A special permit granted under this section shall have a term limited to the duration of the applicant's ownership of the premises as a RMD. A special permit may be transferred only with the approval of the special permit granting authority in the form of an amendment to the special permit with all information required in this section.
- H. Abandonment or discontinuance of use.
- (1) A special permit shall lapse if not exercised within one year of issuance.

- (2) A RMD shall be required to remove all material, plants equipment and other paraphernalia:
 - (a) Prior to surrendering its state issued licenses or permits; or
 - (b) Within six months of ceasing operations, whichever comes first.
 - (3) The Board shall require the applicant to post a bond or other form of security acceptable to the special permit granting authority prior to obtaining a building permit. The purpose of the bond or other security is to cover costs for the removal of the RMD in the event the Town must remove the dispensary. The value of the bond shall be based upon the ability to completely remove all the items and properly clean the RMD at prevailing wages. The value of the bond or other security shall be developed based upon the applicant providing the Planning Board with three written bids to meet the noted requirements. The bond shall be reviewed yearly when the RMD appears before the special permit granting authority to ensure that adequate funds are still being held. The RMD is responsible for providing updated bids that meet the noted requirements.
- I. Signs, marketing and advertising requirements: Signage, marketing and advertising shall be compliant with the Town of Abington Zoning Bylaw, and DPH regulations found in 105 CMR 725.105(L) 1-8 and the following:
- (1) A RMD may develop a logo to be used in labeling, signage, and other materials. Use of medical symbols, images of marijuana, related paraphernalia, and colloquial references to cannabis and marijuana are prohibited from use in signs.
 - (2) RMD external signage shall not be illuminated except for a period of 30 minutes before sundown until closing and shall comply with local requirements regarding signage. Neon signage is prohibited at all times.
 - (3) A RMD shall not display on the exterior of the facility advertisements for marijuana or any brand name, and may only identify the building by the registered name.
 - (4) A RMD shall not utilize graphics related to marijuana or paraphernalia on the exterior of the RMD or the building in which the RMD is located.
 - (5) A RMD shall not advertise the price of marijuana, MIPs, and associated products, except that it shall provide a catalogue or a printed list of the prices and strains of marijuana available at the RMD to registered qualifying patients and personal caregivers upon request.

- (6) Marijuana, MIPs, and associated products shall not be displayed or clearly visible from the exterior of a RMD.
 - (7) A RMD shall not produce any items for sale or promotional gifts, such as T-shirts or novelty items, bearing a symbol of or references to marijuana or MIPs, including the logo of the RMD.
 - (8) All advertising materials and materials produced by a RMD and disseminated pursuant to 105 CMR 725.105 (K) or (L) are prohibited from including:
 - (a) Any statement, design, representation, picture, or illustration that encourages or represents the use of marijuana, MIPs or associated products for any purpose other than to treat a debilitating medical condition or related symptoms;
 - (b) Any statement, design, representation, picture, or illustration that encourages or represents the recreational use of marijuana, MIPS or associated products.
 - (c) Any statement, design, representation, picture, or illustration related to the safety or efficacy of marijuana unless supported by substantial evidence or substantial clinical data with reasonable scientific rigor, which shall be made available upon the request of a registrant or the Department; or
 - (d) Any statement, design, representation, picture, or illustration portraying anyone under 18 years of age.
 - (9) Inside the RMD, all marijuana shall be kept in a limited access area inaccessible to any persons other than dispensary agents, with the exception of displays allowable under 105 CMR 725.105 (L)(10). Inside the RMD, all marijuana shall be stored in a locked access controlled space in a limited access area during nonbusiness hours.
 - (10) An RMD may display in secure locked cases no more than one sample of each product offered for sale. These display cases may be transparent.
- J. Signage for the registered marijuana dispensary shall include the following language: "Registration card issued by the MA Department of Public Health required." The required text shall be a minimum of two inches in height.

§ 175-24.2. (Reserved)⁵

§ 175-24.3. Marijuana Overlay District. [Added 5-21-2018 ATM by Art. 17]

5. Editor's Note: Former § 175-24.2, Temporary moratorium on the sale and distribution of recreational marijuana, added 5-22-2017 ATM by Art. 19, as amended, was removed from the Code as the Attorney General of Massachusetts determined that with the adoption of § 175-24.3, Marijuana Overlay District, the moratorium set forth expired.

A. Purpose. To provide for the placement of adult use marijuana establishments, in accordance with An Act To Ensure Safe Access to Marijuana, c. 55 of the Acts of 2017, and all regulations which have or may be issued by the Cannabis Control Commission, including, but not limited to 935 CMR 500.00, in locations suitable for such uses, which will minimize adverse impacts of marijuana establishments on adjacent properties, residential neighborhoods, schools, playgrounds, public beaches and other locations where minors congregate by regulating the siting, design, placement, security, and removal of marijuana establishments.

B. Establishment.

The Recreational Marijuana Overlay District ("MOD") is established as an overlay district. The boundaries of the MOD are shown on the Zoning Map on file with the Town Clerk⁶ and shall comprise the property within the Technology Business and Industrial zoning districts as set forth on the Marijuana Overlay District ("MOD") map.

Within the MOD, all requirements of the underlying zoning district remain in effect, except where these regulations provide an alternative to such requirements. Land within the MOD may be used for (1) any state-licensed adult use marijuana establishment, including cultivation, processing, independent testing laboratory, product manufacturing, and retail sales, in which case the requirements set forth in this section shall apply; or (2) a use allowed in the underlying district, in which case the requirements of the underlying district shall apply. If the provisions of the MOD are silent on a zoning regulation, the requirements of the underlying district shall apply. If the provisions of the MOD conflict with the requirements of the underlying district, the requirements of the MOD shall control.

C. Definitions. Where not expressly defined in the Zoning Bylaws, terms used in the MOD Bylaw shall be interpreted as defined in MGL c. 94I and MGL c. 94G and any regulations issued by the Cannabis Control Commission implementing these laws, and otherwise by their plain language.

INDEPENDENT TESTING LABORATORY — Means a laboratory that is licensed by the Cannabis Control Commission pursuant to 935 CMR 500.000 with respect to the regulation of the adult use of marijuana that is: (i) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission; (ii) independent financially from any medical marijuana treatment center or any licensee or marijuana

6. Editor's Note: The Zoning Map is included in the online version of the Code of the Town of Abington (eCode 360®).

establishment for which it conducts a test; and (iii) qualified to test marijuana in compliance with 935 CMR 500.160 and MGL c. 94C, § 34.

MARIJUANA CULTIVATOR — Means an entity licensed by the Cannabis Control Commission pursuant to 935 CMR 500.000 with respect to the regulation of the adult use of marijuana to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

MARIJUANA DELIVERY-ONLY RETAILER — Means an entity licensed by the Cannabis Control Commission pursuant to 935 CMR 500.000 with respect to the regulation of the adult use of marijuana that does not provide a retail location accessible to the public, but is authorized to deliver directly from a marijuana cultivator facility, craft marijuana cultivator cooperative facility, marijuana product manufacturer facility, or micro-business.

MARIJUANA ESTABLISHMENT — Means a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of marijuana-related business licensed by the Cannabis Control Commission pursuant to 935 CMR 500.000 with respect to the regulation of the adult use of marijuana.

MARIJUANA PRODUCT MANUFACTURER — Means an entity licensed by the Cannabis Control Commission pursuant to 935 CMR 500.000 with respect to the regulation of the adult use of marijuana to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

MARIJUANA RETAILER — Means an entity licensed by the Cannabis Control Commission pursuant to 935 CMR 500.000 with respect to the regulation of the adult use of marijuana to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

MEDICAL MARIJUANA TREATMENT CENTER — Means an entity licensed by the Department of Public Health or the Cannabis Control Commission under a medical use marijuana license that acquires, cultivates, possesses, processes, transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials for the benefit of registered qualifying patients or their personal caregivers in the treatment of debilitating medical conditions or the symptoms thereof.

- D. Number of licenses. The number of recreational marijuana retailers permissible to be located in the MOD shall be limited to 20% of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold pursuant to MGL c. 138, § 15. In the event that 20% of said issued licenses shall not be

a whole number, the limit shall be rounded up to the nearest whole number.

E. Location and dimensional controls.

- (1) Marijuana establishments may be permitted in the MOD pursuant to a special permit and site plan approval by the Planning Board.
- (2) Marijuana establishments may not be located within 500 feet of the following pre-existing uses:
 - (a) Public or private school providing education in kindergarten or grades 1 through 12;
 - (b) State-licensed child-care facility;
 - (c) Library, playground, public park, public beach, youth center; or similar facility in which minors commonly congregate.

The distance under this section shall be measured in a straight line from the nearest point of the property line of the protected uses identified above to the nearest point of the property line of the proposed marijuana establishment.

- (3) Cultivation and processing facilities located within the MOD shall be separated from adjacent uses by a fifty-foot buffer strip, unless the applicant can demonstrate, and the Planning Board finds, that adequate buffering can be provided in a narrower buffer strip.
- (4) Marijuana establishments shall be located only in a permanent building and not within any mobile facility. All sales shall be conducted either within the building or by home delivery pursuant to applicable state regulations.
- (5) Unless explicitly stated otherwise, marijuana establishments shall conform to the dimensional requirements applicable to nonresidential uses within the underlying zoning district.
- (6) All marijuana establishments shall conform to the signage requirements of Article IX of the Zoning Bylaw. The Planning Board may impose additional restrictions on signage, as appropriate, to mitigate any aesthetic impacts.

F. Special permit.

- (1) Procedure. The Planning Board shall be the Special Permit Granting Authority (SPGA) and shall conduct site plan review for an applicant for a marijuana establishment.
 - (a) Application. In addition to the material submission requirements of §§ 175-82 and 175-77, the applicant shall also include:

- [1] A detailed floor plan of the premises of the proposed marijuana establishment that identifies the square footage available and describes the functional areas of the facility;
- [2] Detailed site plans that include the following information:
 - [a] Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, signage and all other provisions of this Bylaw;
 - [b] Convenience and safety of vehicular and pedestrian movement on the site to provide secure and safe access and egress for clients and employees arriving to and from the site;
 - [c] Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off-site can reasonably be expected to be substantially affected by on-site changes;
 - [d] Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises, including designated parking for home delivery vehicle(s), as applicable;
 - [e] Site design such that it provides convenient, secure and safe access and egress for clients and employees arriving to and from the site;
 - [f] Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping; and
 - [g] Adequacy of water supply, surface and subsurface drainage and light.
- [3] A description of the security measures, including employee security policies;
- [4] A copy of the emergency procedures;
- [5] A copy of proposed waste disposal procedures; and
- [6] A copy of all licensing materials issued by the Cannabis Control Commission, and any materials submitted to the Cannabis Control Commission by the applicant for purposes of seeking licensing to confirm that all information provided to the Planning Board is consistent with information provided to the Cannabis Control Commission.

- (b) The SPGA shall refer copies of the application to all Town departments and boards/commissions, including but not limited to the Building Department, Fire Department, Police Department, Board of Health, and the Conservation Commission. These boards/departments shall review the application and shall submit their written recommendations. Failure to make recommendations within 35 days of referral of the application shall be deemed lack of opposition.
 - (c) After notice and public hearing in accordance with §§ 175-82 and 175-77 of the Bylaw and consideration of application materials, consultant reviews, public comments, and the recommendations of other Town boards and departments, the SPGA may act upon such a permit and request for site plan approval.
- (2) Special permit conditions for marijuana establishments. The SPGA shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purpose of this section. In addition to any specific conditions applicable to the applicant's proposed marijuana establishment, the SPGA may include the following conditions in any special permit granted under this Bylaw:
- (a) The use shall not generate outside odors from the cultivation or processing of marijuana and marijuana products.
 - (b) A security plan shall be required for all marijuana establishments, which shall be subject to approval by the Fire and Police Chiefs and submitted to the Planning Board.
 - (c) The permit holder shall provide to the Zoning Enforcement Officer and Chief of the Police Department, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.
 - (d) Marijuana establishments may not operate, and the special permit will not be valid, until the applicant has obtained all licenses and permits issued by the Commonwealth of Massachusetts and any of its agencies for the facility.
 - (e) Marijuana establishments may not operate, and the special permit will not be valid, until the applicant has entered into a host community agreement with the Town relative to any facility permitted under this Bylaw.
 - (f) A special permit granted under this section shall have a term limited to the duration of the applicant's ownership and use of

the premises as a marijuana establishment. A special permit may be transferred only with the approval of the Planning Board in the form of an amendment to the special permit.

- (g) The special permit shall lapse upon the expiration or termination of the applicant's license by the Cannabis Control Commission.
 - (h) The permit holder shall notify the Zoning Enforcement Officer and SPGA in writing within 48 hours of the cessation of operation of the marijuana establishment's expiration or termination of the permit holder's license with the Cannabis Control Commission.
- G. Prohibition against on-site consumption. No marijuana shall be smoked, eaten, or otherwise consumed or ingested in public or on the premises of a marijuana establishment absent a positive vote by ballot question presented to the voters of the city or town at a biennial state election pursuant to MGL c. 94G, § 3(b).
- H. Prohibition against nuisances. No use shall be allowed in the MOD which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive sound or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.
- I. Severability. The provisions of this Bylaw are severable. If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw.

ARTICLE VI

Dimensional and Density Regulations**§ 175-25. Conformity to regulations required.**

No principal building or structure shall be built nor shall any existing building or structure be enlarged except in conformance with the regulations of the Abington Zoning Bylaw as to lot coverage, lot area per dwelling unit, lot width, front, side and rear yards, and maximum height of structures, in the districts as set forth below except as may otherwise be provided elsewhere in the Abington Zoning Bylaw.

§ 175-25.1. Nonconforming area, frontage or setback. [Added 6-8-2015 ATM by Art. 21]

No lot shall be reduced in area or frontage if it already has or will be caused to have less area or frontage than required by this section, except by a taking by eminent domain or a conveyance for a public purpose. Such lots reduced in the area or frontage by a taking by eminent domain or a conveyance for a public purpose shall be entitled to the protections afforded by statute and in this Bylaw to lawfully preexisting nonconforming lots. Further, if an existing structure is rendered nonconforming as to setback (or more nonconforming as to setback) by a taking by eminent domain or conveyance for a public way or accessway or by the approval of a subdivision way for a third party, said structure shall be entitled to the protections afforded by statute and in this Bylaw to lawfully preexisting nonconforming structures. Notwithstanding the foregoing, the protections afforded by this section shall not apply to vacant lots existing prior to the effective date of this section which are less than 5,000 square feet and/or with less than 50 feet of frontage.

§ 175-26. Accessory uses and accessory buildings.

- A. A detached accessory building may be erected in the side or rear yard area no closer than 10 feet from any side or rear lot line, no closer than 10 feet from the principal building, and in conformance with the front yard requirement of the district in which it is located. An accessory building attached to its principal building (excluding pools) shall be considered an integral part thereof and as such shall be subject to the front, side and rear yard requirements applicable to the principal building. **[Amended 5-21-2018 ATM by Art. 23]**
- B. A detached accessory building shall cover no more than 25% of the rear yard area required for the principal building.
- C. One garage for private motor vehicles, attached or detached, of not more than 875 square feet of floor area shall be considered as an accessory building and may provide for as many as three cars in residence districts and for dwellings in a commercial district subject to the provisions of Subsections A and B (above) in this section, unless a special permit is otherwise granted by the Zoning Board of Appeals.

This subsection creates a limit of one garage or vehicular storage structure to be built upon a lot except by a special permit granted by the Zoning Board of Appeals. **[Amended 4-6-2005 ATM by Art. 18; 4-2-2007 ATM by Art. 11; 5-21-2018 ATM by Art. 18]**

- D. One storage pod/container for the storage of personal property, provided such storage container does not exceed 1,700 cubic feet and is not maintained for more than 90 days in any twelve-consecutive-month period; or one storage pod/container, not to exceed 1,700 cubic feet, for the storage of personal property and construction materials and equipment, provided such storage pod/container is required as a result of ongoing construction at the property which is being undertaken in accordance with a lawfully issued building permit; provided, however, such storage pod/container shall be removed from the property upon the earlier of (i) cessation of construction work on the property for any ten-consecutive-day period, (ii) final sign-off of the building permit; and (iii) 150 days following issuance of the building permit, or by extension from the Building Inspector, permitting such construction. **[Added 5-21-2018 ATM by Art. 18]**

§ 175-27. Visibility at intersections.

On a corner lot, to provide unobstructed visibility at intersections, no sign, fence, wall, tree, hedge or other vegetation, and no building or other structure between three feet and eight feet above the established street grades shall be erected, placed, or maintained within the area formed by the intersecting street lines and a straight line joining said street lines at points which are 20 feet from the point of intersection of ways or tangents of curves of rounded curbs, measured along said street lines.

§ 175-28. Minimum floor area requirements for apartment units.

The primary apartment unit within an apartment building shall have a minimum interior floor area of 600 square feet; each additional apartment unit shall have a minimum interior floor area of 400 square feet.

§ 175-29. Dimensional and Density Regulations Table. [Amended 4-7-2003 ATM by Art. 25]

(Editor's Note: The Dimensional and Density Regulations Table is included at the end of this chapter.)

ARTICLE VII
Special Provisions

§ 175-30. Permitted uses.

The uses outlined in this article may be permitted as designated in § 175-21, Table of Use Regulations provided they meet the requirements detailed in this article, in addition to any other applicable requirements of this bylaw.

§ 175-31. Requirements.

- A. Applicants seeking a special permit for an apartment, condominium, attached dwelling (§ 175-32), planned commercial development (§ 175-33), or the excavation of sand and gravel (§ 175-34) shall submit a site plan in accordance with the requirements of § 175-77 with the Planning Board. Furthermore, no removal of sand and gravel shall be made without the approval of the Board of Selectmen.
- B. Where a proposed development will also fall under subdivision control, the applicant shall submit the information required for a definitive plan according to the latest Rules and Regulations Governing the Subdivision of Land⁷ and the Procedures of the Abington Planning Board, Abington, Massachusetts in addition to the site plan required in this article. Planning Board endorsement of the information submitted under this bylaw, however, shall not constitute approval under the Subdivision Control Law.⁸ The site plan shall bear the stamp of a registered professional engineer (civil) and a registered land surveyor in the Commonwealth of Massachusetts.

§ 175-32. Multi-unit dwellings, apartments or condominium complexes of 12 residential units or more. [Amended 4-6-2005 ATM by Art. 20; 4-2-2007 ATM by Art. 11]

A. Administration:

- (1) The applicant shall file a request for a special permit under this section of the Zoning Bylaw for multi-unit dwellings, apartments, or condominium complexes of 12 residential units or more with the Board of Appeals. The Zoning Board of Appeals may grant, only after a public hearing with due notice, a special permit for the construction of such multi-unit dwellings, apartments or condominium complexes, only in the districts indicated in § 175-21 Table of Use Regulations A(4).
- (2) The applicant shall also simultaneously file a copy of the application with the Planning Board and the Town Clerk.

7. Editor's Note: See Ch. 200, Subdivision Rules and Regulations.

8. Editor's Note: See MGL c. 41, § 81K et seq.

- (3) The applicant shall file with the Planning Board and the Zoning Board of Appeals a site plan of the proposed development in accordance with § 175-77, Site plan review.
 - (4) Within 45 days of filing said application, the Planning Board shall evaluate the application and site plan with regard to the conditions and standards set forth in the bylaw and shall submit an advisory report to the Board of Appeals. The Board of Appeals shall not render a decision without considering the report of the Planning Board unless 45 days expire without receipt of such report.
- B. Minimum lot size. The lot shall have not less than 200 feet of frontage nor contain less than 40,000 square feet of land area.
- C. Density. For each dwelling unit constructed on a lot/premises, the following minimum land space requirements are required:
- (1) First eight units: 10,000 sq. ft./unit.
 - (2) Each additional unit: 5,000 sq. ft./unit.
- D. Dimensional requirements. The dimensional requirements for developments of 12 housing units or more in any zoning district within the Town of Abington require that any building shall be at least:
- (1) Sixty feet from any lot line that abuts the proposed development;
 - (2) Sixty feet from any street line;
 - (3) Fifteen feet from any parking area;
 - (4) Fifty feet apart in the event a variance for more than one building on a lot is granted by the Zoning Board of Appeals; and
 - (5) Not more than 35 feet in height.
- E. Building design/placement. Any building shall insure maximum compatibility with surrounding land uses and structures. Where the site adjoins single family residential areas, the Board of Appeals may adjust building heights and side yard requirements in certain portions of the development. There shall be no more than 12 units per building. The SPGA may take into consideration the proposed exterior architectural appearance to ensure it generally conforms with the Historical New England character of the Town. **[Amended 5-22-2017 ATM by Art. 18]**
- F. Screening and buffers. See § 175-66.
- G. Parking. See Article VIII.
- H. Drainage. See § 175-63.
- I. Accessory apartments in residence districts. Notwithstanding the foregoing Subsections A through H, it is the intent of this section to

allow accessory apartments, including kitchens, within single-family properties in Residence Districts for the purpose of meeting the special housing needs of grandparents, parents, brothers and sisters, children and their respective spouses of families of owner-occupants and their spouses of properties in the Town of Abington. To achieve this goal and to promote the other objectives of this bylaw one accessory apartment per single-family residence may be allowed by special permit from the Zoning Board of Appeals in accordance with the specific standards set forth below for such accessory apartment uses.

- (1) Owner occupancy required. The owner(s) of the single-family lot upon which the accessory apartment is located shall occupy at least one of the dwelling units on the premises. Only a family member of the homeowner or the homeowner's spouse shall occupy the other dwelling unit. For the purposes of this section, a family member shall be defined as mother, father, sister, brother, son, daughter, uncle, aunt, grandmother, grandfather, grandchild and/or their spouse. The special permit shall be issued to the owner of the dwelling units on the property.
- (2) Not more than two persons shall occupy the accessory apartment. At least three off-street parking spaces must be provided or created on the property.
- (3) Apartment size. The maximum floor size for an accessory apartment shall not exceed the lesser of 900 square feet or 50% of the floor area of the principal dwelling, as determined at the time of the special permit request.
- (4) Code compliance. The accessory apartment must comply with current safety, health and construction requirements before occupancy and at every change in ownership.
- (5) Preservation of single-family characteristics. The accessory apartment shall not change the single-family characteristic of the dwelling, except for the provision of an additional access or egress. The space designated as the accessory apartment shall have at least one access to the main unit if attached.
- (6) Existing detached dwellings may continue to be used for the same purposes subject to special conditions imposed by the Board of Appeals.
- (7) There shall be no more than one accessory apartment for a total of two dwelling units permitted per lot.
- (8) The special permit for the accessory apartment shall become null and void upon the sale of the property to a non-family member or upon the vacancy of the residence by the owner-occupant and his/her family members.

- (9) Upon receiving a special permit from the Zoning Board of Appeals, the owner(s) shall record a Declaration of Covenants at the Plymouth County Registry of Deeds, which Declaration of Covenants shall be made available from the Building Inspector. A time stamped copy of this recorded Declaration and a recorded copy of current deed to the property shall be provided to the Building Inspector prior to applying for a certificate of occupancy. The recorded Declaration shall include the following requirements which shall appear as conditions of all special permits issued under this section:
- (a) That the owner(s) shall occupy one of the units on said premises and that only family members shall occupy the other unit defined by this section of the Bylaw.
 - (b) At the beginning of each calendar year, the owner(s) shall file a notarized statement with the Building Inspector listing the name and family relationship of all occupants residing on the premises.
- (10) Any accessory apartment existing as of this Bylaw amendment (02/07/05) shall be required to comply with the annual statement filing date provisions of this Bylaw subsequent to this date.

§ 175-33. Planned commercial development.

A. Administration.

- (1) The applicant shall file a request for a special permit with the Board of Appeals. The Board of Appeals may grant, only after a public hearing with due notice, a special permit for the development.
- (2) The applicant shall also simultaneously file a copy of the application with the Planning Board and the Town Clerk.
- (3) The applicant shall also file with the Planning Board and the Board of Appeals a site plan of the proposed development in accordance with § 175-77.
- (4) Within 45 days of filing said application, the Planning Board shall evaluate the application and site plan with regard to the conditions and standards set forth in this bylaw and shall submit an advisory report to the Board of Appeals. The Board of Appeals shall not render a decision without considering the report of the Planning Board unless said 45 days has expired without receipt of such report.

- B. Purpose. To establish compact business areas for planned commercial development of land subject to maximum building coverage more than the maximum permitted in the Table of Density and Dimensional

Regulations, § 175-29, and less than the parking requirements contained in the Table of Off-Street Parking Regulations, § 175-52.

- C. Tract area. The tract shall be in single or consolidated ownership at the time of application and shall be at least five acres in size.
- D. Parking. The development shall be served by common parking areas and by preferably a common exit and entrance. Reduction in parking space requirements shall generally not exceed more than 15% of those required under normal application of requirements for the particular uses proposed in § 175-52, unless a special permit is granted by the Board of Appeals in accordance with § 175-53.

Applicants should note in particular the visual relief requirements in § 175-50.

- E. Drainage. See § 175-63.
- F. Building design. Uses may be contained in one continuous building or groupings of buildings where such groupings are consistent with the safety of the users of the development and the intent of this section. The SPGA may take into consideration the proposed exterior architectural appearance to ensure it generally conforms with the Historical New England character of the Town. **[Amended 5-22-2017 ATM by Art. 18]**
- G. Floor area. The total gross floor area of all buildings shall not exceed 50% of the total parcel area.
- H. Dimensional requirements. Buildings shall be at least:
 - (1) Fifty feet from any lot line;
 - (2) Fifty feet from any street line;
 - (3) Twenty-five feet from any parking area; and
 - (4) Not more than 35 feet in height.

§ 175-34. Excavation of sand and gravel or other earth materials.

- A. Except when incidental to and reasonably required in connection with the construction of an approved use of structure or an approved subdivision on the same site as prescribed previously, no removal for sale, trade, or other considerations, or for other use on a separate site, of sand and gravel or other earth materials in excess of 30 cubic yards shall be allowed except by special permit from the Board of Selectmen. Applicants shall follow the procedure set forth below.
- B. Administration:

- (1) The applicant shall file a request for a special permit with the Board of Selectmen. The Board of Selectmen may grant, only after a public hearing with due notice, a special permit.
 - (2) The applicant shall also simultaneously file a copy of the application with the Planning Board and the Town Clerk.
 - (3) The applicant shall also file with the Planning Board and the Board of Selectmen a site plan in accordance with § 175-77 of the proposed operation.
 - (4) Within 45 days of filing said application, the Planning Board shall evaluate the application and site plan with regard to the conditions and standards set forth in the bylaw and shall submit an advisory report to the Board of Selectmen. The Board of Selectmen shall not render a decision without considering the report of the Planning Board unless 45 days expire without receipt of such report.
- C. The following conditions shall govern:
- (1) Removal and processing operations shall not be conducted closer than 100 feet to a public street or an abutting lot line.
 - (2) All equipment for sorting, washing, crushing, grading, drying, processing and treating, or other operation machinery, shall not be used closer than 100 feet from any public street or from any adjoining lot line.
 - (3) Off-street parking as required in Article VIII shall be provided.
 - (4) Any access to excavated areas or areas in the process of excavation will be adequately posted with KEEP-OUT-DANGER signs.
 - (5) Any work face or bank that slopes more than 30 degrees downward adjacent to a public street will be adequately fenced at the top.
 - (6) Adequate provision is to be made for drainage during and after the completion of operations.
 - (7) Lateral support shall be maintained for all adjacent properties.
 - (8) The use of explosives shall be done in accordance with the regulations for storage or handling of an explosive as published by the Commonwealth of Massachusetts.
 - (9) All operations shall be conducted in such a manner so as to comply with the laws of the Commonwealth of Massachusetts regulating water pollution and air pollution.
 - (10) The work hours of operation shall be designated in the permit.
 - (11) A plan for re-grading of all or parts of the slopes resulting from such excavation or fill shall be approved.

- (12) A plan for replacement of at least six inches of topsoil over all excavated, filled, or otherwise disturbed surfaces and seeding with a perennial cover crop, reseeded as necessary to assure uniform growth and soil surface stabilization shall be approved.
- (13) A plan for lighting shall be provided.
- (14) Proper provision for vehicular traffic, service roads, control of entrances and exits to adjacent roads shall be made.
- (15) Provision for a fence enclosing the excavation or quarry where any excavation or quarry will extend under original ground level or will have a depth of 10 feet or more or create a slope of more than one foot in two feet. Such fence shall be located a minimum of 10 feet or more from the edge of the excavation or quarry, and shall be six feet in height.
- (16) A plan for the ongoing cleanup of the site and adjacent streets.

§ 175-35. Flood Plain and Wetlands Protection District.

- A. Purpose. The Flood Plain and Wetland Protection District and the regulations herein have been established with the following purposes intended: to protect and preserve the marshes, bogs, ponds, water courses and their adjoining wetlands; to reduce the hazards of floods upon the public health, safety and general welfare; to protect flood plain occupants from a flood that is or may be caused by their own land use and that is or may be undertaken without full realization of the dangers therein; to protect the public from the burden of extraordinary financial expenditure for flood control and relief; to protect the capacity of flood plain and wetland areas to absorb, transmit and store runoff; to assure retention of sufficient floodway area to convey flows which can reasonably be expected to occur. For purposes of this Bylaw, in cases of a building permit involving a one-family or a two-family dwelling, the word "Board" as found throughout this Bylaw § 175-35 shall be deemed to refer to the Board of Appeals. For building permits involving all other structures or uses (multi-family, commercial, definitive subdivision, mixed use, etc.), the word "Board" as found in this Bylaw § 175-35 shall be deemed to refer to the Planning Board. **[Amended 5-21-2018 ATM by Art. 21]**
- B. Delineation of the Flood Plain and Wetlands Protection District. The District shall be as established under the Zoning Map and Zoning Bylaw pursuant to Zoning Bylaw § 175-6 and § 175-8E. **[Amended 5-21-2012 STM by Art. 1]**
- C. Determination of applicability. Whenever an application is made for a building permit on land which the Building Inspector believes may be situated partially or completely in the Flood Plain and Wetlands Protection District, he shall require that the applicant provide as part of his permit application a plan of the lot on which such building is

intended to be built. The plan shall show elevations above mean sea level at two-foot contour levels, indicating the bench marks used and certified by a registered land surveyor or registered engineer. The Inspector shall transmit one copy of this plan to the Conservation Commission who shall review said plan and provide written interpretation within 14 days of receipt of said plan to the applicant, Building Inspector, and Board. If the Building Inspector determines that the proposed construction or alteration of the land is not in the Flood Plain and Wetlands Protection District, he shall so advise the applicant who may then apply for a building permit as set forth in § 175-76. If the Building Inspector determines that the proposed construction or alteration of the land is in the Flood Plain and Wetlands District, the Inspector shall notify the applicant who may then seek a special permit for the proposed use as set forth below in § 175-35F. **[Amended 4-6-2005 ATM by Art. 18; 5-21-2018 ATM by Art. 21]**

- D. Permitted uses. See § 175-21.
- E. Prohibited uses. See § 175-21.
- F. Flood plain requirements. The following requirements shall be satisfied in the Flood Plain and Wetlands Protection District: **[Added 5-21-2012 STM by Art. 1]**
 - (1) In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - (2) In Zone AE, along watercourses within the Town of Abington that have a regulatory floodway designated on the Plymouth County FIRM, encroachments shall be and are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - (3) Within Zones A and AE, no new construction, substantial improvement to an existing structure, filing, or other land development shall be permitted unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood.
 - (4) All subdivision proposals shall be designed to assure that:
 - (a) Each such proposal shall minimize potential flood damage;
 - (b) All public utilities and facilities shall be located and constructed to minimize or eliminate potential flood damage; and

- (c) Adequate stormwater drainage controls shall be provided to reduce exposure to flood hazards.
- (5) Base flood elevation data shall be required and provided for subdivision proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within unnumbered A zones.
- (6) In a riverine situation, the applicant and Conservation Agent shall notify the following of any alteration or relocation of a watercourse:
 - (a) Planning Board for each Adjacent Community.
 - (b) NFIP State Coordinator.

Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104

- (c) NFIP Program Specialist.

Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

G. Special permits. **[Amended 4-6-2005 ATM by Art. 18; 4-3-2006 ATM by Art. 13; 5-21-2012 STM by Art. 1; 5-21-2018 ATM by Art. 21]**

- (1) For any land that is not within the Flood Plain and Wetlands District as shown under the FIRM and the FIS, but that is shown on the Town's 1976 Flood Plain Zoning Map to be within the flood plain, a landowner may apply to the Board for a special permit exception from inclusion in the Flood Plain and Wetland District and shall be eligible for such a special permit if the Board finds that the subject land is not in fact subject to seasonal or periodic flooding and if the proposed development is consistent with the purpose of this Bylaw, the Board may grant, after a public hearing with due notice, a special permit for the use of such land and for the construction and erection of a building or structure for any purpose permitted in the underlying district subject to reasonable conditions and safeguards.
- (2) The application for a special permit exception shall include a site plan which shall include the items set forth in § 175-77B(5) and other engineering and hydrological data that the Board finds necessary.
- (3) The application for a special permit exception shall include an environmental impact statement prepared by an environmentally qualified registered professional engineer. This statement shall describe the impact of the proposed use with respect to drainage,

sewage, groundwater, surface water pollution, and other parameters as specified by the Board.

- (4) The Board may waive some of the requirements of the site plan and/or the environmental impact statement where it determines that the probable impact upon the physical environment of the proposed use is to be minimal and that the technical data or a plan and/or environmental impact statement is not necessary to its consideration of the application. Because of the substantial scope, substance and impact of such projects, a waiver will not generally be granted where the proposed use involves a subdivision of land pursuant to Sections 81K — 81GG of Chapter 41 of the General Laws, a proposed site plan for construction of multiple family housing, or a proposed business, industrial, transportation or institutional use.
 - (5) The applicant shall provide the Board with an original and 10 copies of the application and any plan and/or environmental impact statement required by the Board. The Board will forward one copy of each to the Building Inspector, Conservation Commission, Board of Health, Highway Department, and other Town board or department deemed appropriate by the Board. These agencies may file written advisory reports with the Board within 30 days. The Board shall not grant approval of an application for an exception until these advisory reports have been received or until expiration of the said thirty-day period.
- H. Requirements for all projects in the Flood Plain and Wetlands Protection District. **[Added 5-21-2012 STM by Art. 1]**
- (1) For every development, including all structural and non-structural activities, in the Flood Plain and Wetlands District, whether permitted by right or by special permit exception, every project shall comply with the all application state laws and regulations, including, but not limited to the following:
 - (a) MGL c. 131, § 40;
 - (b) 780 CMR (Massachusetts State Building Code), in its entirety, including the portions that address floodplain and coastal high hazard areas;
 - (c) 310 CMR 10.00 [Wetlands Protection Regulations, Department of Environmental Protection (DEP)];
 - (d) 310 CMR 13.00 (Inland Wetlands Restriction, DEP); and
 - (e) 310 CMR 15 (Title 5, Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP).
 - (2) Furthermore, any variances from the above provisions and requirements of the above referenced state regulations may be

granted only in full accordance with the required variance procedures of the state regulations.

§ 175-36. Large-scale ground-mounted solar photovoltaic installations.⁹ [Added 6-8-2015 ATM by Art. 26]

A. Purpose.

- (1) The purpose of this Bylaw shall be to promote the creation of new large-scale ground-mounted solar photovoltaic installations in the appropriate locations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources, and to provide adequate financial assurance for the eventual decommissioning of such installations.
- (2) The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations.

B. Applicability. This section shall apply to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type configuration or size of these installations or related equipment.

C. Definitions.

AS-OF-RIGHT SITING — That development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development may be subject to site plan review to determine conformance with local zoning ordinances or bylaws. Projects cannot be prohibited, but can be reasonably regulated by the Inspector of Buildings, Building Commissioner or local inspector, or if there is none in a town, the Board of Selectmen, or person or board designated by local ordinance or bylaw.

BUILDING INSPECTOR — The Inspector of Buildings, Building Commissioner, or local inspector, or person or board designated by local ordinance or bylaw charged with the enforcement of the zoning ordinance.

BUILDING PERMIT — A construction permit issued by an authorized building inspector that evidences that the project is consistent with the state and federal building codes as well as local zoning bylaws, including those governing large-scale ground-mounted solar photovoltaic installations.

9. Editor's Note: Former § 175-36, Phased development, added 11-26-2001 STM by Art. 8, as amended, was repealed 6-8-2015 ATM by Art. 19.

DESIGNATED LOCATION — The locations designated by the Town, in accordance with MGL c. 40A, § 5, where large ground-mounted scale solar photovoltaic installations may be sited are limited to the locations indicated in § 175-21 of the Zoning Bylaws. Said locations are shown on a Zoning Map pursuant to MGL c. § 4. This map is hereby made a part of this Zoning Bylaw and is on file in the Office of the Town Clerk.

LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION — A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250kW DC, or requires an area larger than one acre for installation.

ON-SITE SOLAR PHOTOVOLTAIC INSTALLATION — A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur.

RATED NAMEPLATE CAPACITY — The maximum rated output of electric power production of the photovoltaic system in direct current (DC).

SITE PLAN REVIEW AUTHORITY — For purposes of this Bylaw, Site Plan Review Authority refers to the body of local government designated as such by the municipality.

SMALL-SCALE ROOF-MOUNTED SOLAR ENERGY EQUIPMENT — Roof-mounted solar equipment that shall be located so as not to increase the total height of the structure more than one foot above the applicable zoning regulations related to height in the district in which it is located or such other height as determined by the Building Inspector to be essential for proper operation, but in no case more than four feet above the applicable zoning regulations related to height in the district in which it is located.

SOLAR PHOTOVOLTAIC ARRAY — An arrangement of solar photovoltaic panels.

SPECIAL PERMIT — A special permit review by the Site Plan Review Authority to determine conformance with local zoning ordinances or bylaws shall be obtained before the development proceeds.

ZONING ENFORCEMENT AUTHORITY — The person or board charged with enforcing the zoning ordinances or bylaws.

- D. General requirements for all large-scale ground-mounted solar power generation installations. The following requirements are common to all solar photovoltaic installations to be sited in designated locations.
- E. Compliance with laws, ordinances and regulations. The construction and operation of all large-scale ground-mounted solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All

buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.

- F. Building permits and building inspections. No large-scale ground-mounted solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit and only in accordance with the requirements of the Table of Uses and this section. Smaller scale ground-mounted or small-scale roof-mounted solar equipment installations which are an accessory structure to an existing residential or nonresidential use do not need to comply with this Section, but shall conform to the Table of Uses and shall require a building permit and shall comply with the other provisions of this Zoning Bylaw as applicable.
- G. Fees. The application for a building permit for a large-scale ground-mounted solar photovoltaic installation must be accompanied by the fee required for a building permit.
- H. Site plan review. Large-scale ground-mounted solar photovoltaic installations with 250 kW or larger of rated nameplate capacity shall undergo site plan review by the Site Plan Review Authority prior to construction, installation or modification as provided in this section.
- (1) General. All plans and maps shall be prepared, stamped and signed by a professional engineer licensed to practice in Massachusetts, except in accordance with any exemption provided for under MGL c. 112, § 81R.
 - (2) Required documents. Pursuant to the site plan review process, the project proponent shall provide a site plan in conformance with § 175-77, Site plan review, of the Town of Abington Zoning Bylaws in addition to the following:
 - (a) Property lines and physical features, including roads, for the project site;
 - (b) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
 - (c) Blueprints or drawings of the solar photovoltaic installation signed by a professional engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures. The proponent may not take any actions to modify any existing structures or vegetation on adjacent properties which may shade the installation without express written consent of the property owner.
 - (d) One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and

electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices;

- (e) Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
 - (f) Name, address, and contact information for proposed system installer;
 - (g) Name, address, phone number and signature of the project proponent, as well as all coproponents or property owners, if any;
 - (h) The name, contact information signature of any agents representing the project proponent; and
 - (i) Documentation of actual or prospective access and control of the project site;
 - (j) An operation and maintenance plan;
 - (k) District designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
 - (l) Proof of liability insurance; and
 - (m) Description of financial surety that satisfies § 175-36Q.
- (3) The Site Plan Review Authority may waive documentary requirements as it deems appropriate.
- I. Site control. The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.
 - J. Operation and maintenance plan. The project proponent shall submit a plan for the operation and maintenance of the large-scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.
 - K. Utility notification. No proposed large-scale ground-mounted solar photovoltaic installation shall be submitted for review until evidence has been given to the Site Plan Review Authority that the utility company that operated the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator, and that the electrical grid can safely transmit the proposed power output of the installation. Off-grid systems shall be exempt from this requirement.

L. Dimension and density requirements.

(1) Setbacks.

(a) For large-scale ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be at least 50 feet; provided, however, that where the lot abuts a residential district or residential use or is in a residential district, the setbacks shall not be less than 100 feet. Every abutting property shall be visually screened from the installation through either existing vegetation or new plantings of not less than six feet in height at the time of planting throughout the required setback dimension, or alternately shall provide a minimum setback of 2,000 feet. The provided screening shall obscure from view at least 75% of the project from adjacent properties, including upper levels of existing structures, within five years of the issuance of the permit. Security fences, roadways, and equipment shall not be placed within the required setback, except for that which is required to access the site from an adjacent roadway, or to transmit the generated power to the grid.

(b) The provided setbacks shall be suitable to limit the noise generated by the installation to no more than 40 decibels at the property lines.

(2) Appurtenant structures. All appurtenant structures to large-scale ground-mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

M. Design standards.

(1) Lighting. Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

(2) Signage. Signs on large-scale ground-mounted solar photovoltaic installations shall comply with the Town's sign requirements. A sign consistent with the Town's sign requirements shall be required to identify the owner and provide a twenty-four-hour emergency

contact phone number. Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the operator of the solar photovoltaic installation.

- (3) Utility connections. Reasonable efforts, as determined by the Site Plan Review Authority, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be aboveground if required by the utility provider.
- (4) Hazardous materials. Hazardous materials stored, used, or generated on site shall not exceed the amount for a very small quantity generator of hazardous waste as defined by the DEP pursuant to Mass DEP regulations 310 CMR 30.000 and shall meet all requirements of the DEP including storage of hazardous materials in a building with an impervious floor that is not adjacent to any floor drains to prevent discharge to the outdoor environment. If hazardous materials are utilized within the solar equipment, including the photovoltaic panels, then impervious containment areas capable of controlling any release to the environment and to prevent potential contamination of groundwater are required.

N. Safety and environmental standards.

- (1) Emergency services. The large-scale ground-mounted solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked, and training required to allow emergency response personnel to safely shut down the installation in event of an emergency provided at no cost to the Town as requested by the Town. The owner or operator shall identify a responsible person for public inquires throughout the life of the installation. All changes in the identity or contact information for the responsible person shall immediately be brought to the attention of the Town.
- (2) Land clearing, soil erosion and habitat impacts. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws.
- (3) Control of vegetation. Herbicides may not be used to control vegetation at the large-scale ground-mounted solar photovoltaic installation. Mowing or the use of pervious pavers or geotextile materials underneath the solar array is a possible alternative.

O. Monitoring and maintenance.

- (1) Solar photovoltaic installation conditions. The large-scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, snow removal, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Fire Chief and emergency medical services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.
- (2) Modifications. All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the Site Plan Review Authority.
- (3) Annual reporting. The owner or operator of the installation shall submit an annual report demonstrating and certifying compliance with the operation and maintenance plan and the requirements of this Bylaw and their approved site plan including control of vegetation, noise standards, and adequacy of road access. The annual report shall also provide information on the maintenance completed during the course of the year and the amount of electricity generated by the facility. The report shall be submitted to the Board of Selectmen, Town Manager, Planning Board, Fire Chief, Building Inspector, Board of Health and Conservation Commission (if wetlands permit was issued) no later than 45 days after the end of the calendar year.

P. Abandonment or decommissioning.

- (1) Removal requirements. Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned through intent or discontinuance for two years or more shall be removed. The owner or operator shall physically remove the installation no more than 120 days after the date of discontinued operations. The owner or operator shall notify the Site Plan Review Authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
 - (a) Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
 - (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated

below-grade foundations in order to minimize erosion and disruption to vegetation.

- (2) Abandonment. Each site plan approval and special permit shall require that, absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more six months without the written consent of the Site Plan Review Authority or special permit granting authority. Each site plan approval and special permit shall provide that, if the owner or operator of the large-scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section and the site plan approval or special permit, within 120 days of abandonment or the proposed date of decommissioning, then the Town shall be provided with all necessary permission to enter the property and physically remove the installation. As appropriate, cost of removal shall be charged to the property owner in accordance with the provisions of MGL c. 40, § 58.
- Q. Financial surety. Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, or other means mutually agreed upon with the Town, under MGL c. 44, § 53A, or by other lawful means, to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Site Plan Review Authority, but in no event to be less than 75% nor to exceed more than 125% of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety shall not be required for municipally or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.
- R. Severability. If any provision herein is determined to be unlawful, it shall be severed from this section and all remaining provisions shall remain in force and effect.

**§ 175-37. Transit Oriented Development District. [Added 4-7-2003
ATM by Art. 25]**

- A. Purpose and intent. The purpose of this district is to encourage the development of land uses that compliment both the existing commuter rail line and the established residential areas surrounding the station, by providing for a mix of small uses on well buffered sites to support commuters and adjacent residential development, encourage the continued use of rail service, increase the number of pedestrian and bicycle trips, while decreasing the number of automobile trips within the Town.

B. Design considerations.

- (1) Buildings shall be set close to the street to provide for convenient pedestrian access while also enhancing the visual aspects of the Town. Building facades and streetscapes shall be pedestrian oriented.
- (2) Parking shall not be located in the front yard area. The number of parking spaces shall be provided according to the requirements contained herein that supersede Article VIII of this Zoning Bylaw.
- (3) Common access driveways and shared parking facilities shall be provided where possible to minimize traffic problems.
- (4) Pedestrian connections to adjacent properties and the rail station shall be provided where possible and appropriate as determined by the Planning Board as part of the site plan review process. When multiple uses exist on a lot covered walkways should be provided to protect pedestrians from the weather shall be incorporated into the building design. Benches for public seating should also be provided on the site plan.
- (5) Landscaping for and architectural elements of the proposed development shall be of high quality and reflect the historical New England character of the Town's Central Business District. Use of street trees and ground level lighting are required.
- (6) Existing residential development adjacent to uses under this bylaw shall be adequately buffered in accordance with Article X, §§ 175-66 and 175-67 of this Bylaw.

C. Uses.

- (1) Mixed-use developments in accordance with the uses identified in § 175-21, Table of Use Regulations. Residential uses are allowed within the district only as part of a larger, mixed-use development and not as a stand-alone principal use except by special permit from the Planning Board. Residential components may not exceed 50% of the total gross floor area of a proposed development except where the residential use is located on the upper floors of commercial buildings in accordance with § 175-37C(2). **[Amended 4-3-2006 ATM by Art. 13]**
- (2) Residential units may be located on the upper floors of commercial buildings as part of a mixed-use development without limitation as to percentage of total gross floor area provided that:
 - (a) The building is connected to the public sewer system.
 - (b) One parking space is provided for each dwelling unit.
 - (c) No units are located on street level or within a basement.

- (d) There shall be no more than two bedrooms per unit.
 - (e) Units must have a means of egress separate from the commercial use. No access to the units shall be through a commercial establishment.
 - (f) All units must meet the minimum requirements of the building and health codes for habitable space.
- (3) Residential uses within the TOD District are not subject to the requirements of Article VII, § 175-32A, B, C, D or E of this Zoning Bylaw. The following supersede those standards.
- (a) For each dwelling unit constructed on a lot/premises, except those in accordance with § 175-37C(2), a minimum of 2,500 SF of lot area shall be provided for each unit in addition to the minimum lot area required by Article VI, § 175-29.
 - (b) All buildings shall be a minimum of 15 feet from any parking area.
 - (c) All buildings shall be a minimum of 25 feet from any lot line that abuts the proposed development including the street line.
- (4) No single retail use shall exceed 2,000 SF of total floor area [exclusive of any residential use in accordance with Subsection C(2) above], except by the issuance of a special permit from the Planning Board.
- (5) The maximum floor area for retail and/or commercial use on a single lot shall not exceed 20,000 SF unless approved as part of a master site development plan approved by special permit by the Planning Board.

D. Parking.

- (1) The number of parking spaces required by Article VIII, § 175-52 of this bylaw for commercial uses may be reduced by up to 50% without the requirement for a special permit provided that the requirements of § 175-53B and C are met.
- (2) One ten-unit bicycle rack shall be provided for each proposed use. The racks shall be sheltered from the weather and conveniently located.

§ 175-38. Central Business District. [Added 4-7-2003 ATM by Art. 25]

- A. Purpose and intent. The purpose of this district is to allow for the reasonable use, enhancement, expansion and redevelopment of those areas of the Town that are currently developed in a building intensive manner where parking is available on-street as well as in common lots.

B. Design considerations.

- (1) New buildings shall be set close to the sidewalk or street line to encourage pedestrian access. Pedestrian connections to adjacent properties shall also be provided where appropriate.
- (2) Parking shall not be allowed in the front or side yard areas and shall only be located in the rear yard area. The number of parking spaces shall be provided in accordance with the requirements of this section that supersede the requirements of Article VIII of this Zoning Bylaw.
- (3) Common access driveways and shared parking shall be provided where possible.
- (4) Landscaping, signage, and architectural elements of proposed uses shall be of high quality consistent with existing buildings that reflect the Historical New England character of the Town. Maximum consideration shall be given to building design and landscape elements that improve the streetscape of the district.
[Amended 5-22-2017 ATM by Art. 18]

C. Uses. The following are specifically allowed within the district in addition to those uses that are identified in § 175-21, Table of Use Regulations.

- (1) Mixed-use developments.
- (2) Residential uses as part of a mixed-use development where the residential units or components may not exceed 50% of the total gross floor area of a proposed multi-use project except as provided in Subsection C(3). Strictly residential units on lots as stand-alone residential uses in the Central Business District may be permitted by Special Permit from the Planning Board where such uses are appropriate and where the minimum lot size is at least 5,000 square feet and meets the provisions of Subsection C(3)(a), C(3)(b), C(3)(d) and C(3)(f). **[Amended 4-2-2007 by ATM by Art. 11]**
- (3) Residential units may be located on the upper floors of commercial buildings as part of a mixed-use development without limitation as to percentage of total gross floor area provided that:
 - (a) The building is connected to the public sewer system.
 - (b) One parking space is provided for each dwelling unit.
 - (c) No units are located on street level or within a basement.
 - (d) There shall be no more than two bedrooms per unit.
 - (e) Units must have a means of egress separate from the commercial use. No access to the units shall be through a commercial establishment.

- (f) All units must meet the minimum requirements of the building and health codes for habitable space.
- D. Parking requirements. The following specific parking requirements for the Central Business District modify and supersede the relevant requirements contained in Article VIII of this Bylaw.
- (1) Parking spaces shall be provided as follows:
 - (a) One space for each employee on-site at any one time. The space(s) may be located on-site or be situated off-site provided a formal agreement exists for use of the space and such evidence is presented to the Building Inspector as part of the permitting process.
 - (b) One space for each residential unit located within the building, provided that no on-street parking space may be used to satisfy this requirement.
 - (c) One parking space for each 500 SF of net floor area devoted to commercial or retail use. One existing on-street parking space may be used to meet the requirements of this section for each 2,000 SF of net floor area.
 - (d) Off-premises parking in accordance with Article VIII, §§ 175-44, 175-45 and 175-46 may be located up to 1,000 feet from the proposed use.
 - (e) Loading spaces may coincide with areas used to satisfy the parking requirements of this section, provided delivery times are scheduled to allow non-conflicting multiple use of the space.
 - (f) One ten-unit bicycle rack shall be provided for each proposed use in lieu of one required parking space. These racks may be dispersed throughout the site or sites.
 - (2) Where strict compliance with the standards for off-street parking are not feasible in the district, the Planning Board may reduce the parking requirements for business use by not more than 20% by special permit. Any such request for reduction shall be supported by the submission of credible evidence of adequate municipal parking, on-street parking or infeasibility of compliance due to site conditions, specific design considerations, or other such similar factors.
- E. Historic building reuse and new construction of high architectural quality within the Central Business District, projects which rehabilitate and reuse existing buildings of historical or architectural significance, or projects that propose new construction of high quality as to architectural design, materials, site planning, lighting and landscaping,

as determined by the Planning Board as part of § 175-77, Site Plan Review, may:

- (1) Be exempt from Article VIII, § 175-41 of the parking requirements of this Zoning Bylaw, provided that there is no decrease in the number of parking spaces existing before redevelopment/reuse.
- (2) Calculate the number of required parking spaces based upon net floor area.
- (3) Reduce the landscaped buffer strip required in Article VIII, § 175-50 to a minimum of five feet and the buffer required in Article X, § 66A to a minimum of 10 feet provided suitable landscaping is provided in accordance with this Bylaw.
- (4) Modify any other design requirement or setback of this Zoning Bylaw by special permit from the Board of Appeals.

§ 175-39. Multiple Use Planned Development District. [Added 4-7-2003 ATM by Art. 25]

- A. Purpose and intent. The purpose of the Multiple Use Planned Development District is to establish areas and standards for the overall planned development of land with mixed-uses. The District attempts to accommodate low-impact activities in an overall low density but with intensive use clusters, making use of natural features and vegetation, screening and setbacks to have minimal impact on surrounding land uses. The following regulations strive to allow a more flexible planned development process than is possible through strict conventional zoning regulations. For the purpose of this district and section the Planning Board shall be the special permit granting authority for special permit uses identified in § 175-21, Table of Uses.
- B. Design considerations.
 - (1) Parking is prohibited in the front yard area and shall only be located in the side and/or rear yard. The number of parking spaces shall be provided according to the following requirements that supersede the requirements of Article VIII of this Zoning Bylaw.
 - (2) Common access driveways and shared parking shall be provided where possible.
 - (3) Pedestrian connection to adjacent building and properties shall be provided.
 - (4) Bicycle racks shall be provided as part of the parking plan.
 - (5) Landscaping and architectural elements of the proposed use(s) shall include features to minimize visual impacts on surrounding lands.

- (6) Landscaping, signage, and architectural elements of proposed uses shall be of high quality consistent with existing buildings that reflect the Historical New England character of the Town. Maximum consideration shall be given to building design and landscape elements that improve the streetscape of the district. **[Added 5-22-2017 ATM by Art. 18]**
- C. Uses. Uses including mixed-uses consistent with the § 175-21 may be permitted provided that:
- (1) Residential uses (not including transient accommodations) may only be allowed as part of a larger, mixed-use development and shall not exceed 20% of the gross floor area of the proposed development.
 - (2) Not more than 10% of the gross floor area may be devoted to retail use and commercial services for supporting the overall development unless by special permit of the Planning Board.
- D. Tract area and frontage. The tract shall be in single or consolidated ownership at the time of application and shall be at least 10 acres in size with a minimum of 200 feet of frontage. If proposed developments are to be subdivided under the Rules and Regulations Governing the Subdivision of Land each resulting lot shall comply with the requirements of this section. All internal driveways providing access to parking areas and buildings shall comply with the design and construction standards of the Rules and Regulations Governing the Subdivision of Land, as amended, whether or not the driveway network constitutes a subdivision.¹⁰
- E. Parking. Developments shall be served by common parking areas with a common exit and entrance. A reduction in parking space requirements for common parking area shall not exceed more than 15% of those required under normal application of requirements for the particular uses proposed in Article VIII, § 175-52, unless a special permit is granted by the Planning Board in accordance with § 175-53. Applicants should note in particular the visual relief requirements in Article VII, § 175-50.
- F. Drainage. See Article X, § 175-63.
- G. Building design. Uses may be contained in one continuous building or groupings of buildings where such groupings are consistent with the safety of the users of the development and the intent of this section.
- H. Floor area and lot coverage. The total gross floor area of all buildings shall not exceed 50% of the total lot area except by special permit from the Planning Board. Gross floor area may be increased to 60% of the total lot area provided that a parking garage is provided for the use(s). Lot coverage shall not exceed 30% of the total lot area.

10. Editor's Note: See Ch. 200, Subdivision Rules and Regulations.

I. Dimensional requirements. **[Amended 5-21-2018 ATM by Art. 28]**

- (1) Buildings shall be located a minimum of:
 - (a) Fifty feet from any existing lot line or existing street line;
 - (b) Ten feet from any proposed parking area; and
 - (c) Be not more than forty 40 feet in height except by special permit from the Planning Board.
- (2) Parking areas shall be located a minimum of 50 feet from any existing lot line or existing street line.

§ 175-40. Transitional Commercial District. [Added 4-7-2003 ATM by Art. 25]

A. Purpose and intent. The purpose of this district is to preserve the residential character of existing development along thoroughfares that are undergoing pressure for commercial development by providing for the transition to more intensive but compatible uses. The district emphasizes the preservation and use of existing structures; provides for buffers and uses compatible with nearby residential areas; provides for property owners in such transitional areas an additional opportunity to use their land without severely diminishing the amenity and residential value of other properties within and in close proximity to the district; to minimize congestion on major streets, and protects the character and appearance of areas that are the key elements of the Town by allowing limited, low-traffic generating non-residential uses which can operate in adapted/expanded existing houses or compatible new small-scale office/retail buildings.

B. Design considerations.

- (1) Parking shall not be allowed in the front yard area. Parking may be permitted in the side yard if properly screened. The number of parking spaces shall be provided according to the requirements contained in Article VIII of this Zoning Bylaw.
- (2) Common access driveways and shared parking facilities should be provided and are encouraged where possible to minimize traffic problems.
- (3) Pedestrian access to adjacent properties shall be provided where possible and appropriate as determined by the Planning Board as part of the site plan review process.
- (4) Existing residential development adjacent to uses under this bylaw shall be adequately buffered in accordance with Article X, §§ 175-66 and 175-67 of this Bylaw.
- (5) Lighting and signs shall be carefully located and sized to minimize impacts on adjacent residential uses.

- (6) Landscaping, signage, and architectural elements of proposed uses shall be of high quality consistent with existing buildings that reflect the Historical New England character of the Town. Maximum consideration shall be given to building design and landscape elements that improve the streetscape of the district. **[Added 5-22-2017 ATM by Art. 18]**

C. Uses.

- (1) One and/or two family dwellings on existing lots, or new lots that comply with the dimensional requirements of § 175-29. **[Amended 4-3-2006 ATM by Art. 13]**
- (2) One accessory residential dwelling unit as part of the principal use of the site.
- (3) Uses in the TC Zone as identified in § 175-21 (table) with a total gross square footage of less than 5,000 SF per lot.
- (4) Uses in the TC Zone as identified in § 175-21 (table) with a total gross square footage of between 5,000 SF and 10,000 SF per lot by special permit from the Zoning Board of Appeals.

ARTICLE VIII
Off-Street Parking and Loading Regulations

§ 175-41. Compliance required.

In any district if any structure is constructed, enlarged or extended and any use of land established, or any existing use is changed, after the effective date of this bylaw, parking and loading spaces shall be provided in accordance with the Table of Off-Street Parking Regulations and the Table of Off-Street Loading Regulations. An existing structure which is enlarged or an existing use which is extended after the effective date of this bylaw shall be required to provide parking and loading spaces in accordance with the following tables for the entire structure or use, unless the increase in the number of dwelling units or building floor area amounts to less than 25% of that existing at the time of the adoption of this bylaw, whether such increases occur at one time or in successive stages. In this case only the additional parking spaces required by the increase in area shall be provided.

§ 175-42. Existing spaces.

Parking or loading spaces being maintained in any district in connection with any existing use on the effective date of this bylaw shall not be decreased so long as said use remains, unless a number of parking or loading spaces is constructed elsewhere such that the total number of spaces conforms to the requirements of the tables in this article. This regulation shall not require the maintenance of more parking or loading spaces than is required according to the tables.

§ 175-43. Space area requirement.

A. Off-street parking spaces. All off-street parking area designs shall conform to the following dimensional requirements:

(1) Space dimensions:

(a) Ten feet by 18 feet for perpendicular or angled spaces.

(b) Ten feet by 22 feet for parallel spaces.

(2) Aisle widths:

(a) Twenty-five feet for two-way traffic and/or with perpendicular parking.

(b) Twelve feet for one-way traffic with angled or parallel parking.

B. Loading area.

(1) Each space shall not be less than 12 feet in width and not less than 45 feet in length. Height clearance shall not be less than 14 feet. In all cases, required loading space shall not encroach on customer parking, employee parking, maneuvering space.

- (2) Loading spaces shall be designed to provide adequate off-street maneuvering areas so that it will not be necessary for vehicles to use a public right-of-way in maneuvering into a loading space and so that egress from such areas will not require backing into public streets.

§ 175-44. Off-premises off-street parking.

- A. Required parking spaces shall be on the same lot as the principal use served, or if not reasonably possible, on other property in the same district within 300 feet of the principal use.
- B. Such off-premises parking shall be in possession, by deed or lease, of the owner of the use served. Such required parking shall thereafter be associated with and maintained for the use established and shall not be reduced or encroached upon. The owner of any property to be used for any off-premises parking shall sign a recorded declaration of restrictions with the Town of Abington binding the property to prescribed use as parking until such time as said restriction shall be released by an instrument of the owner and the Town of Abington.

§ 175-45. Joint use of required parking.

Joint use may be made of required parking spaces by intermittent use establishments such as churches, assembly halls, or theaters whose peak parking demand is only at night or on Sundays and by other uses whose peak demand is only during the day. A formal agreement shall be made in writing by the owners of the uses involved concerning the number of spaces involved, substantiation of the fact that such joint use is not overlapping or in conflict, and the duration of the agreement. Required spaces shall be within 300 feet of churches and public assembly halls and 400 feet of other uses.

§ 175-46. Cooperative establishment and operation of parking areas.

Required spaces for any number of uses may be provided in a combined lot or lots, provided that the number of spaces in the combined facility shall not be less than the sum of those required of the individual uses. An allowance may be made, upon formal determination by the Planning Board for night use, or for separate and distinct working shifts, and further provided also that such lot or lots shall be within 300 feet of the principal buildings served.

§ 175-47. Entrance and exit points.

- A. Suitable provision shall be made along all property lines and along the borders of parking areas to prevent entrance upon any public right-of-way except at approved points. No existing curb shall be cut, broken out, or removed except in conformance with an approved site plan or

as authorized by the Building Inspector under the terms of this bylaw.
[Amended 5-21-2018 ATM by Art. 29]

B. Driveways. [Amended 5-21-2018 ATM by Art. 29]

(1) One- and two-family uses:

- (a) No driveway or parking area shall be closer than three feet from a side lot line.
- (b) For lots with 20,000 square feet or less of lot area, no driveway and parking area shall cover more than 40% of the required front yard setback area or existing front yard area, whichever is the smaller area.
- (c) For lots with more than 20,000 square feet of lot area, no driveway and parking area shall cover more than 25% of the required front yard setback area or existing front yard area, whichever is the smaller area.

(2) All other uses. Unless otherwise authorized pursuant to a waiver voted by a majority of the Planning Board:

- (a) No more than one driveway shall be allowed on any street frontage.
- (b) A pair of one-way drives separated by a median may be considered one driveway.
- (c) Driveways shall be no closer than 75 feet to any intersection of street lines, which shall be measured from the midpoint on the radius of the street layout lines.
- (d) Multiple driveways on the same street frontage shall be not less than 75 feet apart.
- (e) No driveway shall be closer than 10 feet to any side or rear lot line.

C. Driveway width shall fall within the following limits:

	Min.	Max.
1-5 family residential	10	20
Multi-family (above 5 dwellings units)	20	30
Commercial and Industrial		
One-way	12	20
Two-way	24	30

§ 175-48. Surfacing requirements. [Amended 5-21-2018 ATM by Art. 29]

Off-street parking areas shall be paved with mix asphalt or other approved hard surface, unless otherwise authorized pursuant to a waiver voted by a majority of the Planning Board. One- and two-family dwellings not part of a larger complex are not subject to these surfacing requirements provided that areas shall be clearly defined.

§ 175-49. Lighting requirements.

All parking areas providing more than 10 spaces and providing access (e.g., walkways) to and from the principal building shall be suitably illuminated as prescribed by the Building Inspector. Lighting shall be so placed or hooded as to prevent direct light from becoming a nuisance to surrounding property.

§ 175-50. Visual relief for lots. [Amended 5-21-2018 ATM by Art. 29]

- A. Parking lots that abut public ways shall be separated there from by at least a ten-foot strip of landscaping (which shall contain at least five trees per 200 linear feet that are at least three inches diameter at four feet above the ground. Parking lots that abut residential districts or existing residential uses shall also provide a minimum ten-foot landscaped buffer strip on the affected side yards.
- B. Parking lots shall contain visual relief from vast expanses of unbroken pavement and cars. In parking areas 10,000 square feet but less than 40,000 square feet in area, landscaping islands containing trees of greater than six feet in height shall be provided at a rate of at least six per 80 parking spaces. At least half of these shall be of a species expected to mature to a height greater than 30 feet. Landscaping in islands shall be protected from damage from parking cars and snow removal operations.
- C. When the total amount of parking on a lot or building site exceeds 40,000 square feet, the parking shall be separated into smaller lots or segments of not more than 20,000 square feet each with dividers at least five feet wide and containing vegetation. In lots of this size cut into a hillside or rolling topography with relief greater than 15 feet, these segments shall be terraced with the slope and the divider strips stabilized against erosion.

§ 175-51. Parking and storage.

- A. No vehicles of any type in inoperable condition or without current license plates shall be parked or stored on any lot in a residential district other than in carports or completely enclosed buildings; provided, however, that one such vehicle may be kept behind the building line of the principal structure in any side or rear yard not

abutting a public street or publicly used area. No large trucks, trailers, or other major transportation equipment shall be parked in any yard between the building line and a public street in any residential zone. Excepting, however, an unregistered vehicle that is the property of an Abington resident on active military service that is parked or stored on his/her lot or the lot of an immediate relative in a residential district.

[Amended 4-3-2006 ATM by Art. 13]

- B. Parking lots where large trucks, trailers, and other major transportation or construction equipment are stored in the front yard area and which are visible from the street shall be screened from the street view by a solid fence at least six feet in height and/or a suitable dense vegetated evergreen buffer, unless otherwise waived or approved by the Planning Board for aesthetic, security or other business reasons. Refer to Article VI, § 175-27. **[Amended 5-21-2018 ATM by Art. 29]**

§ 175-52. Table of off-street parking regulations.

When the computation of parking spaces results in the requirement for a fractional space, any fraction over 1/2 shall require one additional space.

Uses	Number of Parking Spaces
A. Automobile repair garage	One space for each two employees in maximum employment on a single shift, plus one space for each 150 square feet of floor space
B. Bank	One parking space for each 175 square feet of gross floor area on the lobby floor. Office area not on the lobby floor shall be treated in the same manner as business and professional offices. Refer to D below.
C. Bowling alley	Five spaces for each alley.
D. Business, professional, and other offices	One space for each 300 square feet of gross floor area
E. Church, or other place of worship, college, or other institutions of higher learning, business, trade, or other schools, libraries, accessory uses to such facilities, schools, stadiums, and places of public assembly or theater	1 space per each 3 seats of occupancy
F. Dwellings (one-family detached)	Three spaces per dwelling unit

Uses	Number of Parking Spaces
G. Dwellings (single-family attached, multi-family and accessory apartments) [Amended 4-6-2005 ATM by Art. 31; 6-8-2015 ATM by Art. 22]	Each one-bedroom unit, 1.3 spaces, each two-bedroom unit, 2.0 spaces, each three-bedroom unit, 2.6 spaces, each four-bedroom unit, 3.0 spaces, plus 0.5 additional space for each dwelling unit
H. Food and beverage establishment	One space for each three seats or one space for each 50 square feet of net floor area
I. General business, commercial or personal services, service establishment catering to the retail trade, including stores, variety stores, or drugstores	One space for each 300 square feet of gross floor area
J. Hospital	One space for each bed
K. Hotel/motel	One space for each unit, plus additional spaces for any public eating or assembly spaces as required in H and E
L. Manufacturing uses and processing plants excluding warehouse area	One parking space for each two employees during the shift of maximum employment or one space for each 600 square feet of open or enclosed area devoted to the compounding, manufacturing or processing of any goods or articles, whichever is less, plus one space for each vehicle used in conjunction with the business
M. Medical and dental clinics and offices	One space for each 200 square feet of gross floor area
N. Mortuary	One space for each three seats within the chapel or one space for each 20 square feet of floor space not containing fixed seats within the chapel plus one parking space for each 400 square feet of gross floor area within the building outside the chapel
O. Rooming houses, lodging houses, and clubs and fraternities having sleeping rooms	Two spaces for each structure plus one space for each guest room or sleeping unit
P. Sanitariums, rest homes, nursing homes	One space for each two beds

Uses	Number of Parking Spaces
Q. Service stations	Four spaces for each service bay or similar facility
R. Warehouse and storage building	One space for each 4,000 square feet of gross floor area, plus one space for each 400 square feet of office area

§ 175-53. Reduction in parking requirements.

Less parking than required in this article may be permitted by the Planning Board by special permit subject to the following:

- A. The applicant shall demonstrate that lower requirements are appropriate as demonstrated by data from the latest edition of the Institute of Traffic Engineers (ITE) Trip Generation Manual, or from actual trip generation counts from similar uses.
- B. The area which would otherwise be devoted to parking spaces shall be kept in open space use and shall not be built on.
- C. The Building Inspector shall require the unbuilt parking area to be constructed at a later date if parking space is found to be inadequate to accommodate customers, patron, patients and/or employees.

§ 175-54. Location of loading spaces.

The loading spaces required by the Table of Off-Street Loading Requirements shall in all cases be on the same lot as the use they are intended to serve. In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of this bylaw.

§ 175-55. Table of Off-Street Loading Regulations.

Uses	Loading Spaces Required Per 1,000 Square Feet of Floor Area				
	2-15	15-50	51-100	101-150	Over 150
Retail trade, wholesale and storage, industry, communication and utilities	1	2	3	4	1 space for each additional 150,000 SF
Consumer services, hotel and dormitory, institutional, educational	1	1	2	3	

ARTICLE IX

Signs**[Amended 6-8-2015 ATM by Art. 17; 5-21-2018 ATM by Art. 27]****§ 175-56. Purpose and intent.**

The purpose and intent of this Bylaw shall be to assure that all signs be appropriate to the land, building or use to which they are appurtenant; be protective of property values and the safety of the public; and not unnecessarily detract from the historic qualities and characteristics of the Town of Abington without unduly restricting the conduct of lawful enterprise or expression.

§ 175-57. Permit requirements.

- A. General. Except as required by law and as otherwise set forth below, no sign shall be erected, altered or relocated without a permit issued by the Building Department. Where multiple signs are to be attached to a building, the exact location of the signs on the building shall be subject to approval by the Building Department at the time the permit is issued, which approval shall only be withheld due to safety concerns or nonconformity with this Bylaw.
- B. Applications. The applicant must submit to the Building Department a completed sign permit application, together with all supporting materials specifying building and sign dimensions, colors, attachment methods, position and location of the sign, including the height of the bottom and the top of the sign, and any other such pertinent information the Building Department may require to ensure compliance with this Bylaw and any other applicable laws.
- C. Fees. Fees for sign permits shall be paid in accordance with the schedule of fees established by the Board of Selectmen.
- D. Nullification; extension. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of 12 months from the date of the permit. For all sign permits, the Building Department may, in its discretion, issue an extension to the permit expiration date not to exceed six months.
- E. Compatibility with neighborhood and building context. Signs shall be visually compatible with the building, neighboring buildings, and the character of the neighborhood or district in which they are located. Signs shall be carefully located to avoid obscuring important architectural building features, property sightlines, and views.

Sign material(s), scale, coloring, and details should be compatible with the structure or context with which they are associated.

Any sign mounted to a building shall be in a location suitable for that particular sign. The scale and proportions of the sign shall be

compatible with the surrounding building elements, and the materials shall be compatible with surrounding materials. Sign attachment shall be accomplished in such a manner that when the sign is removed, there is no permanent damage to the building or important architectural features.

Relocation of an existing, authorized sign to a new location requires review and approval by the Building Department. A sign which may have been well integrated with its previous location may not necessarily fit as well in a new location.

If lighting is proposed, it shall be placed appropriately given the location with a minimum of wattage and ambient light. All lighting shall comply with the International Dark Sky Association (IDA) "fixture seal of approval" program certification standards. Applicant is responsible for providing such certification to the Building Department.

- F. Inspection. Any sign may be inspected periodically by the Building Department for compliance with this Bylaw. All signs and other advertising structures, together with all their supports, braces, hooks, guys and anchors, shall be of substantial and sturdy construction, shall be kept in good repair and shall be painted or cleaned as often as necessary to maintain a clean, neat, safe and orderly appearance which does not noticeably display any of the following or similar conditions, including but not limited to: peeling paint, visible rust, visible rot, damaged support structures, or missing letters.
- (1) Notice of noncompliance. Written notice shall be given via hand delivery or certified mail to the owner of any sign which violates any section of this Bylaw, and if different, to the property owner upon which the sign is situated. Said notice shall describe the violation and required remedial action to be undertaken in order to bring said sign into compliance and a reasonable deadline to commence said remedial action, which shall not be less than 14 days except in cases of emergency or public safety.
 - (2) Response required. If an effort to bring the sign into compliance is not undertaken and completed within 14 days from the date of notice of violation, the Building Department shall cause the sign to be repaired or removed at the property owner's expense, subject to constitutional limitations, and/or to otherwise enforce this bylaw through noncriminal disposition and fines as provided in the General Bylaws.¹¹
- G. Removal of existing signs and abandoned signs.
- (1) Conforming signs may remain until and unless they violate this Bylaw.

11. Editor's Note: See Ch. 1, General Provisions, Art. I, General Penalty, § 1-2, Enforcement through noncriminal disposition.

- (2) Any existing nonconforming sign legally erected prior to the adoption of this Bylaw may continue to be used and maintained, provided, however, that no such sign shall be enlarged or altered except in accordance with the provisions of this Bylaw.
- (3) Any existing or nonconforming sign associated with a nonseasonal use which has ceased operations for 180 or more days and/or contains or exhibits panels, visible rust, visible rot, damaged support structures, or missing letters or which is otherwise dilapidated, unsightly or unkempt shall be considered an abandoned sign. Such signs are prohibited and may be removed in accordance with this Bylaw.

§ 175-57.1. Administration and penalties.

- A. Enforcement. The Building Department is hereby authorized and directed to enforce all of the provisions of this Bylaw. The Building Department may issue regulations and guidelines as necessary to implement the provisions of this Bylaw.
- B. Removal of signs. The Building Department shall order the removal of any sign erected or maintained in violation of this Bylaw. Fourteen calendar days' notice, in writing, shall be given to the owner of such sign, or of the building, structure, or premises on which such sign is located, to remove the sign or to bring it into compliance with the Bylaw. If the owner fails to come into compliance, the Building Department shall enforce this Bylaw through noncriminal disposition as provided in the Town of Abington General Bylaws Chapter 1, § 1-2.

§ 175-58. General regulations.

- A. Illumination.
 - (1) Internally illuminated signs are not permitted, with the exception that the following types of internally illuminated signs are permitted on properties being used for commercial or business purposes:
 - Directional signs, such as "Enter" or "Exit" or "Parking," which may also include the business logo and which do not exceed two square feet.
 - "Open" and "Closed" signs which do not exceed two square feet.
 - Barber poles on barbershops.
 - Wall signs on buildings which are more than 100 feet from a street or from a driveway which provides access to said building.
 - Internally illuminated freestanding signs are permitted for business and commercial purposes.

- (2) Exterior illumination of signs shall be so shaded, shielded or directed as to create minimum ambient light, and so as not to directly reflect or shine on or into neighboring premises or into any public street. Exterior illumination shall be of the "top down" variety only. All lighting shall comply with the International Dark Sky Association (IDA) "fixture seal of approval" program certification standards. Applicant is responsible for providing such certification to the Building Department.
- (3) Neon "Open" and "Closed" signs not exceeding two square feet are permitted. All other outdoor neon lighting is prohibited.
- (4) No sign or advertising device shall be illuminated between 11:00 p.m. and 6:00 a.m., unless the use associated with said sign is being operated, such as a business open to customers or where an institution or place of public assembly is conducting an activity, illumination shall be allowed during the activity and for not more than 1/2 hour after the activity ceases. This restriction shall not apply to any signs or advertising devices required or related to public properties or public safety such as police and fire departments, hospitals, or as a sign permit may otherwise specifically allow.

B. Location of signs.

- (1) A parallel sign shall project no more than 12 inches from the building facade or surface.
- (2) No awning, canopy or projecting sign shall project more than five feet from the building face or come within two feet of a curpline.
- (3) The bottom of a sign on any awning or canopy shall not be lower than the awning or canopy to which it is attached. The bottom of a projecting sign shall be at least 10 feet above ground level.
- (4) The top of a freestanding sign shall extend no higher than 20 feet above ground level, and the bottom shall not interfere with vehicular or pedestrian traffic. No portion of a freestanding sign shall be located within 10 feet of a lot line.
- (5) On any building with more than three stories, no sign or any portion thereof shall be allowed above the bottom of the sills of third story windows of the building on which it is mounted. On all other buildings, no sign or support for a sign may extend above the cornice line or higher than six feet on any parapet wall of the building to which the sign is attached.

C. Exempted signs. The provisions of this Bylaw shall not apply to the following signs and no sign permit shall be required:

- (1) Nonconforming signs which existed prior to the adoption of this Bylaw.

- (2) Any sign which is required or authorized by any law, rule, regulation or permit of the federal or state government or any agency thereof or any public authority created thereby.
- (3) Any sign erected or placed on Town land or on public ways under the provisions of any Town Bylaw, building or safety code, or by direction or approval of the Town Manager or board or committee having lawful jurisdiction or control over such premises.
- (4) Signs containing the street name and/or number of the building as assigned by the Assessor's office, to be located on the building and/or property in accordance with Chapter 25 of the General Bylaws. Said sign shall not exceed two square feet in residential zones.
- (5) A memorial sign or tablet denoting a historical event or place, or the name of a structure and/or date of its construction, not to exceed four square feet on residential properties or six square feet in other districts, provided that nothing shall limit the authority of the Historical Commission from further regulating signs on duly designated historical structures or within duly designated historical districts.
- (6) Signs containing cautionary messages, such as "Beware of Dog" or "No Trespassing," provided they do not exceed two square feet.
- (7) Any directional or traffic safety sign not exceeding two square feet intending to direct traffic or indicate parking areas or restrictions (such as "Enter," "Exit," "No Parking," etc.), and which may also include the business logo. Provided these signs are erected in compliance with Town Bylaws and state regulations, they shall not be counted in the maximum sign number and sign area requirements for the lot or business.
- (8) Display or expressions of political, religious, ideological, civic or charitable ideas shall be exempt from the provisions of this Bylaw, provided that no such sign shall be affixed to a traffic sign, tree or utility pole in a public way. Signs of such nature shall not exceed the maximum dimensional limitations permitted under this Bylaw.
- (9) One flag displaying the word "Open" of no more than 15 square feet will be allowed per business. Decorative flags are permitted on residences.
- (10) Signs on gasoline pumps indicating in usual size and form the name, type of gasoline and price thereof as required by statute.
- (11) One unlighted ground sign advertising the sale, rental or lease of the premises or any part thereof, provided that such sign shall not exceed six square feet and shall be removed upon completion of the sale, rental or lease transaction.

- (12) One unlighted ground sign in a subdivision of six or more approved lots, or in a multi-unit residential or commercial project, which advertises the sale, rental or lease of individual lots, units or buildings under construction therein, provided that such sign shall not exceed 20 square feet and shall be removed no later than one year after the installation of such sign. A permit may be obtained for such sign after the expiration of said one-year period.
 - (13) One unlighted ground sign on a property which advertises the name and contact information of a contractor, vendor or service provider while such project or work continues, provided that such sign shall not exceed six square feet and shall be removed within seven days after cessation or completion of such work.
 - (14) An A-frame or "sandwich board" style sign which does not exceed six square feet of signage on each side, provided that one such sign per business is displayed only during business hours in a location which shall be located within 10 feet of a business entrance and does not impede pedestrian safety.
- D. Prohibited signs. Unless otherwise permitted in this chapter, the following signs are prohibited:
- (1) Signs which contain or consist of banners, inflatables, feather-type pennants, ribbons, streamers, spinners, other moving devices, or other similar devices and string of lights.
 - (2) Signs which have blinking, flashing or fluttering lights or other illuminating devices which have a changing light intensity, brightness or color, but not to include digital signs or electronic signs.
 - (3) Signs illuminated by other than a stationary white or off-white steady light.
 - (4) Signs which are attached to utility poles, trees, fences, or structures such as overpasses and bridges. Signs attached to other signs are prohibited unless such subsidiary portions are an integral part of the total sign design and part of the permit received from the Building Department.
 - (5) Mechanically activated signs, other than rotating barberpoles.
 - (6) Signs mounted on a vehicle or trailer chassis with or without wheels whose primary function is a sign for commercial advertising and not for the transport of goods or merchandise.
 - (7) Any sign installed at or near an intersection which obstructs free and clear vision, or which by reason of its position, shape, and color or otherwise may create confusion or a hazard to pedestrian or vehicular traffic.

§ 175-58.1. Residential districts.

In a residential district which consists of R20, R30, R40 Districts, the following signs are permitted:

- A. One sign displaying the street address or name of the occupant on premises, or both, not exceeding two square feet in area.
- B. One bulletin or announcement board or identification sign for a permitted nonresidential building or use, not more than 10 square feet in area. For churches and institutions, membership clubs, funeral establishments, hospitals, schools, other places of public assembly, community facilities or public utilities one bulletin or announcement board or identification sign not more than 10 square feet in area is permitted on each building.
- C. One professional or home occupation sign (provided such professional use or home occupation is permitted), or one sign identifying a nonresidential building or use permitted in a residential district, not to exceed six square feet. When more than one business exists on a residential district site, the total area of signs on that site shall not exceed six square feet.
- D. In R-20, R-30 and R-40 zoning districts, one sign identifying each public entrance to a subdivision or multifamily development such as apartments or townhouses, of not more than six square feet in area. In addition, each family unit may be identified by a single sign of not more than one square foot.

§ 175-58.2. Commercial and industrial districts.

In all other zoning districts, the following signs are permitted:

- A. For a structure containing a single commercial or industrial business occupant and which is set back at least 30 feet from a street, a freestanding sign of an area not exceeding 32 square feet. Multiple occupancy business buildings may have one freestanding sign not exceeding 100 total square feet with signboards for tenants provided no sign/placard advertising a single tenant or the name of the building or commercial site may exceed 32 square feet. Where two or more businesses are located in a single building or within attached buildings or within a cluster of buildings sharing a common driveway, only one freestanding sign is permitted.
- B. For a structure containing a single commercial or industrial business occupant, one sign paralleling the street or customer parking area and attached flat to the facade of the establishment advertised as long as such sign does not exceed one square foot in area for each horizontal foot of building frontage.
- C. Multi-occupancy business buildings may also have wall signs per the following provisions:

- (1) Residential-style office or retail buildings. Each unit may have a wall sign near its exterior building entrance, not to exceed three square feet. All signs must be of similar size and design.
 - (2) Multi-floor/multi-tenant industrial-style building. Each unit may have one wall sign not exceeding 32 square feet installed on the portion of the building the business occupies or near its building entrance. All signs must be of similar size and design.
 - (3) Strip mall retail buildings. Each unit may have one wall sign not to exceed 20 square feet. All signs must be generally consistent with other signs on the building. Stores or businesses sharing common private parking facilities such as shopping centers and strip malls may also cooperatively display one ladder sign in view of the public way or site driveway not to exceed 100 square feet in area provided no sign/placard advertising a single tenant or the name of the building or commercial site may exceed 32 square feet. Such ladder sign shall be located adjacent to the parking entrance. One occupant may have a sign on such ladder with dimensions two times as large as all other occupants' signs. All other occupants' signs shall be of the same or similar dimensions.
- D. Where there are three or more businesses on a lot, or there are businesses without an entrance on the street frontage, a directory sign may be permitted for the purpose of traffic direction and control. The size of the directory sign shall not exceed nine square feet plus 1 1/2 square feet per business establishment.
- E. In TOD and CBD zoning districts one sign identifying each public entrance to a subdivision or multifamily development such as apartments or townhouses, of not more than 12 square feet in area.
- F. Retractable or fixed awnings projecting from the wall of a building for the purpose of shielding the doorway or windows from the elements may include signage on the valance. Any signage on a valance shall be in one row only and such signage shall not be included in the calculation of the total permitted sign area for the business, provided that no lettering or symbol is greater than six inches in height.
- G. Projecting signs may be substituted for wall signs with the following provisions:
- (1) All projecting signs on multi-occupancy buildings must be of similar size and design.
 - (2) No projecting sign shall exceed eight square feet.
 - (3) For businesses with entrances on more than one side of a building, a projecting sign shall be allowed to be installed on no more than two sides of the building.

- H. Window signs may not occupy more than 25% of the total window area on any building wall.
- I. Digital signs or electronic signs are allowed only by special permit from the Zoning Board of Appeals, and shall comply with the following minimum requirements:
- (1) Must be part of a nontemporary sign.
 - (2) Messages may not be changed any less than once every 60 seconds, unless a longer time is required by the Zoning Board of Appeals.
 - (3) Does not incorporate any form of scrolling, fading, or movement of any kind as part of the change of message.
 - (4) Does not incorporate any form of animation, moving letters, flashing images or flashing lights.
 - (5) Does not incorporate any form of chasing borders or animation of any kind in the sign structure or message.
 - (6) Does not incorporate or use live or recorded video feed or sound.
 - (7) Sign shall utilize auto dimming to external ambient light conditions.
- J. When signage is part of site plan review pursuant to the Zoning Bylaw, the Planning Board shall review the types of signage, size and location associated with a project under site plan review to determine compliance with this Bylaw. As part of its review, the Planning Board may obtain the written opinion of the Building Department as to whether the proposed signs are in compliance with this Bylaw. Waivers may be granted by the Zoning Board of Appeals in accordance with § 175-58.3 of this Bylaw.

§ 175-58.3. Waivers.

Consideration may be given to an application for a sign or sign program that deviates from the fixed criteria allowed under this Bylaw. In such cases the merits of the specific application will be considered relative to the context in which the signage will be located, particular attention paid to: site distances, visibility, existing and proposed architecture, site and building entrances, neighborhood character, project scale, lighting and historic appropriateness.

A waiver of any regulation of this Sign Bylaw shall require a public hearing before the Zoning Board of Appeals, be thoroughly documented and shall not constitute precedent for similar signage on the same or any other property.

Public hearing. The Zoning Board of Appeals shall hold a public hearing within 45 days of the receipt of a complete application, and shall issue a written decision within 14 days from the time of the closing of the hearing,

unless such time is extended by agreement between the applicant and the said Board of Appeals. Notice of the public hearing shall be given at least seven days prior to the hearing by publication and posting and by first class mail to abutters and abutters to the abutters within 300 feet of the property line of the subject property according to the most recent Assessors' listing.

The Zoning Board of Appeals may grant a waiver by a majority vote if the applicant sufficiently demonstrates to the Board that:

- A. A literal enforcement of the provisions of this Sign Bylaw would involve hardship, financial or otherwise, to the applicant and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of this Sign Bylaw; and
- B. That at least one of the two following conditions exists:
 - (1) The proposed signage is designed to be harmonious with, and not harmful, injurious or objectionable to existing or future uses in the area; and
 - (2) The unique conditions and circumstances are not the result of the actions of the applicant taken subsequent to the adoption of this Sign Bylaw.

§ 175-58.4. Temporary signs.

- A. A sign permit from the Building Department is required for temporary signs. All temporary signs must be installed with permission of property owners and must be removed within the time specified by the Building Department or this Bylaw when the permit is issued. Temporary signs are not to be attached to a utility pole, traffic signs, fences, trees or other vegetation. The Building Inspector or his/her designee shall be authorized to remove and dispose of any signs on public property which violate this restriction.
- B. Temporary signs shall not be illuminated.
- C. Temporary signs shall be located on the property of the business or use they serve, except real estate signs, and shall be limited in size to eight square feet per side.
- D. Temporary signs shall not be located on Town-owned property without written permission from the Town Manager or his designee.
- E. Temporary signs to identify a new business or use, which comply with the requirements for permanent signs, shall be allowed for up to one year while a new business is being established.
- F. A sign permit is required for temporary signs in all cases except for the following:

- (1) Political, ideological, charitable, civic or religious message signs with the permission of the property owner.
- (2) Yard sale signs being displayed no more than two days prior to the event and removed within 24 hours following the sale. Yard sale signs shall not be installed on Town-owned or publicly owned lands, including commons, parks and open space.
- (3) Contractor or vendor signs (up to six square feet in total area) being displayed while the specific contractor or vendor is actively at work, or for no more than seven days following final building permit inspection, completion or suspension of such work. Business event signs, such as advertising an intermittent "sale," agricultural or unique product, when such signs are in compliance with temporary sign regulations and are attached to or part of an approved sign framework.
- (4) Freestanding special event signs for institutional, religious or not-for-profit organizations, which comply with temporary sign regulations. Such signs are not to be displayed for more than two weeks prior to the event, and are to be removed within two days following the event. No more than one such temporary sign shall be displayed on the same property.
- (5) "Grand Opening," "Open House" or celebratory signs, such as to welcome a returning soldier, up to 25 square feet, which are displayed for not more than two weeks.
- (6) A single small window sign, which is less than 1.5 square feet in size, not illuminated, displayed for not more than two weeks, and not displayed in conjunction with any other temporary sign posted in a window at the same address.
- (7) Signs pertaining to the lease or sale of a lot or building, provided that such signs do not exceed a total area of six square feet, until such time as all lots, apartments or buildings have been rented or sold.

§ 175-58.5. Special provisions.

- A. Off-premises sign. Requires a permit and a waiver from the Zoning Board of Appeals and must have the property owner's written permission.

§ 175-58.6. Definitions.

As used in this Bylaw, the following words shall have the meanings indicated:

AREA OF SIGN — The area of a sign shall include all lettering and accompanying symbols or designs, together with the background, whether

open or enclosed, on which they are displayed. The area shall not include basic supporting framework and bracing.

The area of a sign painted directly upon a building shall include all lettering and accompanying designs or symbols, together with any background of a different color than the finished material of the building face on which the sign is painted.

The area of a sign consisting of individual letters or symbols painted or attached to a building, wall, or window shall be the area of the smallest rectangle or triangle which encompasses all of the letters or symbols.

A double-faced sign with a maximum of two faces shall be deemed to be one sign having an area equal to the area of one side.

BUILDING DEPARTMENT — The Building Inspector or his/her designee.

BUSINESS ESTABLISHMENT — An independent economic unit, in a single physical location, conducting a business.

DIGITAL OR ELECTRONIC SIGN — A computerized or otherwise programmable electronic visual communication device used for advertisement purposes for goods and services, specifically manufactured for the outside environment.

FRAMEWORK — A decorative and/or functional structure designed to securely hold a changeable temporary sign panel and constructed of material(s) and a theme that are compatible with the building, use, or site which they serve.

FREESTANDING SIGN — A sign which is not attached to a building.

ILLUMINATED SIGN — A sign whose surface is lighted, internally or externally, and which identifies, advertises or attracts attention to a use or activity on the premises.

ILLUMINATED SIGN (EXTERNALLY) — Sign where the source of the illumination is outside the sign and light is reflected off the surface of the sign.

ILLUMINATED SIGN (INTERNALLY) — Signs where the source of the illumination is inside the sign or from behind the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source.

OFF-PREMISES SIGN — Any sign which announces, advertises or gives directions to a business, commodity, service, activity or person elsewhere than the lot or building where the sign is located.

PROJECTING SIGN — A sign supported by a building wall that is attached perpendicularly or at an angle to the wall on which it is mounted.

SIGN — Any object, device, display or structure, or part thereof, which is placed outdoors or which is placed indoors but intended to be visible from the outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. "Sign"

shall include, without limiting the generality of the foregoing, billboards, pennants, ribbons, streamers, moving devices, marquees, and similar devices. "Sign" shall not include national, state or municipal flags, athletic scoreboards, official announcements or signs of the government, or temporary holiday decorations customarily associated with any national, local or religious holiday.

TEMPORARY SIGN — A sign or advertisement designed and intended to be displayed for a limited period of time and not permanently mounted. Some examples of temporary signs include special event signs and construction signs.

§ 175-59. Severability.

The invalidity of any section or provision of this Bylaw, or its application to any sign, shall not invalidate any other section or provision, or the application of the Bylaw to any other sign.

§ 175-60. Interpretation; conflicts.

This Bylaw is not intended to interfere with, abrogate or annul any other bylaw, regulation, statute, or other provision of law. Where any provision of this Bylaw imposes restrictions different from those imposed by any other regulation, bylaw, or other provision of law, whichever provisions are more restrictive or impose higher standards shall apply.

ARTICLE X
Environmental Performance

§ 175-61. General.

The requirements and regulations set forth in this section apply to all developments under this bylaw.

§ 175-62. Sewerage.

The disposal of sanitary wastes shall be accomplished in a safe and adequate manner subject to the rules and regulations of the Abington Board of Health and the Massachusetts Department of Environmental Protection. The proposed method of sanitary sewage disposal shall be shown precisely on plans.

§ 175-63. Surface water drainage.

All surface water drained from roofs, parking lots, streets, and other site features shall be disposed of in a safe and efficient manner and shall not create problems of water runoff or erosion on the site in question or on other sites. Insofar as possible, natural drainage courses, swales properly stabilized with plant materials or paving when necessary, and drainage impounding areas shall be utilized to dispose of water on the site through natural percolation.

§ 175-64. Erosion control.

- A. All slopes shall be stabilized by adequate ground cover or other approved means to prevent erosion and to retard excessive runoff. Means of preventing erosion during construction shall be provided to the satisfaction of the Building Inspector.
- B. Natural slopes shall be retained insofar as possible when sitting structures. Finish contours shall direct surface drainage around structures rather than directly against them, using swales or other approved means.
- C. No portion of any lot whose slope equals or exceeds 20% shall have any structure built on it except by special permit from the Board of Appeals.
- D. Upon completion of grading and replacement of topsoil, slopes shall be appropriately stabilized according to the following guidelines: slopes greater than 35% should be avoided in most cases; slopes between 25% and 35%, riprap or terracing should be used; slopes between 10% and 25%, sod, or established vegetation or seedlings in association with webbing material placed over the soil; slopes between 4% and 10%, plant seed in association with webbing placed over the soil, or heavy mulch or gravel.

§ 175-65. Vegetation.

- A. Natural tree coverage and other desirable natural foliage shall be preserved on all lots to the maximum extent possible.
- B. Outside of areas of actual construction activity all trees of greater than five inches diameter at four feet above the ground should be preserved. If a lot is covered with mature trees of greater than five inches breast height diameter, they should not be thinned by more than 50%. In all residential areas, upon completion of construction, there shall be an average minimum of four trees per dwelling unit, at least two of which shall be on each lot or, in the case of multi-family residential, within 50 feet of each dwelling unit. Such trees shall be of a species suited to the soil and climate of the area, shall be in healthy condition, and shall be a minimum of 12 feet in height and 2 1/2 inches in diameter 18 inches above ground level. Such trees may be planted by the developer if existing trees cannot be saved.

§ 175-66. Buffer strips.

In order to protect residential land uses from potential noxious or disruptive effects of adjacent land uses of different character, the following buffer areas shall be provided:

- A. Where commercial, multi-unit residential or industrial uses adjoin existing residential properties or residential districts, whether developed or undeveloped, adequate buffering shall be provided along all lot lines adjoining the residential properties in addition to that required in § 175-29. A buffer strip of at least 20 feet in width shall be reserved and screening shall be provided in the form of a natural growth of trees, if existing; or a natural growth of trees and thick planting; or a double row of evergreen trees not less than eight feet in height and not more than 20 feet apart, the spacing of one row centered on the spacing of trees in the other; or a solid screen types fence six feet in height complemented by suitable plantings.
- B. Buffer strips shall be in conformance with the provisions of § 175-27.
- C. The owner of property adjacent to residential properties shall cause the buffer zones to be provided and constructed at such time as the property is developed as permitted under this bylaw.
- D. Established business and industrial properties actively engaged in business at the time of acceptance of this bylaw shall not be required to provide the buffer zone construction until such time that additions or alterations are made to such properties.
- E. The owner of said properties shall be required to maintain buffer strips in a clean and safe manner. Any trees or plantings which die shall be replaced.
- F. Any fencing or buffering along lot lines intersecting with a street shall be required to either terminate or be no higher than four feet within 20 feet from the street line, and shall in any event terminate at least

10 feet in from the street line. Strict compliance with these buffering requirements of § 175-66 may be waived or adjusted by a majority vote of the Planning Board during site plan review when good cause is shown, including, but not limited to, proposed topography and building locations, aesthetics and sight lines, existing vegetation on the locus and/or abutting properties which will likely remain, or other characteristics of the locus property and/or abutting properties. **[Added 6-8-2015 ATM by Art. 18]**

- G. No residential front yard may be completely enclosed by a solid fence, unless the portion of the fencing running parallel to any street is no higher than four feet, and no portion of the solid fence is located within 10 feet of any street line, or take any other action relative thereto. **[Added 6-8-2015 ATM by Art. 18]**

§ 175-67. Other site features.

All service areas, loading areas, outdoor storage, utility structures, mechanical equipment, garbage disposal facilities, or other utility facilities shall be located or visually screened so as not to create hazards, visual or other nuisances such as odor or attraction of vermin. Light fixtures, walls, fences, benches, recreation facilities, and other such site appurtenances shall be harmoniously designed, constructed, and located in relation to other site features.

§ 175-67.1. Outdoor lighting. [Added 4-7-2004 ATM, Art. 10]

- A. The purpose of this bylaw provision is to create standards for outdoor lighting so that its use does not unreasonably interfere with the reasonable use and enjoyment of property within Abington. It is the intent of this section to encourage, through the regulation of the types, construction, installation and uses of outdoor electrically powered illuminating devices, lighting practices and systems that will:
- (1) Reduce light pollution, light trespass and glare in order to preserve and enhance the natural, scenic, and aesthetic qualities of Abington;
 - (2) Conserve energy and decrease lighting cost without decreasing nighttime safety, security, and productivity; and
 - (3) Preserve the night sky as a natural resource to enhance nighttime enjoyment of property within Abington.
- B. The requirements of this section shall apply to all zoning districts, but shall exclude one- and two-family residential uses.
- C. Definitions. Except as noted hereinafter, all definitions are provided in the Zoning Bylaw. Unless the context clearly indicates otherwise, certain words and phrases used in this section shall have the meaning indicated below. Although set forth here for convenience, the terms shall have the same effect as if set forth in Article II, Definitions.

COLOR RENDERING INDEX (CRI) — A measurement of the amount of color shift that objects undergo when lighted by a light source as compared with the color of those same objects when seen under a reference light source of comparable color temperature. CRI values generally range from zero to 100, where 100 represents incandescent light.

COLOR TEMPERATURE — Color temperature or chromaticity refers to the color appearance of the light that comes from a light source, also referred to as correlated color temperature (CCT). The apparent color of a light source is measured in degrees Kelvin or "K." A low color temperature corresponds to "warm." Incandescent lamps are in the range of 2,700 degrees K. "Cool" light comes from sources such as cool white fluorescent lamps operating at 4,100 degrees K. Lights appear bluer above 4,100 degrees K.

CUTOFF ANGLE — The angle formed by a line drawn from the direction of the direct light rays at the light source with respect to the vertical, beyond which no direct light is emitted.

DIRECT LIGHT — Light emitted directly by a lamp, off a reflector, or through a refractor of an outdoor light fixture or luminaire.

EFFICACY — Efficacy is the rate at which a lamp is able to convert electrical power (watts) into light (lumens), expressed in terms of lumens per watt.

FILTERED — When referring to an outdoor light fixture means that the fixture is to be fitted with a glass, acrylic, or other translucent enclosure of the light source.

FIXTURE — The assembly that houses a lamp or lamps, and which may include a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor, lens, or diffuser lens.

FULLY SHIELDED LUMINAIRE — A lamp and fixture assembly designed with a cutoff angle of 90 degrees, so that no direct light is emitted above a horizontal plane.

GLARE — Light emitted from a luminaire with intensity great enough to produce unreasonable annoyance, discomfort, or a reduction in a viewer's ability to see.

HEIGHT OF LUMINAIRE — The vertical distance from the finished grade of the ground directly below to the lowest direct light emitting part of the luminaire.

INDIRECT LIGHT — Direct light that has been reflected off other surfaces.

LAMP — The component of an outdoor light fixture that produces light.

LIGHT TRESPASS — The shining of direct and/or reflected light produced by a luminaire beyond the boundaries of the property on which the outdoor or indoor light fixture is located.

LUMEN — A measure of light energy generated by a light source. One footcandle is one lumen per square foot. For purposes of the bylaw, the lumen output shall be the initial lumen output of a lamp, as rated by the manufacturer.

LUMNAIRE — Complete lighting unit, consisting of one or more lamps (bulbs or tubes that emit light), along with the socket and other parts that hold the lamp in place and protect it, wiring that connects the lamp to a power source, and a reflector that helps direct and distribute the light.

SHIELDED — When referring to an outdoor light fixture means that the fixture allows no up light and/or light trespass.

UP LIGHT — Direct light emitted by an outdoor light fixture above a horizontal plane through the fixture's lowest light emitting part.

- D. Shielding. All outdoor light fixtures subject to this bylaw shall be shielded.
- E. Prohibited light sources.
 - (1) Mercury vapor and quartz lamps. For the purposes of this bylaw, quartz lamps shall not be considered an incandescent light source.
 - (2) Laser source light. The use of laser source light or any similar high-intensity light for outdoor advertising, when projected above the horizontal, is prohibited.
 - (3) Searchlights. The operation of searchlights for advertising purposes is prohibited except by special permit.
- F. Metal halide lighting. All outdoor light fixtures utilizing a metal halide lamp or lamps shall be shielded and filtered. Filtering using quartz glass does not meet this requirement.
- G. Outdoor advertising signs. Outdoor light fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. Where internally illuminated signs are proposed only cool temperature lighting may be used.
- H. Outdoor lighting plan.
 - (1) Wherever outside lighting is proposed, every application for a building permit, a special permit, a special permit with site plan review, a variance, or an electrical permit for exterior lighting or lighted sign shall be accompanied by a lighting plan, which shall show:
 - (a) The location and type of any outdoor lighting luminaries, including the height of the luminaire;
 - (b) The luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles;

- (c) The type of lamp, such as: metal halide, compact fluorescent, high-pressure sodium with color temperature (Kelvin) and CRI indicated;
 - (d) A photometric plan showing the intensity of illumination at ground level, expressed in footcandles; and
 - (e) That light trespass onto any street or abutting lot will not occur in excess of 0.5 footcandles within 25 feet beyond the lot line. This may be demonstrated by manufacturer's data, cross section drawings, or other means. Minor violations of this standard may be waived by the SPGA or the Zoning Enforcement Officer where the objectives of § 175-67.1A will be achieved. **[Amended 6-8-2015 ATM by Art. 20]**
 - (f) The requirement of submission of a photometric plan may be waived by the applicable permit granting authority if the proposed location, height, luminaire specifications and other relevant information demonstrate that no light trespass issues will occur. **[Added 6-8-2015 ATM by Art. 20]**
- (2) When an existing outdoor lighting installation is being modified, replaced, extended, expanded, or added to, the entire outdoor lighting installation on the lot shall be subject to the requirements of this section.
- (3) Standards:
- (a) All outdoor light fixtures subject to this bylaw shall be shielded and control glare and light trespass.
 - (b) All outdoor light fixtures using a metal halide lamp or lamps shall be shielded and filtered. Filtering using quartz glass does not meet this requirement.
 - (c) Any luminaire with a lamp or lamps rated at a total of more than 2,000 lumens shall be of fully shielded design and shall not emit any direct light above a horizontal plane passing through the lowest part of the light emitting luminaire.
 - (d) All luminaires, regardless of lumen rating, shall be equipped with whatever additional shielding, lenses, or cutoff devices are required to eliminate light trespass onto any street or abutting lot or parcel and to eliminate glare perceptible to persons on any street or abutting lot or parcel. This shall not apply to any luminaire intended solely to illuminate any freestanding sign and/or the walls of any building, but such luminaire shall be shielded so that its direct light is confined to the surface of such sign or building.

- (e) All lamps subject to this bylaw shall have a minimum color temperature of 2,000 degrees K and a maximum color temperature of 3,700 degrees K.
 - (f) Lamp types shall be selected within the allowable color temperature range of 2,000 to 3,700 degrees Kelvin, for optimum color rendering as measured by their color rendering index (CRI), as listed by the lamp manufacturer.
 - (g) The use of highly efficient lamp sources in conformance with this bylaw is encouraged.
- I. Hours of operation. Outdoor lighting and/or outdoor illuminated signs for commercial and industrial uses shall not be illuminated between 11:00 p.m. and 6:00 a.m., with the following exceptions:
- (1) If the use is being operated, such as a business open to customers, or where employees are working or where an institution or place of public assembly is conducting an activity, normal illumination shall be allowed during the activity and for not more than 1/2 hour after the activity ceases;
 - (2) Low-level lighting sufficient for the security of persons or property on the lot may be in operation between 11:00 p.m. and 6:00 a.m., provided the average illumination on the ground or on any vertical surface is not greater than 0.5 footcandle.
- J. Wall pack lighting: shall not be used as direct illumination beyond 25 feet off the face of any building or structure. **[Amended 6-8-2015 ATM by Art. 20]**
- Exception: Decorative lighting fixtures with 70 watt maximum light fixture and municipal uses.
- K. Special permits. When site plan review is required, the Planning Board shall act as the special permit granting authority (SPGA) under this section, and otherwise the Zoning Board shall act as the SPGA. The SPGA may grant a special permit modifying the requirements of this section. **[Added 6-8-2015 ATM by Art. 20]**

ARTICLE XI

Nonconforming Uses, Structures, and Lots**§ 175-68. Applicability.**

The provisions of this article apply to nonconforming uses, structures and lots as created by the initial enactment of this Bylaw or by any subsequent amendments.

§ 175-69. Continuance and enlargement.

Any lawful use of any structure or land or both may be continued although not conforming with the provisions of this bylaw, but no such lawfully nonconforming use or structure shall be changed, extended or enlarged in any manner except as provided for herein.

§ 175-70. Abandonment.

- A. Abandonment. If any nonconforming use of land or of a building is discontinued for a period of two years or more such land or building shall thereafter be used or developed only in accordance with the terms of the Abington Zoning Bylaw for the zoning district(s) in which such property is located.
- B. Restoration. Any nonconforming building or structure which has been damaged or destroyed by fire or other casualty may be repaired or rebuilt, provided, however, that the repaired or rebuilt structure shall be no less conforming than the structure that was so damaged or destroyed. All such reconstruction must commence within two years from the date of said damage or destruction. **[Amended 4-6-2005 ATM, Art. 27]**

§ 175-71. Reduction.

- A. Any nonconforming lot or open space on the lot (including but not limited to yards, setbacks, courts, or building area) if already smaller than that required shall not be further reduced so as to be in greater nonconformity. Any conforming lot or conforming setbacks on the lot shall not be reduced so as to not conform with the requirements of this bylaw.
- B. Any off-street parking or loading spaces, if already equal to or less than the number required to serve their intended use, shall not be further reduced in number.

§ 175-72. Change of use.

- A. Any nonconforming use of a structure may be changed to another nonconforming use, provided the new use is not a substantially different use, as provided below and approval for such change is granted a special permit by the Board of Appeals. For the purpose

of this section, a substantially different use is a use which by reason of its normal operation, would cause readily observable differences in patronage, service, sight, noise, employment or similar characteristics, from the existing nonconforming use.

- B. If any nonconforming use is changed to a conforming use, it shall not thereafter be put into any nonconforming use.

§ 175-73. Moving.

Any nonconforming structure shall not be removed to any other location on the lot or any other lot unless every portion of such structure, and the use thereof, shall be conforming without the the issuance of a special permit by the Zoning Board of Appeals.

§ 175-74. Unsafe structure.

Any structure determined to be unsafe may be restored to a safe condition provided that such work on any nonconforming structure shall not place it in greater nonconformity.

ARTICLE XII
Administration and Enforcement

§ 175-75. Administration officer and duties.

This bylaw shall be administered by the Building Inspector except as otherwise stipulated in this bylaw or in Chapter 40A of the Massachusetts General Laws. Duties of the Building Inspector under this bylaw shall include the receiving of applications, issuing building and use permits, inspection of premises, issuing certificates of occupancy, action on violations, and any other lawful actions necessary to assure conformance with this bylaw.

§ 175-76. Permits.

- A. It shall be unlawful for any person to erect, construct, reconstruct, or alter a structure without applying for and receiving from the Building Inspector a building permit.
- B. Such permits shall be applied for in writing to the Building Inspector.
- (1) The Building Inspector shall not issue any such permits unless the plans for the buildings, and the intended use thereof in all respects fulfill the provisions of this bylaw, except as may have been specifically permitted otherwise by action of the Board of Appeals, provided a written copy of the terms governing any such permission be attached to the application and to the resulting permit issued.
 - (2) No building permit shall be issued without the approval and endorsement of the Water Dept. Sewer Department and/or the Board of Health, except those permits for which the Water Dept. Sewer Department and/or the Board of Health have previously notified the Building Inspector that their approval is not necessary.
 - (3) One copy of each such permit issued, including any conditions or exceptions attached thereto, shall be kept on file in the office of the Building Inspector; one copy sent to the applicant.
- C. Each application for a permit to build, alter, or move a building shall be accompanied by three copies of a plot plan of the proposed development. This plot plan shall be drawn to a usable scale, normally not smaller than one inch equals 10 feet for small proposals, or one inch equals 40 feet for large proposals.
- (1) Such plan shall include:
 - (a) Location map;
 - (b) Actual size and shape of lot and structures, including foundation elevations;
 - (c) Dimensions, areas and location of sewage disposal systems;

- (d) Abutting streets and ways, including approved street grades;
 - (e) Existing sanitary sewers, storm drains and water pipes in any street shown;
 - (f) Location of existing buildings on adjacent lots;
 - (g) Existing conditions and features of the proposed lot including contours at two-foot intervals;
 - (h) Parking, screening, landscaping and other site elements required under this bylaw;
 - (i) Proposed finish grading at two-foot contour intervals, and all provisions for drainage affecting the site or adjacent properties; Such other information as the Building Inspector may reasonably require, including a plan of the entire subdivision in the case of single-family homes.
- (2) For additions to existing single-family homes, or for additions to other uses which would be less than 750 square feet in area, which would not be in any required yard, the Building Inspector may require only the size and shape of the lot, the existing structure, and the proposed addition be shown on the plan submitted.

§ 175-77. Site plan review.

A. General provisions.

- (1) Except as provided herein, no building construction, renovation or alteration; excavation or foundation activities; or change in use shall be initiated unless a site plan is first submitted and approved by the Planning Board acting as the reviewing authority and a building permit is issued by the Building Inspector; and no certificate of occupancy shall be given unless all construction and conditions conform to the approved site plan.
- (2) The following activities shall not require a site plan review or approval:
 - (a) The construction of or addition to single- and two-family detached residences and accessory uses to single- and two-family detached residences, such as: private garage, tool house, garden greenhouse, swimming pool or other similar use;
 - (b) Repairs or improvements to the interior of a building that do not involve a structural change or enlargement of the building as determined by the Building Inspector;
 - (c) Renovations or alterations to a building exterior which may include a vertical structural change and/or an extension or enlargement of the building of not more than 20% of the

existing footprint's gross square area, so long as said change, extension or enlargement does not violate any height or setback requirements or encroach into any wetland areas.

[Amended 6-8-2015 ATM by Art. 25]

- (3) Notwithstanding the provisions of Subsection A(2) above, the Building Inspector shall require a site plan review and approval by the Planning Board if, in his/her judgment, the proposed construction, alteration or change of use will negatively and substantially affect existing traffic circulation, drainage, landscaping, lighting, off-street parking or other elements of the environment. **[Amended 6-8-2015 ATM by Art. 25]**
 - (4) Where a small addition (an addition to a principal building less than 2,000 square feet) to an existing structure is proposed, the standards established by the bylaw shall be applicable only to the new addition.
 - (5) A public hearing with notification to abutters per Chapter 40A Section 11 shall be required for all commercial or industrial site plans that meet or exceed one or more of the following thresholds: **[Amended 4-2-2007 ATM by Art. 11]**
 - (a) Total floor area on the lot is equal to or greater than 20,000 SF.
 - (b) Total parking spaces required by Article VIII, § 175-52 of this Bylaw is 50 or greater.
 - (c) Total vehicle trips per day generated by the proposed use or uses exceeds 400 vehicle trips per day as determined by the Institute of Traffic Engineers (ITE) manual (current edition).
 - (d) Projects which encroach into a residential zoning district per § 175-13.
- B. Site plan submission requirements are set forth as follows:
- (1) The plan submitted shall be drawn to a scale of at least one inch equals 40 feet, and shall be prepared by a registered professional engineer and/or registered professional land surveyor as appropriate.
 - (2) There shall be submitted at the same scale as the site plan a professionally surveyed plan of existing site features including the size of the property; the existing and proposed topography at two foot contour intervals; general soil types as indicated on soil maps available from the U.S. Soil Conservation Service; vegetation cover including accurate locations of wooded areas and major trees, as well as roads, structures, or other significant features.
 - (3) A locus map shall be included to indicate the location of the property within the Town. This map shall include the zoning district(s) for the area.

- (4) In order to allow adequate consideration of the surroundings, a plan of adjacent properties shall be presented at a scale of not less than one inch equals 100 feet or at the same scale as the site plan if practical. This plan shall show the general characteristics of all lands within 300 feet of the proposed site, including structures, parking areas, driveways, pedestrian ways, and significant natural features.
- (5) The site plan and any other drawings necessary shall precisely indicate at least, but not necessarily be limited to, the following:
 - (a) Area of the site.
 - (b) Proposed uses of the land.
 - (c) Vehicular and pedestrian circulation system, including pavement widths and rights of way.
 - (d) Parking.
 - (e) Buffers and all landscaping.
 - (f) All proposed structures, including their exact location, relation to topography, height and bulk.
 - (g) Number and type of dwelling units, if any.
 - (h) Service access and facilities for all structures or uses including garbage and trash disposal facilities.
 - (i) Location of all existing and proposed utilities for water supply and sewerage.
 - (j) All site drainage including natural courses and storm drains including drainage calculations.
 - (k) The location of all open space including its intended use, natural trees and foliage to be maintained, specific new planting by size and location, and the organization or owner intended to own and maintain same.
 - (l) Finish contours of the topography, measures and structures to minimize soil erosion during construction.
 - (m) Significant site appurtenances such as walls, light poles, and recreation areas.
 - (n) Date, true North point, and the name of the owner and applicant.
 - (o) Complete property dimensions, area, setbacks, zoning, including overlay zoning, and assessors reference.

- (p) Location of property on flood plain maps as well as the location of all waterbodies, or wetlands on or within 100 feet of the property, if applicable.
 - (q) A design for the storm drainage systems prepared by a registered professional engineer demonstrating that post development rates do not exceed that pre-development rates.
 - (r) Location of all existing and proposed easements.
 - (s) Location of all outdoor refuse disposal areas, which shall be screened.
 - (t) Lighting plan showing location, direction, and intensity of all existing and proposed lighting.
 - (u) Location, size, and type of signs.
 - (v) Elevation sketches or photographs indicating the proposed exterior architectural appearance of the building(s). **[Added 5-22-2017 ATM by Art. 18]**
- C. Site plan review and approval.
- (1) The Planning Board, acting as reviewing authority shall adopt and from time to time amend rules relative to the form, content, style, number of copies of plans and specifications, and the procedure for submissions and approval of such application. A copy of said rules shall be filed in the office of the Town Clerk.
 - (2) The reviewing authority shall evaluate each application on the basis of protecting the health, safety, and welfare of the prospective occupants, the occupants of neighboring properties, the provision of adequate services, and to preserve and enhance amenities of the Town. In addition to compliance with land space and building space requirements, each application shall provide for:
 - (a) Traffic safety and ease of access at street and highway entrances and exits of driveways, including proper grades, sight distances, and distances between driveway entrances, exits and the nearest existing street or highway intersections;
 - (b) Safety and adequacy of driveway layout, off-street loading areas for materials and products, off-street loading sites for customers, and sufficiency of access for service vehicles and emergency vehicles;
 - (c) Adequacy of pedestrian walks to include maximum safety and separation from vehicular traffic and to provide access to nearby open spaces or other pedestrian destinations when possible;

- (d) Safe and adequate means of disposal of sewerage, garbage and rubbish with visual screening of these facilities when needed, and safety and adequacy of water supply and distribution;
- (e) Assurance of proper means to handle storm-water drainage and snow melt runoff from all areas on the site;
- (f) Adequacy of night lighting as appropriate for safe use of streets, parking areas, and walks.
- (g) Appropriateness of the proposed exterior architectural appearance, specifically that it generally conforms to the Historical New England character of the Town or the general character of existing surrounding structures. **[Added 5-22-2017 ATM by Art. 18]**

§ 175-78. Certificate of occupancy.

- A. It shall be unlawful to occupy any structure or lot for which a building or use permit is required herein without the owner applying for and receiving from the Building Inspector a certificate of occupancy.
- B. The certificate of occupancy shall state that the building and use comply with the provisions of the Zoning Bylaw and of the Building Code in effect at the time of issuance. The Building Inspector shall consult with the Board of Health or its designated agent prior to issuing said certificate and, in the case of structures in a subdivision undergoing development, with the Planning Board.
- C. A certificate of occupancy shall be required for any of the following in conformity with the Building Code and this bylaw:
 - (1) Occupancy and use of a building hereafter erected or structurally altered.
 - (2) Change in use of an existing building or the use of land to a use of a different classification.
 - (3) Any change in use of a nonconformation structure or use.

§ 175-79. Permit and certificate fees.

Fees shall be as established by the Board of Selectmen.

§ 175-80. Enforcement.

The Board of Selectmen shall enforce the provisions of this bylaw through the Building Inspector, as provided in this section, but nothing in the bylaw shall authorize the Board of Selectmen to issue a permit to any person for the constructing, reconstructing, extending or repairing a building or structure or for using a building, structure or lot.

- A. If a written complaint is made to the Selectmen or the Selectmen have reason to believe that any provision of this bylaw is being or is about to be violated, they shall make or cause an investigation to be made of the facts. Where complaint is made to the Selectmen, they shall take action upon such complaint within 14 days of receipt thereof and shall report such action in writing to the complainant.
- B. If the Selectmen find no violation or prospective violation, any person aggrieved by their decision, or any officer or Board of the Town, may within 10 days appeal to the Board of Appeals.
- C. If the Selectmen find a violation or prospective violation they shall give immediate notice in writing to the owner and to the occupant of the premises and shall order him to cease and desist and refrain from such violation. Any person aggrieved by their decision, or any officer or Board of the Town, may within 10 days appeal to the Board of Appeals.
- D. If, after such order, such violation continues and no appeal to the Board of Appeals is taken within 10 days, the Selectmen shall forthwith make application to the Superior Court for an injunction order restraining the violation and shall take such other action as is necessary to enforce the provisions of the bylaw.
- E. If after action by the Selectmen, appeal is taken to the Board of Appeals, and after a public hearing, the Board of Appeals find that there has been a violation or prospective violation, the Selectmen shall issue an order to cease and desist and refrain from such violation unless such order has been previously issued under § 175-80C.
- F. If such violation then continues, the Selectmen shall forthwith make application to Superior Court for an injunction or order restraining the violation and shall take such other action as may be necessary to enforce this bylaw.

§ 175-81. Violations and penalties.

Penalties for violations of any provision of this bylaw may upon conviction be affixed in an amount not to exceed \$300 for each offense. Each day, or portion of a day, that any violation is continued shall constitute a separate offense.

§ 175-82. Board of Appeals.

- A. Membership. There shall be a Board of Appeals of three members and two associate members.
- B. Appointment. Members of the Board in office at the effective date of this bylaw shall continue in office. Hereafter, as terms expire or vacancies occur, the Board of Selectmen shall make appointments pursuant to the Zoning Enabling Act. All members of said Board shall be residents of the Town.

C. Rules. The Board shall adopt rules to govern its proceedings pursuant to Chapter 40A and 40B. Such rules shall be public and a copy of same shall be filed with the Town Clerk.

D. Powers. The Board of Appeals shall have the following powers:

- (1) To hear and decide upon an appeal by any officer or Board of the Town, or by any person aggrieved by any order or decision of the Building Inspector, or Selectmen, in violation of any of the provisions of Chapter 40A of the General Laws of the Commonwealth of Massachusetts or any amendments thereto, or any provisions of this bylaw.
- (2) To hear and decide applications for special permits as provided by sections of this bylaw.

Any special permit granted by the Board of Appeals shall lapse if substantial use or construction has not commenced within two years of the expiration date of the appeal period, or such time required to pursue or await the determination of an appeal whichever is later unless otherwise stated elsewhere in this Zoning Bylaw.

In case of conflict Chapter 808 of the Acts of 1975 as amended of the Commonwealth of Massachusetts shall govern.

- (3) To authorize a variance for a particular use of a parcel of land or for an existing building thereon after public hearing for which notice has been given by publication and posting as provided in Article XII, § 175-82E of this bylaw and by mailing to all interested parties. To grant upon appeal or upon petition with respect to particular land or structures a variance from the terms of this bylaw where the Board specifically finds that owing to circumstances relating to soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and the desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially deviating from the intent of this bylaw. The Board may impose conditions, safeguards, and limitations both of time and for use, including the continued existence of any particular structures but excluding any condition, safeguards or limitation based upon the continued ownership of the land or structures to which the variance pertains by the applicant, petitioner or any owner. If rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse and may be reestablished only after new notice and public hearing.

E. Public hearings. The Board of Appeals or the special permit granting authority as the case may be shall hold a public hearing within 65 days

from the receipt of an appeal or a petition, or a request for a special permit, give notice thereof in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication being not less than 14 days before the hearing, and by mailing postage prepaid a copy of such advertisement to the applicant and to each owner as appearing on the most recent tax list of land abutting and to the abutter of the abutters of within 300 feet of the lot of land in question, whichever distance is greater. All fees for required advertising shall be assumed and paid by the applicant directly to the newspaper in which the advertisement is carried. Legal notice is to be composed according to the requirements of Chapter 40A, and shall be constructed by the Zoning Board of Appeals or the special permit granting authority. All postage for required abutter notification will be provided by the applicant to the secretary of the Zoning Board of Appeals or SPGA , as the case may be.

- F. Decision. The Board of Appeals shall make a decision on the appeal, application or petition within 100 days after the date of filing except in regard to special permits. For a special permit, the Board or the special permit granting authority shall act within 90 days following the date of the public hearing. The decision of the Board of Appeals shall be filed with the Town Clerk along with detailed reasons therefore and all plans as finally approved. Copies shall be sent to the Building Inspector, the Planning Board, and to the applicant.
- G. Other requirements. The granting of any appeal by the Board of Appeals shall not exempt the applicant from any provision of this bylaw which has not specifically been ruled upon by the Board of Appeals or specifically set forth as expected in this particular case from a provision of this bylaw. It shall be unlawful for any owner or person to reconstruct, convert or alter a structure or change the use, or extend or displace the use of any building, other structure or lot, or change any required limitations or special conditions imposed by the Board in authorizing a special permit or variance without appealing to the Board as a new case over which the Board shall have complete administrative power to deny, approve or modify.
- H. Appeal to District or Superior Courts. All appeals are to conform to the provisions stated in the Zoning Enabling Act, Chapter 40A, General Laws of the Commonwealth. A copy of the Zoning Enabling Act is on file with the Board of Appeals.
- I. In case of conflict, Chapter 808 of the Acts of 1975, as amended, of the Commonwealth of Massachusetts, shall govern.

Chapter 200
SUBDIVISION RULES AND REGULATIONS

GENERAL REFERENCES

Wetland protection — See Ch. 171.

Zoning — See Ch. 175.

ARTICLE I

Scope**§ 200-1. Authority.**

Under the authority vested in the Planning Board of the Town of Abington by Section 81Q of Chapter 41 of the Massachusetts General Laws said Planning Board hereby adopts these "Rules and Regulations Governing the Subdivision of Land in the Town of Abington, MA."

§ 200-2. Purpose.

These Rules and Regulations have been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the Town of Abington by regulating the laying out and construction of ways in a subdivision providing access to the several lots herein, but which have not become public ways, and insuring sanitary conditions in a subdivision and in proper cases parks and open areas. The powers of the Planning Board and of a Board of Appeal under the Subdivision Control Law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for insuring compliance with the applicable zoning ordinances or by-laws; for securing adequate provision for water, sewerage, drainage and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in Abington and with the ways in neighboring subdivisions and towns. It is the intent of the Subdivision Control Law and these Rules and Regulations that any subdivision plan filed with the Planning Board shall receive the approval of the Board if said plan conforms to the recommendation of the Board of Health and to the Rules and Regulations of the Planning Board Governing the Subdivision of Land. The Board may, when appropriate, waive as provided for in Section 81R of the Subdivision Control Law, such portions of the Rules and Regulations as is deemed advisable.

§ 200-3. Planning Board procedures.

- A. Regular meetings of the Planning Board are held on the dates and times as posted with the Town Clerk. Except for executive sessions as provided for in Section 23A of Chapter 39 of the General Laws as amended, meetings of the Planning Board shall be open to the public to attend. Anyone desiring to meet with the Board shall do so by appointment except as provided for elsewhere in these Regulations. To secure an appointment, all applicants shall notify the Planning Board in writing 14 days before a regularly scheduled meeting by delivery to the secretary to the Board or care of the Town Clerk. In such notice the applicant shall state their name, address and a brief outline of the nature of the business to be discussed with the Planning Board.

- B. Any person attending an advertised public hearing may address the Board at the pleasure of the Chairman without prior notice and in so doing shall state their name, address and person represented, if any.
- C. All meetings of the Board shall be conducted formally under the direction of the Chairman of the Board. In the absence of the Chairman, the Vice Chairman shall act as Chairman. A majority of the members of the Board shall constitute a quorum but less than a majority may vote to adjourn, subject to the meeting being rescheduled as hereinafter provided. All other action of the Board shall require a majority vote of all the members. In the event that there is less than a quorum present at any scheduled meeting, the Chairman shall reschedule a meeting as soon as practicable thereafter.
- D. The Planning Board may require any applicant to produce evidence of ownership, or authority of an agent.

§ 200-4. Subdivision.

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the Town of Abington, or proceed with the improvement or sale of lots in a subdivision, or the construction of ways or the installation of municipal services therein, unless and until a definitive plan of such subdivision has been submitted and approved by the Board and endorsed by the Town Clerk as hereinafter provided.

§ 200-5. Effective date.

Approved as amended January 22, 2001.

§ 200-6. Reference to statutory provisions.

For matters not covered by these Rules and Regulations, reference is made to Chapter 41, Sections 81K to 81GG, of the Massachusetts General Laws, as amended.

ARTICLE II
General Provisions

§ 200-7. Definitions.

A. Terms and words not defined herein but defined in the Commonwealth of Massachusetts State Building Code shall have the meanings given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in Webster's Unabridged Dictionary, most recent edition.

B. For the purpose of these Rules and Regulations, unless a contrary intention clearly appears, the terms and words defined in the Subdivision Control Law shall have the meaning given therein. The following other terms and words shall have the following meanings:

ABUTTER — Owners of land directly adjacent to property lines of the applicant and owners of land directly opposite on any public or private street or way, as they appear on the most recent tax list, notwithstanding that the land is located in another city or town.

ABUTTER'S LIST — A list of abutters as defined by these Rules and Regulations, and which has been certified by the Board of Assessors.

APPLICANT — All the owners of record of the land stated in the application for subdivision. An agent, representative or his assigns may act for an owner, provided written evidence of such fact is submitted to the Board. Evidence in the form of a list of their officers and designated authority to sign legal documents shall be required for a corporate owner.

BOARD — The Planning Board of the Town of Abington, Massachusetts established under Section 81A of Chapter 41 of the Massachusetts General Laws.

BOARD'S AGENT — A duly authorized consultant retained or appointed by the Planning Board to review plans, observe construction, and/or administer these Rules and Regulations.

DEFINITIVE PLAN — A plan of a proposed subdivision or resubdivision of land drawn in accordance with Article III, § 200-12 of these Rules and Regulations that will be recorded in the Registry of Deeds or filed with the Land Court when approved by the Board.

DESIGNER — Professional engineer and land surveyor registered to practice in Massachusetts. All public and private utility design and other engineering practices as defined in Section 81D of Chapter 112 of the General Laws shall be done by or under the direct supervision of, and shall be endorsed by, a registered professional engineer. All layout of lands and subdivisions shall be done by or under the direct supervision of, and shall be endorsed by, a registered land surveyor.

DEVELOPER — An owner or their agent, representative, or assigns.

ENGINEER — A person registered or legally permitted to practice professional engineering in the Commonwealth of Massachusetts.

GENERAL LAWS — The General Laws of the Commonwealth of Massachusetts.

MHD — Massachusetts Highway Department.

NAVD — 1988 North American Vertical Datum.

PRELIMINARY PLAN — A plan of a proposed subdivision or resubdivision of land drawn in accordance with these rules and regulations.

ROADWAY or TRAVELED WAY — The portion of a street intended for vehicular use.

STREET OR WAY —

(1) A way, street or road open and dedicated to public use, including a public way or a way certified by the Town Clerk to have been used and maintained by public authorities as a public way, a way approved and constructed under the provisions of the Subdivision Control Law, or a private way in existence prior to said Subdivision Control Law having become effective in the Town of Abington and having, in the opinion of the Board, adequate width, grades, and construction for the vehicular traffic and the installation of municipal services to serve the land abutting on such way and the buildings erected or to be erected thereon. The Planning Board shall not deem a way adequate for the purposes of the Subdivision Control Law whether approval is required or not required and these Rules and Regulations unless said way meets the following minimum standards:

- (a) A right of way width of 40 feet.
- (b) A traveled way of 16 feet exclusive of berms or curbs.
- (c) An all-weather surface of bituminous concrete, which is in suitable condition to allow access for emergency vehicles.
- (d) The way shall be properly graded so as to allow for drainage of surface water runoff as determined by the Board or its agent.

(2) Streets shall be classified as follows:

- (a) Arterial street: existing and proposed streets that are primarily used, or will be used by through traffic at speeds generally in excess of 40 miles per hour or as determined by the Planning Board.
- (b) Collector streets: existing and proposed streets that carry or will carry traffic from residential or minor streets to the system of arterial streets at speeds generally between 30 and 40 miles per hour or as determined by the Planning Board. All

commercial and industrial subdivisions shall be designed as collector streets.

- (c) Minor streets: existing or proposed streets that are used primarily for access to abutting residential properties for traffic at speeds of generally less than 30 miles per hour.
- (d) Local streets: existing or proposed streets that are used only for access to abutting residential properties, are permanently dead end, and provide access for no more than 12 dwellings.
- (e) Dead-end: any street, group or extension of streets, which has only one means of access.

SUBDIVISION — The division of a tract of land into two or more lots and shall include resubdivision, and shall relate to the process of subdivision on the land or territory subdivided. The division of a tract of land into two or more lots shall not constitute a subdivision if, at the time it was made, every lot within said tract has frontage, in compliance with the Zoning By-Law, on a public way as laid out by the Selectmen or a way which the Town Clerk certifies is maintained and used as a public way, a way shown on a plan previously approved under subdivision control, or a way in existence on March 8, 1947, having in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular and pedestrian traffic and municipal services in relation to the proposed use of the land abutting thereon or served. (See definition of "street" or "way.") Conveyances or other instruments adding to, taking away from, or changing the size and shape of lots, or the division of a tract of land, on which two or more buildings were standing on March 8, 1947, into separate lots, on each of which one such building remains standing, shall not constitute a subdivision.

SUBDIVISION CONTROL LAW — The power of regulating the subdivision of land granted by Section 81K to 81GG, inclusive, of Chapter 41 of the General Laws and any acts in amendment thereof, addition thereto or substitution therefor.

SURVEYOR — A person registered or legally permitted to practice land surveying in the Commonwealth of Massachusetts.

THESE RULES AND REGULATIONS — The "Rules and Regulations Governing the Subdivision of Land in Abington, MA" as adopted and amended by the Planning Board pursuant to Section 81Q of the Subdivision Control Law.

UTILITIES — Municipal services, including stormwater drainage system, sewerage systems, water supply piping, fire alarm conduits and equipment, cable, electric, telephone and other communications wiring, gas and all appurtenances thereof.

ZONING BY-LAW AND ZONING MAP — Zoning By-Law shall mean the Abington Zoning By-Law, as amended; Zoning Map shall mean the Abington Zoning Map, as amended.

§ 200-8. Plan believed not to require approval.

A. Submission requirements.

- (1) Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that the plan does not require approval under the Subdivision Control Law shall submit to the Planning Board:
 - (a) The original plan and three copies.
 - (b) The required filing fee as set forth in Appendix C of these Rules and Regulations.
 - (c) Two Form A applications, both with original signatures.
 - (d) Any other evidence to show that the plan does not require approval under the Subdivision Control Law.
- (2) Application shall be made at a scheduled meeting of the Planning Board. The plans shall not be deemed to be submitted until receipt has been acknowledged by the Planning Board's signature on each copy of the application form. Said person shall also file, by delivery or certified mail, a notice with the Town Clerk stating the date of submission to the Board, accompanied by a copy of said receipted application.
- (3) If the Board determines that the plan does not require approval, it shall, without a public hearing, endorse forthwith on the plan the words "Planning Board approval under Subdivision Control Law not required." Such action shall not be construed to indicate compliance with the provisions of the Zoning By-Law. Said plan shall be returned to the applicant, and the Board shall notify the Town Clerk of its action in writing.
- (4) If the Board determines that the plan does require approval under the Subdivision Control Law, it shall within 21 days of the date of submission give written notice of its determination to the Town Clerk and to the applicant by delivery or certified mail.
- (5) An applicant may submit a plan for approval as provided by law and the Rules and Regulations of the Board, or may appeal from the determination of the Board in the manner provided in MGL Chapter 41, Section 81BB.
- (6) If the Board fails to act upon a plan submitted under this section within 21 days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required.

B. Contents.

- (1) A plan shall be legibly drawn in accordance with the latest rules and regulations of the Registry of Deeds, pertaining to plan size, material, lettering and related requirements. The plan scale shall preferably be 40 feet to the inch or such other scale as the Board may accept and shall contain the following:
 - (a) Identification of the plan by name of owner of record and location of the land in question; Abington Assessors' map(s) and parcel(s) numbers on which the land is located; the scale, North point and date; and the name, signature and stamp of the registered land surveyor.
 - (b) Sufficient space for the date and the signature of the Clerk of the Board shall be provided.
 - (c) Zoning classification; the location of any and all zoning district boundaries including all flood zones established by FEMA which may lie within the locus of the plan.
 - (d) In the case of the creation of a new lot, the new lot area and remaining land area and frontage of the land in the ownership of the applicant shall be shown.
 - (e) Notice of any decisions by the Zoning Board of Appeals, including but not limited to special permits and variances, regarding the land or any buildings thereon.
 - (f) The names of abutters adjacent to the land and across adjoining ways as obtained for the most recent local tax list unless the applicant has knowledge of any changes subsequent to the latest available Assessor's records.
 - (g) The names and status (private or public) of streets and ways shown on the plan.
 - (h) The location of all existing easements of record as well as existing buildings and the location of septic systems, if any.
 - (i) The location of all brooks as well as all wetland areas as defined by the Wetlands Protection Act¹ shall be shown.
- (2) A locus map shall be provided at the same scale as the Zoning Map.

§ 200-9. Basic requirements.

No person shall make a subdivision, within the meaning of the Subdivision Control Law, of any land within the Town, or proceed with the improvements or sale of lots in a subdivision, or the construction of ways, or the installation of municipal service therein, unless and until a definitive plan of such subdivision has been submitted to, approved and endorsed by the

1. Editor's Note: See MGL c. 131, § 40.

Planning Board as well as endorsed by the Town Clerk, as hereinafter provided.

§ 200-10. Number of dwellings per lot.

Not more than one building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision, or elsewhere in the Town, without the consent of the Planning Board. Such consent may be conditioned upon providing of adequate ways furnishing access to each site for such building in the same manner as otherwise required for lots within a subdivision.

ARTICLE III

Procedure for Submission and Approval of Subdivision Plans**§ 200-11. Preliminary subdivision plans.**

- A. General. A preliminary plan of a subdivision in a residential zoning district may be submitted by the subdivider for discussion and action by the Board. In the case of a nonresidential subdivision the subdivider shall submit to the Planning Board and the Board of Health a preliminary plan in accordance with these Rules and Regulations. The submission of such a preliminary plan will enable the applicant, the Board, other municipal agencies, and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before a definitive plan is prepared.
- B. Filing procedure.
- (1) Any person submitting a preliminary plan shall give written notice to the Town Clerk, by delivery or registered mail of a Form B;² such notices shall identify the tract, the date of submission to the Planning Board, and the name and address of the owner. A plan shall not be deemed to have been submitted unless it has been delivered at a scheduled meeting of the Board or when sent by certified mail to the Board, care of the Town Clerk. If so mailed, the date of mailing shall not be the date of submission of the plan, but the date of the next scheduled Board meeting shall be deemed to be the date of submission.
 - (2) In order for an application to be deemed complete the applicant shall file:
 - (a) Two copies of a Form B application, each with original signatures.
 - (b) A list of abutters certified by the Board of Assessors.
 - (c) The required filing fee as set forth in Appendix C of these Regulations.³
 - (d) Eighteen sets of prints filed with the Planning Board and one print filed with the Board of Health.
 - (e) Addressed and stamped envelopes in a quantity sufficient to deliver a first-class mail notice to each abutter regarding the scheduling of the Board's meeting to discuss the preliminary plan.
 - (3) The Planning Board shall file within 14 calendar days copies of the plan with the Conservation Commission, Water Department,

2. **Editor's Note: Form B is included at the end of this chapter.**

3. **Editor's Note: Appendix C is included at the end of this chapter.**

Sewer Department, Highway Department, Building Inspector, the Board of Selectmen, the Police Department, and Fire Department, for their review and written comments.

- C. Contents. A preliminary plan shall be at a scale of one inch equals 100 feet or larger. The preliminary plan shall identify all easements, rights-of-way, covenants, or restrictions applying to the proposed subdivision. In addition, the preliminary plan shall provide the following information:
- (1) The subdivision name, boundaries, magnetic North point, date, scale, legend, and the title "Preliminary Plan;"
 - (2) The name(s) of the owner of record, the applicant; the stamp and signature of a registered land surveyor if surveying information is shown and the stamp and signature of a registered professional engineer if the plan shows the design of road pavements, water pipes, sewerage or other utilities;
 - (3) The existing and proposed lines of streets, ways, easements, and any public areas within and adjacent to the subdivision in a general manner;
 - (4) The proposed system of drainage and utilities, including adjacent existing natural waterways, showing the approximate locations of all inlets, outlets, pipes and drains and other appurtenances to the proposed drainage system;
 - (5) The approximate boundary lines of all existing and proposed lots within and abutting the tract, with approximate areas and dimensions;
 - (6) The names, location, approximate area, and approximate dimensions of existing and adjacent streets, ways, easements and public areas;
 - (7) The proposed locations and depths of other municipal services and utility installations where possible;
 - (8) The topography of the land in a general way, footprints of existing buildings and significant structures, site features such as ledge outcroppings, bodies of water, streams or other waterways, walls, fences, existing easements, delineated wetlands, and predominant vegetation;
 - (9) Zoning classification(s) of the area and the approximate location of any zoning district boundaries.
- D. Key plan. The plan shall also include a copy of the Town Zoning Map at a scale of one inch equals 600 feet showing the location of the proposed subdivision drawn to scale.
- E. Planning Board action on preliminary subdivision plans.

- (1) The Planning Board will meet with the applicant to discuss the proposed plan and any modifications or corrections to the preliminary plan. The Board may also visit and inspect the property proposed for subdivision under the provisions of Section 81CC of Chapter 41 of the General Laws as amended. Furthermore, the Planning Board will notify the applicant as well as all abutters to the proposed subdivision by regular mail of the date, time and place at which the Board will discuss the preliminary plan.
 - (2) The Board may approve, disapprove, or approve with modifications in writing such preliminary plan within 45 days after submission of the plan. In case of disapproval, the Planning Board shall advise the applicant in writing of the specific reasons for which the plan is disapproved, thus enabling the applicant to resubmit the plan.
 - (3) The rules and regulations of the Planning Board in effect at the time of submission of the preliminary plan shall govern the definitive subdivision plan evolved from such preliminary plan provided such definitive plan is submitted within seven months of the date of the submission of the preliminary plan. Further, approval of a preliminary plan does not constitute approval of a subdivision or waivers of the regulations, but it shall be deemed an expression of approval to the layout submitted on the preliminary plan as a guide to the applicant's preparation of a definitive plan.
 - (4) Written notice of the Board's actions must be given by the Board to the applicant, and Town Clerk within 45 days of the date of submission. Failure to act within that time shall be considered as an approval of the preliminary plan.
- F. Preliminary sketch. A preliminary sketch, showing less information than required for a preliminary plan, may be submitted by an applicant for an informal review and comments from the Board. Such preliminary sketch will not have the status of a preliminary plan, and the comments or the recommendations of the Board shall be conditioned on the extent of information shown on the sketch. Applicants are urged to submit such preliminary sketches in order to obtain the Board's comments regarding the overall layout and the location of proposed streets in a future subdivision, thus avoiding the expense and delays necessitated by changes in a definitive plan, if submitted without such preliminary plan review.

§ 200-12. Definitive plan of subdivision.

- A. General. The subdivision rules and regulations and the Zoning By-Law in effect at the time of the submission of the preliminary plan shall govern the definitive plan if said plan is duly submitted within seven months of the date of the filing of the preliminary plan. If a preliminary plan has not been submitted, the Subdivision Rules and Regulations and the Zoning By-Law in effect at the time of submission of the definitive plan to the Planning Board shall govern the definitive

plan until final action has been taken by the Planning Board or the time for such action has elapsed.

B. Filing procedure.

- (1) In order to be deemed complete, applicants submitting a definitive plan of a subdivision for approval, or for approval of a street profile, or for approval of improvements to so-called "paper streets," or for a revision of a subdivision previously approved, where such revision requires a public hearing shall submit to the Planning Board the following:
 - (a) Two copies of a properly executed Form C application,⁴ provided by the Planning Board, each with original signatures.
 - (b) A list of abutters certified by the Board of Assessors.
 - (c) Addressed and stamped envelopes in a quantity sufficient to deliver first-class mail notice to each abutter regarding the scheduling of the Board's meeting to discuss the definitive plan.
 - (d) The required filing fee as set forth in Appendix C.⁵
 - (e) Eighteen sets of prints filed with the Planning Board and one print filed with the Board of Health.
 - (f) Three copies of any supplemental materials relating to the definitive plan, including but not limited to drainage calculations, traffic studies, etc.
- (2) The definitive plan shall not be deemed to have been submitted unless it has been delivered to the Planning Board at a scheduled meeting or has been sent via registered mail to the Planning Board care of the Town Clerk. If so mailed, the date of mailing shall not be the date of submission of the plan, but the date of the next scheduled Board meeting shall be deemed to be the date of submission.
- (3) Simultaneously, a complete set of prints of such definitive plans will be submitted to the Board of Health, the Conservation Commission, the Sewer Commissioners, the Water Commissioners, Highway Department, Building Inspector, Selectmen, Police Department, and Fire Department by the Planning Board. The applicant shall also by delivery or registered mail file written notice to the Town Clerk stating the date of submission of the definitive plan accompanied by a copy of the receipted completed application (Form C)⁶.

4. Editor's Note: Form C is included at the end of this chapter.

5. Editor's Note: Appendix C is included at the end of this chapter.

6. Editor's Note: Form C is included at the end of this chapter.

C. Contents.

- (1) All sheets of the definitive plans shall be clearly and legibly drawn in accordance with the current rules and regulations of the Registry of Deeds. The plans shall be drawn in waterproof ink (or an ink with equivalent cohesiveness) on polyester film, single matte with a thickness of 0.004 mils, and must have an opacity so as to allow consistent diazo and microfilm reproduction or any other material as required by the Registry of Deeds or Land Court. Plan sizes shall be 24 inches by 36 inches with three-fourths-inch border. The minimum letter size on plans presented for recording shall be 1/8 inch.
- (2) Drafting standards shall include the following: dimensions shall be in feet and decimals to the nearest hundredth; bearings in degree, minutes, and seconds; the boundary of the subdivision to be indicated in a solid heavy line; existing topography in dashed lines; proposed topography in solid lines; and if multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision with match lines and with a key plan on each sheet properly orientated and a title block on each sheet properly labeled.
- (3) A list of abutters certified by the Board of Assessors shall accompany the definitive plan and shall include the name and mailing address of all the abutters as they appear on the most recent tax list.
- (4) A vicinity map shall be drawn at a scale of one inch equals 600 feet to show on one sheet all of the proposed subdivision, all of other adjacent land of the applicant and other adjacent properties to the nearest existing street in every direction. Important ground features such as brooks, public areas, lot lines, easements and streets only need be shown in a general manner and labeled. No dimensions need be given except where of specific importance in evaluating the subdivision. The limits of the proposed subdivision shall be indicated by a heavy line or by use of color. Existing and proposed features should be distinguished by different lines, labeling or other methods.
- (5) Each sheet of the definitive plans shall contain the following information:
 - (a) Subdivision name, boundaries, magnetic North, date of submission (and revision dates), legend and scales, suitable space to record the action of the members of the Planning Board. A three-and-one-half-inch square reserved for Registry of Deed use and a certification clause signed by the preparer stating that he/she has conformed with the rules and regulations of the Registry of Deeds in preparing the plan shall be provided on all sheets to be recorded.

- (b) Name and address of the record owner(s) and applicant; the stamp and signature of a registered land surveyor and registered professional engineer.
- (c) Suitable space to record the notice of the Planning Board covenant and the date thereof as well as the Town Clerk certificate of no appeal shall be provided on each of the lotting sheets.
- (d) Existing and proposed lines of streets, ways, lots, easements, waterways and public or common areas within the subdivision. The purpose of all easements shall be clearly indicated.
- (e) Location of all permanent monuments properly identified as to whether existing or proposed. All benchmarks shall be tied to and employ the NAVD datum system if possible.
- (f) Location, names and present width of streets, bounding, approaching or within 300 feet of the subdivision.
- (g) Existing and proposed topography at one-foot contour intervals; existing contours to be shown by dashed lines and proposed contours to be shown by continuous solid lines, properly labeled.
- (h) Lengths, radii, bearings, and central angles to determine the exact location, direction, and length of every street and way line, lot line, easement line and boundary line.
- (i) Zoning classifications, including FEMA floodplain zones. Wetlands as defined by the Wetlands Protection Act shall also be shown along with the name of the firm responsible for the delineation and the date of the delineation.
- (j) Watercourses, marshes, ledge outcrops, walls, fences, and trees over 10 inches in diameter at six feet above grade and other significant natural features.
- (k) Size and location of existing and proposed storm drainage, sanitary sewerage, and water supply systems. Existing and proposed electric/telephone/gas/CATV and other utilities shall also be shown.

The following items shall be submitted and must be prepared and/or certified by a registered professional civil engineer.

- (l) Soil conditions in a general way, using if desired, the U.S. Department of Agriculture Soil Conservation Study for Plymouth County, latest edition, to describe the relationship of soils to seasonal high-water table, soil limitations for roads and soil limitations for house sites, and hydrologic soils group.

- (m) Storm drainage system including invert and rim elevations of all catch basins and manholes together with surface elevations of all waterways within the subdivision at one-hundred-foot intervals and approximate depth of water at these points. Surface elevation and approximate depth of water shall be shown at each point where a drainage pipe ends at a waterway.
- (n) Location of all the following improvements unless specifically waived in writing by the Board: street paving, sidewalks, and street signs, including but not limited to stop, warning, directional, and speed limit signs, streetlighting standards, all utilities above and below ground, curbs, gutters, street trees, storm drainage, public sewerage if appropriate, all easements, and the fire alarm boxes.
- (o) Profiles of the proposed streets and drainage/sewer lines outside of the street layout indicating the following information:
 - [1] A horizontal scale of one inch to 40 feet.
 - [2] A vertical scale of one inch to 4 feet.
 - [3] Existing center line in fine dashed line with elevations shown at fifty-foot stations.
 - [4] Proposed center-line grades and elevations, with elevations shown at twenty-five-foot stations, except that in vertical curves elevations shall be shown at fifty-foot stations, and at all high and low points.
 - [5] All existing intersecting walks and driveways shown on both sides.
 - [6] Rates of gradient along with vertical curve data shall be shown.
 - [7] Size and location of existing and proposed water mains and their appurtenances and surface drains and their appurtenances.
 - [8] Profiles shall show vertical location of waterlines, drainage lines, sewer lines and other utilities as well as required new waterways. Sizes of all pipes shall be shown as well as inverts of all pipes at each manhole or catch basin, together with center-line stations, rim and invert elevations of all catch basins, and manholes; and invert elevations of all cross drains, sanitary sewers, or culverts. Complete profiles shall be included for each proposed main water line, all proposed sewerage system lines, all proposed drainage lines, whether or not within the subdivision or in the roadways.

- (p) Cross section of typical catch basins and sewer and drainage manholes.
 - (q) Three copies of all computations and worksheets originally sealed and endorsed by a registered civil engineer, used in designing the storm drainage system.
 - (r) Any special construction details or detailed drawings or other pertinent information that the Planning Board may request as is necessary to evaluate the feasibility of the proposed design of the subdivision.
 - (s) Detail drawings: Any special construction features, deviating from or not covered by standard specifications, shall be shown on detail drawings. Such detail drawings may be incorporated as part of a utility plan or profile or may be executed on separate sheet or sheets and shall provide information as to dimensions, locations, inverts, rim elevations, elevations, materials, etc., of the construction details involved. The requirement for detail drawings shall be applicable, but not limited to, bridges, culverts, structurally stabilized slopes, utility piping encased in concrete, ditches and brooks shaped or constructed to a definite cross section, dams and spillways, stormwater management devices, detention basins, steps within the exterior lines of the street and similar construction features.
 - (t) The applicant shall provide base flood elevation (level of one-hundred-year flood) data for any land being developed within the federal flood insurance district, as shown on the latest FEMA mapping. For subdivisions in an unnumbered "A" Zone, the applicant shall be responsible for establishing the base flood elevation as required by the latest FEMA regulations.
- D. Earth removal. The approval of a subdivision by the Planning Board does not constitute an authority to remove earth materials from the site. The developer shall be required to comply with the provisions of all by-laws, and with any other laws and regulations relative to the removal of soil, loam, sand, gravel, rock, and other earth materials.
- E. Review by the Board of Health as to suitability of the land. The Board of Health shall report to the Planning Board, in writing, its approval or disapproval of said plan. The Board of Health shall make its report to the Planning Board within 45 days after the filing of the definitive plan. In case of disapproval, it shall make specific findings, the reasons for them, and, where possible, make recommendations for adjustments. Any special conditions imposed by the Board of Health, such as lots which cannot be used for building sites, shall be either inscribed on the plan or contained in a separate document. The applicant shall abide by the Board of Health regulations pertaining to subdivisions and should consult with the Board of Health for a copy of its current rules and

regulations and for other requirements necessary for Board of Health review prior to drafting definitive plans.

- F. Public hearing. Before approval, modification and approval, or disapproval of the definitive plan is given, a public hearing shall be held by the Planning Board. Notice of such hearing shall be given by the Board at the expense of the applicant in each of two successive weeks by advertisement in The Enterprise and The Patriot Ledger or any other newspaper of general circulation in the Town of Abington as determined by the Planning Board. The first notice being not less than 14 days before such hearing; the second notice being not less than seven days before such hearing. The Planning Board shall notify by first-class mail the abutters (as provided by the developer in the submission of the definitive plan) to the proposed development. If the proposed definitive subdivision plan contains or abuts land in an adjacent community, the Board shall also notify the Planning Board of that community.
- G. Certificate of approval.
- (1) The action of the Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent by delivery or registered mail to the applicant. If the Board modifies or disapproves such plan, it shall state in its vote the reasons for its actions. Final approval, if granted, shall be endorsed on the original drawing(s) of all of the sheets that constitute the definitive plan by the signature of a majority of the Board but not until the statutory twenty-day appeal period has elapsed following the filing of the certificate of the action of the Board with the Town Clerk, and said Clerk has notified the Board that no appeal has been filed. Final approval of the definitive plan does not constitute the laying out or acceptance by the Town of streets within a subdivision.
 - (2) The Board may, as a condition of granting approval impose reasonable requirements designed to promote the health, convenience, safety, and general welfare of the community and to benefit the Town. In such event, the Board shall endorse such conditions on the plan to which they relate, or set forth a separate instrument attached thereto, to which reference is made on such plan and which shall for the purpose of the Subdivision Control Law be deemed to be a part of the plan.
 - (3) The following shall constitute standard conditions applicable to all approvals. Additional specific conditions may also be included by the Board as part of its approval of a definitive subdivision plan.

- (a) Prior to endorsement of the plan by the Planning Board, the applicant must sign a covenant (see Form F⁷) and reference to the covenant shall be clearly shown on the definitive plan;
 - (b) Prior to endorsement of the plan by the Planning Board, notification of the expiration of the statutory twenty-day appeal period must be received from the Town Clerk's office;
 - (c) Prior to endorsement of the plan by the Planning Board, the applicant shall provide the Planning Board with a copy of any and all "Order of Conditions" relative to the subdivision construction as issued by the appropriate agency, and recorded by the applicant, pursuant to the Wetlands Protection Act. Proof of recording shall be provided to the Planning Board. Any changes to the definitive plan, required under the "Order of Conditions," shall be presented to the Planning Board, by the applicant, for review and approval as a modification to the definitive plan. Except for very minor changes to the approved plan, a public hearing will be held on the modification plan. The Planning Board reserves the right to negotiate with the issuing authority any mutually acceptable modifications to the "Order of Conditions" that may be deemed appropriate by the Planning Board and the Planning Board's consulting engineer. After the public hearing and acceptance of the modifications to the plan, the Planning Board shall take action on the plan, reporting said action to the Town Clerk. The notification of the expiration of the statutory twenty-day appeal must be received from the Town Clerk's office for the modification.
 - (d) The waivers, as voted by the Planning Board, shall be listed in detail on the plans being recorded at the Registry of Deeds;
 - (e) Prior to the endorsement of the plan by the Planning Board, the applicant shall provide the final revised plans that incorporate the items as presented in the conditions of approval voted by the Planning Board and all required documentation to the Board and its consultant for review; and
 - (f) The applicant shall provide a copy of the receipt from the Registry of Deeds indicating that the endorsed plan and covenant if applicable have been duly recorded.
- H. Performance guarantee. Before endorsement of approval of a definitive plan of a subdivision the subdivider shall either file a performance bond or deposit money or negotiable securities in an amount determined by the Board or its agent to be sufficient to cover the cost of all or any part of the improvements shown on the definitive plans, the maintenance of such improvements for two years, and include a percentage

contingency factor per year, at the discretion of the Planning Board, or follow the procedure outlined in § 200-14 below.

- (1) Final approval with bonds or surety. Such bond or security if filed or deposited shall be approved as to form and manner of execution by the Town Counsel and as to sureties by the Town Treasurer and shall be contingent upon the completion of such improvements within two years of the date of the bond. The Board may decide at any time during the term of the performance bond that:
 - (a) The improvements have been installed in a satisfactory manner in sufficient amount to warrant reduction in the face amount of such bond, or
 - (b) The costs of the improvements have risen substantially and the performance guarantee is no longer sufficient to cover the costs, then the Board may modify its requirements for any or all such improvements and the face value of such performance bond shall thereupon be increased by an appropriate amount.
- (2) Final approval with a covenant.
 - (a) Instead of filing a bond or depositing surety, the subdivider may request approval of his definitive plan on condition that a covenant running with the land has been duly executed and recorded and inscribed on the plan, or a separate document referred to, on the plan, in accordance with Section 81U of Chapter 41 of the General Laws. Such covenant shall provide in part that no lot may be built upon or sold until all of the improvements as required in this regulation have been completed and approved as provided hereafter. The Board may set a two-year or other approximate time limit within which all construction must be completed. An applicant may request a time extension subject to Planning Board review and approval.
 - (b) Upon completion of such required improvements and as shown on a submitted as-built plan (described in § 200-13K) the subdivider shall so notify the Planning Board and the Town Clerk, by delivery or registered mail, requesting release from such covenant, but will post a maintenance bond to be in effect until the roadways have been accepted by the Town as public ways or for two years from the date of final release of covenant for the completed improvements, whichever is earlier. The amount of said maintenance bond will be determined by the Planning Board. The Board shall act on such request within 45 days of receipt of such request.

ARTICLE IV

General Requirements and Design Standards**§ 200-13. General.**

- A. Basic requirement. The subdivider shall observe all design standards for land subdivision as hereinafter provided. These standards shall be considered minimum standards and shall be varied from or waived, only as provided in Section 81R of the Subdivision Control Law.
- B. Conformance with Master Plan. Any proposed subdivision should conform, as far as practicable, to the proposals and intentions of the Abington Master Plan as adopted in whole or in part by the Planning Board, unless substitute proposals may be shown to the satisfaction of the Board to better serve the general area of the subdivision and the Town.
- C. Compliance with zoning. The proposed plan shall be in compliance with the existing Zoning By-Law, as amended, particularly relating to shape, width, frontage, and use of lots within a subdivision before the Board will grant approval.
- D. Protection of natural features. Due regard shall be shown for all natural features, such as large trees, watercourses, scenic points, historic spots, and similar community assets, which, if preserved, will add attractiveness and value to the subdivision. The Board may exercise its right, in accordance with the provisions of Section 81CC of Chapter 41 of the General Laws as amended, to visit the applicants property to determine which natural features might be preserved.
- E. Design objectives. The subdivision design, including consideration of the resulting building sites, shall reduce to the extent reasonably possible, the following:
 - (1) The volume of the cut and fill;
 - (2) The area over which existing vegetation will be disturbed, especially if within 200 feet of a river, pond, wetland or stream, or on land having steep slopes.
 - (3) The number of trees greater than 10 inches in diameter (at six feet above ground) removed;
 - (4) The increase in peak rates of stormwater runoff;
 - (5) The number of building site frontages or driveway egresses onto collector streets;
 - (6) The disturbance of important wildlife habitats, outstanding botanical features, and/or scenic or historic environments;
 - (7) Soil loss or instability during and after construction;

- F. Access through another municipality. In case access to a subdivision crosses land in another municipality the Board may require certification, from appropriate authorities, that such access is in accordance with the Master Plan and subdivision requirements of such municipality and that a legally adequate performance bond has been duly posted or that such access is adequately improved to handle prospective traffic.
- G. Lot frontage at cul-de-sac. The allowable street frontage for a lot fronting on a cul-de-sac shall be measured along the side line of the street approaching the cul-de-sac as though the street line continued through the cul-de-sac uninterrupted, and not along the outside radius of the cul-de-sac. For lots across the end of a cul-de-sac in a permanently dead-end way the frontage shall be measured along the arc of the street line intersection with the side lot lines.
- H. Reserve strips. Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Board, such strips shall be in the public interest.
- I. Further subdivision. In the event a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow the logical and economic extension of streets, utility easements, drainageways, and public areas into such parcels. Adjacent parcels shall also be considered for logical, economical extensions of streets, sidewalks and utilities, etc.
- J. Resubdivision. The resubdivision of all or part of land covered by an existing plan shall be governed by these regulations. Such resubdivision plans shall show clearly that area or areas which are being replated and shall show all previous plans of these same areas with dates of recording information. All land last subdivided more than eight years previous to the date of application shall be resubdivided in accordance with the the Rules and Regulations and Zoning By-Laws currently in effect.
- K. As-built plan. The developer shall provide the Board with an original and six copies of a final as-built plan drawn to the required standards of these Rules and Regulations after the completion of a subdivision or a portion of a subdivision, showing the precise location of streets, easements, storm drainage facilities, public sewerage facilities if appropriate, all other utilities and bounds. The plan shall clearly identify where the as-built conditions differ from the approved plan. The as-built plan shall bear the stamp and signature of a registered land surveyor and a registered professional engineer. A digital copy in AutoCad format (current release) on a CD-ROM shall also be provided.
- L. Street acceptance plan.
 - (1) At the time the street or way or portion thereof is ready for acceptance and to facilitate acceptance by the Town of Abington, the developer shall have prepared and certified by a registered

land surveyor a plan of acceptance drawn to Registry of Deeds standards showing widths, lengths, and bearings of all boundary lines of streets and easements and radii, tangents and central angles of all curves in street lines. It shall show and certify that all permanent monuments have been set.

- (2) The surveyor shall place a certification on the plan stating: "The street (or way or portion thereof) is laid out and the bounds have been set as shown on the plan" and shall be dated, signed and the surveyor's stamp affixed thereon. The plan shall be submitted to the Board of Selectmen upon final review approval as to form by the Planning Board.
- M. Conveyance of utilities and easements to the Town. Prior to the final release the Planning Board of a surety bond or deposit, or, in the case of a covenant, the issuance of a certificate of completion, the applicant shall execute an instrument transferring to the Town, without cost, valid unencumbered title to all common sewers, storm drains and water mains, and appurtenances thereto, constructed and installed in the subdivision or portion thereof to be approved. Such instrument will convey to the Town without cost and free of all liens and encumbrances, perpetual right and easements to construct, inspect, repair, renew, replace, operate and forever maintain the aforesaid underground utilities, with any manholes, pipes, conduits and other appurtenances, and to do all acts incidental thereto, in the subdivision or portion thereof to be approved. If any such utilities have been constructed and installed in land not within such streets, then said transfer shall be in, through and under an easement as shown on the definitive plan.

§ 200-14. Streets.

- A. Arrangement. The proposed streets shall be considered in their relation to existing and planned streets, to topographic and geologic conditions and to public convenience and safety. They shall provide for:
 - (1) The appropriate continuation and interconnection of arterial, collector and residential streets,
 - (2) The extension of arterial and collector streets into adjoining land,
 - (3) The maximum attractiveness, livability and amenity of the subdivision.
- B. Access to arterial street. Intersections of collector and residential streets with arterial streets will not normally be allowed at intervals of less than 400 feet. Subdivisions of 50 or more lots will be required to have more than one access to an existing arterial or collector street or to a proposed collector street which is to be built in conjunction with the proposed subdivision.
- C. Street jogs. Street jogs are herein defined as offset crossing intersections. Street jogs in arterial and collector streets with center-

line offsets of less than 250 feet shall not be allowed. Street jogs in minor and local streets with center-line offsets less than 125 feet shall not be allowed.

- D. Right-of-way width and alignments. On all classification of streets the following characteristics shall be the minimum acceptable:

Street Class	Minimum				
	Right-of-Way (feet)	Radius of Curve (feet)	Sight Distance (feet)	Maximum Grad.	Minimum Grad.
Arterial	80	500	300	6%	1%
Collector	62	300	200	8%	1%
Minor	52	150	200	10%	1%
Local	40	100	100	10%	1%

- E. Intersection. Rights-of-way (ROW) shall be laid out so as to intersect as nearly as possible at right angles. No ROW shall intersect any other ROW at less than 60°. Property lines at ROW intersections shall be cut back to provide for a curb radius on the roadway of not less than 20 feet except where the angle of intersection varies more than 10° from a right angle in which case the radius of the curve connecting the acute angle may be less, and the opposite radius must be correspondingly greater. Where street grade at the approach to an intersection exceeds 3%, a leveling area shall be provided having grades not exceeding 1% for a distance of 50 feet from the nearer exterior line of the intersecting street.

- F. Dead-end streets.

(1) Dead-end streets shall not exceed 600 feet in length, as measured to the center of the turnaround and shall be provided with a turnaround having a property line diameter of at least 120 feet. The turnaround centers shall be crowned, loamed, seeded and planted with trees and shrubs. A landscaping plan for the island area shall be included as part of the submission of a definitive plan. Any easement obtained for turnaround purposes at the end of a temporary dead-end street shall provide for termination upon construction of an extension.

(2) A twenty-foot-wide minimum easement shall be required at the end of culs-de-sac to provide for continuation of pedestrian traffic and/or utilities to the next street, unless waived by the Board in writing.

- G. Driveway cuts. Driveway cuts shall not be allowed within 55 feet of an intersecting street.

H. Street names. Proposed streets shall be named after servicemen from Abington who were killed in action. A listing of available names may be obtained from the Veterans Service Agent. If such names are not available, proposed street names shall reflect the history of the Town of Abington or the history of the parcel being subdivided. Names similar to existing street names shall not be allowed. All proposed names of streets shall be approved by the Abington Fire Department.

I. Reduced density subdivisions of land.

(1) In accordance with MGL Chapter 41, Section 81Q, the Planning Board has determined that within subdivisions of land where the number of dwellings is reduced to less than the maximum allowed by the Zoning By-Law the prospective amount of travel upon the various ways within a subdivision will be less and therefore design and construction standards may be adjusted accordingly. Furthermore, the Planning Board has determined that a reduction in development density and road construction will assist the Town in growth management by minimizing impacts on public services, and therefore is in the public interest. For the purpose of this section, density shall be defined as the number of single-family residential dwelling units divided by the total land area available for development and the total land area shall not include any area contained within any existing or proposed roadways, rights-of-way, travel/access easements and furthermore, each lot must contain at least 30,000 square feet of contiguous upland area. (For example, in the R-40 Zoning District, density is equal to one dwelling unit per 40,000 square feet. A development at 1/2 density would be equal to one dwelling unit per 80,000 square feet while a 1/3 density development is equal to one dwelling unit per 120,000 square feet.)

(2) The following road design and construction standards shall apply to reduced density residential subdivisions:

(a) Where the density of a subdivision is equal to 1/2 the density allowed under the Zoning By-law the following standards shall apply.

[1] Minimum horizontal center-line radius: 100 feet.

[2] Property line radius at street intersection: 20 feet.

[3] Cape Cod berm curbing.

[4] Layout width: 40 feet.

[5] Maximum center-line grade: 10%.

[6] Pavement width: 22 feet traveled way plus 1.0 Cape Cod berm each side.

[7] Sidewalks: one five-foot walk.

[8] Design storm: ten-year for pipe size (Rational Method).

[9] Alternative turnaround area designs are encouraged.

Where the density of a subdivision is equal to or less than 1/3 the allowed density the following standards shall apply:

[10] Minimum horizontal center-line radius: 75 feet.

[11] Property line radius at street intersection: 20 feet.

[12] Cape Cod berm curbing/no curbing as required by the Planning Board.

[13] Layout width: 40 feet.

[14] Maximum center-line grade: 12%.

[15] Pavement width: 18 feet traveled way plus 1.0 Cape Cod berm each side.

[16] Sidewalks: none required.

[17] Design storm: ten-year for pipe size (Rational Method).

[18] Alternative turnaround area designs are encouraged.

(b) Reduced-density preliminary subdivision submissions must include accurately located, field determined, wetland/upland areas; and calculations supporting the number of lots within the subdivision.

(c) Reduced-density definitive subdivision submission packages that were not presented as a preliminary reduced-density subdivision shall include accurately located, field determined wetland/upland areas; and calculations supporting the number of lots within the subdivision. The definitive plan lotting sheet shall clearly indicate that the plan is a reduced-density subdivision and any further development or creation of additional lots will require the roadway to be upgraded to full design and construction standards including the submission of a definitive plan modification to the Planning Board.

§ 200-15. Easements.

A. Layout. Easements shall have a minimum width of 20 feet and the limit located by bearing and dimension. Greater widths may be required by the Planning Board where additional area is required to adequately access the easement area. All easements (except for tree planting) shall be bounded by the placement of granite monuments in accordance with § 200-19Y.

- B. Watercourses. Streams or watercourses shall be provided with a drainage easement conforming substantially with the line of its course, but not less than 20 feet in width. The relocation of streams or watercourses into open channels or covered culverts shall be kept to a minimum. Any stream diversion or relocation shall be done in accordance with the Massachusetts Wetlands Protection Act and the developer shall be required to submit such proposals to the Abington Conservation Commission prior to the approval of a plan.
- C. Utilities. Utility easements shall generally follow lot lines and shall be not less than 20 feet in width.

§ 200-16. Pedestrianways.

Pedestrianways or footpaths will normally be required to provide convenient circulation or access to schools, playgrounds, shopping, churches, transportation, parks, conservation areas, adjacent subdivisions, and/or other facilities. Such ways shall consist of a right-of-way of at least 20 feet.

§ 200-17. Open space, parks and playgrounds.

- A. Areas for open space, parks, and/or playgrounds may be required to be set aside in accordance with the proposals and intents of the Master Plan and Chapter 41, Section 81U of the General Laws as amended. Such areas shall be of reasonable size but generally not less than 5% of the total area of the proposed subdivision. No building may be erected or placed on such an area for a period of three years without the approval of the Board.
- B. Any open space, park or playground shall provide at least 50 feet of continuous frontage on a street, and pedestrianways will normally be required to provide access from each of the surrounding streets, if any, to which the open space, park or playground has no frontage.
- C. Further, such parks and/or playgrounds may be required to have maintenance provided for by covenants and agreements acceptable to the Board, until public acquisition by the Town of Abington.

ARTICLE V
Required Improvements

§ 200-18. Basic requirements.

- A. The subdivider shall install all of the improvements itemized herein unless waived in writing by the Board. All work done under this article shall be done under the direction of the Planning Board, or the Board's agent.
- B. No aforementioned bond or covenant shall be released until full approval in writing of all work done under this article is received by the Planning Board from the Board's agent. Such approval shall include a completed checklist. (See Appendix.)

§ 200-19. Improvements specifications.

- A. Typical cross section. Street construction shall conform to the Typical Cross Section of streets included in Appendix D of these Rules and Regulations.⁸ Grass strips and driveway entrances shall be so graded as to prevent surface water on the street from running onto private land.
- B. Minimum width requirements (in feet).

Street Class	Pavement		Planting	
	Width		Strips	Sidewalks
	(feet)		(feet)	(feet)
Arterial (with 10 foot center strips)	2 @ 22		2 @ 7.5	2 @ 5
Arterial (without center strip)	50		2 @ 9.5	2 @ 5
Collector	36		2 @ 7.5	2 @ 5
Minor	26		2 @ 7.5	2 @ 5
Local	22		4.5 and 9.5	1 @ 5

- C. Minimum compacted pavement depth requirements (in inches).

Street Class	Binder Course	Finish Course
	(inches)	(inches)
Arterial	4	2
Collector	3	1 1/2
Minor and local	2 1/2	1 1/2

- D. Street grading.

8. Editor's Note: Appendix D is included at the end of this chapter.

- (1) The entire area of each street or way shall be cleared of all stumps, brush, roots, boulders, like material and all trees not designated for preservation.
- (2) The full length and width of the proposed paved surface area shall be excavated or filled, as necessary, to a depth of at least 16 inches below the finished surface for minor and local streets; at least 18 inches for collector streets; and at least 24 inches for arterial streets. However, if the soil is soft and spongy, or contains undesirable material, such as clay, sand pockets, peat, loam or topsoil or stones over six inches in diameter, or any other material detrimental to subgrade, such material shall be removed and replaced with suitable well-compacted material. In no case shall wood of any form be used as fill material within the street right-of-way.
- (3) The subbase shall be observed by the Planning Board agent prior to the placement of any gravel base course. (Seventy-two hours' written notice prior to the placement of gravel is requested.) Sufficient grade stakes shall be available to the agent so that the profile can be checked.

E. Finished base course.

- (1) Roadway gravel base course shall be provided with a least 12 inches of compacted thickness. No base course material shall be placed on frozen material. Base course material shall be placed in layers not exceeding eight inches in thickness, and compacted to 95% maximum density at optimum moisture content. This composition shall be certified in writing to the Planning Board agent by a licensed testing firm, at the expense of the developer.
- (2) Base course material shall consist of hard durable stone and coarse sand in conformance with MHD standards, having the following gradation:

Sieve	Percent Passing
1/2	50 - 85
No. 4	40 - 75
No. 40	10 - 35
No. 200	0 - 10

- (3) Maximum size of stone in gravel shall be three inches.
- (4) Base course material shall be compacted with no less than a ten-ton roller. The base course shall be placed to the lines and grades indicated on the approved drawing. Any depressions that occur shall be filled with additional gravel and rerolled until the surface is true and even. The base course shall be observed by the Planning Board agent during its placement and just prior to placing the

bituminous binder course. A written request for inspection shall be provided to the Planning Board and its agent. The Planning Board agent shall be provided with a testing report noting its acceptability, prior to the placement of pavement. The Board's agent, upon review of the testing report demonstrating acceptable material, will authorize the placement of pavement. Authorization is not a guarantee by the Planning Board that the base course has no defects or deficiencies.

F. Paved surface.

- (1) Paved surfaces shall be constructed for the full length of all streets within the subdivision shown on the plan. The center line of such paved surfaces shall coincide with center line of street rights-of-way unless a minor variance is specifically approved by the Board.
- (2) The minimum width of the paved surface shall coincide with the requirements of § 200-19B of these Rules and Regulations or as determined by the Board.

G. Pavement. Upon receipt of the Planning Board agent's report for the base course, a binder course of bituminous concrete Type I-1 as specified by the Massachusetts Highway Department shall be placed, compacted and rolled to the thickness conforming to the lines and grades indicated on the approved plans. The Planning Board and its agent shall be notified in writing in sufficient time to allow the agent to inspect the placing of the binder course. (Seventy-two hours' written notice prior to the placement of pavement is requested.)

H. Curbing. Each and every street proposed to be built shall be required to have straight-faced granite (V-4) curbing, (See Appendix D), on both sides of the street for its entire length including all radii regardless of grades. Driveway entrance curbing shall be two-foot minimum length transition granite curbing. All granite curbing shall be installed to the lines and grades as shown on the drawings with a six-inch curb reveal. Transitions for ADA compliant ramps shall be provided as required. All curbing is to be supported on both sides with concrete.

I. Sidewalk construction. All materials shall be removed for the full width of the sidewalk to a subgrade 12 inches below the finished grade as shown on cross-section; and all soft spots and other undesirable material below such subgrade shall be replaced with good binding gravel material and rolled. This excavated area then shall be filled with eight inches of good quality gravel as specified for finished base course (§ 200-19E), and rolled with a pitch toward the curb of not less than 3/8 inches nor greater than 1/2 inch to the foot. Wood forms shall be set to grade filled with three inches of compacted bituminous concrete to be applied in two courses (two-inch base course compacted and one-inch finish course compacted); provided, however, that if a granolithic surface is desired and/or specified by the Board, specification of the Massachusetts Highway Department shall be complied with. At

intersections and elsewhere as necessary sidewalks shall be ramped in accordance with current ADA requirements.

J. Storm drains and appurtenances.

- (1) Storm drains, culverts and related installations, including catch basins, gutters and manholes, shall be installed within the subdivision as necessary to permit unimpeded flow of all natural watercourses, to insure adequate drainage of all low points along streets, to control erosion, and to intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained. Catch basins shall be required on both sides of the roadway on continuous grade at intervals of not more than 300 feet. Storm drains and culverts shall be no less than 12 inches inside diameter and shall be of greater size when required by design conditions. The type of pipe used shall be reinforced concrete pipe conforming to AASHO-M170 Standard for Class III Pipe Wall B. All pipe 24 inches in diameter or smaller shall be bell and spigot type. Pipe larger than 24 inches in diameter shall be tongue and groove or bell and spigot. Pipe joints shall be thoroughly wet before filling them with cement mortar. The mortar shall be placed around the entire circumference of the pipe. Catch basins shall be constructed in accordance with the applicable portions of Paragraph 201.61 of Section 201, Basins, Manholes and Inlets, of the Massachusetts Highway Department Standard Specifications for Highways and Bridges.
- (2) In addition, the following specific requirements shall be met:
 - (a) Catch basins shall be placed before intersections.
 - (b) Distances between manholes should not exceed 300 feet.
 - (c) Scour protection in the form of riprap and riprap paving shall be placed at the outfalls of all drain pipes. The riprap apron for all pipes flowing at velocities greater than two feet per second shall extend at least 10 times the nominal diameter of the discharge pipe.
 - (d) Velocities in grassed channels shall not exceed four feet per second. Man-made channels flowing at velocities greater than four feet per second and radically curved channel sections shall be paved with stone riprap.
 - (e) Manholes with paved inverts will be required for any change in the line or grade of a drain pipe.
 - (f) Headwalls or flared end sections shall be required at both ends of culverts and at the discharge ends of storm drains.

- (g) Security bars shall be provided at the entrance to, and exit from, all culverts or open pipe drains over 18 inches in diameter.
- (h) The Rational Method shall be used to determine the runoff flowing to each catch basin and to determine the design flow and velocity of each drain line. Storm drainage calculations shall be prepared by a registered professional engineer (civil).
- (i) Design analysis: A design analysis shall be submitted with each definitive plan submitted for approval. The design analysis shall include the following information. The data shall include consideration of the entire watershed and the calculations used in designing the drainage system including area calculations, intensity of rainfall, coefficient of runoff, time of concentration, discharge, pipe coefficients of roughness, and quantity and velocity of flow under design conditions (not full pipe conditions).
- (j) Storm drains shall be designed to have two feet six inches minimum cover over the pipe. All backfill material shall contain no stone larger than three inches and backfill material shall be placed in eight-inch lifts and compacted.
- (k) Any drain pipe (but not including perimeter cellar drains) connected to the proposed drainage system whose purpose is to drain wet lots must be shown on the definitive subdivision plans, and manholes shall be provided at all such connections. Perimeter cellar drains or sump pumps shall not be connected to an approved street subdrain or drainage system.
- (l) Proper connections shall be made with existing drains. Where, in the opinion of the Board, after consultation with the appropriate Town department, the capacity of an existing drain is inadequate to accommodate the entire subdivision, only that portion thereof which, in their opinion, can be adequately accommodated shall be so connected.
- (m) Storm drains shall be designed on a basis of the ten-year storm event and shall be such as to insure a rate of flow of not less than 2 1/2 feet per second nor more than 10 feet per second under design conditions (not full pipe). No drains shall be backfilled until they have been observed by the Planning Board's agent.
- (n) Where adjacent property is not subdivided, provisions shall be made for extension of the utility systems by continuing appropriately sized drains to the exterior boundaries of the subdivision, at such size and grade as will allow for their proper projection. Such drains shall be capped.

K. Manholes and catch basins.

- (1) Manholes and catch basins shall be constructed in accordance with the requirements detailed in Appendix D.⁹
 - (2) Manholes or headwalls for drain lines over 30 inches in diameter shall be constructed in accordance with the Commonwealth of Massachusetts Highway Department book of construction standards.
 - (3) Frames and covers shall conform to the shape and size of castings as shown in E. L. LeBaron catalog, Item LK 110A, cut with three-inch letters (Drain), or approved equal.
 - (4) Frames and Grates shall conform to the shape and size of castings as shown in E. L. LeBaron Catalog item LK-120A (three flange) or LK-120B (four flange), or approved equal.
 - (5) No drainage structures shall be backfilled until they have been observed by the Planning Board's agent. The approval of equals shall be approved in writing by the Planning Board's agent.
- L. Setting of manholes, catch basins, and water gates. All manhole, catch basin and water gate rims shall be set at subgrade elevations flush with the bituminous concrete binder course until such time as the roadway is approved for installation of the bituminous concrete wearing course. At that time the manhole, catch basin and water gate rims shall be adjusted to finish grade, with concrete collars being placed.
- M. Subdrains. Where side slopes are steep and where soils are poorly drained (especially in clay or semi-impervious soils) the Board, after consulting with its agent, may require a subdrain be provided on both or one side of the roadway depending on site conditions. See the requirements for subdrain construction detailed in Appendix D.
- N. Water.
- (1) NOTE: Developers are directed to contact the Water Department early in the approval process to insure the availability of water capacity to service the proposed subdivision.
 - (2) Water pipes and related equipment and materials such as hydrants, main shutoff valves and laterals shall be installed to serve all lots on each street in the subdivision in conformity with the rules and regulations set by the Abington Water Department.
 - (3) Connection to existing Town water facilities to assure adequate supply shall be the responsibility of the developer.
 - (4) Hydrant locations are to be approved in writing by the Fire Department. No water service shutoffs are to be allowed in proposed driveways.

9. Editor's Note: Appendix D is included at the end of this chapter.

O. Sewerage.

- (1) NOTE: Developers are directed to contact the Sewer Department early in the approval process to insure the availability of sewer capacity to service the proposed subdivision.
- (2) Unless otherwise determined by the Sewer Department sewer lines shall be installed and lots connected to the public sewerage system. Furthermore, unless otherwise determined by the Sewer Department sewer lines shall be installed for future connection to the public sewer system where capacity is not currently available.
- (3) If public sewerage connections are not required according to the above, the applicant shall install private on-lot systems.
- (4) Where public sewers are required, the following design standards shall apply:
 - (a) Public sewers shall be designed according to accepted professional engineering practices and the specific requirements of the Abington Sewer Department.
 - (b) Public sewers shall be not less than eight inches in diameter.
 - (c) Manholes shall be located at every change in grade of horizontal alignment but not more than 300 feet apart. The use of sewage pumping facilities shall only be allowed in accordance with Town specifications and at the discretion of the Sewer Commissioners, the Board of Health, and the Water Department.
 - (d) If the applicant is required to provide other than public sewerage, the design and construction of private on-lot sewerage systems shall conform with and be subject to the approval of the Abington Board of Health.
 - (e) Cellar drains or sump pumps shall not be connected to the public sewerage system or to the in-street drainage system or subdrains.

P. Utilities. All utilities shall be placed underground unless otherwise approved by the Board. (Sewer, water, drain, gas, electric, telephone, fire alarm, cable TV).

Q. Retaining walls. Retaining walls should be avoided and shall be installed only where deemed necessary by the Board and shall comply with specifications set forth in Massachusetts Highway Department "Standard Specifications for Highways and Bridges," as amended. The design of retaining walls shall be prepared by a professional structural engineer and be shown on the approved plans. When allowed adjacent to a sidewalk, the retaining walls shall be provided with appropriate fencing and railing in accordance with the latest State Building Code.

- R. Fire alarm system. There shall be installed within a subdivision development a sufficient number of fire alarm boxes. The type, number and location are to be established in writing by the Chief of the Abington Fire Department, prior to approval. Fire alarm boxes shall be installed prior to the occupancy of any dwellings within the subdivision.
- S. Shade trees. Such trees as are suitable, in the opinion of the Tree Warden, for preservation shall be preserved. Where, in the opinion of the Tree Warden, existing trees are inadequate, shade trees having a caliper of 3 1/2 inches at 18 inches above the soil line and of a suitable variety as approved by the Tree Warden shall be planted at the rate of at least three per house lot. Evidence of the Tree Warden's approval in writing shall be filed with the Planning Board by the applicant. The following note shall be placed on the definitive lot sheet: "Shade trees shall be located in a ten-foot-wide permanent tree planting easement adjacent and parallel to the street layout line. The tree planting easement is for the purpose of planting, maintaining or replacing a minimum of three trees per lot for the benefit of the developer, his assigns and successors."
- T. Planting strip. There shall be planting strips as required in § 200-19B and as shown on the typical cross section in Appendix D. Said area shall be surfaced with not less than six inches of quality loam which shall be seeded, fertilized, limed and rolled and protected from damage or erosion until there is a satisfactory stand of grass to the satisfaction of the Board.
- U. Street signs. Street name signs shall be furnished by the applicant and erected at all street intersections prior to the occupancy of any building on the street. Street names, street signs, and their placement shall be approved by the Fire Department and the Highway Department.
- V. Stop signs. Stop signs shall be installed at all intersections within the subdivision, and at the intersection of the subdivision streets with Town ways as required by the Planning Board and approved by the Police Department. Stop signs shall be installed prior to the occupancy of any building on the street.
- W. Streetlights. Streetlights shall be installed as required by the Selectmen after consultation with the Police Department and the Fire Department. If not specified by these Departments the Planning Board will determine the locations. Streetlighting shall be provided by the developer before the first house is occupied. The construction and operating costs of said lights are to be borne by the developer until acceptance of the street as a public way or two years from the final completion of the subdivision, whichever is earlier. Streetlighting is normally required at all intersections.
- X. Guardrails. Guardrails conforming to MHD standards shall be installed as required by the Planning Board. The type, size and location of

guardrails shall be determined by the Planning Board after consultation with the Highway Department and Police Department.

Y. Monuments.

- (1) Granite bounds shall be placed at the beginning and end of all curves, at all intersections of streets, at easements and at such other places as may be required by the Board. On any curve with a tangent distance of over 500 feet, intermediate bounds shall be set at intervals of 250 feet measured from one end of the curve. Bounds shall be of sound granite, not less than 36 inches long and not less than five-inch square. A one-half-inch drill hole shall be accurately placed at the top of each bound.
- (2) The setting of the bounds shall be supervised and certified as to their installation by a registered land surveyor. No permanent bounds shall be installed until all construction which would disturb or destroy the bounds is completed. If a driveway is installed in an area of a proposed monument, the monument shall be set and the driveway patched.
- (3) Upon completion of setting the required number of bounds, a written certification shall be delivered to the Board from a registered land surveyor or engineer stating that they have been placed with drill holes in accordance with the locations shown on the approved plans.
- (4) Lot markers. Lot markers in the form of capped one-half-inch rebar shall be installed on all lot lines within a subdivision. Said markers shall be driven to a point three feet minimum below grade and set flush to finished grade.

Z. Construction details. In the event of any question as to construction details, specifications for the composition of material, workmanship, and the method of applying materials the latest standards of the Massachusetts Highway Department shall apply in each instance.

AA. Cleaning up. Before sale of a lot, the subdivider shall clean up any debris within the layout caused by street construction and installation of utilities. All areas within a street layout destroyed or altered in construction operations shall be restored as to vegetation or other finish satisfactory to the Board.

BB. Safety.

- (1) All precautions should be taken by the developer and his subcontractors to observe common sense safety requirements. The Board designates the Health Agent, Building Inspector, Police Chief, Fire Chief, Highway Superintendent and/or the Planning Board's agent to report all unsafe activities in preparation of the subdivision to the Board.

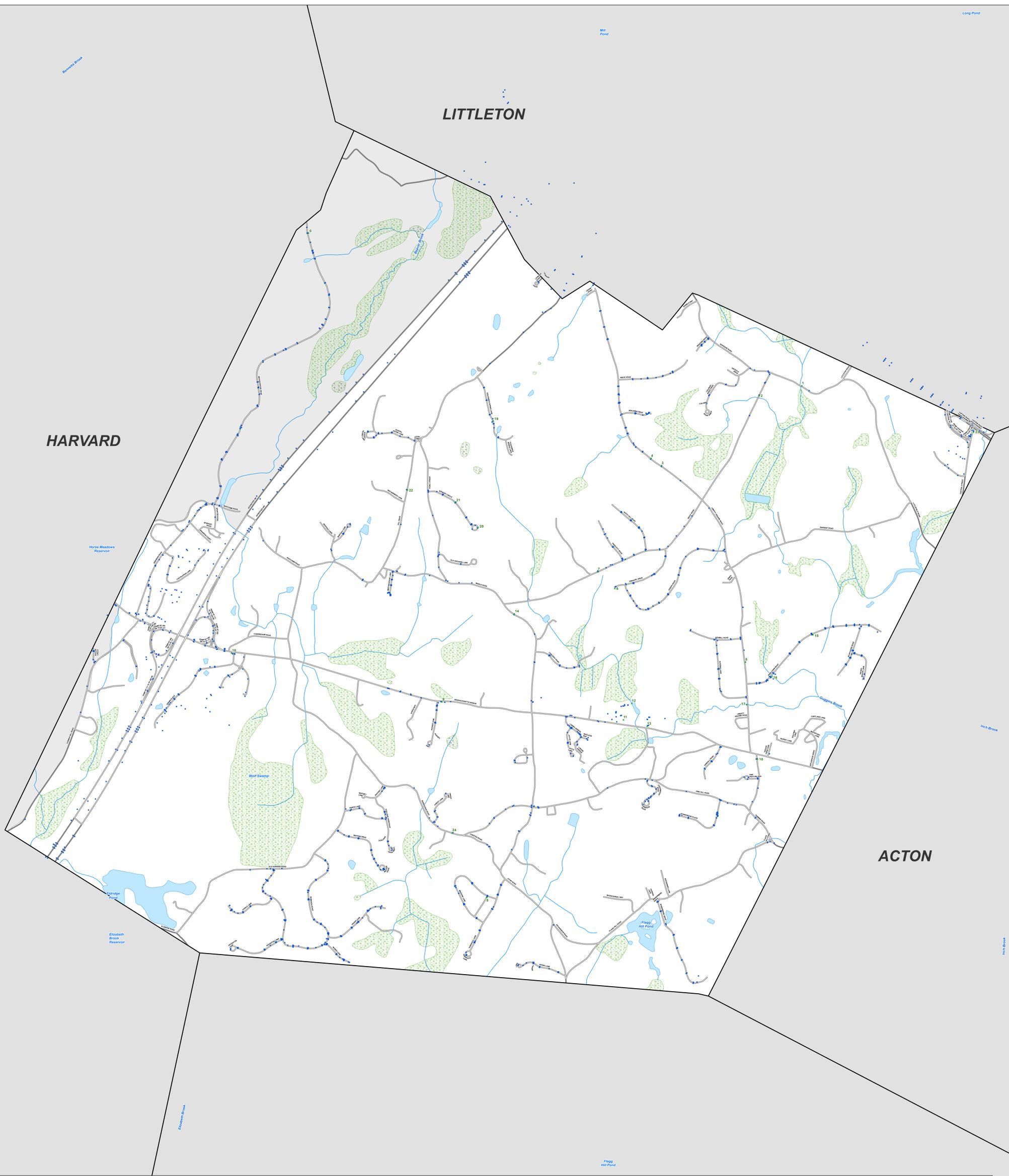
- (2) The Town of Abington assumes no responsibility for construction site safety, which shall remain the liability of the developer and their subcontractors.

CC. Maintenance of roadways including utilities and easements.

- (1) The subdivider shall be responsible for maintaining all roads and other improvements in a subdivision for a period of two years after the final release of a performance bond or covenant as required in Article III herein, or until the roads are accepted by the Town Meeting, whichever time is shorter. Maintenance shall include the responsibility for streetlighting, snow plowing and sanding all streets within the subdivision as well as the cleaning of all drainage and stormwater management facilities.
- (2) To assure such responsibility the subdivider shall guarantee the maintenance of the roads in a subdivision to the satisfaction of the Planning Board and the Highway Department by posting with the Town adequate surety as determined by the Board.
- (3) At the time lot releases are requested the subdivider shall pay a subdivision maintenance fee in the amount required in Appendix C.¹⁰ This nonrefundable fee shall be used by the Town of Abington to partially offset the costs associated with adding the new roadways(s) to the Town system and maintaining the drainage easements within the subdivision.

Appendix D

Stormwater System Mapping



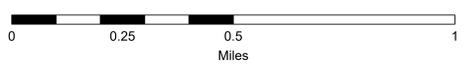
HARVARD

LITTLETON

ACTON

Legend

-  Outfall
-  Catch Basin
-  Roads
-  Lake, Pond, Reservoir
-  Wetland, Marsh, Swamp
-  Stream, Brook
-  Non-Urban Area



**Stormwater Infrastructure Map
Boxborough, MA**

Comprehensive
Environmental
Incorporated



Data Sources: CEI, MassGIS, Town of Boxborough

Mapping Status

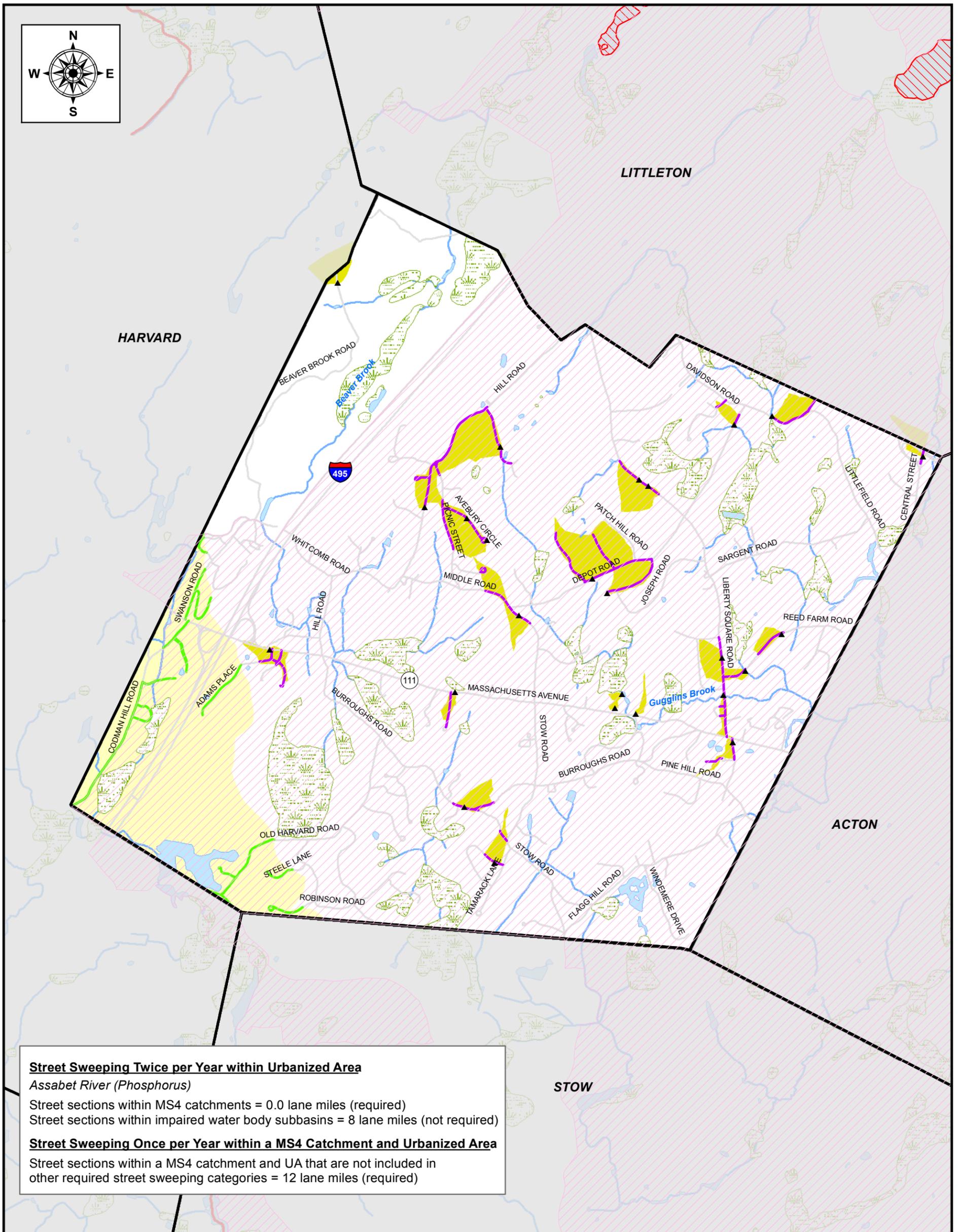
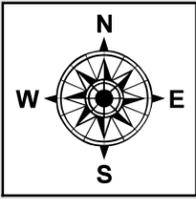
Requirement Summary	Status
Phase I – Must be Complete by July 1, 2020	
1. Outfalls and receiving waters	Complete
2. Open channel conveyances	Not started
3. Interconnections with other MS4s	Not started
4. Municipally owned structural BMPs	Not started
5. Waterbody names and impairments	Complete
6. Initial catchment delineations by topography	Complete (updates ongoing)
Phase II – Must be Complete by July 1, 2028	
1. Outfalls with spatial accuracy +/-30 feet	Complete
2. Pipe connectivity	Complete (updates ongoing)
3. Manholes	Complete
4. Catch basins	Complete
5. Refined catchment delineations	Not started
6. Municipal sanitary system	Not applicable
7. Municipal combined sewer system	Not applicable

Appendix E

Inventory of Town-Owned Property

Appendix F

Street Sweeping Optimization Plan



Street Sweeping Twice per Year within Urbanized Area

Assabet River (Phosphorus)

Street sections within MS4 catchments = 0.0 lane miles (required)

Street sections within impaired water body subbasins = 8 lane miles (not required)

Street Sweeping Once per Year within a MS4 Catchment and Urbanized Area

Street sections within a MS4 catchment and UA that are not included in other required street sweeping categories = 12 lane miles (required)

Legend

- ▲ MS4 Outfalls
- Urbanized Area - 2010
- 303d Water Bodies**
- Impaired Lake, Pond
- Impaired River, Stream
- Hydrography**
- Lake, Pond, River
- Wetland
- Stream, Brook
- Outfall Catchments**
- Does Not Discharge to Impaired Water Body Subbasin within UA
- Impaired Water Body Subbasin Sweep Twice a Year**
- Assabet River - Phosphorus
- Street Sweeping Once per Year within MS4 Catchment and UA (required)
- Street Sweeping Twice per Year, within UA**
- Within Impaired Water Body Subbasins (not required)



Street Sweeping Map

Sweeping per Phase II Requirements

Boxborough, Massachusetts



Comprehensive Environmental Inc.

Appendix G

Catch Basin Optimization Plan

Plan for Optimizing Catch Basin Cleaning

Boxborough, MA

June 30, 2019

Prepared For:

Town of Boxborough
29 Middle Rd
Boxborough, MA 01719

Prepared by:

Comprehensive Environmental Inc.
41 Main Street
Bolton, MA 01740



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List of Appendices

Appendix A. Map of Drainage Infrastructure

Appendix B. Standard Operating Procedures for Catch Basin Cleaning and Inspection

1 Introduction

This Catch Basin Cleaning Optimization Plan has been prepared by Boxborough, MA to address the catch basin inspection, cleaning and maintenance requirements of the United States Environmental Protection Agency's (USEPA's) 2016 National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) in Massachusetts, hereafter referred to as the "2016 MS4 Permit."

The 2016 MS4 Permit requires the permittee to document its plan for optimizing catch basin cleaning, inspections, or its schedule for gathering information to develop the optimization plan. This plan documents the Town's existing catch basin cleaning program and its plans for gathering additional information to refine its program to meet the requirements of the permit.

2 Permit Requirements

This Catch Basin Cleaning Optimization Plan addresses Section 2.3.7.1.a.iii.2 of the 2016 MS4 Permit (Infrastructure Operations and Maintenance), which includes the following requirements:

- **Establish a schedule** with the goal that the frequency of routine cleaning will ensure that no catch basin at any time will be more than 50 percent full¹;
- **Prioritize** inspection and maintenance for catch basins:
 - located near construction activities². These should be cleaned more frequently if inspection and maintenance activities indicate excessive sediment or debris loadings;
 - discharging to impaired waters where the pollutant of concern is E. coli or enterococcus; and
 - with sumps more than 50% full during consecutive inspections.
- **Establish proper documentation** of catch basin inspections to include:
 - the location and total number of catch basins;
 - the location and total number of catch basins cleaned or inspected; and
 - the total volume or mass of material removed from catch basins.

Develop an optimization plan for catch basin cleaning, inspection plans, or a schedule for gathering information to develop the optimization plan in the first annual report and in the SWMP.

¹ A catch basin sump is more than 50 percent full if the contents within the sump exceed one half the distance between the bottom interior of the catch basin to the invert of the deepest outlet of the catch basin.

² Roadway construction; residential, commercial, or industrial development or redevelopment.

3 Existing Catch Basin Management Program

The Town has approximately 1,700 catch basins to clean and maintain. Refer to the map in **Appendix A**. Boxborough currently cleans all of their catch basins each year using an outside contractor. Most years, the cleanings are completed over three to four days using a clamshell truck and all are cleaned before November of each year. The materials are disposed of by the outside contractor responsible for cleaning the catch basins.

4 Plans to Refine Catch Basin Cleaning Optimization

4.1 Optimization Methodology

Boxborough will continue to implement its existing annual catch basin cleaning. During this time, it will collect data on the sump depth and sediment depth in each catch basin. A spreadsheet will be used to track sediment depth at each location. The catch basin inspection form included with the standard operating procedure (SOP) in **Appendix B** will be used to document data collected during cleaning.

A minimum of two years of data will be collected and evaluated to determine the status of the catch basins and whether the sump was more than half full. The catch basins that are more than 50% full will be evaluated for potential factors that may have contributed to it being 50% full (i.e., smaller sump, nearby construction, surrounding land uses, location in town). The evaluation will be used to identify catch basins that require more frequent inspection and/or cleaning and to develop an optimization plan that prioritizes these structures accordingly.

4.2 Catch Basin Cleaning Standard Operation Procedure (SOP)

All catch basins will be inspected and cleaned following the standard operating procedures (SOP) provided in **Appendix B**.

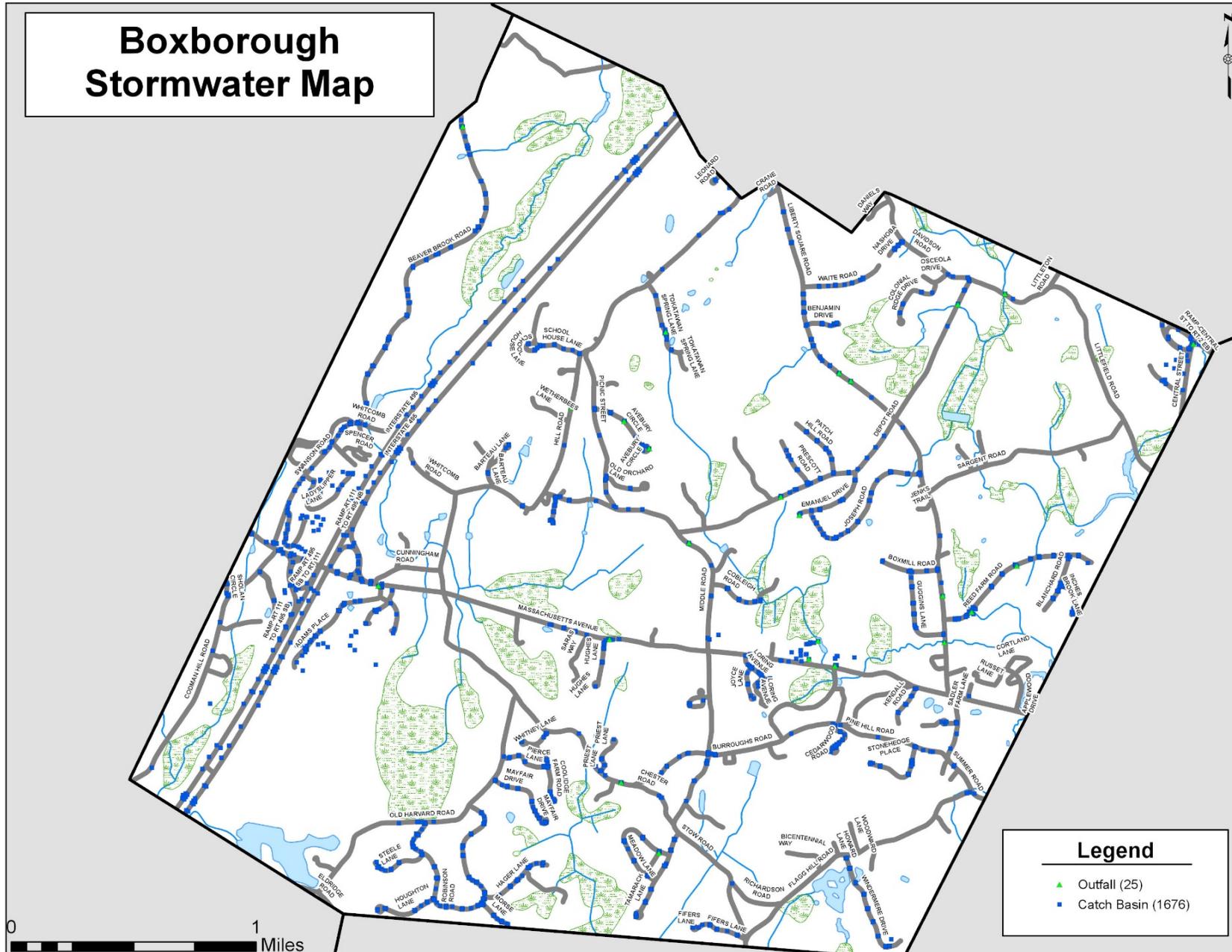
4.3 Catch Basin Cleanings Storage and Disposal

The Town will explore possible beneficial uses for its collected catch basin cleanings.

Appendix A

Map of Drainage Infrastructure

Boxborough Stormwater Map



Appendix B

Standard Operating Procedures for Catch Basin Cleaning and Inspection

Permit Requirements

As required by the 2016 MS4 Permit, catch basin inspection and cleaning requirements include the following:

- **Inspect and clean catch basins** to ensure that no catch basin is not more than 50 percent full;
- **Prioritize inspection and maintenance** for catch basins:
 - located near construction activities;
 - discharging to impaired waters; and
 - with sumps more than 50% full during consecutive inspections.
- **Establish proper documentation** of catch basin inspections; and
- **Develop an optimization plan** for catch basin cleaning and inspection.

Before Cleaning and/or Inspection

- **Notify residents and business** of catch basin cleaning schedule to restrict parking that could obstruct catch basin cleaning operations.
- **Gather** all required forms and maps.
 - Catch Basin Inspection Form; and
 - Maps of area to be cleaned/inspected

Cleaning and Inspection during Cleaning

1. Clean sediment and trash off of grate.
2. Remove grate.
3. Fill out **Catch Basin Inspection Form** with basin-specific information:
 - **Before cleaning:**
 - Do a visual inspection of outside of grate.
 - Do a visual inspection of the inside of the catch basin to determine cleaning needs and structural issues.
 - Measure depth from rim of catch basin to top of sediment.
 - Measure depth from rim of catch basin to the top of the outlet pipe.
 - Take photo of catch basin.
 - **Clean catch basin:**
 - For manual removal, place removed material in a location protected from potential runoff and place cleanings in a vehicle for transport to designated disposal area.
 - OR use a high-powered vac truck to remove sediment.
 - **After cleaning:**

- Measure depth from rim to bottom of catch basin.
 - Measure depth of sump (outlet pipe to bottom of catch basin).
 - Note if the catch basin is more than 50% full with sediment.
 - Note if the catch basin requires maintenance or if there are pollutants present.
 - Take photo of catch basin.
4. **Storage:** Bring cleanings to designated location for storage and disposal.
 5. If any illicit discharges are observed or suspected, notify supervisor.

Interim Inspection between Cleaning Cycles

1. Clean sediment and trash off grate.
2. Remove grate.
3. Fill out **Catch Basin Inspection Form** with basin-specific information:
 - Do a visual inspection of outside of grate.
 - Do a visual inspection of the inside of the catch basin to determine cleaning needs and structural issues.
 - Measure depth from rim of catch basin to top of sediment.
 - Using sump depth collected during previous cleaning, note if the catch basin is more than 50% full with sediment.
 - Note if the catch basin requires maintenance or if there are pollutants present.
4. If any illicit discharges are observed or suspected, notify supervisor.

Catch Basin Inspection Form

Inspection Information									
Catch Basin ID									
Street Location		GPS Location							
Inspector's Name									
Date of Inspection		Time of Inspection							
Weather (circle)	Dry	Light Rain	Heavy Rain Snow						
Catch Basin Information									
Location	Surface Type	Grate							
<input type="checkbox"/> Road/Curb <input type="checkbox"/> Alley <input type="checkbox"/> Ditch <input type="checkbox"/> Parking Lot <input type="checkbox"/> Driveway <input type="checkbox"/> Sidewalk Other: _____	<input type="checkbox"/> Asphalt <input type="checkbox"/> Gravel <input type="checkbox"/> Concrete <input type="checkbox"/> Grass/Dirt Other: _____	____ inches x ____ inches Material: _____ Shape: _____							
Catch Basin Condition									
CB Damage: No Yes	Comment:								
	Materials (circle)			Condition (circle)					
Grate	Cast Iron	Brick	Concrete	Aluminum	Fiberglass	Poor	Fair	Good	Excellent
Frame	Cast Iron	Brick	Concrete	Aluminum	Fiberglass	Poor	Fair	Good	Excellent
Chimney	Cast Iron	Brick	Concrete	Aluminum	Fiberglass	Poor	Fair	Good	Excellent
Walls	Cast Iron	Brick	Concrete	Aluminum	Fiberglass	Poor	Fair	Good	Excellent
Trap/Hood	Cast Iron	Brick	Concrete	Aluminum	Fiberglass	Poor	Fair	Good	Excellent
Sump	Cast Iron	Brick	Concrete	Aluminum	Fiberglass	Poor	Fair	Good	Excellent
Sediment Depth and IDDE (inches)									
A. Depth from Rim to Top of Sediment: _____						Check those Present:			
B. Depth from Rim to Bottom of Basin (after vac): _____						__ Sanitary Waste/Smell			
C. Sump Depth: _____						__ Excessive Sediment			
D. Depth of Sediment (B-A): _____						__ Oil Sheen			
E. More than 50% Full of Sediment? (D/C): _____						__ Floatables/Trash			
						__ Pet Waste:			
CB Cleaned? No Yes						Other: _____			
Suspected illicit discharge? No Yes						Potential Source: _____			

Appendix H

SWPPP Facilities

Appendix I

List of Stormwater BMPs

Appendix J

Annual Reports