

**Annual Town Meeting Minutes**  
**1<sup>st</sup> Session**  
**May 7, 2018**

Town Moderator Steve Doherty, called the 1<sup>st</sup> Session of the Annual Town Meeting to order on May 7, 2018 at 7:31p.m. in the Town Hall Auditorium, 298 Central Street, Saugus, MA with 44 members present. A quorum was met.

Joyce Rodenhiser from precinct 1 and Peter Rossetti from precinct 2 were appointed and sworn in as tellers.

Girl Brownie Troop #76134 led the colors and the Pledge of Alliance (Nina Rivera, Rose Means, Liliana Henriques, Aly Palomba).

Invocation by Pastor Bob LaRoe at 7:34p.m.

Town Clerk, Ellen Schena, called the roll at 7:36 p.m.

Town Meeting Member name	Present/ Absent	Town Meeting Member name	Present/ Absent	Town Meeting Member name	Present/ Absent
BARTOLO, J.	P	BRAZIS, K	P	BROWN, W.	P
CAMUSO, R	P	CANTERBURY, M	P	CICOLINI, J.	P
COBURN, J.	P	CONNORS, A.	A	COSTELLO, M.	P
COTTAM, J.	P	CURRIE, K.	P	DEVLIN, F.A.	P
DIGIROLAMO	P	DINARDO, A.	P	DIVIRGILIO, S.	P
DOHERTY, S.	P	DUNN, S.	P	FALASCA, T.	P
FISHER, R.	P	FOWLER, J.	P	GOODWIN, P.	P
GROARK, L.	P	HORLICK, S.	P	JONES, C.	P
KELLY, D.	P	LAVOIE, R.	P	LEUCI, W.	P
LOPRESTI, A.	A	MARCHAND, W.	P	MCCABE, K.	P
MCCARTHY, S.	A	MORESCHI, C.	P	MURPHY, S.	P
PAOLINI, M.	P	POLITANO, K.	A	PRIZIO, P	P
RANDO, P	P	RODENHISER, J.	P	ROSSETTI, P.	P
SERINO, M.	P	SPENCER, B.	P	STEWART, W.	P
SULLIVAN, P.	A	SWEEZEY, S.	P	THOMPSON, R.	P
TRAVERSE, T.	P	WALLACE, R.	P	WHITCOMB, M.	P
WITTEN, R.	P	WORTHLEY, J.	P		

45 Members present + Moderator, a quorum is met.

Moderator Comments: Acceptance of the minutes of the STM 2018. Minutes accepted as posted at 7:30pm

**Article 1:** Reports of Committees moved to the floor at 7:40 p.m.

Chairman of the Finance Committee Ken DePatto speaks brief at 7:40pm on the 4 articles the Finance Committee recommends. He hopes Town Meeting will approve their recommendations.

Any other committees: None

The Town Moderator Steve Doherty makes a motion at 7:41 to take Articles 4 and 5 out of order, since articles 2 and 3 are not ready to be moved to the floor.

Seconded at 7:42pm

Unanimously voice vote yes at 7:42p.m to take Articles 4 and 5 out of order.

As a courtesy to the Town Manager, Mr. Serino moves Article 4 to the floor as recommended.

Seconded at 7:42.p.m.

**Article as written:**

**Article 4.** To see if the Town will vote to make supplementary appropriation in the amount of \$25,000.00 to be used in conjunction with the money appropriated under Article 6 of the 2017 Annual Town Meeting during the current fiscal year. The source of funding is a transfer from Water Enterprise Fund Expenses to Water Enterprise Fund Salaries.

Town Manager Scott Crabtree speaks at 7:43p.m. To town meeting in support of this article.

**Article as voted:** Voted to recommend the Town make a supplementary appropriation in the amount of \$25,000.00 to be used in conjunction with the money appropriated under Article 6 of the 2017 Annual Town Meeting during the current fiscal year. The source of funding is a transfer from Water Enterprise Fund Expenses to Water Enterprise Fund Salaries. Call the questions at 7:43pm.

Seconded at 7:43 p.m.

**Article 4 passed as recommended, by unanimous voice vote at 7:44 p.m.**

As a courtesy to the Town Manager, Mr. Serino moves Article 5 to the floor as recommended

Seconded at 7:44 p.m.

**Article as written:**

**Article 5:** To see if the Town will vote to make a supplementary appropriation in the amount of \$25,000.00 to be used in conjunction with the money appropriated under Article 7 of the 2017 Annual Town Meeting during the current fiscal year. The source of funding is a transfer from Sewer Enterprise Fund Expenses to Sewer Enterprise Fund Salaries.

Seconded at 7:45p.m.

Town Manager Scott Crabtree speaks in support of the article at 7:45p.m.

**Article as voted:** Voted to recommend the Town make a supplementary appropriation in the amount of \$25,000.00 to be used in conjunction with the money appropriated under Article 7 of the 2017 Annual Town Meeting during the current fiscal year. The source of funding is a transfer from Sewer Enterprise Fund Expenses to Sewer Enterprise Fund Salaries.

Call for the question at 7:45p.m.

Seconded at 7:45p.m.

**Article 5 passed as recommended, by unanimous voice vote at 7:45 p.m.**

Motion made to take Article 9 out of order at 7:46p.m.

Seconded at 7:46p.m.

Unanimous voice vote yes to take Article 9 out of order at 7:46p.m.

As a courtesy to the Town Manager, Mr. Serino moves Article 9 to the floor as recommended

Seconded at 7:44 p.m.

**Article as written:**

**Article 9:** To see if the Town will vote to appropriate from available funds (FY2018 Chapter 90 Highway) the sum of \$638,273.00 for street resurfacing, handicapped ramps and sidewalks. Said sum will be reimbursed by the Commonwealth of Massachusetts under the provisions of MGL Chapter 90, Section 34.

Town Manager Scott Crabtree speaks at 7:47p.m. to re-address that the State grants Chapter 90 each year to towns.

Martin Costello Precinct 10 asks if this is the maximum the Town will receive on Chapter 90.

Town Manager responds Yes at 7:48p.m.

Jean Bartolo Precinct 6 speaks at 7:48pm asking if there is a list of those roads that will be done.

TM Crabtree states at 7:49 p.m. that the DPW Director has this list and he has a master plan. He will put a press release out on those street that will be on the list. He explains what the town will be looking at in the future are those roads that will be accepted in the town (about 140 roads are not accepted). Chapter 90 can only be used on accepted roads.

**Article as voted:** Voted to recommend the Town appropriate from available funds (FY2018 Chapter 90 Highway) the sum of \$638,273.00 for street resurfacing, handicapped ramps and sidewalks. Said sum will be reimbursed by the Commonwealth of Massachusetts under the provisions of MGL Chapter 90, Section 34.

Call for the vote at 7:54p.m.

Seconded at 7:54p.m.

**Article 9 passed as recommended, by unanimous voice vote at 7:54p.m.**

Motion made take Article 11 out of order at 7:54p.m.

Seconded at 7:55p.m.

Unanimous voice vote yes to take Article 11 out of order at 7:55p.m.

As a courtesy to the Town Manager, Mr. Serino moves Article 11 to the floor as recommended.

Seconded at 7:56 p.m.

**Article as written:**

**Article 11.** To see if the Town will vote to recommend authorizing the Treasurer with the approval of the Board of Selectmen, to borrow \$1,324,200.00 at 0% interest from the MWRA Local Pipeline Assistance Program for the purpose of designing and construction improvements to the water pipelines or to take any other action relative thereto.

Town Manager Scott Crabtree speaks at 7:56p.m. on this article and the 0% interest on those water pipe needing replaced in the Town. This money and program is only for specific type of water pipes (materials) as per the MWRA. The State is encouraging towns to do larger projects instead of the smaller ones that can be more expensive.

**Article as voted:** Voted to recommend authorizing the Treasurer with the approval of the Board of Selectmen, to borrow \$1,324,200.00 at 0% interest from the MWRA Local Pipeline Assistance Program for the purpose of designing and construction improvements to the water pipelines or to take any other action relative thereto.

Call for the question at 7:58p.m. Seconded at 7:58p.m.

**Article 11 passed as recommended, by unanimous voice vote at 7:58p.m.**

Motion made take Article 15 out of order at 7:58p.m. Seconded at 7:58p.m.

Unanimous voice vote yes to take Article 15 out of order at 7:58p.m.

As a courtesy to the Town Manager, Mr. Serino moves Article 15 to the floor as recommended. Seconded at 8:22p.m.

**Article as written:**

**Article 15.** To see if the Town will vote to amend the general bylaws of the Town of Saugus by adding the following section:  
705.00 Stormwater  
705.01 – General  
SECTION 1 – Authority

This By-Law is adopted by the Town under its home rule powers, its police powers to protect public health and welfare, and its specific authorization under M.G.L c. 40, Sections 21 and 21D, c. 83, Sections 1, 10, and 16, and pursuant to the regulations of the Federal Clean Water Act (40 CFR 122.34).

**SECTION 2 - Purpose, Objectives and Intent**

Regulation of discharges to the municipal storm drainage system is necessary for the protection of the Town’s waterbodies and groundwater, and to safeguard public health, safety, welfare, and environment. The purpose of this By-law is to improve and protect water quality, reduce erosion and sedimentation, promote environmentally sensitive site design practices, and ensure long term maintenance of stormwater controls. This By-law is required to meet all applicable federal and state requirements of the Town’s National Pollutant Discharge Elimination System Small Municipal Separate Storm Sewer Systems Permit, commonly known as the “NPDES MS4 permit”.

The purposes, objectives, and intent of this By-law are as follows:

- A. To prevent pollutants from entering the Town’s Municipal Storm Drainage System and Waters of the Commonwealth of Massachusetts;
- B. To establish an Authorized Enforcement Agency to promulgate, adopt, implement, enforce and amend stormwater regulations;
- C. To prohibit non-stormwater and unauthorized discharges, connections and obstructions to the municipal storm drainage system;
- D. To require the removal of all such illicit discharges, connections and/or obstructions;
- E. To comply with state and federal statutes and regulations relating to stormwater discharges;
- F. To establish procedures to regulate construction and post-construction stormwater runoff management from new development and redevelopment; and
- G. To establish legal authority to ensure compliance with the provisions of this By-law through inspection, monitoring, and enforcement.

**SECTION 3 - Definitions.**

**AUTHORIZED ENFORCEMENT AGENCY** - The Director of the Department of Public Works, its employees, officers, or agents are designated to enforce this By-law.

**BY-LAW** - Refers to Section 705.00, Stormwater By-law of the “Town of Saugus By-laws”.

**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 drainage system or into the waters of the United States or Commonwealth of Massachusetts from any source.

**GROUNDWATER** -Water beneath the surface of the ground.

**ILLICIT CONNECTION** - A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drainage 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, permitted, or approved before the effective date of this By-law.

**ILLICIT DISCHARGE** - Direct or indirect discharge to the municipal storm drainage system that is not composed entirely of stormwater, except as exempted in 705.02, Section 2 of this By-law. The term does not include a discharge in compliance with a NPDES Stormwater Discharge Permit or a Surface Water Discharge Permit, or resulting from firefighting activities exempted pursuant to 705.02, Section 2 of this By-law.

**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 rooftops.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAINAGE 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.

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

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

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

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

POLLUTANT - Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth of Massachusetts. 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, ordnances, 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.

STORMWATER - Any water resulting from rainfall or other precipitation that runs off surfaces during or after a storm, including stormwater runoff, snowmelt runoff, and surface water runoff and drainage.

SURFACE WATER DISCHARGE PERMIT - A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

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

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.

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

WETLANDS - Coastal and freshwater wetlands, including wet meadows, marshes, swamps, and bogs, as defined and determined pursuant to G.L. c. 131, § 40 and 310 CMR 10.00 et seq.

#### SECTION 4 - Applicability.

##### A. Municipal Storm Drainage System and Waters of the Commonwealth of Massachusetts.

1. This By-law shall apply to flows entering the Town's Municipal Storm Drainage System and Waters of the Commonwealth of Massachusetts.

##### B. Construction and Post-Construction Activities

1. Any construction activity, including clearing, grading, and excavation that will disturb equal to or greater than one acre of land or will disturb less than one acre of land but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre of land draining to the Town municipal separate drain system without a Stormwater Management Permit from the Enforcement Agency. After the initial common plan construction activity is completed for a particular parcel, any subsequent development or redevelopment of that parcel would be regarded as a new plan of development. For example, after a house is built and occupied, any future construction on that lot (e.g., reconstructing after fire, adding a pool or parking area, etc.), would stand alone as a new common plan for purposes of calculating acreage disturbed to determine if a Stormwater Management Permit is required. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or the original purpose of the site.

##### 2. Exemptions.

- a) Construction activities waived from permit coverage under the NPDES General Permit for Stormwater Discharges from Construction Activities.
- b) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04;
- c) Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling;
- d) The construction of fencing that will not substantially alter existing terrain or drainage patterns;
- e) Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns;
- f) Emergency work to protect life, limb, or property.

#### SECTION 5 - Responsibility for Administration.

The Authorized Enforcement Agency shall administer, implement and enforce this By-Law, and any rules and regulations adopted thereunder. Any powers granted to or duties imposed upon the Authorized Enforcement Agency may be delegated in writing by the Authorized Enforcement Agency to employees or agents of the Authorized Enforcement Agency.

## SECTION 6 - Regulations.

The Authorized Enforcement Agency may adopt and periodically amend rules and regulations, not inconsistent, herewith, to effectuate the purposes of this By-law. Said regulations may include but shall not be limited to provisions regarding: administration; application requirements and fees; permitting procedures and requirements; design standards; surety requirements; inspection and site supervision requirements; waivers and exemptions; and enforcement procedures. Failure by the Authorized Enforcement Agency to promulgate such rules and regulations shall not have the effect of suspending or invalidating this By-law.

## SECTION 7 - Enforcement.

The Authorized Enforcement Agency or appointed designee shall enforce this By-law and any regulations, orders, violation notices, enforcement orders, and permit conditions on behalf of the Town, and may pursue all civil and criminal remedies for such violations pursuant thereto.

A. Civil Relief. If a person violates the provisions of this By-law, regulations, permit, notice, or order issued there under, the Authorized Enforcement Agency 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.

B. Orders.

1. The Authorized Enforcement Agency or an authorized agent of the Authorized Enforcement Agency may issue a written order to enforce the provisions of this By-law or the regulations there under, which may include:

- a) Elimination of illicit connections or discharges to the municipal storm drainage system;
- b) Performance of monitoring, analyses, and reporting;
- c) That unlawful discharges, practices, or operations shall cease and desist; and
- d) Remediation of contamination in connection therewith.

2. If the Authorized Enforcement Agency 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.

C. Criminal Penalty. Any person who violates any provision of this By-law, regulation, order or permit issued there under, shall be punished by a fine of not more than \$300 for each violation. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

D. Non-criminal Disposition. As an alternative to criminal prosecution or civil action, the Town may elect to utilize the noncriminal disposition procedure. The penalty for the 1st violation shall be \$100. The penalty for the 2nd violation shall be \$200. The penalty for the 3rd and subsequent violations shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

E. Entry to Perform Duties Under this By-law. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Authorized Enforcement Agency or Inspectional Services Department, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this By-law and regulations and may make or cause to be made such examinations, surveys or sampling as the Authorized Enforcement Agency deems reasonably necessary.

F. Appeals. The decisions or orders of the Authorized Enforcement Agency shall be final. Further relief shall be to a court of competent jurisdiction.

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

## SECTION 8 - Severability.

The provisions of this By-law are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this By-law 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 By-law.

## SECTION 9 - Transitional provisions.

Residential property owners shall have 90 days from the effective date of this By-law to comply with its provisions provided good cause is shown for the failure to comply with this By-law during that period.

### 705.02 – Non-Stormwater Discharges, Connections and Obstructions

## SECTION 1 - 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 storm drainage system, into a watercourse, or into the waters of the Commonwealth of Massachusetts.

B. Illicit Connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drainage system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

C. Obstruction of Municipal Storm Drainage System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drainage system without prior written approval from the Authorized Enforcement Agency.

## SECTION 2 - Exemptions.

The following exemptions are applicable to 705.02, Section 1.

A. Discharge or flow resulting from firefighting activities.

B. The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm drainage system:

1. Waterline flushing;
2. Flow from potable water sources;
3. Springs;
4. Natural flow from riparian habitats and wetlands;

5. Diverted stream flow;
6. Rising groundwater;
7. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
8. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
9. Discharge from landscape irrigation or lawn watering;
10. Water from individual residential car washing;
11. Discharge from dechlorinated swimming pool water (less than one ppm chlorine) with written authorization to discharge received from the Authorized Enforcement Agency, provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
12. Street wash water by methods approved by Town;
13. Dye testing, provided verbal notification is given to the Authorized Enforcement Agency prior to the time of the test;
14. Non-stormwater discharge permitted under a NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
15. Discharge for which advanced written approval is received from the Authorized Enforcement Agency as necessary to protect public health, safety, welfare or the environment.

### SECTION 3 - Emergency Suspension of Municipal Storm Drainage System Access.

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

### SECTION 4 - Notification of spills.

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth of Massachusetts, 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 Fire and Police Departments, Board of Health, and the Department of Public Works. In the event of a release of non-hazardous material, the reporting person shall notify the Authorized Enforcement Agency no later than the next business day. The reporting person shall provide to the Authorized Enforcement Agency written confirmation of all telephone, e-mail, 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.

## 705.03 – Construction and Post Construction Stormwater Management of New Developments and Redevelopments.

### SECTION 1 – Permit Required

A. No person may undertake a construction activity, including clearing, grading, and excavation that results in a land disturbance that will disturb equal to or greater than one acre of land or will disturb less than one acre of land but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre of land in the Town of Saugus without a Stormwater Management Permit from the Enforcement Agency pursuant to this By-law and regulations promulgated hereunder.

#### B. Exemptions.

1. Construction activities waived from permit coverage under the NPDES General Permit for Stormwater Discharges from Construction Activities.
2. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04;
3. Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling;
4. The construction of fencing that will not substantially alter existing terrain or drainage patterns;
5. Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns;
6. Emergency work to protect life, limb, or property.

### SECTION 2 – Permits and procedures.

Permits and Procedures shall be defined and included as part of any rules and regulations promulgated under this By-law.

### SECTION 3 – Fee structure.

The Enforcement Agency shall establish and may periodically amend a schedule of fees under this Bylaw. The Enforcement Agency shall obtain with each submission an Application and Review Fee and an Inspection Fee fixed by the Enforcement Agency to cover expenses connected with the application review of the Stormwater Management Permit and to cover DPW costs in ensuring adherence to the applicant's permit conditions. Authority for the Enforcement Agency is granted pursuant to MGL c.40, § 22F. The Applicant must hire a Registered Professional Engineer (P.E.) in the Commonwealth of Massachusetts to certify that the plans are in accordance with the Town's standards. The Enforcement Agency is authorized to retain professional consultation at the applicant's expense from applicable Town Departments or a third party professional consultant for expert engineering or other services to advise the Enforcement Agency on any or all aspects of the applicant's permit.

### SECTION 4 – Waivers.

A. The Enforcement Agency may waive strict compliance with any requirement of this By-law or the rules and regulations promulgated hereunder, where:

1. Such action is allowed by federal, state and local statutes and/or regulations,
  2. Is in the public interest, and
  3. Is not inconsistent with the purpose and intent of this By-law.
- B. Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of this By-law does not further the purposes or objectives of this By-law.
- C. All waiver requests shall be reviewed by the Enforcement Agency and if necessary, discussed with other Town departments.
- D. If in the Enforcement Agency's opinion, additional time or information is required for review of a waiver request, the Enforcement Agency may continue a hearing to a date certain announced at the meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

Town Manager Scott Crabtree speaks at 8:22p.m. adding background on this article from the EPA. This By-Law is the last thing the town needs to do to be in compliance by the EPA. The DPW Director has been looking at this and has engaged an outside vendor to help make us compliant with the EPA Regulations.

Martin Costello Precinct 10 speaks at 8:24p.m. concerning the By-Law change in the first section talks about pollutants. He wants to know about Section 4 and the “discharge”. Is the Enforcement Agency the DPW? Town Manager replies Yes. Will the Enforcement Agency make onsite visits to the make sure the industrial company is compliant (hazardous waste spills).

William Stewart Precinct 3 speaks at 8:27p.m. asking about some of the Regulations. Will anything come back to Town Meeting if regulations change or will the town automatic accept them?

Town Manager Scott Crabtree responds at 8:28p.m. stating the language is basic to other policies if the By-Law regulates. Most be consistent with the By-Laws.

Steve Horlick Precinct 8 speaks at 8:30p.m. on the Exemptions; Section 2 #9 on discharge of #1 (Maintenance of Lawn)

Michael Serino Precinct 10 speaks at 8:31p.m. about the Fee Structure in this By-Law. He would like to strike that out and insert Town Meeting or Board of Selectmen.

Town Moderator informs Michael Serino that an Amendment needs to be put in writing.

Bill Brown Precinct 6 speaks at 8:33p.m. asking does this need to go in front of the planning board?

Town Moderator Steve Doherty states only zoning articles need to go in front of the Planning Board. Town Counsel concurs at 8:33 p.m.

Ann Devlin Precinct 1 speaks at 8:34p.m. about this article is long overdue and EPA compliant. How enforceable will this article be in the Town and if the DPW is the enforcer? Will they be able to do this or be overtaxed?

Peter Rossetti Precinct 2 indicates at 8:36p.m. that he is on the Planning Board and had the same questions. He encourages Town Meeting to pass this Article.

Town Manager Crabtree speaks at 8:26p.m states yes.

Proposed Amendment under 705.3 Section 3 Fee Structure: to strike out The Enforcement Agency and insert “Town Meeting”.

Seconded at 8:38p.m.

Peter Rossetti Precinct 2 speaks on the amendment at 8:38p.m was to stream line this to DPW since Town Meeting doesn't meet all the time and the Town and DPW Director are more qualified.

Michael Serino Precinct 10 at 8:39pm disagrees and believes that Town Meeting should set up and enforce the fees.

Call for the question on the amendment only.

Seconded at 8:40p.m.

Hand vote for a Yes on the Amendment.

Vote taken by the Tellers.

Left Side: 11

Right Side: 13

Total: 24

Hand vote for a No on the Amendment.

Left Side: 8

Right Side: 9

Total: 17

**Amendment has passed at 8:41p.m.**

Martin Costello Precinct 10 speaks at 8:42p.m on the Article.

Steve Horlick Precinct 8 makes an Amendment 705.02 Section 2: Exemptions to strike out “Discharge from landscaping,

irrigation or lawn watering”., And insert “Discharge from landscaping, irrigation or lawn watering including discharge of fertilizer, pesticides, herbicides used in materials of lawn and landscaping”.

Call for the question for the Amendment at 8:43pm.

Seconded at 8:43p.m.

Tom Traverse speaks at 8:44p.m PCT 8 about “pesticides”.

Town Manager Scott Crabtree speaks at 8:44pm to defer to the DPW Director Brendan Director O’Regan.

DPW Director Brendan Director O’Regan speaks about how a vendor was hired to go thru this and what language the EPA will accept as the requirements.

Steve Horlick Precinct 8 speaks at 8:46p.m. concerning what the previous speaker states on duplexs, one acre and commercial property. If this was going on for 2 years and he has only known about this for 1 month. This article should have been reached out to Town Meeting.

Steve Divirgilio Precinct 10 speaks at 8:48pm can he get some examples on what the fine will be for those residents? What are people doing that are not right?

DPW Director Brendan Director O’Regan speaks at 8:48p.m. on the construction that has been going on for the last 2 years. Some situation where there is buildings on hill where the debris washes into the roadway.

Call for the question on the Amendment 705.02 Section 2: Exemptions.

Seconded at 8:49p.m.

Hand vote in favor of the Amendment:

Vote taken by the Tellers.

Left Side: 4

Right Side: 1

Total: 5

Hand Vote opposed to the Amendment:

Left Side: 17

Right Side: 22

Total: 39

**Amendment has failed at 8:51pm**

Another Amendment 705.03 Section 1- B Exemptions #3 by striking out “Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling” and adding “Maintenance of existing landscaping, gardens or lawn area associated with a single family dwelling, multi family dwelling, commercial buildings and public buildings”.

Seconded at 8:54pm

Steve Horlick Precinct 8 speaks again at 8:55pm on commercial property and single family homes.

DPW Director Brendan Director O’Regan speaks at 8:56p.m. he should have been more clear on his last explanation. His concern with amending the article will be in conflict with what the EPA requires.

Steve Sweezey Precinct 2 speaks at 8:57p.m. with regards to the Amendment he doesn’t think the amendment with be necessary.

Hand vote in favor of the Amendment:

Vote taken by the Tellers.

Left Side: 2

Right Side: 2

Total: 4

Hand Vote opposed to the Amendment:

Left Side: 17

Right Side: 20

Total: 37

**Amendment fails at 8:59p.m.**

Any more discussion on the article. None

Call for the question for the article with the amendment.

**Article as voted:** To see if the Town will vote to amend the general bylaws of the Town of Saugus by adding the following section:

705.00 Stormwater

705.01 – General

SECTION 1 – Authority

This By-Law is adopted by the Town under its home rule powers, its police powers to protect public health and welfare, and its specific authorization under M.G.L c. 40, Sections 21 and 21D, c. 83, Sections 1, 10, and 16, and pursuant to the regulations of the Federal Clean Water Act (40 CFR 122.34).

SECTION 2 - Purpose, Objectives and Intent



Regulation of discharges to the municipal storm drainage system is necessary for the protection of the Town's waterbodies and groundwater, and to safeguard public health, safety, welfare, and environment. The purpose of this By-law is to improve and protect water quality, reduce erosion and sedimentation, promote environmentally sensitive site design practices, and ensure long term maintenance of stormwater controls. This By-law is required to meet all applicable federal and state requirements of the Town's National Pollutant Discharge Elimination System Small Municipal Separate Storm Sewer Systems Permit, commonly known as the "NPDES MS4 permit".

The purposes, objectives, and intent of this By-law are as follows:

- A. To prevent pollutants from entering the Town's Municipal Storm Drainage System and Waters of the Commonwealth of Massachusetts;
- B. To establish an Authorized Enforcement Agency to promulgate, adopt, implement, enforce and amend stormwater regulations;
- C. To prohibit non-stormwater and unauthorized discharges, connections and obstructions to the municipal storm drainage system;
- D. To require the removal of all such illicit discharges, connections and/or obstructions;
- E. To comply with state and federal statutes and regulations relating to stormwater discharges;
- F. To establish procedures to regulate construction and post-construction stormwater runoff management from new development and redevelopment; and
- G. To establish legal authority to ensure compliance with the provisions of this By-law through inspection, monitoring, and enforcement.

### SECTION 3 - Definitions.

**AUTHORIZED ENFORCEMENT AGENCY** - The Director of the Department of Public Works, its employees, officers, or agents are designated to enforce this By-law.

**BY-LAW** - Refers to Section 705.00, Stormwater By-law of the "Town of Saugus By-laws".

**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 drainage system or into the waters of the United States or Commonwealth of Massachusetts from any source.

**GROUNDWATER** - Water beneath the surface of the ground.

**ILLICIT CONNECTION** - A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drainage 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, permitted, or approved before the effective date of this By-law.

**ILLICIT DISCHARGE** - Direct or indirect discharge to the municipal storm drainage system that is not composed entirely of stormwater, except as exempted in 705.02, Section 2 of this By-law. The term does not include a discharge in compliance with a NPDES Stormwater Discharge Permit or a Surface Water Discharge Permit, or resulting from firefighting activities exempted pursuant to 705.02, Section 2 of this By-law.

**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 rooftops.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAINAGE 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.

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

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

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

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

**POLLUTANT** - Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth of Massachusetts. 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, ordnances, 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.

**STORMWATER** - Any water resulting from rainfall or other precipitation that runs off surfaces during or after a storm, including stormwater runoff, snowmelt runoff, and surface water runoff and drainage.

**SURFACE WATER DISCHARGE PERMIT** - A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

**TOXIC OR HAZARDOUS MATERIAL OR WASTE** - Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic

or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

**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.

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

**WETLANDS** - Coastal and freshwater wetlands, including wet meadows, marshes, swamps, and bogs, as defined and determined pursuant to G.L. c. 131, § 40 and 310 CMR 10.00 et seq.

#### SECTION 4 - Applicability.

##### A. Municipal Storm Drainage System and Waters of the Commonwealth of Massachusetts.

1. This By-law shall apply to flows entering the Town's Municipal Storm Drainage System and Waters of the Commonwealth of Massachusetts.

##### B. Construction and Post-Construction Activities

1. Any construction activity, including clearing, grading, and excavation that will disturb equal to or greater than one acre of land or will disturb less than one acre of land but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre of land draining to the Town municipal separate drain system without a Stormwater Management Permit from the Enforcement Agency. After the initial common plan construction activity is completed for a particular parcel, any subsequent development or redevelopment of that parcel would be regarded as a new plan of development. For example, after a house is built and occupied, any future construction on that lot (e.g., reconstructing after fire, adding a pool or parking area, etc.), would stand alone as a new common plan for purposes of calculating acreage disturbed to determine if a Stormwater Management Permit is required. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or the original purpose of the site.

##### 2. Exemptions.

- a) Construction activities waived from permit coverage under the NPDES General Permit for Stormwater Discharges from Construction Activities.
- b) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04;
- c) Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling;
- d) The construction of fencing that will not substantially alter existing terrain or drainage patterns;
- e) Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns;
- f) Emergency work to protect life, limb, or property.

#### SECTION 5 - Responsibility for Administration.

The Authorized Enforcement Agency shall administer, implement and enforce this By-Law, and any rules and regulations adopted thereunder. Any powers granted to or duties imposed upon the Authorized Enforcement Agency may be delegated in writing by the Authorized Enforcement Agency to employees or agents of the Authorized Enforcement Agency.

#### SECTION 6 - Regulations.

The Authorized Enforcement Agency may adopt and periodically amend rules and regulations, not inconsistent, herewith, to effectuate the purposes of this By-law. Said regulations may include but shall not be limited to provisions regarding: administration; application requirements and fees; permitting procedures and requirements; design standards; surety requirements; inspection and site supervision requirements; waivers and exemptions; and enforcement procedures. Failure by the Authorized Enforcement Agency to promulgate such rules and regulations shall not have the effect of suspending or invalidating this By-law.

#### SECTION 7 - Enforcement.

The Authorized Enforcement Agency or appointed designee shall enforce this By-law and any regulations, orders, violation notices, enforcement orders, and permit conditions on behalf of the Town, and may pursue all civil and criminal remedies for such violations pursuant thereto.

- ##### A. Civil Relief.
- If a person violates the provisions of this By-law, regulations, permit, notice, or order issued there under, the Authorized Enforcement Agency 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.

##### B. Orders.

1. The Authorized Enforcement Agency or an authorized agent of the Authorized Enforcement Agency may issue a written order to enforce the provisions of this By-law or the regulations there under, which may include:
  - a) Elimination of illicit connections or discharges to the municipal storm drainage system;
  - b) Performance of monitoring, analyses, and reporting;
  - c) That unlawful discharges, practices, or operations shall cease and desist; and
  - d) Remediation of contamination in connection therewith.
2. If the Authorized Enforcement Agency 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.

C. Criminal Penalty. Any person who violates any provision of this By-law, regulation, order or permit issued there under, shall be punished by a fine of not more than \$300 for each violation. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

D. Non-criminal Disposition. As an alternative to criminal prosecution or civil action, the Town may elect to utilize the noncriminal disposition procedure. The penalty for the 1st violation shall be \$100. The penalty for the 2nd violation shall be \$200. The penalty for the 3rd and subsequent violations shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

E. Entry to Perform Duties Under this By-law. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Authorized Enforcement Agency or Inspectional Services Department, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this By-law and regulations and may make or cause to be made such examinations, surveys or sampling as the Authorized Enforcement Agency deems reasonably necessary.

F. Appeals. The decisions or orders of the Authorized Enforcement Agency shall be final. Further relief shall be to a court of competent jurisdiction.

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

#### SECTION 8 - Severability.

The provisions of this By-law are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this By-law 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 By-law.

#### SECTION 9 - Transitional provisions.

Residential property owners shall have 90 days from the effective date of this By-law to comply with its provisions provided good cause is shown for the failure to comply with this By-law during that period.

#### 705.02 – Non-Stormwater Discharges, Connections and Obstructions

#### SECTION 1 - 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 storm drainage system, into a watercourse, or into the waters of the Commonwealth of Massachusetts.

B. Illicit Connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drainage system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

C. Obstruction of Municipal Storm Drainage System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drainage system without prior written approval from the Authorized Enforcement Agency.

#### SECTION 2 - Exemptions.

The following exemptions are applicable to 705.02, Section 1.

A. Discharge or flow resulting from firefighting activities.

B. The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm drainage system:

1. Waterline flushing;
2. Flow from potable water sources;
3. Springs;
4. Natural flow from riparian habitats and wetlands;
5. Diverted stream flow;
6. Rising groundwater;
7. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
8. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
9. Discharge from landscape irrigation or lawn watering;
10. Water from individual residential car washing;
11. Discharge from dechlorinated swimming pool water (less than one ppm chlorine) with written authorization to discharge received from the Authorized Enforcement Agency, provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
12. Street wash water by methods approved by Town;
13. Dye testing, provided verbal notification is given to the Authorized Enforcement Agency prior to the time of the test;
14. Non-stormwater discharge permitted under a NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
15. Discharge for which advanced written approval is received from the Authorized Enforcement Agency as necessary to protect public health, safety, welfare or the environment.

#### SECTION 3 - Emergency Suspension of Municipal Storm Drainage System Access.

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

#### SECTION 4 - Notification of spills.

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth of Massachusetts, 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 Fire and Police Departments, Board of Health, and the Department of Public Works. In the event of a release of non-hazardous material, the reporting person shall notify the Authorized Enforcement Agency no later than the next business day. The reporting person shall provide to the Authorized Enforcement Agency written confirmation of all telephone, e-mail, 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.

705.03 – Construction and Post Construction Stormwater Management of New Developments and Redevelopments.  
SECTION 1 – Permit Required

- A. No person may undertake a construction activity, including clearing, grading, and excavation that results in a land disturbance that will disturb equal to or greater than one acre of land or will disturb less than one acre of land but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre of land in the Town of Saugus without a Stormwater Management Permit from the Enforcement Agency pursuant to this By-law and regulations promulgated hereunder.
- B. Exemptions.
  - 1. Construction activities waived from permit coverage under the NPDES General Permit for Stormwater Discharges from Construction Activities.
  - 2. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04;
  - 3. Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling;
  - 4. The construction of fencing that will not substantially alter existing terrain or drainage patterns;
  - 5. Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns;
  - 6. Emergency work to protect life, limb, or property.

SECTION 2 – Permits and procedures.  
Permits and Procedures shall be defined and included as part of any rules and regulations promulgated under this By-law.

SECTION 3 – Fee structure.  
Town Meeting shall establish and may periodically amend a schedule of fees under this Bylaw. Town Meeting shall obtain with each submission an Application and Review Fee and an Inspection Fee fixed by Town Meeting to cover expenses connected with the application review of the Stormwater Management Permit and to cover DPW costs in ensuring adherence to the applicant’s permit conditions. Authority for Town Meeting is granted pursuant to MGL c.40, § 22F. The Applicant must hire a Registered Professional Engineer (P.E.) in the Commonwealth of Massachusetts to certify that the plans are in accordance with the Town’s standards. Town Meeting is authorized to retain professional consultation at the applicant’s expense from applicable Town Departments or a third party professional consultant for expert engineering or other services to advise the Enforcement Agency on any or all aspects of the applicant’s permit.

- SECTION 4 – Waivers.
- A. The Enforcement Agency may waive strict compliance with any requirement of this By-law or the rules and regulations promulgated hereunder, where:
    - 1. Such action is allowed by federal, state and local statutes and/or regulations,
    - 2. Is in the public interest, and
    - 3. Is not inconsistent with the purpose and intent of this By-law.
  - B. Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of this By-law does not further the purposes or objectives of this By-law.
  - C. All waiver requests shall be reviewed by the Enforcement Agency and if necessary, discussed with other Town departments.
  - D. If in the Enforcement Agency's opinion, additional time or information is required for review of a waiver request, the Enforcement Agency may continue a hearing to a date certain announced at the meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

**Article 15 passed as with Amendment to Section 3 Fee Structure, by unanimous voice vote at 9:00p.m.**

Motion made to suspended ATM until May 21, 2018 at 9:01pm.

Seconded at 9:01pm

Unanimous voice vote yes to suspended the 2018 ATM until May 21, 2018 at 9:01pm

Seconded at 9:01 p.m.

Respectfully submitted

Ellen Joyce Schena  
Town Clerk