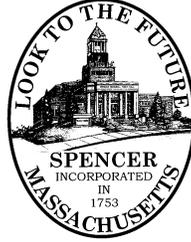


TOWN OF SPENCER
Office of Development & Inspectional Services

*Planning Board
Zoning Board of Appeals
Conservation Commission
Board of Health*

*Town Planner
Inspector of Buildings
Health Agent
Wetland/Soil Specialist*



*Memorial Town Hall
157 Main Street
Spencer, MA 01562*

*Tel: 508-885-7500 ext. 180
Fax: 508-885-7519*

Spencer Stormwater Regulations
Adopted by the Spencer Planning Board 12/20/2011
Revised 11/17/15
Revised 12/15/15
Revised 5/17/16

Contents

1. PURPOSE	1
2. APPLICABILITY	1
3. PERMIT PROCEDURES	1
4. MAJOR PROJECTS APPLICATION SUBMITTAL REQUIREMENTS:	3
5. MINOR PROJECT APPLICATION SUBMITTAL REQUIREMENTS:	6
6. DESIGN STANDARDS	7
7. POST-DEVELOPMENT STORMWATER MANAGEMENT CRITERIA.....	8
8. WAIVERS	9
9. SURETY:.....	9
10. CONSTRUCTION INSPECTIONS	9
11. CERTIFICATE OF COMPLETION	10
12. POST-CONSTRUCTION INSPECTION AND MAINTENANCE	10
13. ENFORCEMENT	11
14. SEVERABILITY.....	12

APPENDIX A: STORMWATER BYLAW

1. PURPOSE

The purpose of these Stormwater Regulations is to establish procedures for conducting the business of the Planning Board under its jurisdiction as a permit granting authority for the Spencer Stormwater Bylaw (Spencer General Bylaws, Article 14). [See Appendix A]

2. APPLICABILITY

These Regulations apply to new development and redevelopment that is not exempt under the Stormwater Bylaw. Projects and/or activities that are not exempt must obtain a permit from the Planning Board or its agent (**Stormwater Authority**). The thresholds for a Stormwater Permit are summarized as follows:

Category	Threshold*
Major Project	Land Conversion Activity Equal to or Greater than 1 Acre:
Minor Project	Land Conversion Activity Less than One Acre Meeting 2 of the 3 following conditions:
	1. located within 100 feet of any existing or proposed inlet to any storm drain, catch basin, or other storm drain system component discharging to any lake, pond, river, stream, or wetland;
	2. will occur on or result in a slope of 15% or greater; or
	3. disturbs greater than 10,000 square feet in area.

* Exemptions are listed in the Stormwater Bylaw included as Appendix A

These regulations do not replace provisions of the Spencer Flood Plain District, Water Resources Protection Overlay District, and Wetland Bylaw, and the regulations adopted to administer those bylaws.

3. PERMIT PROCEDURES

Projects requiring a permit shall submit the materials specified in Section 3 (Permit Procedures) and Section 4 (Application Submittal Requirements), and meet the stormwater management criteria specified in Section 5 (Design Standards) and Section 6 (Post-Development Stormwater Management Criteria). Filing an application for a permit grants the Stormwater Authority permission to enter the site to verify the information in the application and to inspect for compliance with the resulting permit. The Stormwater Authority is authorized to retain a Registered Engineer or other professional consultant to advise on any aspect of the permit application at the applicant's expense.

If a project requires multiple permits (i.e. Order of Conditions, Site Plan Review, Subdivision Approval, or other projects as specified in Sections A., B., and C. below) from multiple permitting authorities (i.e. Conservation Commission, Planning Board, Utilities & Facilities, Zoning Board of Appeals) all such permits must be applied for at the same time so that the various permitting authorities can coordinate their reviews and determinations of such projects.

A. Projects Requiring a Wetland Application from the Conservation Commission:

All projects requiring a Stormwater Permit that also require a wetland permit application with the Conservation Commission shall be processed and reviewed concurrently with the wetland permit application and the Stormwater Permit Decision may be incorporated into the Conservation Commission’s written Decision/Order of Conditions. The procedural requirements, including plan submittal requirements, deadlines, plan distribution, fees, and notification requirements shall follow the requirements for wetland permits, except for Minor Applications (see Section 5, below) or where specified otherwise in these regulations.

B. Projects Requiring Site Plan Review or Subdivision Approval from the Planning Board (but not Wetland Application):

All projects requiring a Stormwater Permit that also require Site Plan Review or Definitive Subdivision Approval by the Planning Board shall be processed and reviewed concurrently with the Site Plan or Definitive Subdivision application and the Stormwater Permit Decision may be incorporated into the Planning Board’s Decision/Order of Conditions. The procedural requirements, including plan submittal requirements, deadlines, plan distribution, fees, and notification requirements shall follow the requirements for Site Plan Review or Definitive Subdivision Approval as applicable, except for Minor Applications (see Section 5.0, below) or where specified otherwise in these regulations. [Note: In the rare instance where both Site Plan Review and Definitive Subdivision Approval are required for the same project, the fee and deadline requirements shall follow the requirements for Definitive Subdivision Approval.]

C. Other Projects:

Any project subject to the Stormwater Bylaw, but not the Wetlands Protection Act, Site Plan Review, or Definitive Subdivision Approval shall follow the procedural requirements specified below:

Project Type	Designated Permit Entity	Procedure
Driveways	Utilities and Facilities	Driveway Permit*
Single-Family Homes	Utilities and Facilities	Driveway Permit*
2 or 3 family	Utilities and Facilities	Driveway Permit*
Earth Removal	Zoning Board of Appeals	Earth Removal Special Permit
Other	Planning Board	Minor Site Plan Review**

* Spencer Utilities and Facilities Office shall have 60 days to act on applications for Major Projects.

** The Planning Board shall have 35 days to act on Minor Projects; Major project shall follow standard Minor Site Plan Review procedural requirements

The Town of Spencer may adopt fees for such projects.

D. Action:

The Stormwater Authority may take one of the following actions for a permit application: “approval”, “approval with conditions”, “disapproval”, or “withdrawal without prejudice”. A written report of the decision shall be made. The failure of the Stormwater Authority to take action within the applicable deadline shall be deemed approval of that application.

Applicants shall not receive any building or land development permits until the Stormwater Permit is issued. The project shall begin within one year after issuance of the Stormwater Permit. If the project does not begin within one year, unless there is an extension granted, and the Stormwater Authority finds that the approved Stormwater Management Plan is no longer valid, the applicant shall submit a modified Plan that requires approval prior to the commencement of land-disturbing activities.

E. Modification:

The permittee must notify the Stormwater Authority in writing before any change or alteration is made to a Stormwater Management Permit or approved Operation and Maintenance Plan. If the change or alteration is significant, the Stormwater Authority may require that an amended application be filed. The owner(s) of the stormwater management system must notify the Stormwater Authority of changes in ownership or assignment of financial responsibility. The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of this by-law by mutual agreement of the Stormwater Authority and the Responsible Parties. Amendments must be in writing and signed by all responsible parties.

F. Project Completion:

The permittee shall submit as-built drawings of all stormwater controls, which shall show any deviations from the approved plans and be certified by a Registered Professional Engineer, including but not limited to all pipes; structures; controls; inlet, outlet and rim invert elevations; and any other as-built requirements specified in the Stormwater Permit.

4. MAJOR PROJECTS APPLICATION SUBMITTAL REQUIREMENTS:

In addition to the plans and information normally required for Wetland Permits, Site Plan Review or Definitive Subdivision Approval, applicants shall submit the information described in this Section.

A. Stormwater Management Plan:

A Stormwater Management Plan submitted with the permit application shall contain sufficient information to evaluate the environmental impact and effectiveness of the measures proposed for reducing adverse impacts from stormwater runoff. This plan shall comply with the criteria established in these regulations and must be submitted with the stamp and signature of a Professional Engineer (PE) licensed in the Commonwealth of Massachusetts. The Plan shall fully describe the project in drawings, narrative, and calculations. At a minimum, the Stormwater Management Plan shall include:

[Note: many of these items are already required for Site Plan Review and/or Subdivision plans]

1. Contact Information. The name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the property or properties affected;
2. A locus map;
3. The existing zoning, and land use at the site;
4. The proposed land use;
5. The location(s) of existing and proposed easements;
6. The location of existing and proposed utilities;
7. The site's existing & proposed topography with contours at 2 foot intervals,
8. A delineation of 100-year flood plains, if applicable;
9. The existing site hydrology;
10. A depiction of all areas of cut and fill, and soil disturbance;
11. A description and delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which stormwater flows;
12. Estimated seasonal high groundwater elevation in areas to be used for stormwater retention, detention, or infiltration;
13. The existing and proposed vegetation and ground surfaces with runoff coefficients for each;
14. Landscaping plan describing the woody and herbaceous vegetative stabilization and management techniques to be used within and adjacent to the stormwater practice;
15. A drainage area map showing pre and post construction watershed boundaries, drainage area and stormwater flow paths, including municipal drainage system flows;
16. A description and drawings of all components of the proposed stormwater management system including:
 - a. Locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization;
 - b. All measures for the detention, retention or infiltration of water;
 - c. All measures for the protection of water quality;
 - d. The structural details for all components of the proposed drainage systems and stormwater management facilities;
 - e. Notes on drawings specifying materials to be used, construction specifications, and expected hydrology with supporting calculations;
 - f. Proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable;
17. Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in this Regulation. Such calculations shall include:
 - a. Description of the design storm frequency, intensity and duration;
 - b. Time of concentration;

- c. Soil Runoff Curve Number (RCN) based on land use and soil hydrologic group;
 - d. Peak runoff rates and total runoff volumes for each watershed area;
 - e. Information on construction measures used to maintain the infiltration capacity of the soil where any kind of infiltration is proposed;
 - f. Infiltration rates, where applicable;
 - g. Culvert capacities;
 - h. Flow velocities;
 - i. Data on the increase in rate and volume of runoff for the specified design storms, and
 - j. Documentation of sources for all computation methods and field test results.
18. Post-Development downstream analysis if deemed necessary by the Stormwater Authority;
19. Soils Information from test pits performed at the location of proposed stormwater management facilities, including soil descriptions, depth to seasonal high groundwater, depth to bedrock, and percolation rates. Soils information will be based on site test pits logged by a Massachusetts Registered Soil Evaluator, or a Massachusetts Registered Professional Engineer;
20. Erosion and Sediment Control Plan;
21. Identification of potential pollutant sources such as paint, pesticides, oil, or other toxic chemicals, etc.; and
22. Additional requirements as may be determined necessary by the Stormwater Authority.

B. Operation & Maintenance Plan

The maintenance plan shall ensure there is ongoing compliance with the permit and the Massachusetts Surface Water Quality Standards in all seasons and throughout the life of the system. All property owners are responsible for maintaining the proper operation of all permitted stormwater control features on their property. Stormwater structures shall be maintained to ensure compliance with the Permit, this Bylaw and that the Massachusetts Surface Water Quality Standards are met in all seasons and throughout the life of the system. The Operation & Maintenance (O&M) Plan shall remain on file with the Stormwater Authority, and shall include:

- 1. The name(s) of the owner(s) for all components of the system
- 2. Maintenance Agreements that specify
 - a. The names and addresses of the person(s) responsible for operation and maintenance
 - b. The person(s) responsible for financing maintenance and emergency repairs
 - c. A maintenance schedule for all drainage structures, including swales and ponds
 - d. A list of easements with the purpose and location of each
 - e. Record maintenance agreement
- 3. Stormwater Management Easement(s).
 - a. Stormwater management easements shall be provided by the property owner(s) as necessary for:

- access for facility inspections and maintenance,
 - preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event.
 - direct maintenance access by heavy equipment to structures requiring regular cleanout.
- b. Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the Stormwater Authority.
 - c. The purpose of each easement shall be specified in the maintenance agreement signed by the property owner.

5. MINOR PROJECT APPLICATION SUBMITTAL REQUIREMENTS:

A. Projects requiring Wetland Permits, Site Plan Review, or Definitive Subdivision applications

In addition to standard submittal requirements for wetland permits, Site Plan Review, and/or Definitive Subdivision Applications, submit sufficient information to demonstrate compliance with DEP Stormwater Management requirements as may be requested and these Regulations.

B. Other:

Any other Minor Project subject to the Stormwater Bylaw, but not the Wetlands Protection Act, Site Plan Review, or Definitive Subdivision Approval shall submit the following:

1. For Single-Family Homes, 2 Family Homes, and Driveways not otherwise requiring Conservation Commission or Planning Board review, the applicant shall be required to follow the procedures as outlined below:
 - a. Submit an application to Utilities and Facilities Office (including a sketch plan) and description of the proposed project at least 21 days prior to commencement of site clearing or stockpiling activities;
 - b. Include measures to prevent the offsite discharge of sediment;
 - c. Construction materials (paints, glue, thinners, etc.) shall be managed so as not to pollute stormwater. Containers/materials shall be stored and disposed of properly;
 - d. Include other stormwater management measures as required by the Spencer Utilities and Facilities Office;
 - e. The erosion control system shall be inspected by the Utilities and Facilities Office prior to any further disturbances or alterations to the site. The applicant shall be responsible for maintaining and removing this system at project completion.
 - f. Provide additional stormwater-related information at the request of Utilities and Facilities Office or the Planning Board. This may include providing an engineered plan prepared and stamped by a Massachusetts Registered Professional Engineer or a Certified Professional in Erosion and Sediment Control evaluating existing drainage systems as required.
2. Other minor projects not otherwise requiring Conservation Commission or Planning Board review shall submit the information described in B.1 above to the Planning Board. The Planning Board shall have 35 days to act.

6. DESIGN STANDARDS

The following standards shall be applied in planning for stormwater management:

A. Best Management Practices

All measures in the plan shall meet, at a minimum, the Best Management Practices as set forth in the latest addition of the Massachusetts Department of Environmental Protection Stormwater Management Handbook (Massachusetts Stormwater Handbook).

B. Retention of Natural Vegetation

Whenever practical, natural vegetation shall be retained, protected and/or supplemented. The stripping of vegetation shall be done in a manner that minimizes soil erosion.

C. Erosion Control

1. Temporary erosion and sediment control measures shall be installed before any soil disturbance.
2. The area of disturbance shall be kept to a minimum. Disturbed areas remaining idle for more than 30 days shall be stabilized.
3. Measures shall be taken to control erosion within the project area. Sediment in runoff water shall be trapped and retained within the project area using approved measures. Wetland areas and surface areas shall be protected from sediment.
4. Off-site surface water and runoff from undisturbed areas shall be diverted away from disturbed areas where feasible or carried through the project area without causing erosion. Integrity of downstream drainage systems shall be maintained.
5. All temporary erosion and sedimentation control measures shall be removed after final site stabilization. Stabilization measures such as hydroseeding or application of hay/mulch or soil netting shall be applied prior to removal of temporary erosion measures and inspected weekly until stabilization is complete. Temporary erosion control measures may be removed once stabilization of all site soils has been achieved and written authorization to do so has been provided by the Stormwater Authority. Trapped sediment shall be removed immediately with temporary erosion control methods and lawfully disposed of off-site. Other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized within thirty days.

D. Annual Recharge

Loss of annual recharge to groundwater should be minimized through the use of infiltration measures to the maximum extent practicable. The annual recharge from the post-development site should approximate the annual recharge rate from the pre-development or existing site conditions, based on soil types.

E. Post-Development Runoff

Measures shall be taken to control the post-development peak rate of runoff and volume of runoff so that it does not exceed predevelopment runoff for the two-year, ten-year and one-hundred-year twenty-four-hour storm event as specified in the design criteria of the Massachusetts Stormwater Handbook. The drainage design may, at the discretion of the

enforcing agent, incorporate the use of open space to minimize the change in volume of runoff in post-development.

F. Preservation of Natural Drainage Areas

Priority shall be given to preserving natural drainage systems, including perennial and intermittent streams, wetlands, soils and drainage ditches for conveyance of runoff entering and leaving the project area.

When one or more of the Standards cannot be met, an applicant may demonstrate that an equivalent level of environmental protection will be provided.

7. POST-DEVELOPMENT STORMWATER MANAGEMENT CRITERIA

All projects shall comply with the Massachusetts Stormwater Management Policy and achieve the following performance standards:

A. No Untreated Discharges

Stormwater shall not be discharged directly to a wetland, local water body, municipal drainage system, or abutting property, without adequate treatment.

B. Channel Protection

The post-development peak discharge rate from the 2-year storm event shall be equal to the pre-development rate in order to prevent stream bank erosion and channel degradation.

C. Construction Disturbance

A sediment and erosion control plan shall show best management practices for site conditions, and minimize the area of the land disturbance.

D. Flood Protection

The post-development peak discharge rate for the 10-year storm event shall be equal to the pre-development rate in order to protect downstream property. The 100-year storm event shall be evaluated to demonstrate there will be no increased flooding impacts off-site.

E. Groundwater Recharge

Post-development recharge shall mimic pre-development conditions. Annual recharge rates shall be maintained by use of structural and non structural management practices. The stormwater runoff volume to be recharged shall be determined by methods in the latest version of the Massachusetts Stormwater Handbook.

F. Water Quality

Stormwater treatment shall be based on design criteria in the Massachusetts Stormwater Handbook, and shall remove at least 80% of total suspended solids (TSS).

G. Water Quality Volume

The volume for sizing a structural stormwater facility shall be designed according to criteria specified by the Massachusetts DEP Stormwater Management Standards.

H. Sensitive Areas

Stormwater discharges to swimming beaches, water supplies and other sensitive water resources may be subject to special criteria established by the Planning Board after conducting a public hearing in accordance with the Stormwater Bylaw.

I. Hotspots

Stormwater discharges from land uses with higher pollutant loadings, known as “hotspots”, require treatment practices specified in the Massachusetts Stormwater Handbook.

J. Low Impact Design

Improved site design and nonstructural controls are encouraged to minimize use of structural stormwater controls. The applicant may request credit for site design practices that can reduce other requirements in these regulations. The Planning Board may adopt criteria for practices that qualify as low impact designs.

8. WAIVERS

The Stormwater Authority may waive strict compliance with sections of these regulations if: such action is allowed by federal, state and local statutes; is in the public interest; and is consistent with the purpose of the Stormwater Bylaw. Any applicant may submit, along with their Stormwater Permit Application, a written request for any waivers accompanied by supporting information explaining how the waiver will comply with the purpose of the Stormwater Bylaw. Any waivers approved by the permitting authority must be specifically noted in the Stormwater Permit issued.

9. SURETY:

The Stormwater Authority may require the permittee to post a bond, cash, or other acceptable surety. The form of the bond shall be approved by the Town of Spencer, in an amount deemed sufficient to ensure that the work will be completed in accordance with the permit. A portion of the bond may be released as each phase of the project is completed in compliance with the permit, but the bond shall not be fully released until the Stormwater Authority has issued a Certificate of Completion.

10. CONSTRUCTION INSPECTIONS

A. Inspections

The Stormwater Authority may appoint an inspector, at the owner’s expense, to perform routine inspections during construction, to determine compliance with conditions of the permit and to ascertain in the owner is maintaining water quality protection measures.

B. Notification

The applicant must notify the Stormwater Authority before starting a land disturbing activity. The applicant must also notify the Stormwater Authority before constructing the key components of the stormwater management system and shall coordinate with the Stormwater Authority to allow for timely inspections and construction reviews as determined necessary by the Stormwater Authority.

C. Reports

Inspections and written reports of the stormwater system construction shall be conducted by the applicant’s professional engineer. The Stormwater Authority may also require inspections during construction by the Town or a professional engineer at the expense of the applicant. Written reports shall include: the inspection date and location; evaluation of compliance with the Stormwater Permit; any variations from approved specifications, or

violations of the Stormwater Management Plan.

D. Inspection Schedule

At a minimum, inspections shall include: an initial site inspection prior to permit approval; inspection of site erosion controls; inspection of the stormwater system prior to backfilling of underground drainage or conveyance structures; and a final inspection before the surety is released or occupancy permit issued. The stormwater system shall be inspected at least twice a month and following any storm event of 0.5 inches or greater during construction. The Stormwater Authority will issue a Certificate of Completion following review of as-built drawings of all stormwater infrastructure certified by a Registered Professional Engineer.

E. System Inadequacy

If the system is found to be inadequate due to operational failure, even though built according to the Stormwater Management Plan, the system shall be corrected by the applicant at the applicant's expense. If the applicant fails to act, the Stormwater Authority may use the surety bond to complete the work. If the system does not comply with the Plan, the applicant shall be notified in writing of the violation and the required corrective actions. A Stop Work Order shall be issued until any violations are corrected and all work previously completed has received approval by the Stormwater Authority.

11. CERTIFICATE OF COMPLETION

Upon completion, the applicant shall certify that the project is in accordance with plan specifications and shall provide inspections to adequately document compliance. All required easements shall be recorded with the Worcester County Registry of Deeds prior to issuance of a Certificate of Completion by the Stormwater Authority. The Stormwater Authority will issue a letter certifying completion upon its receipt and approval of the final inspection reports, and/or otherwise determining that all work was completed in conformance with these regulations.

12. POST-CONSTRUCTION INSPECTION AND MAINTENANCE

A. General Requirements

Structures and practices used to manage stormwater shall be inspected to ensure compliance with Operation and Maintenance Plan (O&M Plan) approved by the Stormwater Authority. The owner of the property, or other person in control of such property, shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, structures, vegetation, erosion controls, and other protective measures. Repairs and maintenance shall comply with the approved O&M Plan.

B. Inspection and Maintenance Schedule

At a minimum, inspections shall occur during the first year of operation and every three years thereafter. An agreement between the property owner and the Stormwater Authority shall be executed for privately-owned stormwater systems, which specifies the responsible party for conducting long-term inspections and maintenance. The agreement shall include a mechanism for cost of inspection and maintenance.

C. Reports

Inspection reports shall include: the date of the inspection; an evaluation of the condition of structures and practices used to manage stormwater; and a description of any needed

maintenance.

D. Inspection Agreement

The inspection agreement shall allow the Stormwater Authority to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. Parties responsible for the operation and maintenance of a stormwater management facility shall provide records of all maintenance and repairs to the Stormwater Authority upon request (or as specified in the project approval), and shall retain those records for five years.

If a responsible person fails to meet the requirements of the inspection agreement, the Stormwater Authority may take action to restore a stormwater facility or practice after 30 days written notice. If the violation is an immediate threat to public health or public safety, 24 hours notice shall be sufficient prior to actions required to return the facility or practice to proper working condition. The Stormwater Authority may assess the owner(s) of the facility for the cost of repair work which shall be a lien on the property.

13. ENFORCEMENT

A. Enforcement Options

The Stormwater Authority shall be responsible for enforcing the provisions of this chapter. To this end, they shall have the authority to seek any or all of the following remedies to enforce this chapter, its regulations and/or the terms and conditions of its permit:

1. Written notice of violation.
2. Injunctive relief in a court of appropriate jurisdiction.
3. Noncriminal disposition. Whoever violates any provision of this chapter or a regulation promulgated by the Stormwater Authority, a condition contained in a permit issued by the Planning Board, or its agent, the conditions of a notice of violation or the conditions on the cease and desist order may, in the discretion of the Stormwater Authority, be subject to the noncriminal procedure established pursuant to Spencer General Bylaws Article 11, Section 5.
4. Criminal prosecution for violation of any provision of this chapter, the permit and/or regulations promulgated by the Stormwater Authority. Any such violation shall be punished by a fine of \$300 for each offense. Each day on which such violation continues shall constitute a separate offense.
5. Issuance of a cease and desist order if the Stormwater Authority determines that conditions at the site are in violation of any of the requirements of this chapter, the Stormwater Bylaw or permit and that such violation is either an immediate threat to the environment, the public health or safety; or that the property owner has failed to take the corrective action(s) identified in a written notice of the violation issued under this chapter or has failed to take such corrective action within the time required in the notice of violation.
6. If the Stormwater Authority takes remedial action upon failure of the owner to abate or remediate, notice shall be given to the owner of the costs, including administrative costs, incurred by the Town. Said notice shall be sent within thirty (30) days of completion of all measures necessary to abate the violation or to perform remediation. The violator or owner shall also be notified that they may, within thirty (30) days of receipt of said notice, file an

appeal in writing to the Board of Selectmen objecting to either the amount or basis of the costs incurred. If the amount due is not received by the expiration of the time in which to file an appeal or within thirty (30) days following a decision by the board of Selectmen 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 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 M.G.L. c. 59, s. 57 after the thirty-first day at which the costs first become due.

B. Written Notice

The Stormwater Authority may issue a written notice of violation to any person whom it determined is in violation of any of the requirements of this chapter, the regulations enacted by the Enforcing Agent or a permit and plan approved under this chapter. The notice of violation shall:

1. Specify the actions, conditions or omissions which create the violation
2. Identify the necessary corrective actions;
3. Specify the time within which the violations must be corrected;
4. Be served by certified mail upon the violator with a copy maintained in the records of Office of Development and Inspectional Services (ODIS)

14. SEVERABILITY

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

x:\odis\planning board\rules & procedures, regulations\stormwater\spencer stormwater regulations, 12-20-2011.doc