

**Draft Conditions of Approval for Cold Brook Crossing SWMP
July 15, 2020**

Considerations:

- C. 4. bond amount specified or tbd
- H. Snow storage plan consideration
- J. suggests monthly written construction reports and site inspections during construction as needed – frequencies can be discussed
- L. O&M bond amount specified or tbd
- N. 4. Porous pavement inspection
- O. 1. and P. phased as built submission and approval of occupancy considered

II. CONDITIONS AND REQUIREMENTS

The following conditions of this approval shall be strictly adhered to. Failure to adhere to these conditions or to comply with all applicable laws and Permit conditions shall give the Town the rights and remedies set forth in Section 12 of the Regulations.

- A. **Conformity:** All construction at the Project Site shall be in substantial conformity with the Plan, which is on file with the Board, and representations made by the Applicant during the public hearing.
- B. **Access During Construction:** The Applicant shall ensure safe and convenient vehicular access to the Project Site during the entire duration of the construction period. The Board and its representatives shall be permitted access to the Project Site to observe and inspect the site and construction progress until such time as the Project has been completed. When possible prior to Project Site access, reasonable advance notice will be made to ensure compliance with safety protocols.
- C. **Conditions prior to any vegetation removal, soil disturbance or construction activities:**
 - 1) The Applicant shall submit \$5,000.00 for the purpose of the Town hiring a construction monitor to perform the inspections set forth in Section II.G below. If prior to completion of the Project, the Board finds that this initial deposit is not sufficient to cover actual costs incurred by the Town for these purposes, the Applicant shall be required to submit forthwith such additional amount as is deemed required by the Board to cover such costs. If the actual cost incurred by the Town for such purposes is less than the amount on deposit as specified above, the Board shall authorize that such excess amount be refunded to the Applicant concurrently upon issuance of a Certificate of Completion.
 - 2) The Project will disturb more than 1 acre of land and is therefore required to obtain coverage under the Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Construction General Permit. A draft Stormwater Pollution Prevention Plan (SWPPP) has been included in the application. The draft SWPPP includes recommended construction period pollution prevention and erosion and sedimentation controls. The final SWPPP shall be submitted to the Board prior to commencement of any work in connection with the Project. All work on the Project Site shall be conducted in accordance with the requirements of those permits and plans.
 - 3) Erosion control methods shall be installed as shown on the Plan and shall be updated as the work progresses on the Project Site.

- 4) A performance bond in the amount of \$XX shall be submitted and held by the Board until the Premises are fully stabilized with vegetation and the stormwater structures have been cleaned and deemed functional by the Director of Public Works. The initial bond amount may be adjusted at the discretion of the Town Engineer based on a detailed estimate provided by the Applicant.
- D. Prior to issuance of a Building Permit, the Applicant shall submit the following information to the Board, or its representative, for review and approval:
 - 1) Receipt of this Permit as recorded in the Middlesex South District Registry of Deeds.
 - 2) A covenant requiring maintenance of the stormwater management system in accordance with Best Management Practices and the Operation and Maintenance Plan shall be recorded on the Project Site. This covenant shall allow for the placement of municipal liens on the Project Site if the Applicant fails to maintain the system and the Town needs to do so. The Applicant shall submit the covenant for review and approval of the Board or its representative prior to recording at the Middlesex South District Registry of Deeds.
 - E. The Applicant shall remove sediment collected in silt sacks on a regular basis as needed during construction.
 - F. An Illicit Discharge Compliance Statement shall be submitted to the Planning Board prior to issuance of a Certificate of Completion for the Project.
 - G. A Stormwater Construction Site Inspection Report shall be generated by the Applicant or its representative for this Project, at a minimum, every two weeks during construction, and after every major storm event. A reporting plan indicating the routine for submission of Inspection Reports shall be developed by the Applicant and approved by the Planning Board.
 - H. In the Snow Storage Plan included in ... If additional snow storage is required, it will be provided by using excess parking spaces, using on-site snow storage areas in other areas of the Property or Project Site area, or by trucking snow off site. Snow stockpiles shall be managed in accordance with MassDEP Regulations and not located near wetland resource or stormwater infiltration areas.
 - I. Access to the drainage structures for inspection and maintenance shall be kept clear of obstruction.
 - J. Monthly written construction update reports and periodic on site meetings shall be provided throughout construction with notification of anticipated phasing transitions indicated. Site stabilization measures should be reviewed for adequacy in each phase and adjustments to the sediment and erosion control plan may be considered to optimize site stabilization.
 - K. The Applicant and its successors and assigns shall be responsible for maintaining the stormwater management system for the development in accordance with the Operation and Maintenance (O&M) Plan submitted and applicable DEP regulations. An annual Operation and Maintenance shall be conducted by a certified engineer who will prepare an annual status report for delivery to the Board demonstrating compliance with the O&M Plan. Revisions to the O&M Plan may be proposed to and accepted by the Planning Board.

- a. The Town or its representative shall be invited to participate in the annual site inspection to ensure optimal operations and maintenance of the system and porous pavement installed on site.

- L. A performance bond for perpetual operation and maintenance of the stormwater systems and porous pavement on site in the amount of \$XX shall be submitted and held by the Board to ensure funds are available to remediate any negligence in stormwater system operations or system failure.

- M. The following source control and pollution prevention measures shall be employed on the site to prevent contamination of stormwater runoff:
 - 1) Sweep pavement areas regularly, preferably with a vacuum or regenerative air sweeper
 - 2) Employ measures to control litter on the site
 - 3) Lawn and deicing chemicals shall be stored under cover.
 - 4) Fertilizers and pesticides shall be applied sparingly to prevent washoff.
 - 5) Use of slow release nitrogen and low phosphorus fertilizers is encouraged.
 - 6) No fertilization or pesticide application shall occur in or near any wetland resource area.
 - 7) Hazardous wastes shall be stored, used and disposed of properly.
 - 8) Limit exterior washing of vehicles to locations that drain to pervious surfaces and away from storm drains.
 - 9) Maintain vehicles and clean up fluid spills/drips with absorbent materials immediately.
 - 10) Educate personnel on implementation of spill abatement and containment procedures
 - 11) Use alternative deicers such as calcium chloride and magnesium chloride in lieu of sodium based deicers.
 - 12) Designate areas for snow storage in upland locations where meltwater can drain onto pervious surfaces away from water resources, infiltration BMPs, bio-retention areas, and wells
 - 13) No coal tar-based pavement sealants are to be used on any site subject to the Stormwater Management Permit.

- N. Inspections: In accordance with Section 9.B of the Regulations, the Board, or its designee, may inspect the Project Site at the following stages, at a minimum. The Applicant shall inform the Board of these stages in construction at least two (2) days prior to commencement or completion, whichever is applicable, for scheduling of an inspection:
 - 1) Pre-Construction Site Inspection – prior to commencement of construction.
 - 2) Erosion and Sediment Control Inspection – to ensure erosion control practices during and after construction are in accordance with the approved Plan.
 - 3) Construction Inspection – multiple inspections will be made of the stormwater management system facilities, including but not limited to infiltration systems, base of porous pavement areas, BMPs, and connections to existing pipes, prior to backfilling of underground drainage or stormwater conveyance structures. The Applicant and Planning Board designee will agree to a plan at the Pre-Construction Site Inspection.
 - 4) Porous Pavement Inspection – following installation, the installer shall demonstrate the design rates of infiltration are occurring. Town Engineer and peer reviewer shall observe the test. A report shall be provided to the Town.
 - 5) Final Inspection – after the system has been constructed and before the certificate of occupancy for the buildings has been issued.

- O. As-built Plan: The Applicant shall submit an as-built plan, containing all elements listed in Section 11.A.2 of the Regulations, to the Board upon completion of this Project and prior to the issuance of the Certificate of Occupancy. The plan shall be signed by the professional engineer of record, who

shall certify that the work has been completed in accordance with the approved Plan and the Stormwater Management Permit.

1) Since the project is **phased**, the submission of current status, as-built plans shall be presented at each occurrence of the owner seeking initial occupancy of each building(s) involved in that phase.

- P. No use or occupancy (except in connection with the construction activity authorized by this Permit) shall be conducted on the Project Site until a Certificate of Completion is issued by the Board in accordance with Section 11.0 of the Regulations. In the alternative, the Applicant may request a **Partial Certificate of Completion** for any completed phase of the Project on the Project Site. To the extent that the requirements of this Permit have been met with respect to such completed phase of the Project on the Project Site, the Board may permit the use and occupancy of the completed phase in accordance with Section 11.0 of the Regulations.
- Q. Violation of Conditions: Violation of any of the conditions of this Stormwater Management Permit may be grounds for revocation of this Permit, or of any building or occupancy permit granted hereunder, or both. In the case of violation of the continuing obligations of this Permit, the Town shall notify the owner of such violation and give the owner reasonable time, not to exceed thirty (30) days, to cure the violation. If at the end of said thirty (30) day period, the Applicant has not cured the violation, or, in the case of violations requiring more than thirty (30) days to cure, has not commenced the cure and prosecuted the cure expeditiously, the Board may, after notice to the Applicant or owner of the Project Site, conduct a hearing in order to determine whether the failure to abide by the conditions contained herein should result in revocation of the Permit. As an alternative, the Town may enforce compliance with the conditions of this Permit by an action for injunctive relief before any court of competent jurisdiction. The Applicant/Owner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of the conditions of this Permit.
- R. The Applicant by accepting this Permit warrants that the Applicant has included all relevant documentation, reports, and information available to Applicant, in the application submitted and that this information is true and valid to the best of the Applicant's knowledge.
- S. The Applicant shall be responsible for maintaining the stormwater management facilities as shown on the Plan in conformance with the Operation and Maintenance Plan submitted as approved by this Permit.