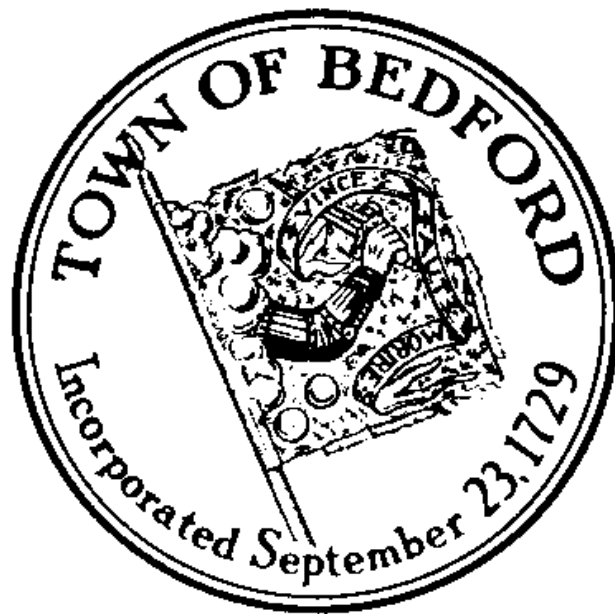


The General Bylaws



Town of Bedford Massachusetts

Effective as of August 23, 2021

provision of the bylaw regulations, Determination of Applicability, or Order of Conditions shall constitute a separate offense.

(f) Appeals --- A decision of the Commission shall be reviewable in the superior court in an action filed within 60 days thereof, in accordance with G.L. c. 249, Section 4 as amended. In addition to the appeal procedures under G.L. c. 40, Section 21D, persons fined may appeal in writing to the Commission within 21 days. The Commission may vacate fines where compliance has been established, or their issuance is inconsistent with the resource area values protected by this bylaw. The Commission may suspend fines as long as the person in violation demonstrates a reasonable, good faith effort toward obtaining compliance. The Commission may restore suspended fines at any time during an existing violation.

54.15 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.

ARTICLE 55. STORMWATER MANAGEMENT

55.1 Purpose.

- A. Increased and contaminated stormwater runoff associated with developed land, illicit discharges to the municipal storm drain system, and soil erosion and sedimentation are known to cause:
 - 1. Impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands, and ground water;
 - 2. Contamination of drinking water supplies;
 - 3. Erosion of stream channels;
 - 4. Alteration and destruction of aquatic and wildlife habitat;
 - 5. Flooding; and
 - 6. Overloading or clogging of municipal storm drain systems.
- B. The objectives of this bylaw are to regulate illicit connections and discharges to the municipal storm drain system and require practices to control the flow of stormwater runoff from new and redeveloped sites into the Town of Bedford's municipal separate storm sewer system (MS4) in order to:
 - 1. Prevent pollutants from entering into and discharging from the Town of Bedford's MS4;
 - 2. Prohibit illicit connections and unauthorized discharges to the MS4;
 - 3. Require the removal of all such illicit connections to the MS4;
 - 4. disturbance activities;
 - 5. Ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process;
 - 6. Prevent flooding;
 - 7. Promote infiltration of stormwater to recharge ground water;
 - 8. Encourage the use of low impact development techniques such as reducing impervious cover and the preservation of green space and other natural areas, to the maximum extent practicable and allowable under the Town of Bedford Rules and Regulations Governing the Subdivision of Land;
 - 9. Protect ground water and surface water from pollution and degradation;
 - 10. Control waste such as discarded building materials, concrete truck washout,

- chemicals, litter, and sanitary waste at a construction site;
11. Ensure adequate operation and maintenance of structural stormwater best management practices so they work as designed, both long-term and during construction;
 12. Comply with state and federal statutes and regulations relating to stormwater discharges; and
 13. Establish the Town of Bedford's legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

55.2 Definitions.

The following definitions shall apply in the interpretation and enforcement of this bylaw.

Additional terms that apply to issuance of a Stormwater Permit established by this bylaw shall be defined and included as part of the Rules and Regulations promulgated and, from time to time, amended under Section 7 of this bylaw, a copy of which is available at the office of the Stormwater Agency and the office of the Town Clerk.

Terms not defined in this bylaw, said Rules and Regulations or pertinent statutes shall be construed according to their customary and usual meaning.

The following terms are defined in the Massachusetts Wetlands Regulations (310 CMR 10.00): Environmentally Sensitive Site Design, Low Impact Development (LID) Techniques, Maintenance of a Stormwater Management System, Redevelopment, Stormwater Best Management Practice, Stormwater Management System, and Surface Waters.

Alter shall mean any activity, which will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns, including but not limited to "alteration of drainage characteristics," and "conducting land disturbance activities."

Applicant shall mean any person, individual, partnership, association, organization, 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 who has filed an application for a Stormwater Permit.

Approval Not Required (ANR) shall mean a plan of land that does not require approval under the Subdivision Control Law of Massachusetts (Massachusetts General Laws, Chapter 41, Sections 81K through 81GG).

Clean Water Act shall mean the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

Common Plan of Development (or Common Plan) shall mean any announcement or documentation (including but not limited to a contract, public notice or hearing, advertisement, drawing, plan, or permit application) or physical demarcation (including but not limited to boundary signs, lot stakes, survey, or marking) indicating imminent or future plans to disturb earth regardless of how many phases or how long it will take to complete.

Under this bylaw, a facility is *no longer considered a common plan* if the following criteria are met:

- a) The original plan, including modifications, was substantially completed with

less than one acre of the original common plan remaining (i.e., less than 1 acre of the common plan was not built out at the time); **and**

b) There was a clearly identifiable period of time (2 years or more) where there was no ongoing construction, including meeting the criteria for final stabilization.

Discharge of Pollutants shall mean the addition of any Pollutant or combination of Pollutants into the MS4 or into the waters of the United States or the waters of the Commonwealth, from any source.

Ground Water shall mean water below the land surface in a saturated zone, including perched ground water.

Illicit Connection shall mean a surface or subsurface drain or conveyance, which allows an illicit discharge into the MS4, 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 bylaw.

Illicit Discharge shall mean a direct or indirect discharge to the MS4 that is not entirely comprised of stormwater, except as exempted in Section 5.B of this bylaw.

Impervious Surface or Impervious Cover (IC) or Impervious Area (IA) shall mean 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.

Infiltration shall mean the act of conveying surface water into the ground to permit ground water recharge and the reduction of stormwater runoff from a project site.

Land Disturbance shall mean any action that causes removal of vegetation clearing (including tree cutting) or that causes a change in the position, location, or arrangement of soil, sand, rock, gravel, or similar earth material. See also **Alter**.

Low Impact Development Techniques shall mean innovative stormwater management systems that are modeled after natural hydrologic features. See 310 CMR 10 for further clarification.

Massachusetts Stormwater Management Standards shall mean the requirements described in the Massachusetts Stormwater Handbook, as they may be amended from time to time, that address water quality (pollutants and/or contaminants) and water quantity (flooding, low base flow and/or recharge) by establishing standards that require the implementation of a wide variety of stormwater management strategies. These strategies include environmentally sensitive site design and LID Techniques to minimize impervious surface and land disturbance, source control and pollution prevention, structural stormwater Best Management Practices, construction period erosion and sedimentation control, and the long-term operation and maintenance of stormwater management systems. The Stormwater Management Standards have been incorporated in the Wetlands Protection Act Regulations, 310 CMR 10.00 and the Water Quality Certification Regulations, 314 CMR 9.00.

Municipal Separate Storm Sewer System (MS4) shall mean a conveyance or system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, municipal street, catch basin, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, ditch, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Bedford.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit shall mean a permit issued by United States Environmental Protection Agency or jointly with the Commonwealth of Massachusetts that authorizes and regulates the discharge of pollutants into waters of the United States.

Nonpoint Source shall mean any source from which pollution is discharged which is not identified as a point source, including, but not limited to urban, agricultural, or silvicultural runoff.

Non-Stormwater Discharge shall mean a discharge to the municipal storm drain system not composed entirely of stormwater.

Owner shall mean a person with a legal or equitable interest in real property.

Person shall mean an individual, partnership, association, firm, company, trust, estate corporation, organization, 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 shall mean 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, ground water, or surface water.

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; sewage, fecal coliform and pathogens;
- (G) dissolved and particulate metals;
- (H) animal wastes;
- (I) rock, sand, salt, soils, with the exception of winter salting and sanding in quantities that will not clog or otherwise impair the performance of the MS4 and Stormwater Management Systems;
- (J) construction wastes and residues; and
- (K) noxious or offensive matter of any kind.

Point Source means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

Process Wastewater shall mean 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 shall mean the replenishment of underground water reserves.

Stormwater shall mean runoff from precipitation, snow melt, and surface water runoff and drainage.

Stormwater Authority shall mean the Bedford Select Board. The Stormwater Authority is responsible for adopting Rules and Regulations to support this bylaw.

Stormwater Agency shall mean the Bedford Department of Public Works, its employees or designated agents. The Stormwater Agency shall be responsible for day-to-day administration, implementation, and enforcement of this bylaw. The Stormwater Agency shall be the Stormwater Permit granting authority.

Stormwater Best Management Practice shall mean a structural or nonstructural technique for managing stormwater to prevent or reduce non-point source pollutants

from entering surface waters or ground waters. A structural stormwater best management practice includes a basin, discharge outlet, swale, rain garden, filter, or other stormwater treatment practice or measure either alone or in combination including without limitation any overflow pipe, conduit, weir control structure that:

- a) is not naturally occurring;
- b) is not designed as a wetland replication area; and
- c) has been designed, constructed, and installed for the purpose of conveying, collecting, storing, discharging, recharging, or treating stormwater.

Nonstructural stormwater best management practices include source control and pollution prevention measures, as defined in 310 CMR 10.00.

Stormwater Management System means a system for conveying, collecting, storing, discharging, recharging, or treating stormwater on-site including stormwater best management practices and any pipes and outlets intended to transport and discharge stormwater to the ground water, a surface water or a municipal separate storm sewer system, as defined in 310 CMR 10.00.

Stormwater Permit shall mean a permit issued by the Stormwater Agency after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater runoff.

Surface Waters shall mean all waters other than ground water within the jurisdiction of the Commonwealth including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, and coastal waters, as defined in 310 CMR 10.00.

Surface Water Discharge Permit shall mean a permit issued by the Department of Environmental Protection (MassDEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants into waters of the Commonwealth of Massachusetts.

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

Watercourse shall mean a natural or man-made channel through which water flows or a stream of water, including a river, brook, or underground stream.

Wastewater shall mean 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.

55.3 Authority

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

55.4 Responsibility for Administration

The Bedford Select Board are hereby designated as the Stormwater Authority. The Stormwater Authority is responsible for adopting Rules and Regulations to support this bylaw.

The Bedford Department of Public Works, its employees or designated agents, are

hereby designated as the Stormwater Agency. The Stormwater Agency is responsible for day-to-day administration, implementation, and enforcement of this bylaw. The Stormwater Agency shall be the Stormwater Permit granting authority.

55.5 Illicit Connections and Discharges to the Municipal Storm Drain System

A. Prohibited Activities.

1. Illicit Discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into a stormwater management system, the Town of Bedford MS4, into a watercourse, surface water, or ground water.
2. Illicit Connections. No person shall construct, use, allow, maintain, or continue any illicit connection to the MS4, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
3. Obstruction of Municipal Storm Drain System. No person shall obstruct or interfere with the flow of stormwater into or out of the MS4 without prior written approval from the Stormwater Agency.

B. Exemptions.

The following non-stormwater discharges or flows are allowed without the need for consultation with the Stormwater Agency provided that the source is not a significant contributor of Pollutants to the MS4.

1. water line flushing,
2. landscape irrigation,
3. diverted stream flows,
4. rising ground waters,
5. uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)),
6. uncontaminated pumped ground water,
7. discharge from potable water sources,
8. foundation drains,
9. air conditioning condensation,
10. irrigation water,
11. springs,
12. water from crawl space pumps,
13. footing drains,
14. lawn watering,
15. individual resident car washing,
16. flows from riparian habitats and wetlands,
17. dechlorinated swimming pool discharges,
18. street wash water,
19. residential building wash waters, without detergents
20. Discharges or flows from firefighting activities, except where they are identified as significant contributors of pollutants to surface waters or ground water.
21. Dye testing, provided verbal notification is given to the Stormwater Agency prior to the time of the test;
22. 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 MassDEP, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
23. Discharge for which advanced written approval is received from the Stormwater Agency as necessary to protect public health, safety, welfare, or the

environment.

- C. **Emergency Suspension of Storm Drainage System Access.** The Stormwater Agency 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 such an order, the Stormwater Agency may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.
- D. **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 MS4, a stormwater management system, surface water, or ground water, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal Fire and Police Departments and the Board of Health, per Town of Bedford General Bylaws, Article 50: Control and Management of Hazardous Materials. In the event of a release of non-hazardous material, the reporting person shall notify the Stormwater Agency no later than the next business day. The reporting person shall provide to the Stormwater Agency written confirmation of all telephone, facsimile, email, or in-person notifications within three business days thereafter. If the discharge of pollutants is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the release and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.
- E. **Transitional Provisions.** Residential property owners shall have 180 days from the effective date of this bylaw to come into compliance with provisions of this Section provided good cause is shown for the failure to comply with the bylaw during that period. Good cause may constitute, without limitation, a physical or economic barrier to compliance. In any event, the determination of good cause rests solely with the Stormwater Agency.

55.6 Construction and Post-Construction Stormwater Management for New Development and Redevelopment

- A. **Scope and Applicability.** This section of the bylaw shall be applicable to the following activities:
 - 1. Any activity that results in a land disturbance of one acre or greater within the Town of Bedford; and
 - 2. Any activity that results in a land disturbance less than one acre if the project is part of a larger Common Plan of Development which will disturb one acre or more within the Town of Bedford.

Plans that do not require approval under the Subdivision Control Law, hereafter referred to as “Approval Not Required or ANR lots”, and meet one or more of the applicability criteria described herein are subject to the provisions of this bylaw and shall obtain a Stormwater Permit.

For land disturbance activities that are not applicable to this Section of the bylaw, the Town of Bedford encourages consistency with the Performance Standards defined in Section 6.E of this bylaw.

B. Exemptions. No person who meets the applicability of this bylaw shall alter land within the Town of Bedford without having obtained a Stormwater Permit, except the following:

1. Ground disturbances in the course of customary cemetery use and regular maintenance.
2. Maintenance of landscaping, gardens or lawn areas.
3. The construction, reconstruction, or repair of any fence or wall that will not alter the existing terrain or drainage patterns.
4. Normal maintenance or improvement of land in agricultural use as defined by the regulations of the Wetlands Protection Act 310 CMR 10.04 and Massachusetts General Laws, Chapter 40A, Section 3.
5. Any work or projects for which the required permit applications have been submitted to the Planning Board, Zoning Board of Appeals, and/or the Conservation Commission before the effective date of this bylaw. For proposed subdivisions, a Definitive Plan must have been submitted to be considered exempt from this bylaw.
6. Emergency repairs to any stormwater management system or practice: (a) where the unrepaired situation poses a threat to public health or safety as determined by the Stormwater Agency or its authorized agent; (b) or as deemed necessary by the Stormwater Agency or its authorized agent. In any case, the original design location, size, and technology of the stormwater management system must remain the same following the emergency repairs.
7. Construction, reconstruction, operation, and maintenance of utilities (including but not limited to gas, water, sanitary sewer, electric, telephone, or cable television) excluding the construction of new MS4, where the surface vegetation and contours of the area shall be substantially restored and are conducted in accordance with an approved Stormwater Pollution Prevention Plan which is prepared in accordance with the Stormwater Rules and Regulations promulgated under Section 7 of this bylaw and on file with the Stormwater Agency.
8. Maintenance and improvement of existing public roadways, when conducted in accordance with an approved Stormwater Pollution Prevention Plan which is prepared in accordance with the Stormwater Rules and Regulations promulgated under Section 7 of this bylaw and on file with the Stormwater Agency.
9. Stormwater discharges resulting from the activities identified in Section 5.A that are subject to jurisdiction under either the Wetlands Protection Act or activities which are subject to the Town of Bedford's Wetlands Protection Bylaw and demonstrate compliance with the Massachusetts Stormwater Management Standards as reflected in an Order of Conditions issued by the Bedford Conservation Commission.

C. Coordination with Other Town Permits.

1. No Town Earth Removal Permit, Building Permit, Subdivision approval, Special Permit, variance or finding shall constitute compliance with this bylaw. For a project or activity that meets the Scope and Applicability of Section 5.A of this bylaw, no work may commence until the site owner or

their agent submits a complete Stormwater Permit application, the Stormwater Agency issues a Stormwater Permit, and the site owner and responsible parties sign and certify that all land clearing, construction, and development will be done pursuant to the approved Plans and Permit.

2. This bylaw is not intended to interfere with, abrogate, or annul any other bylaw, rule or regulation, statute, or other provision of law. The requirements of this bylaw should be considered minimum requirements, and where any provision of this bylaw imposes restrictions different from those imposed by any other bylaw, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall take precedence.
3. In case of conflicting requirements, applicable state statutes and regulations shall be considered the more restrictive or more protective of human health and the environment, and shall take precedence over the Town of Bedford's Stormwater Bylaw and the Rules and Regulations promulgated thereunder. These state statutes and regulations include, but are not limited to the Massachusetts Wetlands Protection Act, the Massachusetts Rivers Act, the Massachusetts Watershed Protection Act, and the Massachusetts Stormwater Management Standards, as amended.
4. In no instances shall a Stormwater Permit constitute authorization for alteration of wetland resources subject to the jurisdiction of the Wetlands Protection Act and regulations or Article 55 of the Bedford General Bylaws and any regulations issued thereunder.

D. **Permit Procedures.** Permit procedures and requirements, including permit submittals, right-of-entry, fee schedule, and public hearing process, shall be defined and included as part of the Rules and Regulations promulgated under Section 7 of this bylaw.

E. **Performance Standards.** Criteria for erosion and sediment control and post-construction stormwater management, including stormwater performance standards, shall be defined and included as part of the Rules and Regulations promulgated under Section 7 of this bylaw. The Stormwater Agency will utilize the Massachusetts Stormwater Management Handbook, as amended from time to time, for criteria and information including specifications and standards for the execution of the provisions of this bylaw. These include a list of acceptable stormwater treatment practices, with specific design criteria for each. Unless specifically altered in this Stormwater Bylaw and Rules and Regulations, stormwater best management practices that are designed, constructed, and maintained in accordance with the Massachusetts Stormwater Management Standards and design and sizing criteria in the Stormwater Management Handbook shall be presumed by the Stormwater Agency to be protective of Massachusetts water quality standards.

F. **Actions by the Stormwater Agency.** The Stormwater Agency or its authorized agent shall, within 20 business days of receipt of a complete application, take any of the following actions as a result of an application for a Stormwater Permit as more specifically defined as part of the Rules and Regulations promulgated under Section 7 of this bylaw: Approval, Approval with Conditions, Disapproval, or Disapproval without Prejudice. Failure of the Stormwater Agency to take final

action upon an Application within the time specified above shall be deemed to be approval of said Application. Upon certification by the Town Clerk that the allowed time has passed without Stormwater Agency action, the Stormwater Agency must issue a Stormwater Permit.

55.7 Rules and Regulations

The Stormwater Authority may adopt, and periodically amend, Rules and Regulations relating to the terms, conditions, definitions, enforcement, fees (including application, clerical, inspection, and/or consultant fees), procedures, and administration of this Stormwater Bylaw after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation at least fourteen (14) days prior to the hearing date. After public notice and public hearing, the Stormwater Authority may promulgate Rules and Regulations to effectuate the purposes of this bylaw. Failure of the Stormwater Authority to promulgate such Rules and Regulations, or a legal declaration of their invalidity by a court, shall not act to suspend or invalidate the effect of this bylaw.

55.8 Waivers

- A. The Stormwater Agency may in its discretion and after due consideration decide to waive and exempt strict compliance with any requirement of the Town of Bedford Stormwater Bylaw or the Rules and Regulations promulgated hereunder, where it makes a written finding that such action is:
 - 1. Allowed by federal, state, or local statutes and/or regulations;
 - 2. In the public interest; and
 - 3. Consistent with the purpose and intent of the Town of Bedford Stormwater Bylaw and its Rules and Regulations.
- B. Additional criteria and procedures for obtaining a waiver may be defined and included as part of the Rules and Regulations promulgated under Section 7 of this bylaw.

55.9 Enforcement

- A. The Stormwater Agency shall enforce this bylaw and resulting Rules and Regulations, orders, violation notices and enforcement orders, and may pursue all criminal and civil remedies, including injunctive relief and monetary damages and costs of litigation and attorney fees, for such violations and for abatement and mitigation and compliance actions taken by the Stormwater Agency.
 - B. **Orders.** The Stormwater Agency may issue a written order to enforce the provisions of this bylaw or the Rules and Regulations thereunder, which may include:
 - 1. elimination of illicit connections or discharges to the MS4;
 - 2. performance of monitoring, analyses, and reporting;
 - 3. that unlawful discharges, practices, or operations shall cease and desist;
 - 4. remediation of Pollution in connection therewith; or
 - 5. restoration of any unpermitted alterations to land
- a. If the Stormwater Agency or agent determines that abatement, remediation, or restoration is required, the order shall set forth a deadline by which such

abatement, remediation, or restoration must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation or restoration within the specified deadline, the Town may, at its option, undertake such work, and the expenses thereof shall be charged to the violator.

- b. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation or restoration, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with Stormwater Agency or its agent within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Stormwater Agency or its agent affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien to be recorded on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, 57 after the thirty-first day at which the costs first become due.

C. Civil Relief. If a person violates the provisions of this bylaw, Rules and Regulations, or any permit, notice, or order issued thereunder, the Stormwater Agency or its agent may seek injunctive relief in a court of competent jurisdiction restraining the person from ongoing violations, any activities which would create further violations or compelling the person to perform abatement or remediation or restoration of the violation.

D. Criminal Penalty. In accordance with the Town of Bedford General Bylaws Article 1.4, any person who violates any provision of this bylaw, resulting Rules and Regulations, or order or permit issued thereunder, may be ordered to correct the violation and/or shall be punished by a fine of not more than \$300.00 per day for each day of violation, excluding the cost of damages. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

E. Noncriminal Disposition. As an alternative to criminal prosecution or civil action, the Bedford Department of Public Works, its employees or designated agency, may elect to utilize the noncriminal disposition procedure set forth in M.G.L. Ch. 40, §21D for enforcement of this bylaw. The penalty for first and subsequent violations shall be \$300.00 per day for each day of violation. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

F. Entry to Perform Duties under this Bylaw. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Stormwater Agency, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this bylaw and Regulations and may make or cause to be made such examinations, surveys, or sampling as the Stormwater Agency or its agent deems reasonably necessary to determine compliance with a permit issued under this bylaw.

G. Appeals. The decisions or orders of the Stormwater Agency or its agent shall be final. Further relief shall be to a court of competent jurisdiction pursuant to M.G.L. Ch. 249, §4.

H. 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.

I. Enforcement may be further defined and included as part of the Rules and Regulations promulgated under Section 7 of this bylaw.

55.10 Severability

The invalidity of any section, provision, paragraph, sentence, or clause of this bylaw shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

ARTICLE 56. TAX DEFERRAL FOR RENOVATED HISTORIC PROPERTIES

56.1. Creation of a Special Property Tax Assessment

A special property tax assessment is created for substantial rehabilitation of owner-occupied residential property listed on the State Register of Historic Places (State Register). The increase in assessed value resulting from substantial rehabilitation of eligible properties shall be phased in one-fifth increments over a period of five (5) years to the full assessed value of the property. The special assessment shall extend only to the building(s) or structure(s) that are rehabilitated.

56.2. Eligible Properties

In order to be eligible for the special assessment property must meet the following criteria:

- a. The property to be rehabilitated must be occupied by the owner exclusively for residential purposes and be listed on the State Register which is maintained by the Massachusetts Historical Commission (MHC) pursuant to M.G.L. Ch. 9, Section 26C, either individually or as a contributing element within an historic district.
- b. The cost of rehabilitation, as that term is defined in 950 C.M.R- 72.04, must be no less than 25% of the assessed value of the property prior to rehabilitation. Not less than 10% of the cost of rehabilitation shall be dedicated to rehabilitation of the exterior of the historic building.
- c. The property owner must present to the Assessor a certificate from the MHC stating that the proposed rehabilitation meets the Secretary of the Interior's Standards.

56.3 Application Process

The following requirements listed in subsection I (a-d) are the minimum information required by 950 C.M.R- 72.08(3).

- (1) **Property Owner:** A property owner must submit an application, on a Rehabilitation Eligibility form provided by the Assessor. The property owner is responsible for the following information on the Rehabilitation Eligibility form:
 - (a) certification from the MHC that the rehabilitation as proposed meets the Secretary of the Interior's Standards;
 - (b) proof of the applicant's ownership and occupancy of the subject property; and
 - (c) the total cost of certified rehabilitation, with cost breakdown for interior and exterior structure rehabilitation.
- (2) **Assessors:** Within 60 days of receipt of a completed Rehabilitation Eligibility form, the Assessor shall determine whether the proposed rehabilitation meets the eligibility criteria set forth in Section 2, and will notify the owner of its decision via an Eligible Project Certificate.
- (3) **Property Owner:** No later than two (2) years after completion of the rehabilitation, the property owner shall provide to the Assessor a certification that