

# Stormwater Management Program (SWMP) Plan

Town of Westminster, Massachusetts

June 30, 2019

## Prepared For:

**Town of Westminster**  
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# 1 Introduction

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

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

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## 1.1 Regulatory Background

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

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

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

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

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## 1.2 MS4 Program

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

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

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

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

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

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## 1.3 Regulated Area

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

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

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

The most recent UA maps are based on the 2010 Census. **Figure 1-1** shows the UA in the Town of Westminster, which covers the more developed central area of the Town, generally following the paths of Massachusetts Routes 2 and 140 as they pass through Westminster, and excludes the more forested northern and southern portions of the Town. Per the most recent census data, the UA covers 3,379 people out of the total Town population of 7,277, or approximately 46% of the population. The UA area more than doubled since the 2000 Census, generally expanding in the north. The UA is subject to change every ten years based on the application of the Census definition, thus a larger area may be covered in the future.

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## 1.4 How to Use this Plan

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

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

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

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

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

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## 1.5 Program Responsibilities

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

**Table 1-1. MS4 Responsible Personnel**

Name	Title, Department	Contact
Joshua Hall	DPW Director	(978) 874-5572, <a href="mailto:jhall@westminster-ma.gov">jhall@westminster-ma.gov</a>
Patrick Haley	Assistant DPW Director	(978) 874-5572, <a href="mailto:phaley@westminster-ma.gov">phaley@westminster-ma.gov</a>

The Town of Westminster has 9 departments responsible for implementing portions of its MS4 program as identified in the NOI. Therefore, due to the extensive number of departments involved as part of the Town's MS4 program, it is not feasible to list names and titles of responsible personnel for each one, as the information within this plan would be frequently out of date. However, **Table 1-1** provides a list of responsible departments and their general responsibilities within the MS4 program. The responsible person is the most senior person (e.g. department head, administrator, senior elected official, etc.) within each department listed below.

**Table 1-2. Program Responsibilities**

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

## 2 Town Characteristics

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

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### 2.1 Community Information

Westminster is a landlocked community located in central northern Massachusetts within Worcester County, near the border with New Hampshire. It is generally bordered by Ashburnham Massachusetts to the north, Fitchburg Massachusetts to the east, Leominster to the southeast, Princeton to the south, Hubbardston to the southwest, and Gardner to the northwest. It lies within the Chicopee, Millers, Long Island Sound and Nashua watersheds. Select relevant community profile information is provided below:

- Total Area = 37.3 square miles (*source: Wikipedia*)
- 2010 Population = 7,277 (*source: EPA maps based on 2010 US Census*)
- Regulated Area Population = 3,379 (*source: EPA maps based on 2010 US Census*)

### 2.2 Demographics

Demographics play a role in developing a public education program that targets the appropriate audience through the most appropriate means. Information on owner occupancy versus rentals and languages spoken can help shape how information is disseminated. In Westminster, 100% of the population speaks English only or speaks English “very well” (*source: factfinder.census.gov*). In addition, the vast majority of households in Westminster are owner-occupied, and thus special considerations related to spoken languages and housing for disseminating public education and outreach program messages is not necessary.

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### 2.2 Land Use

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

• Commercial	11%
• Forest	11%
• Industrial	7%
• Open Land and Agriculture	8%
• Residential	40%
• Transportation and Utilities	6%
• Wetlands	3%
• Water	13%

As per the above, Westminster has substantial forest, open land, and water/wetland area (approximately 35%), with much of the remaining consisting of low-density residential development (approximately 40%). Remaining land use (approximately 24%) consists largely of roadways and minor commercial/industrial development.



## 2.3 303(d) Impaired Waterbodies

The ultimate goal of this Stormwater Management Plan is to outline a program to effectively maintain the Town's stormwater infrastructure and to improve the water quality of receiving waters (waters which receive stormwater discharges from the MS4) in compliance with the 2016 MS4 Permit. 303(d) impaired waters are those surface waters identified by the MassDEP as priority waters that do not meet water quality criteria. As part of the 2016 MS4 Permit, communities must implement BMPs to address all 303(d) waters and specifically address those that have a completed TMDL study. **Table 2-1** lists the "impaired waters" partially or wholly located within the boundaries of Westminster's regulated area based on the Final 2014 Massachusetts Integrated List of Waters produced by MassDEP every 2 years<sup>1</sup>. These waters are shown in **Figure 2-3**. Westminster will review changes as new lists are published and record these changes and any new permit requirements in **Appendix B**.

**Table 2-1. Impaired Waters**

Waterbody Name	Segment ID and Category		Impairment(s)	Approved TMDL <sup>2</sup>
Upper Reservoir	MA35091	4a	Mercury in Fish Tissue	33880
Sawmill Pond	MA81118	4c	(Non-Native Aquatic Plants*)	
Wyman Pond	MA81161	4c	(Non-Native Aquatic Plants*)	
Partridge Pond	MA81098	5	(Non-Native Aquatic Plants*)	
			Aquatic Plants (Macrophytes)	
			Turbidity	
Millers River	MA35-03	5	Phosphorus (Total)	

Category 3 Waters – no uses assessed.

Category 4c Waters – impaired waters where the impairment is not caused by a pollutant. No TMDL required.

Category 5 Waters – impaired waters that require a TMDL.

\*\*TMDL not required (Non-pollutant)

Westminster is also subject to the Long Island Sound nitrogen TMDL and is subject to the requirements of the Millers Basin Lakes phosphorus TMDL for the following waterbodies:

- Greenwood Pond (MA35025);
- Minott Pond South (MA35045);
- Minott Pond (MA35046); and
- Wrights Reservoir (MA35104).

Although the above waterbodies are not currently listed as impaired for phosphorus on the most recent 303(d) list, they are listed within the Millers Basin Lakes as impaired for noxious aquatic plants due to phosphorus impacts. Thus, Westminster will meet the requirements for the above waterbodies as outlined further in Section 9. Note that although Westminster has a waterbody listed as impaired for Mercury in Fish Tissue, the 2016 MS4

<sup>1</sup>Note that at the time of preparation of this report (June 4, 2018), the 2014 303d list is the most up to date finalized 303d List as approved by USEPA on February 23, 2016.

<sup>2</sup>"Approved TMDLs" are those that have been approved by EPA as of the date of issuance of the 2016 MS4 Permit.



Permit does not specify a wasteload allocation or other requirements for MS4 discharges. Thus, there are no requirements related to mercury reduction.

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## 2.4 Endangered Species Act Determination

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

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## 2.5 National Historic Preservation Act Determination

Regulated MS4s must also evaluate whether its discharges have the potential to affect historic properties. The MS4 Permit typically authorizes discharges from existing facilities and requires control of the pollutants discharged from the facility, however, EPA does not anticipate effects on historic properties from the pollutants in the authorized discharges. Thus, to the extent EPA’s issuance of the MS4 General Permit authorizes discharges of such constituents, confined to existing channels, outfalls or natural drainage areas, the permitting action does not have the potential to cause effects on historical properties. If there have been no relevant changes in operation of the MS4 since the 2003 MS4 General Permit, the discharge can still be considered to have no potential to have an effect on historic properties. This has been documented as “Criterion A” on the Notice of Intent (**Appendix A**) and thus no additional information is required for documentation.

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

## 3 MCM 1: Public Education and Outreach

### 3.1 Summary of Permit Requirements

#### 3.1.1 Core Permit Requirements

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

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

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

At least 2 educational messages must be distributed to audiences over the permit term spaced at least a year apart. See sections below for more information.

#### 3.1.2 TMDL & Impaired Waters Requirements

Public education and outreach programs must also address impaired waterbodies or those identified as priority waters. In Westminster, the only waterbody impairments listed as having specific requirements under the 2016 MS4 Permit are nitrogen, phosphorus, and turbidity. Thus, priority waterbodies and impairments can be found in **Table 3-1**.

**Table 3-1. Priority Waterbodies**

Waterbody Name	Impairment
Long Island Sound	Nitrogen
Greenwood Pond	Phosphorus
Minott Pond South	Phosphorus
Minott Pond	Phosphorus
Wrights Reservoir	Phosphorus
Millers River	Phosphorus
Partridge Pond	Turbidity

Note that the Lake and Pond Phosphorus TMDL Requirements (Greenwood Pond, Minott Pond South, Minott Pond, and Wrights Reservoir) and the turbidity water quality limited

waterbody requirements (Partridge Pond) as outlined under the permit do not outline specific public education requirements. Relevant public information on nitrogen (Long Island Sound) and phosphorus (Millers River) topics as outlined by the 2016 MS4 Permit will be included with each of the 4 applicable target audiences as outlined below.

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## 3.2 Objectives and Goals

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

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## 3.3 Existing Public Education Program

In response to requirements under the 2003 permit, Westminster uses several methods of public education and outreach. The following summarizes Westminster's current public education activities that will be continued under the 2016 MS4 Permit:

- **Stormwater Website** – maintain a web presence with information related to stormwater and combined sewer.
- **Stormwater Fact Sheets** – distribute informational fact sheets to homeowners in close proximity to water resources or other environmentally sensitive areas.

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## 3.4 Proposed Public Education Program

The following sections outline how Westminster will meet the requirements of the 2016 MS4 Permit by completing targeted outreach to the 4 required audiences. Additionally, since the Town has waterbodies with TMDL and water quality impairments associated with nitrogen and phosphorus, the program will include messages to help minimize contributions of these pollutants, in accordance with the “Enhanced BMPs” requirements in Appendix F and Appendix H of the 2016 MS4 Permit.

### 3.4.1 Residential

#### **Informational Topics**

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

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

As required for waterbodies subject to the Long Island Sound nitrogen TMDL, the Town shall supplement its Residential program with the following annual messages encouraging:

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

As required for waterbodies subject to the Long Island Sound nitrogen TMDL and water quality limited waterbodies where phosphorus is the cause of impairment, the Town shall supplement its Residential program with the following annual messages encouraging:

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

Due to the similarities in public education requirements for nitrogen TMDL and phosphorus water quality limited waterbodies, requirements for both Long Island Sound and the Millers River have been combined. For more information, see Section 9.

### **Educational Message and Methods of Distribution**

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

**Table 3-2. BMP Description – Residential Outreach**

<b>BMP Description</b>	<b>Message</b>	<b>Method of Distribution</b>	<b>Responsible Parties</b>	<b>Measurable Goal</b>
<b>BMP 1-1: Residential Education Program</b>	Brochures and pamphlets	Distribute fact sheets or brochures on pet waste pickup with dog licenses	Town Clerk	Provide Information with all applications and renewals
	Brochures and pamphlets	Distribute fact sheets to homeowners in close proximity to water resources	Department of Public Works	Provide informational flyers to residents within environmentally sensitive areas
	Stormwater webpage	Provide relevant information and links for viewing and/or download from Town webpage	Information Technology, Department of Public Works	Continue to update and maintain the websites
	Social media outreach	Provide relevant information to different audiences via various social media platforms	Information Technology	Follow statewide “Think Blue” campaign on social media platforms

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

**Table 3-3. Residential Public Outreach Topics and Message**

Topics and Educational Message	Brochures / Handouts	Pet Waste Fact Sheet	Social Media	Stormwater Webpage
<b>Core Program Topics</b>				
Effects of outdoor activities such as lawn care (use of pesticides, herbicides, and fertilizers) on water quality	X		X	X
Benefits of appropriate on-site infiltration of stormwater	X		X	X
Effects of automotive work and car washing on water quality	X		X	X
Proper disposal of swimming pool water;	X		X	X
Proper management of pet waste	X	X	X	X
Maintenance of septic systems	X		X	X
<b>Nitrogen and Phosphorus Impairment Topics</b>				
Spring (March/April): encourage proper use and disposal of grass clippings and encourage the proper use of slow-release and phosphorus-free fertilizers	X		X	X
Summer (June/July): encourage proper management of pet waste, including noting any existing bylaws where appropriate	X	X	X	X
Fall (August/September/October): encourage the proper disposal of leaf litter	X		X	X

### Schedule

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

### 3.4.2 Businesses, Institutions, and Commercial Facilities

#### Informational Topics

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

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

- Proper management of parking lot surfaces;
- Proper car care activities; and
- Proper disposal of swimming pool water by entities such as motels, hotels, and health and country clubs.

As required for waterbodies subject to the Long Island Sound nitrogen TMDL and water quality limited waterbodies where phosphorus is the cause of impairment, the Town shall supplement its Business, Institutions, and Commercial program with the following annual messages encouraging:

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

Due to the similarities in public education requirements for nitrogen TMDL and phosphorus water quality limited waterbodies, requirements for both Long Island Sound and the Millers River have been combined. For more information, see Section 9.

### **Educational Message and Methods of Distribution**

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

**Table 3-4. BMP Description – Businesses, Institutions, and Commercial Outreach**

<b>BMP Description</b>	<b>Message</b>	<b>Method of Distribution</b>	<b>Responsible Parties</b>	<b>Measurable Goal</b>
<b>BMP 1-2:</b> Businesses, Institutions, and Commercial Education Program	Stormwater webpage	Provide relevant information and links for viewing and/or download from Town webpage	Information Technology, Department of Public Works	Creation of website with periodic updates
	Social media outreach	Provide relevant information to different audiences via various social media platforms	Information Technology	Follow statewide "Think Blue" campaign on social media platforms

### **Schedule**

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

## **3.4.3 Developers and Construction**

### **Informational Topics**

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

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

### **Educational Message and Methods of Distribution**

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

**Table 3-5. BMP Description – Developers and Construction Outreach**

<b>BMP Description</b>	<b>Message</b>	<b>Method of Distribution</b>	<b>Responsible Parties</b>	<b>Measurable Goal</b>
<b>BMP 1-3: Developers and Construction Education Program</b>	Brochures and pamphlets	Distribute fact sheets or brochures on erosion and sediment control with permit applications.	Planning Board, Conservation Commission, Building Department	Provide information with all applications.
	Stormwater webpage	Provide relevant information and links for viewing and/or download from Town webpage	Information Technology, Department of Public Works	Creation of website with periodic updates
	Social Media	Provide relevant information to different audiences via various social media platforms	Information Technology	Follow statewide “Think Blue” campaign on social media platforms

### **Schedule**

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

## **3.4.4 Industrial**

### **Informational Topics**

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

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

### **Educational Message and Methods of Distribution**

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

**Table 3-6. BMP Description – Industrial Outreach**

<b>BMP Description</b>	<b>Message</b>	<b>Method of Distribution</b>	<b>Responsible Parties</b>	<b>Measurable Goal</b>
<u>BMP 1-4:</u> Industrial Education Program	Stormwater webpage	Provide relevant information and links for viewing and/or download from Town webpage	Information Technology, Department of Public Works	Creation of website with periodic updates
	Social Media	Provide relevant information to different audiences via various social media platforms	Information Technology	Follow statewide "Think Blue" campaign on social media platforms

### **Schedule**

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

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## **3.5 Measuring Public Education Program Effectiveness**

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



## 4 MCM 2: Public Participation & Involvement

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### 4.1 Summary of Permit Requirements

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

### 4.2 Objectives and Goals

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

### 4.3 Existing Public Participation and Involvement Opportunities

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

- **Household Hazardous Waste Collection Events** – allow the public to drop off household hazardous waste at least once a year.
- **Cleanup Event** – allow public participation in an annual Earth Day cleanup event.

### 4.4 Proposed Public Participation and Involvement Opportunities

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

#### 4.4.1 Make Documents Publicly Available for Comment

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

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

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

#### 4.4.2 Household Hazardous Waste Collection

The Town will sponsor at least 1 event annually during which residents can drop off household hazardous waste for proper disposal. The following table shows the proposed BMP, responsible parties and measurable goals.

**Table 4-2. BMP Description – Household Hazardous Waste Collection**

<b>BMP Description</b>	<b>Responsible Parties</b>	<b>Measurable Goal</b>
<u>BMP 2-2:</u> Household Hazardous Waste Collection Event	Department of Public Works, Board of Selectmen	Allow public to annually drop off household hazardous waste

#### 4.4.3 Cleanup Events

The Town supports an annual cleanup event typically held as part of Earth Day events and focusing on roadside waste. The following table shows the proposed BMP, responsible parties and measurable goals.

**Table 4-3. BMP Description – Hold Annual Cleanup Event**

<b>BMP Description</b>	<b>Responsible Parties</b>	<b>Measurable Goal</b>
<u>BMP 2-3:</u> Annual Roadside Cleanup	Department of Public Works, Board of Selectmen	Allow annual participation in Town Earth Day event.

## 5 MCM 3: Illicit Discharge, Detection, and Elimination

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### 5.1 Summary of Permit Requirements

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

#### 5.1.1 Legal Authority

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

#### 5.1.2 Sanitary Sewer Overflow

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

#### 5.1.3 System Mapping

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

#### 5.1.4 Illicit Discharge, Detection, and Elimination Program

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

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## 5.2 Objectives and Goals

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

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## 5.3 Existing IDDE Program

The Town of Westminster has completed several items related to its IDDE program. The following summarizes Westminster's current IDDE activities that will be continued under the 2016 MS4 Permit:

- **Adopted an IDDE Bylaw** – enacted “Illicit Discharges and Connections” bylaw under Chapter 123 dated May 2, 2006.
- **Stormwater System Map** – developed a map of known MS4 infrastructure in GIS, including outfalls, catch basins, manholes, connecting pipes, and culverts as feasible.

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## 5.4 Proposed IDDE Program

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

### 5.4.1 Establish Legal Authority

#### Requirements

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

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

#### Work to be Performed

The Town of Westminster has adopted an Illicit Discharges and Connections bylaw under Chapter 123, Sections 123-1 to 123-11 dated May 2, 2006 to meet IDDE regulatory mechanism requirements, and is provided under **Appendix C**. It is anticipated that this bylaw meets 2016 MS4 Permit requirements, however, the Town will perform a detailed regulatory assessment on its existing bylaw to determine whether any additions are necessary for permit compliance within 1 year of the effective permit date. The following table shows the proposed BMP, responsible parties and measurable goals.

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

<b>BMP Description</b>	<b>Responsible Parties</b>	<b>Measurable Goal</b>
<u>BMP 3-1:</u> Enact and Enforce IDDE Bylaw	Department of Public Works, Board of Health	Continue enforcing existing IDDE bylaw, dated May 2, 2006

## 5.4.2 Complete System Mapping

### Requirements

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

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

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

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

### Work to be Performed

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

**Table 5-2. BMP Description – Complete System Mapping**

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

### 5.4.3 Complete Sanitary Sewer Overflow Inventory

#### **Requirements**

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

#### **Work to be Performed**

The Town of Westminster will annually complete an inventory of SSOs that have discharged to the MS4 within the 5 years prior to the effective date of the 2016 MS4 Permit, based on review of available documentation pertaining to SSOs. The SSO inventory will be included in the annual report and in the IDDE Plan, including the status of mitigation and corrective measures to address each identified SSO. The following table shows the proposed BMP, responsible parties and measurable goals.

**Table 5-3. BMP Description – Generate SSO Inventory**

<b>BMP Description</b>	<b>Responsible Parties</b>	<b>Measurable Goal</b>
<u>BMP 3-4:</u> Complete SSO Inventory	Department of Public Works, Board of Health	Develop SSO inventory and complete within 1 year of effective date of permit

### 5.4.4 Develop and Implement Written IDDE Program

#### **Requirements**

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

- Assessment and priority ranking of outfalls and interconnections;

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

### Work to be Performed

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

**Table 5-4. BMP Description – Written IDDE Program and Program Implementation**

<b>BMP Description</b>	<b>Responsible Parties</b>	<b>Measurable Goal</b>
<u>BMP 3-5:</u> Written IDDE Program	Department of Public Works	Create written IDDE program within 1 year of the effective date of the permit and update periodically
<u>BMP 3-5:</u> Outfall / Interconnection Inventory and Ranking	Department of Public Works	Classify and rank outfalls and interconnections within 1 year of the effective date of the permit.
<u>BMP 3-7:</u> Implement IDDE Program	Department of Public Works, Board of Health	Implement catchment investigations and complete within 10 years of the effective date of the permit

### 5.4.5 Perform Dry and Wet Weather Outfall Screening

#### Requirements

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

### Work to be Performed

Westminster developed an outfall sampling program under the IDDE Plan which will be implemented moving forward according to the schedule outlined in the 2016 MS4 Permit. This will include dry and wet weather screening on Town outfalls, including those with SVFs where applicable. Ongoing screening will also be performed after the conclusion of the initial sampling rounds. The following table shows the proposed BMP, responsible parties and measurable goals.

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

<b>BMP Description</b>	<b>Responsible Parties</b>	<b>Measurable Goal</b>
<u>BMP 3-8:</u> Dry Weather Screening	Department of Public Works	Complete in accordance with outfall screening procedure within 3 years of the effective permit date
<u>BMP 3-9:</u> Wet Weather Screening	Department of Public Works	Complete in accordance with outfall screening procedure within 10 years of the effective permit date
<u>BMP 3-10:</u> Ongoing Screening	Department of Public Works	Conduct ongoing dry and wet weather outfall screening upon completion of the IDDE program

#### 5.4.6 Perform Annual IDDE Training

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

**Table 5-6. BMP Description – Perform Annual IDDE Training**

<b>BMP Description</b>	<b>Responsible Parties</b>	<b>Measurable Goal</b>
<u>BMP 3-11:</u> Perform IDDE Training	Department of Public Works, Board of Health	Complete annual training

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## 5.5 Measuring IDDE Program Effectiveness

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

- Storm system mapping progress;
- Number of SSOs and illicit discharges identified and removed;



- Number and percent of total outfall catchments served by the MS4 evaluated using the catchment investigation procedures;
- Updated SVF and catchment inventory and ranking;
- Dry weather and wet weather screening and sampling results;
- Estimated volume or quantity of sewage removed; and
- Number of employees successfully trained on IDDE.

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

## 6 MCM 4: Construction Site Stormwater Runoff Control

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### 6.1 Summary of Permit Requirements

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

#### 6.1.1 Legal Authority

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

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

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

#### 6.1.2 Construction Site Stormwater Runoff Control Program

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

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### 6.2 Objectives and Goals

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

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## 6.3 Existing Construction Site Stormwater Runoff Control Program

The Town of Westminster has completed a number of existing program measures to satisfy construction site stormwater runoff requirements. The following summarizes Westminster's current activities that will be continued under the 2016 MS4 Permit:

- **Adopted a Stormwater Management Bylaw** – enacted a “Stormwater Management” bylaw under Chapter 231 Subdivision of Land, Article IV Design Criteria and Requirements, Section 231-18 Utilities, part D.
- **Required Site Plan Reviews** – the “Site Plan Review” section of Westminster's Zoning Bylaw requires the review of proposed site plans by the Planning Board for stormwater, erosion, and sediment control impacts for commercial, business, industrial, office, multiple dwelling residential structures, municipal, institutional, utility, fraternal or recreational purposes.
- **Erosion and Sediment Control Plans** – Section 231-36, Erosion and sedimentation control, of Chapter 231: Subdivision of Land, found within the Westminster Planning Board and Zoning Board of Appeals Regulations, requires that erosion control plans be reviewed by the Department of Public Works and/or Conservation Committee.

Additionally, the Town of Westminster previously proposed a comprehensive stormwater bylaw at an annual meeting, however was defeated and thus was not advanced.

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## 6.4 Proposed Construction Site Stormwater Runoff Control Program

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

### 6.4.1 Establish Legal Authority

#### Requirements

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

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

In addition, the bylaw may require updates to address the requirements of the Long Island Sound and Lake and Pond Phosphorus TMDL Requirements. See Section 9 for more information.

### Work to be Performed

The Town of Westminster previously enacted a “Stormwater Management” bylaw under Chapter 231 Subdivision of Land, Article IV Design Criteria and Requirements, Section 231-18 Utilities, Part D and an “Erosion and sedimentation control” bylaw under Section 231-36 of Chapter 231: Subdivision of Land, found within the Planning Board and Zoning Board of Appeals Regulations provided under **Appendix C** to meet regulatory mechanism requirements. It is anticipated that these bylaws meet 2016 MS4 Permit requirements, however, the Town will perform a detailed regulatory assessment to determine whether any additions are necessary for permit compliance within 1 year of the effective permit date. The following table shows the proposed BMP, responsible parties and measurable goals.

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

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

## 6.4.2 Establish Written Procedures for Site Plan Review

### Requirements

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

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

### Work to be Performed

As noted previously, the Town of Westminster requires preconstruction site plan reviews for stormwater, erosion, and sediment controls under the “Site Plan Review” section of the Zoning Bylaw (**Appendix C**). This bylaw also contains written procedures that requires the review of proposed site plans by the Planning Board for stormwater, erosion, and sediment control impacts. Westminster will reassess its current site plan review program for compliance with the 2016 MS4 Permit and make changes as required within 1 year of the effective date. In addition, procedures must be established to track the number of site reviews, and will be done as part of the annual reporting requirements. The following table shows the proposed BMP, responsible parties and measurable goals.

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

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

### 6.4.3 Establish Procedures for Site Inspections and Enforcement

#### **Requirements**

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

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

#### **Work to be Performed**

The Town of Westminster's current site inspection procedures does not explicitly monitor and inspect construction sites or have formal written procedures. Therefore, Westminster will modify its inspection process within 1 year of the effective date to provide formal inspection procedures as part of a new bylaw or under existing regulations. The following table shows the proposed BMP, responsible parties and measurable goals.

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

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

## 6.4.4 Establish a Sediment and Erosion Control Program

### Requirements

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

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

### Work to be Performed

As noted previously, the Town of Westminster requires developers to prepare an Erosion and Sediment Control Plan under the “Erosion and sedimentation control” bylaw for review by the Department of Public Works and/or Conservation Commission which establishes written procedures that in part include the following:

- Drainage patterns and approximate slopes anticipated after major grading activities;
- Location and details of erosion and sediment control measures; and
- Narrative of the construction sequence/phasing of the project, including both operation and maintenance for structural and nonstructural measures, interim grading, and material stockpiling areas;

Erosion and Sediment Control Plans must be designed and stamped by a professional engineer or certified professional in erosion and sediment control and address the following:

- Minimize total disturbance and sequence activities to minimize simultaneous areas of disturbance;
- Minimize soil erosion and control sedimentation during construction;
- Install and maintain all erosion and sediment control measures in accordance with the manufacturer's specifications and good engineering practices;
- Prevent off-site transport of sediment;
- Institute interim and permanent stabilization measures; and
- Protect and manage on- and off-site material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project).

Additionally, Erosion and Sediment Control Plans require contractors to properly manage on-site construction and waste materials, defined as excess or discarded building or site materials, including concrete truck washout, chemicals, litter and sanitary waste at a construction site. The plan must also include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to

stormwater, and spill prevention and response. Westminster will perform a brief review of its existing program to determine if changes are required to comply with the 2016 MS4 Permit and make changes as required within 1 year of the effective date. The following table shows the proposed BMP, responsible parties and measurable goals.

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

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

## 7 MCM 5: Stormwater Management in New Development and Redevelopment

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### 7.1 Summary of Permit Requirements

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

#### 7.1.1 Legal Authority

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

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

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

#### 7.1.2 As-Built Submittals

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

#### 7.1.3 Operation and Maintenance

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

#### 7.1.4 Regulatory Assessment

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



### 7.1.5 Inventory of Potential Retrofit Sites

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

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## 7.2 Objectives and Goals

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

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## 7.3 Existing Post Construction Stormwater Management

The Town of Westminster has completed a number of existing program measures to satisfy construction site stormwater runoff requirements. The following summarizes Westminster's current activities that will be continued under the 2016 MS4 Permit:

- **Adopted a Stormwater Management Bylaw** – enacted a “Stormwater Management” bylaw under Chapter 231 Subdivision of Land, Article IV Design Criteria and Requirements, Section 231-18 Utilities, part D.
- **Adopted a Low-Impact Development Bylaw** – enacted a “Low-Impact Development” bylaw under Chapter 136 of the Town's General Legislation, Sections 136-1 through 136-9.
- **Stormwater Management Plan** – the “Stormwater Management” bylaw requires developers to prepare a Stormwater Management Plan that meets the Massachusetts Stormwater Management Standards for submittal to the Planning Board. Note that the Stormwater Management Plan required by Westminster's bylaw is different from this SWMP.
- **As-Built Submission** – the “Procedures for Submission and Approval of Plans” (Article III under the Subdivision of Land bylaw) requires developers to submit as-built record drawings of all drainage structures to the Planning Board.

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## 7.4 Proposed Post-Construction Stormwater Management Program

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

### 7.4.1 Establish Legal Authority

#### Requirements

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

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

Additionally, the bylaw must include requirements for stormwater structural BMPs proposed as part of new or redevelopment to be optimized as follows in order to meet TMDL and water quality limited waterbodies requirements:

- For nitrogen removal for development within the Long Island Sound watershed; and
- For phosphorus removal for development within the Millers River watershed.

In addition, the bylaw must include provisions requiring stormwater BMP designs that allow for shutdown and containment to isolate the system in the event of an emergency spill or other unexpected event within areas draining to Elm Brook and Cambridge Reservoir, Upper

Basin. Finally, the bylaw may require updates to address the requirements of the Lake and Pond Phosphorus TMDL Requirements. See Section 9 for more information.

### Work to be Performed

The “Stormwater Management” bylaw requires developers to prepare a Stormwater Management Plan for submittal to the Planning Board. This plan generally requires applicants meet the Massachusetts Stormwater Management Standards which in part addresses potential water quality impacts and opportunities for use of LID and GI. Stormwater Management Plans must be supplied with accompanying existing and proposed hydrology with supporting calculations, Operation and Maintenance Plan, and Sediment and Erosion Control Plan (described below). Additionally, the Stormwater Management Plan must include accompanying plans showing relevant information, such as:

- Existing and proposed watershed boundaries and hydrologic characteristics of the regional watershed;
- Proposed BMPs and measures for detention, retention, or infiltration of water;
- Measures to ensure protection of water quality; and
- Structural details for drainage and stormwater components.

Additionally, The Town of Westminster has enacted a “Low-Impact Development” bylaw under Chapter 136 of the Town’s General Legislation, Sections 136-1 through 136-9 to meet regulatory mechanism requirements (see **Appendix C**). This bylaw addresses many of the 2016 MS4 Permit requirements, including requirements to meet many of the Massachusetts Stormwater Handbook stormwater standards. However, the Town needs review the bylaw to ensure full compliance with the permit and update it to address nitrogen and phosphorus removal optimization for new development and redevelopment projects. Therefore, the Town of Westminster will review and update its bylaw within 2 years of the effective permit date to meet permit requirements. The following table shows the proposed BMP, responsible parties and measurable goals.

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

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

### 7.4.2 Require Submittal of As-Built Plans

As noted previously, the Town of Westminster requires developers to submit as-built plans of all structural stormwater controls to the Planning Board under the Procedures for Submission and Approval of Plans. However, the bylaw does not specifically require depiction of non-structural stormwater controls or a timeframe for submittal. Therefore, the Town of Westminster will review and update its bylaw within 2 years of the effective permit

date to meet permit requirements. The following table shows the proposed BMP, responsible parties and measurable goals.

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

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

### 7.4.3 Require Long Term Operation and Maintenance

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

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

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

### 7.4.4 Complete Regulatory Assessment

#### **Requirements**

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

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

### Work to be Performed

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

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

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

## 7.4.5 Complete Inventory of Potential BMP Retrofit Sites

### Requirements

Permittees must complete an inventory of at least 5 existing permittee-owned properties that could be modified or retrofitted with structural stormwater BMP improvements to reduce the frequency, volume, and pollutant loads within 4 years of the effective permit date. The inventory provided in **Appendix E** should include municipal properties with significant impervious cover such as parking lots, buildings, and maintenance yards, along with infrastructure such as existing rights-of-way, outfalls and stormwater conveyances such as swales or detention practices. The permittee should address potential site constraints that could hinder BMP construction, such as subsurface conditions, depth to water table, and utility impacts, and should ideally allow opportunities for public education.

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

Additionally, the Town of Westminster must identify stormwater retrofit opportunities for nitrogen reduction for properties within the Long Island Sound watershed, phosphorus reduction within the Millers River watershed, and phosphorus reductions to various phosphorus-impaired lakes in order to meet TMDL and water quality limited requirements. See Section 9 for more information.

### **Work to be Performed**

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

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

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

## 8 MCM 6: Good Housekeeping and Pollution Prevention

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### 8.1 Summary of Permit Requirements

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

#### 8.1.1 Operations and Maintenance Programs

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

#### 8.1.2 Stormwater Pollution Prevention Plans

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

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### 8.2 Existing Good Housekeeping and Pollution Prevention Program

The Town of Westminster has completed several items related to its good housekeeping and pollution prevention program. The following summarizes Westminster's current activities that will be continued under the 2016 MS4 Permit:

- **Street and Parking Lot Sweeping** – sweep streets and permittee-owned parking lots in the spring and sweep areas within watersheds draining to waterbodies listed as impaired for nitrogen or phosphorus in the spring and fall. The Town's current Street Sweeping Prioritization Plan can be found as **Appendix F**.
- **Catch Basin Cleaning** – clean all catch basins once a year and repair as needed. Westminster also prepared a Catch Basin Optimization Plan that outlines the plans, procedures, and schedules for establishing a goal that sumps are never more than 50% full. The plan can be found as **Appendix G**.



- **Winter Roadway Maintenance Optimization** – prepared snow and ice management procedures to minimize pollution sources. Westminster prepared and documented existing and proposed winter O&M items to be included under a separate Operation and Maintenance document as noted under Section 1.4.
- **BMP Inspection and Maintenance** – perform inspections of Town-owned stormwater BMPs during routine operations.

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## 8.3 Proposed Good Housekeeping and Pollution Prevention Program

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

### 8.3.1 Complete Facilities O&M Procedures

#### **Requirements**

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

#### Parks and Open Space

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

#### Buildings and Facilities

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



### Vehicles and Equipment

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

### **Work to be Performed**

As noted previously, the Town has several existing practices in place, including procedures to address street sweeping, employee training, road salt minimization, and catch basin cleaning. Remaining items above will be incorporated into a detailed written Operation and Maintenance Plan, a standalone document separate from this SWMP Plan, to cover applicable Town-owned facilities. This document will also include the inventory of relevant Town-owned properties.

In addition, the Town must establish requirements for use of slow release fertilizers on permittee owned properties and establish procedures to manage grass cuttings and leaf litter on permittee property within areas of town draining to the Long Island Sound, a waterbody impaired for nitrogen. Westminster must also establish procedures to manage grass cuttings and leaf litter, including prohibitions for blowing organic waste materials onto impervious surfaces for areas of town draining to the Millers River, a waterbody impaired for phosphorus. Requirements for these items will be reviewed and amended to the existing O&M Plan if required. The following table shows the proposed BMP, responsible parties and measurable goals.

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

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

### 8.3.2 Complete Infrastructure O&M Procedures

#### **Requirements**

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

#### Street Sweeping (Appendix G)

- Sweeping all streets and permittee-owed parking lots, with the exception of rural uncurbed roads with no catch basins or high-speed limited access highways at least 1 per year in the spring following winter sanding events;
- More frequent sweeping of targeted areas based on inspections, land use, or known water quality impacts;
- Increasing street sweeping frequency of all municipal owned streets and parking lots to a minimum of 2 times per year; once in the spring (following winter activities such as sanding) and at least once in the fall (Sept 1 – Dec 1; following leaf fall) for areas within the nitrogen-impaired Long Island Sound watershed; and
- For rural uncurbed roadways with no catch basins or limited access highways, either an evaluation to meet the minimum frequencies above or development and implementation of an inspection, documentation, and targeted sweeping plan within 2 years of the effective date and submitted with the Year 1 annual report.

#### Catch Basin Cleaning (Appendix G)

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

#### Catch Basin and Street Sweeping Residuals Management

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

#### Winter Operation and Maintenance

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

### **Work to be Performed**

As noted previously, the Town recently updated its existing street sweeping, catch basin cleaning, and winter O&M procedures in order to meet permit requirements. As the Town is subject to numerous nitrogen and phosphorus permit requirements, many of the streets within the regulated area are swept twice per year. Street sweeping is expected to continue under the existing Street Sweeping Prioritization Plan provided in the Town's O&M Plan for

at least several years, possibly expanded in Year 4 and beyond as a response to TMDL and water quality limited waterbody requirements as outlined further in Section 9.

Catch basin prioritization will also continue for the next several years as catch basin inspections continue according to the methodology and schedule outlined in the Catch Basin Optimization Plan provided in **Appendix G**. Results will be reviewed at the end of each year to determine recommended next steps. The following table shows the proposed BMP, responsible parties and measurable goals.

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

<b>BMP Description</b>	<b>Responsible Parties</b>	<b>Measurable Goal</b>
<u>BMP 6-3:</u> Review Infrastructure O&M Procedures	Department of Public Works	Create written O&M Plan for stormwater infrastructure within 2 years of the effective date of the permit
<u>BMP 6-4:</u> Catch Basin Cleaning	Department of Public Works	Clean catch basins on established schedule and report number of catch basins cleaned and volume of material moved annually
<u>BMP 6-5:</u> Street Sweeping	Department of Public Works	Sweep all streets and parking lots at least annually and sweep all streets within the Long Island Sound watershed twice per year.
<u>BMP 6-6:</u> Road salt optimization program	Department of Public Works	Implement salt use optimization during winter maintenance operations

### 8.3.3 Stormwater Pollution Prevention Plans

#### Requirements

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

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

### Work to be Performed

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

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

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

### 8.3.4 Structural Stormwater BMP Inspections

#### Requirements

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

### Work to be Performed

The Town of Westminster currently performs inspections of Town-owned stormwater BMPs during routine operations and will complete an inventory (**Appendix I**) of known structural stormwater BMPs by the end of Year 2 as required by MCM 3, mapping requirements. Once an inventory has been completed, the Town will develop a formalized inspection and maintenance procedures for the various types of BMPs located within the Town's regulated area. The O&M Plan will also document logs for BMP inspection and maintenance. The following table shows the proposed BMP, responsible parties and measurable goals.

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

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

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

## 9 TMDL and Impaired Waters Controls

### 9.1 Permit Requirements

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

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

**Table 9-1. TMDL and Impaired Waters Requirements**

Waterbody Name	Impairment	2016 Permit Requirements
Greenwood Pond	Phosphorus	Appendix F, Part A.II
Minott Pond South	Phosphorus	Appendix F, Part A.II
Minott Pond	Phosphorus	Appendix F, Part A.II
Wrights Reservoir	Phosphorus	Appendix F, Part A.II
Long Island Sound	Nitrogen	Appendix F, Part B.I
Millers River	Phosphorus	Appendix H, Part II
Partridge Pond	Turbidity	Appendix H, Part V

Thus, the Town of Westminster must implement control measures for discharges to approved TMDL waters and to impaired waters without a TMDL as summarized in the sections below.

### 9.2 Lake and Pond Phosphorus TMDL Requirements

The Town of Westminster 4 waterbodies subject to the Lake and Pond Phosphorus TMDL requirements: Greenwood Pond, Minott Pond South, Minott Pond, and Wrights Reservoir. To address the discharge of phosphorus from its MS4, the Town of Westminster must develop a Lake Phosphorus Control Plan (LPCP) designed to reduce the amount of phosphorus in stormwater discharges from its MS4 to the phosphorus-impaired waterbody. This Plan shall be completed and fully implemented as soon as possible but no later than 15 years after the permit effective date.

#### 9.2.1 LPCP Requirements

The following provides a brief summary of permit requirements to be implemented:

- Item 1     Legal Analysis** – Identify regulatory mechanisms that may be necessary to implement the LPCP, complete a legal analysis within 2 years of the permit effective date, and adopt changes by the end of the permit term.
- Item 2     Funding Source Assessment** – Identify funding mechanisms that will be used to fund LPCP implementation, describe the steps to be taken in implementing the funding plan.
- Item 3     Define LPCP Scope, Baseline Load, Reduction Requirement, and Allowable Load** – Determine whether to implement the LPCP town wide or only in the UA and calculate the corresponding Baseline Phosphorus Load, Stormwater Phosphorus Reduction Requirement and Allowable Phosphorus Load corresponding to the LPCP Area. Note that although the UA-Only option has a lower reduction requirement, there are also less options to implement BMPs as the available area of town is smaller. This requirement should be completed within 4 years of permit effective date
- Item 4     Non-Structural Controls** – Determine non-structural stormwater controls to help reduce phosphorus, including planned measures, areas where measures will be implemented, and expected annual phosphorus reductions within 6 years of effective permit date.
- Item 5     Structural Controls** – Priority rank areas and infrastructure where potential structural phosphorus controls could be implemented, including an assessment of site suitability for phosphorus control measures based on soil types and other factors. Determine where structural controls shall be implemented and annual phosphorus reductions provided by each.
- Item 6     Operation and Maintenance Program** – Establish an O&M Program for current and planned structural BMPs, including an inspection and maintenance schedule with program or department responsible.
- Item 7     Written Plan** – Develop a schedule that addresses the above items within 4 years of the effective permit date and prepare a written plan to determine implementation cost estimate within 5 years of the effective permit date. Provide an updated written LPCP within 10 years of the effective permit date.
- Item 8     Implementation and Performance Evaluation** – Evaluate LPCP effectiveness by tracking phosphorus reductions due to implementing structural BMPs annually, beginning 6 years after the effective date.

### 9.2.2     Reporting

The Town of Westminster shall include a progress report in each Annual Report on the planning and implementation of the LPCP. Once the LPCP has started implementation 5 years after the permit effective date, the Annual Report shall also include the following:

- Non-structural control measures implemented during the reporting year along with the calculated phosphorus reduction;
- Structural control measures implemented during the reporting year with location information, calculated phosphorus reduction, and date of last inspection and maintenance;
- Phosphorus load increases due to development; and
- Estimated yearly phosphorus export rate accounting for development and implementation of both non-structural and structural BMPs.

### Work to be Performed

Requirements for meeting the Lake and Pond Phosphorus TMDL requirements will be performed according to the schedule in the 2016 Permit.

**Table 9-2. Lake and Pond Phosphorus TMDL Requirements – Phosphorus**

BMP Description	Responsible Parties	Measurable Goal
BMP 7-1: Lake and Pond Phosphorus TMDL Requirements – Phosphorus	Department of Public Works, Conservation Commission, Planning Board	Adhere to requirements in part A.II of Appendix F

## 9.3 Long Island Sound Nitrogen TMDL Requirements

The Town of Westminster is subject to the Long Island Sound nitrogen TMDL and thus is required to implement the following requirements as outlined under Appendix F, Part B.I of the 2016 Permit.

### 9.3.1 Additional or Enhanced BMPs

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

- **Public Education** – supplement its Residential and Business/Commercial/Institution programs with additional annual messages as follows:
  - Spring (April-May): Proper use and disposal of grass clippings and use of slow-release fertilizers;
  - Summer (June-July): Proper management of pet waste; and
  - Fall (August-October): Proper disposal of leaf litter.
- **Stormwater Management in New Development and Redevelopment** – supplement standard permit bylaw requirements to also mandate the use of stormwater BMPs optimized for nitrogen removal as part of new development and redevelopment projects. Additionally, retrofit opportunities must also consider the potential to reduce nitrogen discharges for properties within watersheds draining to nitrogen-impaired waterbodies.



- **Good Housekeeping and Pollution Prevention** – establish requirements for reducing fertilizer usage and/or using slow release fertilizers on permittee owned properties, procedures for properly managing grass cuttings and leaf litter on permittee owned property, and prohibit blowing organic waste onto impervious surfaces. Additionally, street sweeping must be increased to at least twice per year, once in the spring and once in the fall.

### 9.3.2 Nitrogen Source Identification Report

The Town of Westminster must also prepare a Nitrogen Source Identification Report that generally does the following:

- Identifies, delineates, and prioritizes areas of town at the catchment-level that have the highest nitrogen loading potential based on land use and other factors;
- Accounts for the urbanized area that discharges to the Connecticut River watershed;
- Determines impervious area based on catchment delineations;
- Accounts for any screening results performed under MCM 3 when developing conclusions; and
- Identifies potential retrofit opportunities for installing structural BMPs during redevelopment.

This item must be completed by the end of Year 4.

### 9.3.3 Structural BMPs

Upon completion of the Nitrogen Source Identification Report, the Town must evaluate all properties identified under the report or using the procedures identified under Section 7.4.5 to complete a site-specific evaluation addressing the following:

- Identifies the next planned redevelopment activity or planned retrofit date;
- Determines an estimated cost of redevelopment or retrofit BMPs; and
- Determines the engineering and regulatory feasibility BMP installation.

Upon completion, the Town must provide a list of planned structural BMPs, along with a plan and schedule for implementation by the end of Year 5. At least 1 BMP must be designed and constructed as a demonstration project by the end of Year 6 that targets a catchment with a high nitrogen load potential. Remaining structural BMPs must be constructed according to the provided plan and schedule. Nitrogen removals must be tracked and reported annually.

#### **Work to be Performed**

Requirements for meeting the Long Island Sound nitrogen TMDL requirements will be performed according to the schedule in the 2016 Permit.



**Table 9-3. TMDL Requirements – Long Island Sound Nitrogen**

<b>BMP Description</b>	<b>Responsible Parties</b>	<b>Measurable Goal</b>
<u>BMP 7-2:</u> TMDL Requirements – Long Island Sound Nitrogen	Department of Public Works, Conservation Commission, Planning Board	Adhere to requirements in part B.I of Appendix F

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## 9.4 Phosphorus Water Quality Limited Waterbody Requirements

The Town of Westminster is also subject to the phosphorus water quality limited waterbody requirements for discharges to the Millers River and thus is required to implement the following requirements as outlined under Appendix H, Part II of the 2016 Permit.

### 9.4.1 Additional or Enhanced BMPs

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

- **Public Education** – supplement its Residential and Business/Commercial/Institution programs with additional annual messages as follows:
  - Spring (April-May): Proper use and disposal of grass clippings and use of slow-release and phosphorus-free fertilizers;
  - Summer (June-July): Proper management of pet waste; and
  - Fall (August-October): Proper disposal of leaf litter.
- **Stormwater Management in New Development and Redevelopment** – supplement standard permit bylaw requirements to also mandate the use of stormwater BMPs optimized for phosphorus removal as part of new development and redevelopment projects. Additionally, retrofit opportunities must consider opportunities for constructing infiltration BMPs for properties within the Millers River watershed.
- **Good Housekeeping and Pollution Prevention** – establish requirements for reducing fertilizer usage and/or using slow release fertilizers on permittee owned properties, procedures for properly managing grass cuttings and leaf litter on permittee owned property, and prohibit blowing organic waste onto impervious surfaces. Additionally, street sweeping must be increased to at least twice per year, once in the spring and once in the fall.

### 9.4.2 Phosphorus Source Identification Report

The Town of Westminster must also prepare a Phosphorus Source Identification Report that generally does the following:

- Identifies, delineates, and prioritizes areas of town at the catchment-level that have the highest phosphorus loading potential based on land use and other factors;
- Accounts for the urbanized area that discharges to the Millers River watershed;
- Determines impervious area based on catchment delineations;
- Accounts for any screening results performed under MCM 3 when developing conclusions; and
- Identifies potential retrofit opportunities for installing structural BMPs during redevelopment.

This item must be completed by the end of Year 4.

### 9.4.3 Structural BMPs

Upon completion of the Phosphorus Source Identification Report, the Town must evaluate all properties identified under the report or using the procedures identified under Section 7.4.5 to complete a site-specific evaluation addressing the following:

- Identifies the next planned redevelopment activity or planned retrofit date;
- Determines an estimated cost of redevelopment or retrofit BMPs; and
- Determines the engineering and regulatory feasibility BMP installation.

Upon completion, the Town must provide a list of planned structural BMPs, along with a plan and schedule for implementation by the end of Year 5. At least 1 BMP must be designed and constructed as a demonstration project by the end of Year 6 that targets a catchment with a high phosphorus load potential. Remaining structural BMPs must be constructed according to the provided plan and schedule. Phosphorus removals must be tracked and reported annually.

#### Work to be Performed

Requirements for meeting the phosphorous water quality limited waterbody requirements will be performed according to the schedule in the 2016 Permit.

**Table 9-4. Water Quality Limited Waterbody Requirements – Phosphorus**

BMP Description	Responsible Parties	Measurable Goal
BMP 7-3: Water Quality Limited Waterbody Requirements – Phosphorus	Department of Public Works, Conservation Commission, Planning Board	Adhere to requirements in Part II of Appendix H

## 9.5 Turbidity Water Quality Limited Waterbodies Requirements

The Town of Westminster water quality limited waterbody, Partridge Pond, listed as impaired for turbidity. Thus, the Town must implement the following requirements as outlined under Appendix H, Part V of the 2016 Permit.

### 9.5.1 Additional or Enhanced BMPs

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

- **Stormwater Management in New Development and Redevelopment** – Stormwater management systems designed on commercial and industrial land use area draining to the water quality limited waterbody shall incorporate designs that allow for shutdown and containment where appropriate to isolate the system in the event of an emergency spill or other unexpected event. Any stormwater management system designed to infiltrate stormwater on commercial or industrial sites must provide the level of pollutant removal equal to or greater than the level of pollutant removal provided through the use of biofiltration of the same volume of runoff to be infiltrated, prior to infiltration.
- **Good Housekeeping and Pollution Prevention** – increase street sweeping frequency of all municipal streets and parking lots to target areas with potential for high pollutant loads. This may include increased sweeping in commercial and high-density residential areas, or largely impervious drainage areas. Prioritize inspection and maintenance for catch basins to ensure that no sump is more than 50 percent full. Clean catch basins more frequently if inspection and maintenance activities indicate excessive sediment or debris loadings. Include street sweeping schedule developed to target high pollutant loads in each annual report.

#### Work to be Performed

Stormwater management requirements for new and redevelopment will be addressed as part of the regulatory and other program updates to be completed during Year 2. The Town of Westminster has addressed street sweeping requirements under Section 8.3 and 9.2. The catch basin cleaning program is ongoing as outlined under Section 8.3.

**Table 9-5. Water Quality Limited Waterbody Requirements – Turbidity**

BMP Description	Responsible Parties	Measurable Goal
<u>BMP 7-4:</u> Water Quality Limited Waterbody Requirements – Turbidity	Department of Public Works, Conservation Commission, Planning Board	Adhere to requirements in Part V of Appendix H

## 10 Annual Reporting

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

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

## 11 Implementation of Best Management Practices

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

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

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

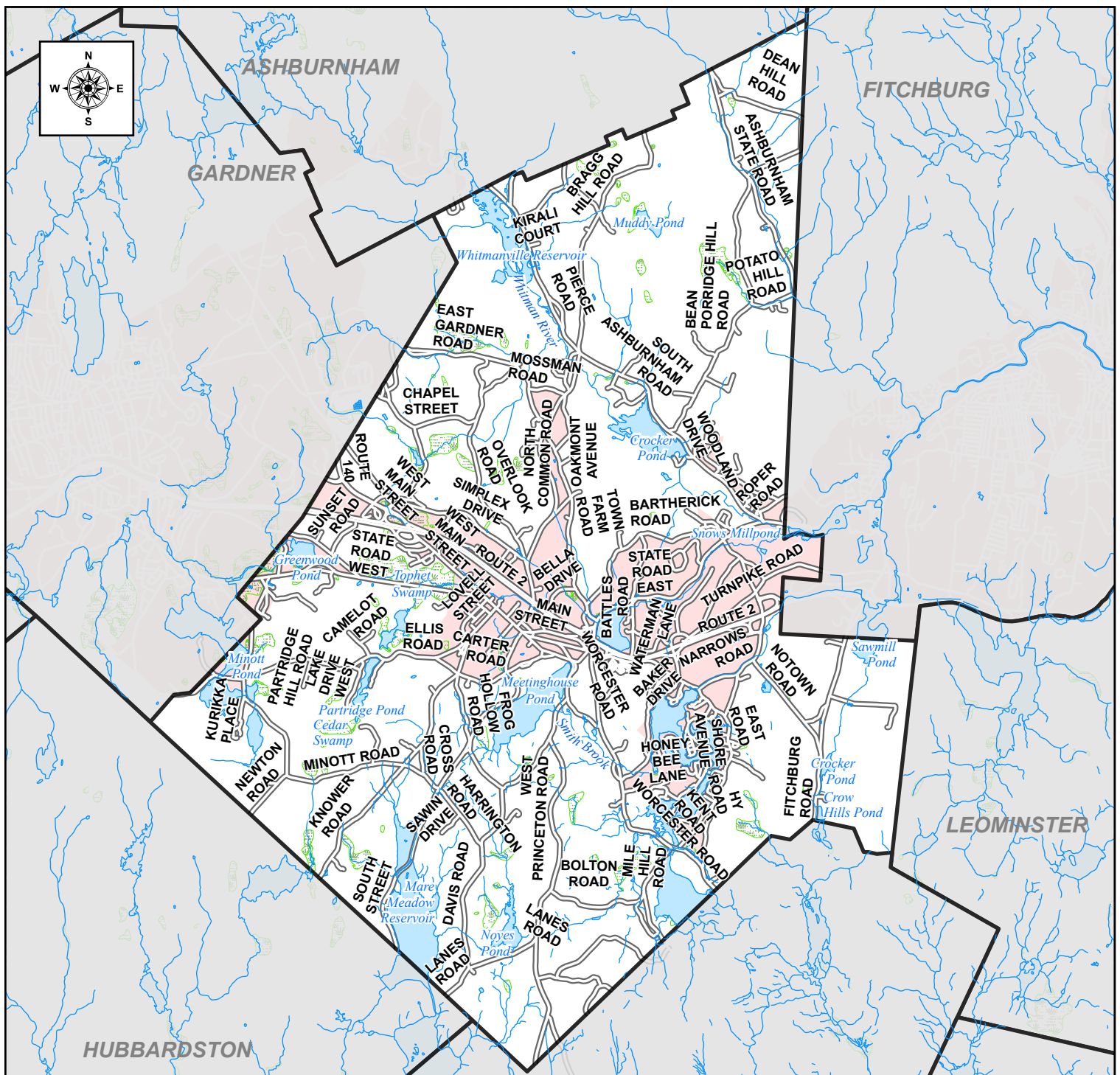
The BMP tables also outline the measurable goals for each BMP to gauge permit compliance, the responsible party(ies) for implementing each BMP, and an implementation schedule to be used throughout the permit period. In addition to the implementation activities outlined in this plan, the Town will also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

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






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

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





### Legend

-  Urbanized Area
-  Stream, Brook
-  Lake, Pond, Reservoir
-  Wetland
-  Town Boundaries

**Figure 1-1.**  
**Urbanized Area**

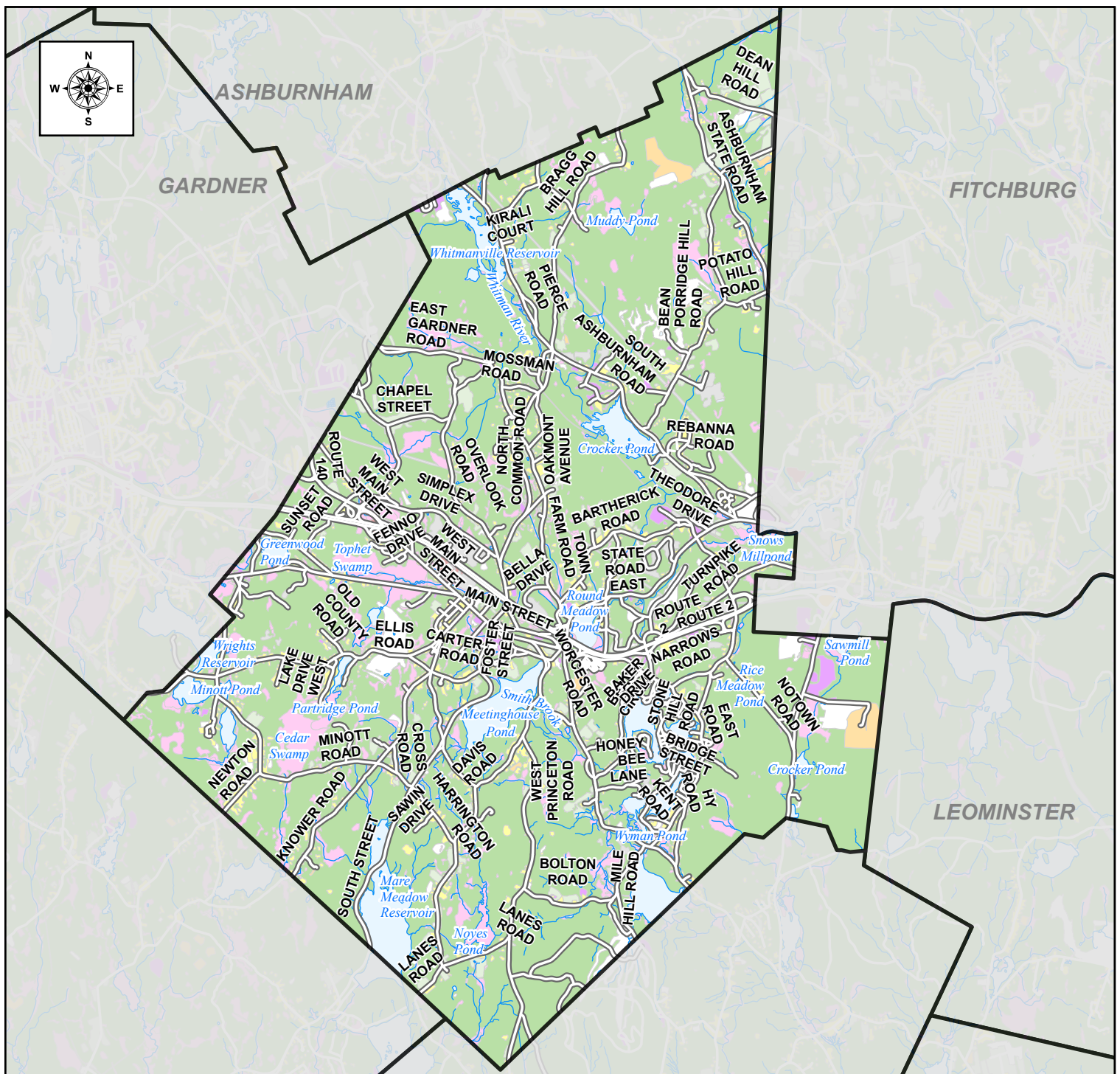
**Westminister, MA**



**Comprehensive  
Environmental  
Incorporated**

Data Source: MassGIS

0 2  
Miles



### Legend

- |                |                    |
|----------------|--------------------|
| Industrial     | Water              |
| Transportation | Wetland            |
| Residential    | Disturbed Land     |
| Commercial     | Other Cleared Land |
| Agriculture    | Stream, Brook      |
| Forest         |                    |

## Figure 2-1. Land Use

Westminister, MA

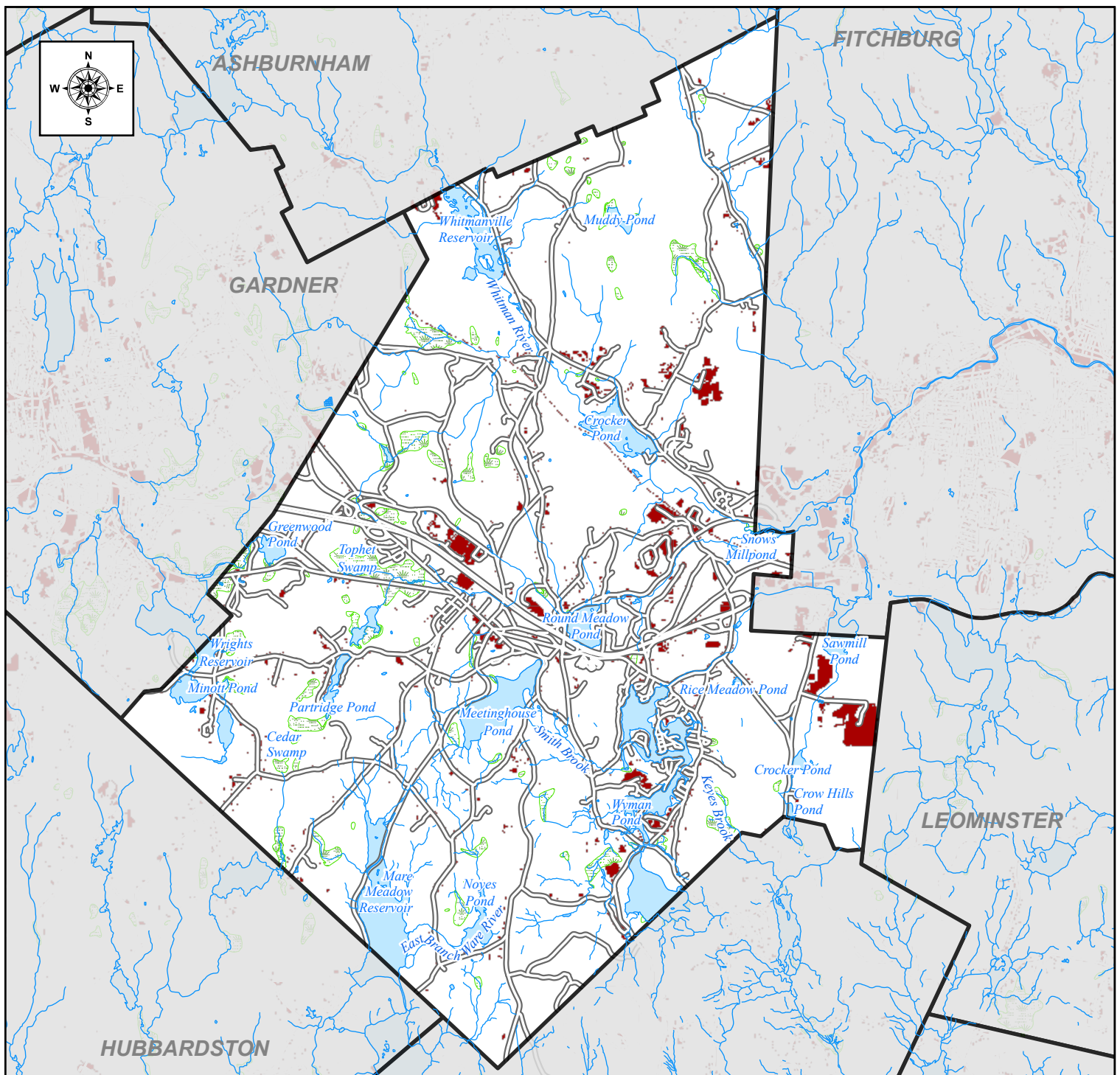


**Comprehensive  
Environmental  
Incorporated**

Data Source: MassGIS

0 2  
Miles





### Legend

- Impervious Surface
- Town Boundaries
- Lake, Pond, Reservoir
- Wetland
- Stream, Brook

0 2  
 Miles

## Figure 2-2. Impervious Area

Westminister, MA



**Comprehensive  
Environmental  
Incorporated**

Data Source: MassGIS



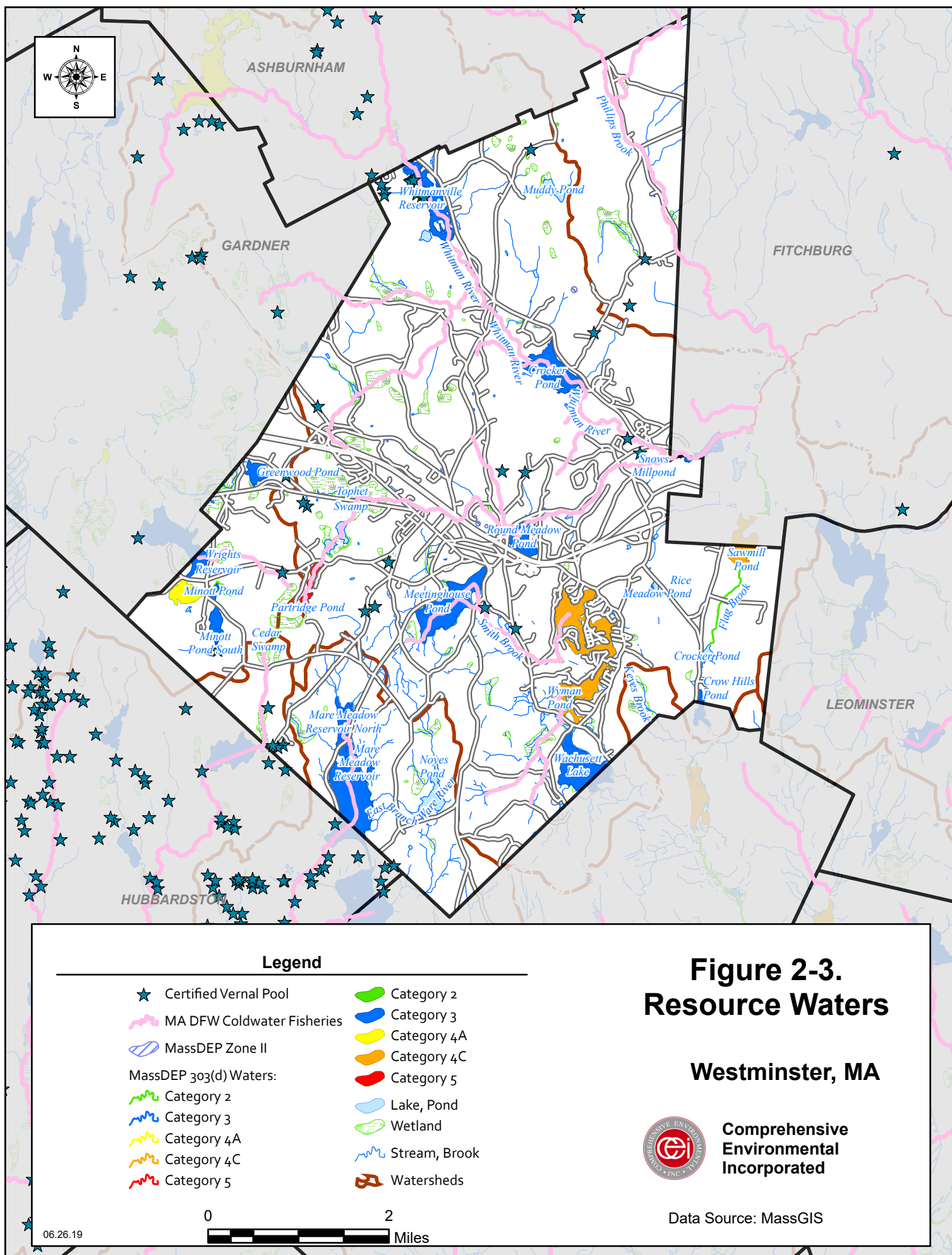


Table 11-1. Proposed BMP Plan - Implementation of Phase II Activities											
BMP ID	BMP Description	Implementation	Responsible Dept./Person	Measurable Goal	Report Section	Year / Schedule					
						1	2	3	4	5	6
						7/1/18-7/1/19	7/1/19-7/1/20	7/1/20-7/1/21	7/1/21-7/1/22	7/1/22-7/1/23	7/1/23-7/1/24
1. Public Education and Outreach											
1-1	Residential Education Program	1. Provide informational brochure/handout to homeowners in close proximity to water resources	Department of Public Works	Provide informational flyers to residents within environmentally sensitive areas	3.4.1	*	*	*	*	*	*
		2. Provide fact sheets on pet waste management with all dog registrations and renewals	Town Clerk	Provide information with all applications and renewals		*	*	*	*	*	*
		3. Provide relevant stormwater information to different audiences via social media	Information Technology	Follow statewide "Think Blue" campaign on social media platforms		*	*	*	*	*	*
		4. Provide comprehensive stormwater information on the Town's website, including effects of outdoor activities such as lawn care on water quality; benefits of appropriate on-site infiltration of stormwater; effects of automotive work and car washing on water quality; proper disposal of swimming pool water; proper management of pet waste; and maintenance of septic systems.	Information Technology, Department of Public Works	Continue to update and maintain the websites		*	*	*	*	*	*
1-2	Businesses, Institutions, and Commercial Education Program	1. Provide comprehensive stormwater information on the Town's website, including effects of outdoor activities such as lawn care on water quality; benefits of appropriate on-site infiltration of stormwater; building maintenance and storage of materials; proper use and storage of salt or other de-icing and anti-icing materials; proper management of waste materials and dumpsters; proper management of parking lot surfaces; proper car care activities; and proper disposal of swimming pool water by entities such as motels, hotels, and health and country clubs.	Information Technology, Department of Public Works	Continue to update and maintain the websites	3.4.2	*	*	*	*	*	*
		2. Provide relevant stormwater information to different audiences via social media	Information Technology	Follow statewide "Think Blue" campaign on social media platforms		*	*	*	*	*	*
1-3	Developer and Construction Education Program	1. Distribute fact sheets or brochures on erosion and sediment control with permit applications	Planning Board, Conservation Commission, Building Department	Provide information with all applications	3.4.3	*	*	*	*	*	*
		2. Provide comprehensive stormwater information on the Town's website, including proper sediment and erosion control management practices; information about Low Impact Development (LID) principles and technologies; and information about EPA’s construction general permit (CGP).	Information Technology, Department of Public Works	Continue to update and maintain the websites		*	*	*	*	*	*
		3. Provide relevant stormwater information to different audiences via social media	Information Technology	Follow statewide "Think Blue" campaign on social media platforms		*	*	*	*	*	*
1-4	Industrial Education Program	1. Provide relevant stormwater information to different audiences via social media	Information Technology	Follow statewide "Think Blue" campaign on social media platforms	3.4.4	*	*	*	*	*	*
		2. Provide comprehensive stormwater information on the Town's website, including equipment inspection and maintenance; proper storage of industrial materials; proper management and disposal of wastes; proper management of dumpsters; minimization of use and proper storage of salt or other de-icing/anti-icing materials; benefits of appropriate on-site infiltration of stormwater runoff from areas with low exposure to industrial materials such as roofs or employee parking; proper maintenance of parking lot surfaces; and information about EPA’s CGP.	Information Technology, Department of Public Works	Continue to update and maintain the websites		*	*	*	*	*	*

Table 11-1. Proposed BMP Plan - Implementation of Phase II Activities											
BMP ID	BMP Description	Implementation	Responsible Dept./Person	Measurable Goal	Report Section	Year / Schedule					
						1	2	3	4	5	6
						7/1/18-7/1/19	7/1/19-7/1/20	7/1/20-7/1/21	7/1/21-7/1/22	7/1/22-7/1/23	7/1/23-7/1/24
2. Public Participation and Involvement											
2-1	Make SWMP Publicly Available	1. Post SWMP Plan on Town website, along with contact name, email address and/or phone number of a contact person at the Town to contact for information or submit comments.	Information Technology, Department of Public Works	Annual review of stormwater management plan and posting on website. Allow public to comment on the plan at least annually	4.4.1	*	*	*	*	*	*
2-2	Household Hazardous Collection Event	1. Allow Town residents to drop of household hazardous wastes for proper disposal periodically throughout the year.	Department of Public Works, Board of Selectmen	Allow participation in household hazardous waste collection events.	4.4.2	*	*	*	*	*	*
2-3	Annual Roadside Cleanup	1. Hold annual Town cleanup event as part of Earth Day celebrations	Department of Public Works, Board of Selectmen	Allow annual participation in Town Earth Day event	4.4.3	*	*	*	*	*	*

Table 11-1. Proposed BMP Plan - Implementation of Phase II Activities											
BMP ID	BMP Description	Implementation	Responsible Dept./Person	Measurable Goal	Report Section	Year / Schedule					
						1	2	3	4	5	6
						7/1/18-7/1/19	7/1/19-7/1/20	7/1/20-7/1/21	7/1/21-7/1/22	7/1/22-7/1/23	7/1/23-7/1/24
3. Illicit Discharge Detection and Elimination											
3-1	Enforce Current IDDE Bylaw	1. Continue enforcing existing “Illicit Discharges and Connections” IDDE bylaw.	Department of Public Works, Board of Health	Continue enforcing existing IDDE bylaw	5.4.1	*	*	*	*	*	*
3-2	Phase I Storm Sewer System Map	1. Delineate catchment areas based on topography for each MS4 outfall and map in GIS.	Department of Public Works	Updated map within 2 years of effective date of permit	5.4.2	*					
		2. Update outfalls, conveyances receiving waters, interconnections, MS4-owned BMPs & initial catchment delineations.				*	*				
3-3	Phase II Storm Sewer System Map	1. Update outfall spatial location, pipes, manholes, catch basins, refined catchment delineations as new information becomes available.	Department of Public Works	Updated map within 10 years of effective date of permit	5.4.2	*	*	*	*	*	*
3-4	Complete SSO Inventory	1. Complete an inventory of Sanitary Sewer Overflows (SSOs) that have discharged to the MS4 within the previous 5 years and update annually.	Department of Public Works, Board of Health	Develop SSO inventory and complete within 1 year of effective date of permit and update annually	5.4.3	*	*	*	*	*	*
3-5	Written IDDE Program	1. Prepare written IDDE Plan to include procedures on assessing and priority ranking outfalls and interconnections, dry and wet weather outfall sampling, catchment investigations, system vulnerability factor assessment, identification of an illicit discharge, illicit discharge removal, and ongoing screening requirements.	Department of Public Works	Complete within 1 year of the effective date of permit and update as required	5.4.4	*					
3-6	Outfall / Interconnection Inventory and Ranking	1. Develop an outfall and interconnection inventory that identifies each outfall and interconnection discharging from the MS4, records its location and condition and provides a framework for tracking inspections, screenings and other activities under the IDDE program.	Department of Public Works, Board of Health	Identification of outfalls and initial ranking by July 1, 2019	5.4.4	*					
		2. Classify/rank outfalls. Initial ranking by end of Year 1. Update ranking annually with new information.				*	*	*	*	*	*
3-7	Implement IDDE Program	1. Inspect key catchment structures (manholes, catch basins) during dry weather conditions. Where flowing water is observed, collect samples for analysis.	Department of Public Works, Board of Health	Implement catchment investigations according to program and permit conditions (Problem Outfalls by July 1, 2025, all outfalls by July 1, 2028)	5.4.4		*	*	*	*	*
		2. Inspect key catchment structures (manholes, catch basins) in all catchments during dry weather conditions. Where flowing water is observed, collect samples for analysis.					*	*	*	*	*
3-8	Dry Weather Screening	1. Inspect drainage outfalls classified as High or Low priority during dry weather.	Department of Public Works	Complete in accordance with outfall screening procedure and permit conditions by July 1, 2021	5.4.5	*	*	*			
		2. Investigate potential illicit discharges, if any.				*	*	*	*	*	*
		3. Enforce removal of illicit discharges, if any.				*	*	*	*	*	*
3-9	Wet Weather Screening	1. Sample select outfalls with System Vulnerability Factors under wet weather conditions. Sampling can be done upon completion of any dry weather investigation, but must be completed before catchment investigation is marked as complete.	Department of Public works	Complete in accordance with outfall screening procedure within 10 years of the effective permit date	5.4.5						*
3-10	Ongoing Screening	1. Upon completion of catchment investigations, reprioritize outfalls for ongoing screening.	Department of Public Works	Conduct ongoing dry and wet weather outfall screening upon completion of the IDDE program	5.4.5						*
		2. Continue performing dry and wet weather sampling according to the new prioritization at least once every 5 years.									*
3-11	Perform IDDE Training	1. Provide annual training to employees involved in the IDDE program.	Department of Public Works, Board of Health	Train applicable employees annually	5.4.6	*	*	*	*	*	*

Table 11-1. Proposed BMP Plan - Implementation of Phase II Activities												
BMP ID	BMP Description	Implementation	Responsible Dept./Person	Measurable Goal	Report Section	Year / Schedule						
						1	2	3	4	5	6	
						7/1/18-7/1/19	7/1/19-7/1/20	7/1/20-7/1/21	7/1/21-7/1/22	7/1/22-7/1/23	7/1/23-7/1/24	
4. Construction Site Stormwater Runoff Control												
4-1	Develop and Enforce Construction Bylaw	1. Perform a regulatory assessment on existing Stormwater Management bylaw and update as necessary for compliance.	Planning Board, Conservation Commission, Building/Zoning Department	Complete bylaw updates within 1 year of the effective date of the permit	6.4.1	*						
4-2	Develop Written Procedures for Site Plan Review	1. Review and update existing requirements mandating site plan review and make changes as needed, such as incorporating additional information submitted by the public.	Planning Board, Conservation Commission, Building/Zoning Department	Establish procedures for site plan review within 1 year of the effective date of the permit	6.4.2	*						
4-3	Develop Written Procedures for Site Inspections and Enforcement	1. Review and update existing requirements mandating site inspections, enforcement, and requirements for submittal of monthly inspection reports as needed	Planning Board, Conservation Commission, Building/Zoning Department	Establish procedures for site inspections and enforcement within 1 year of the effective date of the permit	6.4.3	*						
4-4	Establish a Sediment and Erosion Control Program	1. Review existing requirements for development of an Erosion and Sediment Control Plan to determine if it meets all permit requirements and make changes as needed	Planning Board, Conservation Commission, Building/Zoning Department	Establish procedures for development of an erosion and sediment control program within 1 year of the effective date of the permit	6.4.4	*						
4-5	Develop Procedures for Waste Control	1. Establish requirements to control construction site wastes within 1 year of the effective date of the permit	Planning Board, Conservation Commission, Building/Zoning Department	Establish requirements to control construction site wastes within 1 year of the effective date of the permit	6.4.4	*						

Table 11-1. Proposed BMP Plan - Implementation of Phase II Activities												
BMP ID	BMP Description	Implementation	Responsible Dept./Person	Measurable Goal	Report Section	Year / Schedule						
						1	2	3	4	5	6	
						7/1/18-7/1/19	7/1/19-7/1/20	7/1/20-7/1/21	7/1/21-7/1/22	7/1/22-7/1/23	7/1/23-7/1/24	
5. Stormwater Management in New Development and Redevelopment												
5-1	Develop and Enforce Post-Construction Bylaw	1. Review existing Stormwater Management and Low-Impact Development bylaws and incorporate specific design requirements outlined in the final permit regarding new development and redevelopment tied to the Massachusetts Stormwater Handbook. Include a requirement that stormwater management BMPs that ultimately discharge to a nitrogen or phosphorus impaired water body be optimized for nitrogen or phosphorus removal.	Planning Board, Conservation Commission, Building Department	Complete bylaw updates within 2 years of the effective date of the permit	7.4.1	*	*					
5-2	Require Stormwater As-Built Plan Submittal	1. Review existing Stormwater Management and Low-Impact Development bylaws and make changes as necessary to require submittal of as-built drawings.	Planning Board, Conservation Commission, Building Department	Require submittal of as-built plans for completed projects within 2 years of completion	7.4.2	*	*					
5-3	Require Long Term Operation and Maintenance	1. Review existing Stormwater Management and Low-Impact Development bylaws and make changes as necessary to require long term operation and maintenance, such as addressing funding sources.	Planning Board, Conservation Commission, Building / Zoning Department, Department of Public Works	Require submittal of operation and maintenance plans to ensure long term maintenance within 1 year of the effective date of the permit	7.4.3	*	*					
5-4	Street Design and Parking Lot Guidelines	1. Review existing by-laws, regulations and guidance pertaining to current street and parking lot design and all regulations for ability to incorporate LID into designs.	Planning Board, Conservation Commission, Building/Zoning Department	Complete regulatory updates within 4 years of the effective date of the permit	7.4.4		*	*				
		2. Prepare a report assessing whether existing street and parking lot design regulations allow for incorporation of LID practices and recommendations for changes.							*			
5-5	Allow Green Infrastructure	1. Review existing by-laws, regulations and guidance to determine the feasibility of making green practices allowable.	Planning Board, Conservation Commission, Zoning Board	Complete regulatory updates within 4 years of the effective date of the permit	7.4.4		*	*				
		2. Prepare a report assessing existing local regulations to determine the feasibility of allowing green roofs, infiltration practices, and water harvesting devices.							*			
5-6	Target Properties to Reduce Impervious Area	1. Identify 5 properties for potential retrofits to stormwater impacts, as well as nitrogen impacts to the Long Island Sound and phosphorus impacts to the Millers Basin Lakes.	Planning Board, Conservation Commission, Department of Public Works	Complete inventory within 4 years of the effective date of the permit and update annually on retrofitted properties	7.4.5				*			
		2. Track and report annually properties that have been modified or retrofitted with BMPs.							*	*	*	

Table 11-1. Proposed BMP Plan - Implementation of Phase II Activities											
BMP ID	BMP Description	Implementation	Responsible Dept./Person	Measurable Goal	Report Section	Year / Schedule					
						1	2	3	4	5	6
						7/1/18-7/1/19	7/1/19-7/1/20	7/1/20-7/1/21	7/1/21-7/1/22	7/1/22-7/1/23	7/1/23-7/1/24
6. Good Housekeeping and Pollution Prevention											
6-1	Inventory Open Spaces, Buildings and Facilities, and Vehicles and Equipment	1. Inventory all permittee-owned parks and open spaces, building and facilities (including storm drains), and vehicles and equipment in the regulated area.	Department of Public Works, Building/Zoning Department	Complete inventory of open spaces, buildings and facilities, and vehicles and equipment within 2 years of the permit effective date.	8.3.1		*				
6-2	Establish Operation and Maintenance Procedures	1. Evaluate practices at MS4 properties (parks and open spaces, building and facilities, vehicles and equipment) and develop written Facilities O&M Plan.	Department of Public Works	Create written O&M Plan for open spaces, buildings and facilities, and vehicles and equipment within 2 years of the permit effective date.	8.3.1		*				
		2. Distribute written O&M/SOPs as part of employee training.					*				
		3. Update inventory annually.					*	*	*	*	*
6-3	Review Infrastructure O&M Procedures	1. Develop written O&M procedures or SOPs for the storm drain system, roadways and existing Town-owned BMPs (e.g., catch basin cleaning, street sweeping, winter road maintenance, stormwater BMPs).	Department of Public works	Create written O&M Plan for stormwater system within 2 years of the permit effective date.	8.3.1		*				
		2. Distribute written O&M/SOPs as part of employee training.					*				
6-4	Catch Basin Cleaning	1. Establish a cleaning schedule with a goal of maintaining catch basins so that they remain less than 50% full of sediment.	Department of Public Works	Clean catch basins on established schedule and report number of catch basins cleaned and volume of material moved annually.	8.3.2	*					
		2. Clean catch basins as needed according to schedule.				*	*	*	*	*	*
		3. Properly manage storage of catch basin residuals.				*	*	*	*	*	*
6-5	Street Sweeping	1. Develop street sweeping prioritization for high priority areas and areas subject to TMDL and/or water quality limited requirements.	Department of Public Works	Sweep all streets and parking lots at least annually and sweep all streets twice a year if within nutrient-impaired waterbody watersheds.	8.3.2	*					
		2. Sweep streets once a year in spring and twice a year where drainage is to a nutrient-impaired water.				*	*	*	*	*	*
		3. Properly manage storage of street sweeping residuals.				*	*	*	*	*	*
6-6	Road Salt Optimization Program	1. Establish procedures for proper winter road maintenance, including use and storage of salt and sand, and procedures to minimize the use of road salt.	Department of Public Works	Implement salt use optimization during winter maintenance operations.	8.3.2	*					
		2. Implement winter operation and maintenance items.				*	*	*	*	*	*
6-7	Assess Regulated Facilities to Determine SWPPP Eligibility	1. Evaluate the need for SWPPPs for municipal maintenance garages, public works yards, transfer stations, and other waste handling facilities where pollutants are exposed to stormwater.	Department of Public Works	Document whether a SWPPP is needed and where required.	8.3.2		*				
6-8	Develop SWPPPs for Applicable Facilities	1. Complete SWPPP or document No Exposure as applicable.	Department of Public Works	Prepare SWPPP if needed by July 1, 2020.	8.3.3		*				
6-9	Establish BMP O&M Procedures	1. Establish written inspection and maintenance procedures and frequencies for inspection of all structural stormwater BMPs.	Department of Public Works	Create written O&M Plan for stormwater BMPs within 2 years of the permit effective date.	8.3.4		*				
6-10	Inspect and Maintain Stormwater BMPs	1. Annually inspect MS4-owned stormwater treatment BMPs. Document inspections and maintenance performed.	Department of Public Works	Inspect BMPs annually and maintain as needed.	8.3.4		*	*	*	*	*

Table 11-1. Proposed BMP Plan - Implementation of Phase II Activities											
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7. TMDL and Impaired Waters Controls											
7-2	Discharges to Approved TMDL Waterbodies - Lake and Pond Phosphorus (Greenwood Pond, Minott Pond South, Minott Pond, Wrights Reservoir)	1. Prepare a Lake Phosphorus Control Plan to reduce the amount of phosphorus in stormwater discharges from is MS4 to impaired waterbodies.	Department of Public Works, Conservation Commission, Planning Board	Complete Lake Phosphorus Control Plan no later than 15 years of the effective date of the permit.						*	
		2. Determine appropriate structural and non-structural BMPs to remove phosphorus from stormwater runoff.		Installed demonstration BMP within 6 years of the effective date of the permit.						*	*
		3. Establish an Operation and Maintenance Program for current and planned structural BMPs		Summary progress table.							*
		4. Track BMPs installed, including type, location, total area treated, design storage volume and estimated phosphorus removal and report annually to EPA and MassDEP.		Summary progress table.							*
7-2	Discharges to Approved TMDL Waterbodies - Nitrogen (Long Island Sound)	1. Enhanced BMPs - Public Education. Include annual message in the spring (April/May) timeframe that encourages the proper use and disposal of grass clippings and encourages the proper use of slow-release fertilizer; an annual message in the summer (June/July) timeframe encouraging the proper management of pet waste; and an annual message in the Fall (August/September/October) timeframe encouraging the proper disposal of leaf litter.	Department of Public Works, Conservation Commission, Planning Board	Distribute materials with Residential education program.	9.3.1	*	*	*	*	*	*
		2. Enhanced BMPs - Stormwater Management in New Development and Redevelopment. Include a requirement in the regulatory mechanism that new development and redevelopment stormwater management BMPs be optimized for nitrogen removal.		Complete bylaw updates within 2 years of the effective date of the permit		*	*				
		3. Enhanced BMPs - Consider BMPs to reduce nitrogen discharges when identifying MS4 properties for retrofits.		Evaluate stormwater BMPs for nitrogen removal during facility inventory within 2 years of the effective date of the permit					*	*	*
		4. Enhanced BMPs - Good Housekeeping and Pollution Prevention. Incorporate nitrogen reduction practices into Town good housekeeping practices such as fertilizer use and managing grass cuttings and leaf litter.		Create written O&M Plan for open spaces, buildings and facilities, and vehicles and equipment within 2 years of the effective date of the permit		*	*	*	*	*	*
		5. Enhanced BMPs - Good Housekeeping and Pollution Prevention. Increase street sweeping to twice per year (spring and fall) for all catchment areas discharging to the Long Island Sound.		Sweep all streets and parking lots within the Long Island Sound watershed twice per year.		*	*	*	*	*	*
		6. Nitrogen Source Identification Report - Prepare a Nitrogen Source Identification Report to locate and reduce nitrogen loadings within the Town's MS4.		Complete report within 4 years of the effective date of permit.	9.3.2					*	*
		7. Evaluate municipal properties for potential BMPs to construct one that will treat nitrogen, determine estimated costs, and determines engineering and regulatory feasibility.		Evaluate municipal facilities within5 years of the effective date of the permit to determine candidates for a nitrogen BMP.	9.3.3					*	*
		8. Design and construct at least one BMP as a public demonstration project.		Installed BMP within 6 years of the effective date of the permit.						*	*
		9. Track BMPs installed, including type, location, total area treated, design storage volume and estimated phosphorus removal and report annually.		Summary progress table.							*



Table 11-1. Proposed BMP Plan - Implementation of Phase II Activities											
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7 (continued). TMDL and Impaired Waters Controls											
7-3	Discharges to Water Quality Limited Waterbodies - Phosphorus (Millers River)	1. Enhanced BMPs - Public Education. Include fertilizer use, disposal of grass clippings and leaf litter, and pet waste management with the Residential and Commercial public education programs.	Department of Public Works, Conservation Commission, Planning Board	Distribute materials with Residential and Commercial education programs.	9.4.1	*	*	*	*	*	*
		2. Enhanced BMPs - Stormwater Management in New Development and Redevelopment. Include a requirement in the regulatory mechanism that new development and redevelopment stormwater management BMPs be optimized for phosphorus removal.		Complete bylaw bylaws within 2 years of the effective date of the permit		*	*				
		3. Enhanced BMPs - Consider BMPs to reduce phosphorus discharges when identifying MS4 properties for retrofits.		Evaluate stormwater BMPs for nitrogen and phosphorus removal during facility inventory within 2 years of the effective date of the permit					*	*	*
		4. Enhanced BMPs - Good Housekeeping and Pollution Prevention. Incorporate phosphorus reduction practices into Town good housekeeping practices such as fertilizer use and managing grass cuttings and leaf litter.		Create written O&M Plan for open spaces, buildings and facilities, and vehicles and equipment within 2 years of the effective date of the permit		*	*	*	*	*	*
		5. Enhanced BMPs - Good Housekeeping and Pollution Prevention. Increase street sweeping to twice per year (spring and fall) for catchment areas that discharge to the Millers River.		Sweep all streets and parking lots within the Millers River watersheds twice per year.	*	*	*	*	*	*	
		6. Prepare a Phosphorus Source Identification Report to identify, delineate, and prioritize catchments with high phosphorus loading and identify potential retrofit opportunities or opportunities for the installation of structural BMPs during redevelopment.		Complete Phosphorus Source Identification Report within 4 years of the effective date of the permit.	9.4.2			*	*		
		7. Evaluate municipal properties for potential BMPs to construct one that will treat phosphorus, determine estimated costs, and determines engineering and regulatory feasibility.		Evaluate municipal facilities within 5 years of the effective date of the permit to determine candidates for a phosphorus BMP.	9.4.3					*	*
		8. Design and install a demonstration BMP to treat phosphorus from stormwater runoff.		Installed demonstration BMP within 6 years of the effective date of the permit.					*	*	
		9. Track BMPs installed, including type, total area treated, design storage volume and estimated phosphorus removal and report annually to EPA and MassDEP.		Summary progress table.						*	
7-4	Discharges to Water Quality Limited Waterbodies - Turbidity (Partridge Pond)	1. Enhanced BMPs - Stormwater Management in New Development and Redevelopment. Mandate that designs of stormwater systems on commercial and industrial land uses allow for spill containment.	Department of Public Works, Conservation Commission, Planning Board	Adopt new design guidelines for commercial and industrial construction.	9.5.1		*	*	*		
		2. Enhanced BMPs - Good Housekeeping and Pollution Prevention. Increase street sweeping for areas with higher pollutant loads.		Increase street sweeping if needed.			*	*	*	*	*
		3. Enhanced BMPs - Good Housekeeping and Pollution Prevention. Increase catch basin cleaning if inspections indicate that more frequent cleaning is necessary.		Increase catch basin cleaning if needed.			*	*	*	*	*

## Appendix A

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### Notice of Intent and Authorization to Discharge

## Part I: General Conditions

### General Information

Name of Municipality or Organization:  State:

EPA NPDES Permit Number (if applicable):

### Primary MS4 Program Manager Contact Information

Name:  Title:

Street Address Line 1:

Street Address Line 2:

City:  State:  Zip Code:

Email:  Phone Number:

Fax Number:

### Other Information

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

### Eligibility Determination

Endangered Species Act (ESA) Determination Complete?  Eligibility Criteria (check all that apply): ☐ A ☒ B ☐ C

National Historic Preservation Act (NHPA) Determination Complete?  Eligibility Criteria (check all that apply): ☒ A ☐ B ☐ C

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

### MS4 Infrastructure (if covered under the 2003 permit)

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

Web address where MS4 map is published:

*If outfall map is unavailable on the internet an electronic or paper copy of the outfall map must be included with NOI submission (see section V for submission options)*

### Regulatory Authorities (if covered under the 2003 permit)

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

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

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

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

## Part II: Summary of Receiving Waters

Please list the waterbody segments to which your MS4 discharges. For each waterbody segment, please report the number of outfalls discharging into it and, if applicable, any impairments.

Massachusetts list of impaired waters: [Massachusetts 2014 List of Impaired Waters- http://www.mass.gov/eea/docs/dep/water/resources/07v5/14list2.pdf](http://www.mass.gov/eea/docs/dep/water/resources/07v5/14list2.pdf)

Check off relevant pollutants for discharges to impaired waterbodies (see above 303(d) lists) without an approved TMDL in accordance with part 2.2.2.a of the permit. List any other pollutants in the last column, if applicable.

[illegible]

Waterbody segment that receives flow from the MS4	Number of outfalls into receiving water segment	Chloride	Chlorophyll-a	Dissolved Oxygen/ DO Saturation	Nitrogen	Oil & Grease/ PAH	Phosphorus	Solids/ TSS/ Turbidity	E. coli	Enterococcus	Other pollutant(s) causing impairments
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## Notice of Intent (NOI) for coverage under Small MS4 General Permit

### Part III: Stormwater Management Program Summary

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

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

#### MCM 1: Public Education and Outreach

BMP Media/Category (enter your own text to override the drop down menu)	BMP Description	Targeted Audience	Responsible Department/Parties (enter your own text to override the drop down menu)	Measurable Goal	Beginning Year of BMP Implementation
Brochures/Pamphlets	Distribute fact sheets or brochures on pet waste pickup with dog licenses.	Residents	Town Clerk	Provide informational flyers with all applications and renewals.	2018
Brochures/Pamphlets	Distribute fact sheets to homeowners in close proximity to water resources.	Residents	Department of Public Works	Provide informational flyers to residents within environmentally sensitive areas.	2018
Brochures/Pamphlets	Distribute fact sheets or brochures on erosion and sediment control with permit applications	Developers (construction)	Planning Board, Conservation Commission, Building Department	Provide information with all applications	2018
Web Page	Provide web information on septic system maintenance, illicit discharges, pet waste disposal, lawn care, pesticide and fertilizer use, grass clippings and leaf litter disposal, car washing, and use of environmentally friendly products.	Residents	Information Technology, Department of Public Works	Continue to update and maintain the websites.	2018



Web Page	Provide web information on pesticide and fertilizer use, grass clippings and leaf litter disposal, building maintenance, salt usage, storage of materials and wastes, car washing, benefits of infiltration, and use of environmentally friendly products.	Businesses, Institutions, and Commerce	Information Technology, Department of Public Works	Continue to update and maintain the websites.	2018
Web Page	Provide web information on erosion and sediment control, Low Impact Development, and the NPDES Construction General Permit.	Developers (construction)	Information Technology, Department of Public Works	Continue to update and maintain the websites.	2018
Web Page	Provide web information on equipment maintenance and inspection, material storage, solid waste handling, salt usage, benefits of onsite infiltration, management of parking lot surfaces, and EPA's MSGP.	Industrial	Information Technology, Department of Public Works	Continue to update and maintain the websites.	2018
Social Media	Provide relevant stormwater information to different audiences via social media.	Residents, Businesses, Institutions, Commercial Facilities, Developers (construction), Industrial	Information Technology	Follow statewide "Think Blue" campaign on social media platforms.	2019

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

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

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

#### MCM 3: Illicit Discharge Detection and Elimination (IDDE)

<b>BMP Categorization</b> (enter your own text to override the drop down menu)	<b>BMP Description</b>	<b>Responsible Department/Parties</b> (enter your own text to override the drop down menu)	<b>Measurable Goal</b> (all text can be overwritten)	<b>Beginning Year of BMP Implementation</b>
SSO inventory	Develop SSO inventory in accordance of permit conditions	Department of Public Works, Board of Health	Complete within 1 year of effective date of permit	2018
Storm sewer system map	Create map and update during IDDE program completion	Department of Public Works	Update map within 2 years of effective date of permit and complete full system map 10 years after effective date of permit	2018
Written IDDE program	Create written IDDE program	Department of Public Works	Complete within 1 year of the effective date of permit and update as required	2018
Implement IDDE program	Implement catchment investigations according to program and permit conditions	Department of Public Works, Board of Health	Complete 10 years after effective date of permit	2020
Employee training	Train employees on IDDE implementation	Department of Public Works, Board of Health	Train annually	2018
Conduct dry weather screening	Conduct in accordance with outfall screening procedure and permit conditions	Department of Public Works	Complete 3 years after effective date of permit	2019
Conduct wet weather screening	Conduct in accordance with outfall screening procedure	Department of Public Works	Complete 10 years after effective date of permit	2028
Ongoing screening	Conduct dry weather and wet weather screening (as necessary)	Department of Public Works	Complete ongoing outfall screening upon completion of IDDE program	2024
IDDE Ordinance/Bylaw	Enforce existing IDDE bylaw	Department of Public Works, Board of Health	Continue to enforce IDDE bylaw, created May 2, 2006	2018

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

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

#### MCM 4: Construction Site Stormwater Runoff Control

<b>BMP Categorization</b> (enter your own text to override the drop down menu or entered text)	<b>BMP Description</b>	<b>Responsible Department/Parties</b> (enter your own text to override the drop down menu)	<b>Measurable Goal</b> (all text can be overwritten)	<b>Beginning Year of BMP Implementation</b>
Site inspection and enforcement of Erosion and Sediment Control (ESC) measures	Complete written procedures of site inspections and enforcement procedures	Planning Board, Conservation Commission, Building / Zoning Department ▼	Complete within 1 year of the effective date of permit	2018 ▼
Site plan review	Complete written procedures of site plan review and begin implementation	Planning Board, Conservation Commission, Building / Zoning Department ▼	Complete within 1 year of the effective date of permit	2018 ▼
Erosion and Sediment Control	Adoption of requirements for construction operators to implement a sediment and erosion control program	Planning Board, Conservation Commission, Building / Zoning Department ▼	Complete within 1 year of the effective date of permit	2018 ▼
Waste Control	Adoption of requirements to control wastes, including but not limited to, discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes	Planning Board, Conservation Commission, Building / Zoning Department ▼	Complete within 1 year of the effective date of permit	2018 ▼
Construction Ordinance/ Bylaw ▼	Enforce existing Earth Removal bylaw	Planning Board, Conservation Commission, Building / Zoning Department ▼	Continue to enforce bylaw, created November 19, 2013	2018 ▼
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## Notice of Intent (NOI) for coverage under Small MS4 General Permit

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

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

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



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

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

#### MCM 6: Municipal Good Housekeeping and Pollution Prevention

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

[illegible]

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

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

## Actions for Meeting Total Maximum Daily Load (TMDL) Requirements

Use the drop-down menus to select the applicable TMDL, action description to meet the TMDL requirements, and the responsible department/parties. If no options are applicable, or more than one, **enter your own text to override drop-down menus.**

[illegible]

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

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

## Actions for Meeting Requirements Related to Water Quality Limited Waters

Use the drop-down menus to select the pollutant causing the water quality limitation and enter the waterbody ID(s) experiencing excursions above water quality standards for that pollutant. Choose the action description from the dropdown menu and indicate the responsible party. If no options are applicable, or more than one, **enter your own text to override drop-down menus.**

[illegible]

**Part IV: Notes and additional information**

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

Click to add text

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

Page 20 of 20

### Part V: Certification

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

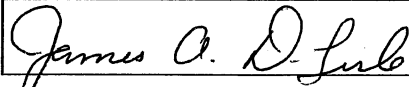
Name:

James A. DeLisle

Title:

Chairman, Board of Selectmen

Signature:



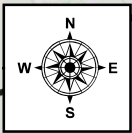
Date:

09/05/18

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

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





ASHBURNHAM

FITCHBURG

GARDNER

LEOMINSTER

PRINCETON

HUBBARDSTON

STERLING

### Legend

- |                              |                                       |
|------------------------------|---------------------------------------|
| Outfall                      | <b>Land Use</b>                       |
| 2010 Urbanized Area          | Residential / Commercial / Industrial |
| 2000 Urbanized Area          | Agriculture                           |
| <b>Hydrography</b>           | Forest                                |
| Lake, Pond, Reservoir, River | Water                                 |
| Wetland, Marsh, Swamp        | Wetland                               |
| Stream, Brook                | Disturbed Land                        |
|                              | Other Cleared Land                    |

0.5 0 0.5 1 1.5 2  
Miles

## Stormwater Map

Westminster, MA



Comprehensive  
Environmental  
Incorporated



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- Permitting & NEPA
- Stormwater & LID
- Transportation
- Water & Wastewater
- Watershed Restoration

Wednesday, August 08, 2018

David Simmons  
U.S. Fish and Wildlife Service  
New England Field Office  
70 Commercial Street, Suite 300  
Concord, NH 03301

## RE: Informal Endangered Species Consultation – Westminster, MA

Dear Mr. Simmons,

As required by the federal 2016 National Pollutant Discharge and Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit (2016 MS4 Permit) issued by the Environmental Protection Agency (EPA), communities must meet certain requirements under the Clean Water Act and Endangered Species Act (ESA) to ensure that activities undertaken do not adversely affect endangered and threatened species or critical habitat. This permit requires that applicants applying for permit coverage must assess the impacts of their stormwater discharges and discharge-related activities on federally listed endangered and threatened species ("listed species") and designated critical habitat ("critical habitat") to ensure that these goals are met.

The 2016 MS4 Permit provides guidance on how to meet requirements of the ESA which in part requires communities with certain endangered species located within the "action area" (in this case, defined as the entirety of the community's regulated urbanized area) to contact the United States Fish and Wildlife Services (USFWS) for a formal or informal consultation to determine that permit activities will result in either a "no jeopardy" opinion or "not likely to adversely affect" listed species or critical habitat. These procedures are outlined in Appendix C, Criterion B of the 2016 MS4 Permit.

Comprehensive Environmental Inc. (CEI) is working with the Town of Westminster, Massachusetts to complete work under the 2016 MS4 Permit, including preparation of a Notice of Intent (NOI) for submittal to EPA. During preparation of the NOI and using the IPaC system, CEI identified one or more species (listed below) identified under Criterion B, which requires contacting USFWS for a formal or informal consultation. Therefore, the purpose of this letter is to request an informal consultation from USFWS for endangered species listed in Westminster for which we have made a "not likely to adversely affect" determination.

Activities covered under the 2016 MS4 Permit include stormwater discharge and related activities such as inspections, maintenance, and repairs of stormwater infrastructure. There are several reasons why activities proposed will not affect endangered or threatened species:





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1. No new construction is proposed under this permit, and any new construction may be required to undergo its own specific permitting process.
2. Any repair work covered by this permit will only affect previously disturbed areas where stormwater controls are already installed. Due to the nature of stormwater systems, this work falls primarily along roads within urbanized areas, where the risk of encountering and adversely impacting endangered species is limited.
3. Repair work that falls within the wetlands or 100-foot buffer zone is regulated by the Massachusetts Wetlands Protection Act, which triggers a project specific endangered species review, providing more specific protection for those species within the wetlands or buffer zone.
4. All stormwater discharges are pre-existing and Westminister was previously permitted under the 2003 MS4 NOI.

The following provides a list of species that were identified using the IPaC system, CEI's determination of "no effect" or "not likely to adversely affect," and a brief rationale regarding the determination. CEI is only seeking concurrence from the USFWS for those species with the determination of "not likely to adversely affect."

## Terrestrial Animals

**Northern Long-Eared Bat, "no effect"** – In warmer months these bats roost and forage in forested areas. As no trees are being removed under this permit, and stormwater discharges are unlikely to affect the forested areas that serve as its habitat, CEI has determined that activities covered by this permit will have "no effect" on the Northern Long-Eared Bat.

**Red Knot, "no effect"** – This species of shorebird is not present within the town, although stormwater discharges from the town flow down rivers which pass through areas in which they are listed. The primary threat to this species is the overharvesting of horseshoe crab eggs in the Delaware Bay, which border Delaware and New Jersey. Due to their terrestrial nature, stormwater discharges are unlikely to affect them. Because of this, CEI has determined that activities covered by this permit will have "no effect" on the Red Knot.

**Roseate Tern, "no effect"** – This species of shorebird is not present within the town, although stormwater discharges from the town flow down rivers which pass through areas in which they are listed. The primary threat to them is human disturbance and habitat destruction. Due to their terrestrial nature, stormwater discharges are unlikely to affect them. Because of this, CEI has determined that activities covered by this permit will have "no effect" on the Roseate Tern.



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Puritan Tiger Beetle, “not likely to adversely affect” – These beetles inhabit the sandy beaches and silt banks along large rivers, including the Connecticut River. The beetles are not present in the town, but the discharge from the system is eventually received by the Connecticut River. The larva burrow into the sand and can survive temporary flooding. Primary threats to the beetles include permanent flooding due to river damming, recreation, and man-made bank stabilization, such as retaining walls. The pre-existing stormwater discharges will not cause permanent flooding and are thus unlikely to impact the beetle’s habitat. Because of this, CEI has determined that activities covered by this permit are “not likely to adversely affect” the Puritan Tiger Beetle.

## Plants

Small Whorled Pogonia, “no effect” – Found on forested slopes with laterally draining water and along the slopes of vernal streams. The primary threats to this species are intentional destruction by humans, such as illegal collection, and habitat alteration. As even intermittent streams and their buffer zones are protected by the Massachusetts Wetlands Protection Act, any direct action which may impact this habitat will be subject to further regulatory review. While the species may also occur in upland areas, they are highly sensitive to changes in drainage. As stormwater systems primarily fall within roads and urbanized areas, repair work covered by this permit is unlikely to affect habitat that has not been previously impacted due to highly altered drainage from impervious areas. For these reasons, CEI has determined that activities covered by this permit will have “no effect” on the species.

Northeastern Bulrush, “not likely to adversely affect” – Found in wetlands with organic soils, fluctuating water levels and full sun. The plant is not present in the town, but the discharge from the system is received by areas in which it is listed. The primary threat to the species is loss of fluctuating water levels. Unlike a dam or impoundment, stormwater discharges do not permanently change the water level. For these reasons, CEI has determined that activities covered by this permit are “not likely to adversely affect” the species.

CEI has determined that the stormwater discharges and discharge related activities regulated by this permit will have “no effect” on, or are “not likely to adversely affect” the above listed species within the action areas. We request a written concurrence from you regarding the species we have listed with the “not likely to adversely affect” determination. The Town of Westminster agrees to re-initiate consultation with USFWS if structural Best Management Practices (BMPs) not identified on the NOI are proposed for installation or construction during the course of the permit term.



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- Transportation
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- Watershed Restoration

Please review the above list and inform us of your conclusions at your earliest convenience. If you have any questions or would like to discuss, please contact me at 800.725.2550 x381 or [tpetersen@ceiengineers.com](mailto:tpetersen@ceiengineers.com).

Sincerely,

COMPREHENSIVE ENVIRONMENTAL

Travis Petersen  
Project Scientist

Attachments/Enclosures:  
Official Species List – US Fish & Wildlife Service



## United States Department of the Interior

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



In Reply Refer To:

July 27, 2018

Consultation Code: 05E1NE00-2018-SLI-2533

Event Code: 05E1NE00-2018-E-05939

Project Name: Westminster MS4 Endangered Species Review

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

### To Whom It May Concern:

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

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

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

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

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

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

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

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

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

Attachment(s):

- Official Species List
-

## Official Species List

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

This species list is provided by:

**New England Ecological Services Field Office**  
70 Commercial Street, Suite 300  
Concord, NH 03301-5094  
(603) 223-2541

---

## Project Summary

Consultation Code: 05E1NE00-2018-SLI-2533

Event Code: 05E1NE00-2018-E-05939

Project Name: Westminster MS4 Endangered Species Review

Project Type: LAND - DRAINAGE

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

### Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/42.54422106857467N71.84974755410661W>



Counties: Hartford, CT | Middlesex, CT | New London, CT | Essex, MA | Franklin, MA | Hampden, MA | Hampshire, MA | Middlesex, MA | Worcester, MA | Hillsborough, NH

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## Endangered Species Act Species

There is a total of 6 threatened, endangered, or candidate species on this species list.

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

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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

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

### Mammals

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

### Birds

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

---

## Insects

NAME	STATUS
Puritan Tiger Beetle <i>Cicindela puritana</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6073">https://ecos.fws.gov/ecp/species/6073</a>	Threatened

## Flowering Plants

NAME	STATUS
Northeastern Bulrush <i>Scirpus ancistrochaetus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6715">https://ecos.fws.gov/ecp/species/6715</a>	Endangered
Small Whorled Pogonia <i>Isotria medeoloides</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1890">https://ecos.fws.gov/ecp/species/1890</a>	Threatened

## Critical habitats

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



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE



New England Field Office  
70 Commercial St, Suite 300  
Concord, NH 03301-5087  
<http://www.fws.gov/newengland>

September 24, 2018

To whom it may concern:

The U.S. Fish and Wildlife Service (USFWS) reviewed the stormwater discharge activities associated with the 2016 National Pollutant Discharge and Elimination System (NPDES) Massachusetts (MA) Small Municipal Separate Storm Sewer System (MS4) general permit (MA MS4 General Permit) issued by the Environmental Protection Agency (EPA). We determined those activities may affect, but are not likely to adversely affect, certain species listed under the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) when specific conditions are met. When these conditions are met, we do not need to review individual projects. These comments are provided in accordance with section 7 of the ESA and complement existing 2016 MA MS4 General Permit Appendix C Guidance. We understand the applicant is acting as a non-Federal representative of the EPA for the purpose of consultation under section 7. **This letter provides additional guidance for meeting Criterion B and should be submitted as part of your application package to the EPA.**

If the USFWS Information for Planning and Consultation website (<https://ecos.fws.gov/ipac/>) indicates your MA MS4 General Permit project action area may contain one or more of the following federally listed endangered species: roseate tern (*Sterna dougallii*), northern red-bellied cooter (*Pseudemys rubriventris*), dwarf wedgemussel (*Alasmidonta heterodon*), rusty patched bumble bee (*Bombus affinis*), northeastern bulrush (*Scirpus ancistrochaetus*), or American chaffseed (*Schwalbea americana*); threatened species: piping plover (*Charadrius melodus*), bog turtle (*Glyptemys muhlenbergii*), Puritan tiger beetle (*Cicindela puritana*), northeastern beach tiger beetle (*Cicindela dorsalis*), or red knot (*Calidris canutus rufa*); or their federally designated critical habitat; and the specific conditions listed below are met, you may submit this letter to complete the **MA MS4 General Permit Appendix C: Step 4** in place of a concurrence letter for informal consultation as documentation of ESA eligibility for **USFWS Criterion B**.

In addition, this letter also satisfies the requirement in the **MA MS4 General Permit Appendix C: Step 2 (3)** to contact the USFWS and obtain a concurrence letter, if you have not yet done so. If your project action area includes one or more of the above-listed species *and* one or more of the

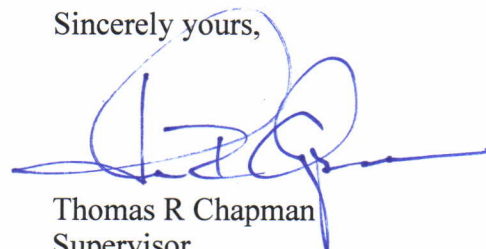
species listed under **Criterion C**,<sup>1</sup> you may still use this letter to certify under **Criterion B**. All existing guidance regarding requirements for certifying eligibility according to the USFWS Criterion A, B, or C for coverage by the 2016 MS4 Permit (see MA MS4 General Permit Appendix C – Endangered Species Guidance) remains unchanged.

We have determined that proposed stormwater discharge activities covered under the 2016 MS4 Permit *may affect, but are not likely to adversely affect*, the above-listed species and the species' critical habitat when the following are true:

1. all stormwater discharges are pre-existing or previously permitted by EPA;
2. any planned operations and maintenance work covered by this permit will only affect previously disturbed areas where stormwater controls are already installed. In these situations the chance of encountering any of the subject species is discountable;
3. the project implements EPA MS4 Best Management Practices (BMPs) and meets Clean Water Act and Massachusetts Water Quality Standards. Although permitted discharges may reach the environment used by these species, BMPs reduce pollutants to the extent that discharges are not known to have measurable impacts on these species or their habitat;
4. no new construction or structural BMPs are proposed under this permit at this time; and
5. you agree that if, during the course of the permit term, you plan to install a structural BMP not identified in the Notice of Intent (NOI), you will re-initiate consultation with the USFWS as necessary (see **MA MS4 General Permit Appendix C: Step 2 (5)**).

If the above criteria are met, further consultation with the USFWS under section 7 of the ESA is not required at this time; however, if the proposed action changes in any way such that it may affect a listed species in a manner not previously analyzed or if new information reveals the presence of additional listed species that may be affected by the project, the applicant or the EPA should contact us immediately and suspend activities that may affect those species until the appropriate level of consultation is completed with our office. Thank you for your cooperation, and please contact David Simmons of this office at (603) 227-6425 if you have questions or need further assistance.

Sincerely yours,



Thomas R Chapman  
Supervisor  
New England Field Office

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<sup>1</sup> Criterion C includes guidance for project action areas that may contain species for which EPA has already made a determination. These species include the northern long-eared bat (*Myotis septentrionalis*), sandplain gerardia (*Agalinis acuta*), small whorled pogonia (*Isotria medeoloides*), and/or American burying beetle (*Nicrophorus americanus*) (MA MS4 General Permit Appendix C: Step 3 – Determine if You Can Meet Eligibility USFWS Criterion C).



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

**VIA EMAIL**

April 5, 2019

James A. DeLisle  
Chairman, Board of Selectmen

And;

Joshua W. Hall, PE  
Director of Public Works  
2 Oakmont Avenue  
Westminster, MA. 01473  
jhall@westminster-ma.gov

Re: National Pollutant Discharge Elimination System Permit ID #: MAR041233, Town of Westminster

Dear Joshua W. Hall, PE:

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

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

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

Information about the permit and available resources can be found on our website: <https://www.epa.gov/npdes-permits/massachusetts-small-ms4-general-permit>. Should you have

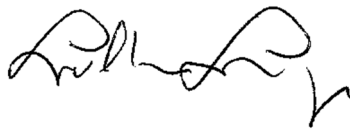
any questions regarding this permit please contact Newton Tedder at [tedder.newton@epa.gov](mailto:tedder.newton@epa.gov) or (617) 918-1038.

Sincerely,



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

and;



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

## Appendix B

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### Impaired Waterbodies



## Mapping Status

Waterbody Name	Segment ID and Category		Impairment(s)	Approved TMDL <sup>3</sup>
Upper Reservoir	MA35091	4a	Mercury in Fish Tissue	33880
Sawmill Pond	MA81118	4c	(Non-Native Aquatic Plants*)	
Wyman Pond	MA81161	4c	(Non-Native Aquatic Plants*)	
Partridge Pond	MA81098	5	(Non-Native Aquatic Plants*)	
			Aquatic Plants (Macrophytes)	
			Turbidity	
Millers River	MA35-03	5	Phosphorus (Total)	

Category 3 Waters – no uses assessed.

Category 4c Waters – impaired waters where the impairment is not caused by a pollutant. No TMDL required.

Category 5 Waters – impaired waters that require a TMDL.

\*\*TMDL not required (Non-pollutant)

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<sup>3</sup>“Approved TMDLs” are those that have been approved by EPA as of the date of issuance of the 2016 MS4 Permit.

## Appendix C

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### Regulatory Review and Legal Authority

# MS4 REGULATORY REVIEW – TOWN OF WESTMINSTER

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**TO:** Mr. Josh Hall, DPW Director, Town of Westminster  
**FROM:** Mr. Nick Cristofori P.E., and Ms. Morgane Gaudissart CEI  
**DATE:** March 18, 2019  
**SUBJECT:** MS4 Regulatory Review

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Comprehensive Environmental, Inc. (CEI) has performed a preliminary review of Westminster’s existing bylaws and applicable regulations to determine current status in regard to the 2016 Permit as follows. This review focused on the updates planned for Permit Year 1. Additional changes may be required during future years, most notably to post-construction requirements, however are not addressed in this memo. The following table summarizes the requirements of the permit and recommendations for regulatory updates or supplemental information for full compliance.

Minimum Measure 3 – Illicit Discharge, Detection, and Elimination		
Required Elements	Existing Relevant Regulatory Mechanisms	Recommended Changes
2.3.4.a. Have adequate legal authority to: <ul style="list-style-type: none"><li>Prohibit illicit discharges</li><li>Investigate suspected illicit discharge</li><li>Eliminate illicit discharges, including those from properties not owned or controlled by the Town</li><li>Implement appropriate enforcement procedure and actions</li></ul>	Chapter 123 of general Town bylaws, “Illicit Discharges and Connections” dated May 2, 2006	<ul style="list-style-type: none"><li>None required.</li></ul>
Minimum Measure 4 – Construction Site Stormwater Runoff Control		
2.3.5.a. Require each of the following items for all construction activities with land disturbance greater or equal to 1 acre or less than 1 acre if part of a larger common plan	Chapter 205 of Town bylaws titled “Zoning,” Section 205-43 “Site plan review,” dated May 3, 2005	<ul style="list-style-type: none"><li>Update Site plan review regulations and/or Subdivision regulations to require all projects disturbing greater than 1 acre within the UA or town-wide to submit an application.</li></ul>
2.3.5.c.i. Regulatory mechanism that requires the use of sediment and erosion control practices at construction sites	Westminster Planning Board Rules and Regulations for Site Approval	<ul style="list-style-type: none"><li>Develop or modify existing regulations so that all applicable projects are reviewed.</li></ul>

# MS4 REGULATORY REVIEW – TOWN OF WESTMINSTER

(continued)

Required Elements	Regulatory Mechanisms with Sections	Recommended Items
2.3.5.c.i. & iv. Regulatory mechanism that includes controls for other wastes on construction sites, such as: <ul style="list-style-type: none"> <li>• Demo debris and discarded building materials</li> <li>• Litter</li> <li>• Sanitary wastes</li> <li>• Concrete truck wash-out</li> <li>• Chemicals</li> </ul>	Chapter 231 Subdivision of Land, Section 231-34 “Maintenance of site during construction; clean-up following completion”	<ul style="list-style-type: none"> <li>• Update regulations to require the proper management of construction wastes throughout the duration of the construction process.</li> <li>• Expand the definition of “waste materials” to include demolition debris, litter, sanitary wastes, concrete truck wash-out, and chemicals.</li> </ul>
2.3.5.c.iii. Requirements for construction site operators to implement a sediment and erosion control program that includes BMPs. The program may include references to BMP design standards in state manuals, or design standards developed by the MS4	Westminster Planning Board Rules and Regulations for Site Approval	<ul style="list-style-type: none"> <li>• Develop or modify existing regulations so that all applicable projects are reviewed.</li> </ul>
2.3.5.ii & v. Written procedures for site inspections and enforcement: <ul style="list-style-type: none"> <li>• Procedures for performing inspections</li> <li>• Performed during construction of BMPs</li> <li>• Performed after construction of BMPs</li> </ul>	Westminster Planning Board Rules and Regulations for Site Approval	<ul style="list-style-type: none"> <li>• Require the inclusion of a construction site inspection schedule as part of the site plan review process.</li> <li>• Schedule shall include the inspection of stormwater BMPs both during and after construction to ensure proper function.</li> <li>• Include Standard Operating Procedures (SOPs) for site inspections</li> </ul>
<ul style="list-style-type: none"> <li>• Who is responsible for performing inspections</li> <li>• Qualifications for inspecting personnel</li> <li>• Who has authority to implement enforcement procedures</li> <li>• Statement that sanctions may be imposed</li> </ul>		<ul style="list-style-type: none"> <li>• Include a description of inspecting personnel and necessary qualifications in regulations.</li> </ul>
<ul style="list-style-type: none"> <li>• Using mandated inspection form (if appropriate)</li> <li>• Procedure for tracking # of site reviews, inspections, and enforcement actions</li> </ul>		<ul style="list-style-type: none"> <li>• Create 1-2 page inspection checklist to be used by field personnel</li> <li>• Use for annual tracking</li> </ul>

## MS4 REGULATORY REVIEW – TOWN OF WESTMINSTER

(Continued)

Required Elements	Regulatory Mechanisms with Sections	Recommended Items
2.3.5.v. Written procedures for site plan review: <ul style="list-style-type: none"> <li>• Pre-construction review of the site design</li> <li>• Planned construction site operations</li> <li>• Planned BMPs during construction</li> <li>• Planned BMPs to manage stormwater after development</li> </ul>	Westminster Planning Board Rules and Regulations for Site Approval	<ul style="list-style-type: none"> <li>• None required.</li> </ul>
<ul style="list-style-type: none"> <li>• Consideration of water quality impacts</li> <li>• Evaluation of LID and GI opportunities</li> </ul>		<ul style="list-style-type: none"> <li>• Plan review application checklist requiring applicants self-certify these requirements</li> </ul>
<ul style="list-style-type: none"> <li>• Receipt and consideration of info submitted by the public</li> </ul>		<ul style="list-style-type: none"> <li>• None required.</li> </ul>

## Chapter 123

### ILLICIT DISCHARGES AND CONNECTIONS

#### GENERAL REFERENCES

Cross-connection control — See Ch. 88.

Sewage disposal — See Ch. 245.

Gas, plumbing and wiring — See Ch. 113.

Toxic and hazardous wastes — See Ch. 251.

Sewers — See Ch. 161.

Water supplies — See Ch. 254.

Wells — See Ch. 200.

Wells, private and semipublic — See Ch. 255.

Groundwater monitoring and soil testing — See Ch. 241.

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#### § 123-1. Purpose.

The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of Westminster through the regulation of nonstormwater discharges to the storm drainage system to the maximum extent practicable, as required by federal and state law. This bylaw establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this chapter are:

- A. To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user;
- B. To prohibit illicit connections and discharges to the municipal separate storm sewer system; and
- C. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this chapter.

#### § 123-2. Definitions.

For the purposes of this chapter the following shall mean:

**AUTHORIZED ENFORCEMENT AGENCY** — Employees or designees of the director of the municipal agency designated to enforce this bylaw.

**BEST MANAGEMENT PRACTICES (BMPS)** — Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CLEAN WATER ACT — The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY — Activities subject to NPDES construction permits. Currently these include construction projects resulting in land disturbance of five acres or more. Beginning in March 2003, NPDES Storm Water Phase II permits will be required for construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

HAZARDOUS MATERIALS — Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLEGAL DISCHARGE — Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in § 123-7 of this bylaw.

ILLICIT CONNECTIONS — An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any nonstormwater discharge including sewage, process wastewater, and washwater to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

INDUSTRIAL ACTIVITY — Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26(b)(14).

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT — A permit issued by EPA [or by a state under authority delegated pursuant to 33 USC § 1342(b)] that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

NONSTORMWATER DISCHARGE — Any discharge to the storm drain system that is not composed entirely of stormwater.

PERSON — Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

POLLUTANT — Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded



or abandoned objects, bylaws, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

**PREMISES** — Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

**STORM DRAINAGE SYSTEM** — Publicly owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

**STORMWATER** — Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

**STORMWATER POLLUTION PREVENTION PLAN** — A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

**WASTEWATER** — Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

### **§ 123-3. Applicability.**

This bylaw shall apply to all flows entering the municipally owned storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

### **§ 123-4. Authority.**

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

### **§ 123-5. Responsibility for administration.**

The Public Works Commission (PWC) shall administer, implement, and enforce the provisions of this bylaw. Any powers granted or duties imposed upon the PWC may be delegated in writing by the PWC to employees or agents of the PWC. The PWC may adopt rules and regulations to effectuate the purposes of this bylaw, however, failure to adopt such rules and regulations shall not have the effect of suspending or invalidating this bylaw.

**§ 123-6. Discharge prohibitions.**

- A. Illicit discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or nonstormwater discharge into the municipal storm drain system (MS4), into a watercourse, or into the waters of the commonwealth.
- B. Prohibition of illicit connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- C. Obstruction of municipal storm drain system. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the PWC.

**§ 123-7. Exemptions.**

- A. Discharge or flow resulting from fire-fighting activities.
- B. The following non-stormwater discharges or flow are exempt from the prohibition of nonstormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm drain 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), provided that 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) Discharge from street sweeping;

- (13) Dye testing, provided verbal notification is given to the PWC prior to the time of the test;
- (14) Non-stormwater discharge permitted under an 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 PWC as necessary to protect public health, safety, welfare or the environment.

#### **§ 123-8. Suspension of storm drainage system access.**

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

#### **§ 123-9. 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 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, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal Fire and Police Departments. In the event of a release of nonhazardous material, the reporting person shall provide to the authorized enforcement agency written confirmation of all telephone, facsimile, or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator 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.

#### **§ 123-10. Enforcement.**

- A. The PWC or authorized agent of the PWC shall enforce this bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

- B. Civil relief. If a person violates the provisions of this bylaw, regulations, permit, notice or order issued thereunder, the PWC may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
- C. Orders. The PWC or an authorized agent of the PWC may issue a written order to enforce the provisions of this bylaw or the regulations thereunder, which may include:
  - (1) Elimination of illicit connections or discharges to the MS4;
  - (2) Performance of monitoring and analyses, and reporting;
  - (3) That unlawful discharges, practices, or operations shall cease and desist; and
  - (4) Remediation of contamination in connection therewith.
- D. If the enforcement agent determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work, and expenses thereof shall be charged to the violator.
- E. Within 30 days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified 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 cost with the PWC within 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 30 days following a decision of the PWC affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs 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 MGL c. 59, § 57, after the 31st day at which the costs first become due.
- F. Criminal penalty. Any person who violates any provision of this bylaw, regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$100. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- G. Entry to perform duties under this chapter. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the PWC or its agents, performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the PWC deems reasonably necessary.

- H. Appeals. The decision or orders of the PWC shall be final. Further relief shall be to a court of competent jurisdiction.
- I. 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.

**§ 123-11. Severability.**

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

## **Chapter 205**

### **ZONING**

#### **GENERAL REFERENCES**

**Zoning Board of Appeals — See Ch. 65.**

**Licenses and permits — See Ch. 131.**

**Buildings and land — See Ch. 81.**

**Subdivision of land — See Ch. 231.**

**Earth removal — See Ch. 97.**





ARTICLE I  
**General Provisions**

**§ 205-1. Purpose.**

For the purposes set forth in MGL c. 40A and all acts in amendment thereof and in addition thereto and under the authority thereof, the height, area, location and use of buildings and structures and the use of land throughout the Town of Westminster is hereby regulated as provided herein, and the Town is hereby divided into districts as hereinafter designated, defined and described and shown on an official copy of the Zoning Map, dated March 27, 1974, as amended, on file with the Town Clerk, which map is hereby made a part of this chapter.

**§ 205-2. Stricter provisions to prevail.**

In general, this chapter is supplementary to other Town bylaws affecting the use, height, area and location of buildings and use of premises, but where this chapter imposes a greater restriction in any respect than is imposed by other Town bylaws, the provisions of this chapter shall prevail.

**§ 205-3. Severability.**

The invalidity of any section or provision of this chapter shall not invalidate any other section or provision thereof.



ARTICLE II  
**Definitions**

**§ 205-4. Terms defined.**

For the purposes of this chapter, the following words and phrases shall have the meanings or limitations of meanings herein defined. All present tenses shall include past and future tenses and all past tense the present. All singular terms shall include the plural and the plural the singular.

**ACCESSORY —**

- A. **ACCESSORY DWELLING UNIT** — An accessory dwelling unit shall mean a self-contained, separate housekeeping unit, complete with its own sleeping, cooking and sanitary facilities and a separate means of egress that is substantially contained within a single-family structure and is clearly subordinate to the primary single-family dwelling unit.<sup>1</sup>  
**[Added ATM 5-6-2017 by Art. 31]**
- B. **ACCESSORY BUILDING** — A building devoted exclusively to a use accessory to the principal use of the lot on which it is located.
- C. **ACCESSORY USE** — A use incident and subordinate to and on the same lot as a principal use.

**ADULT BOOKSTORE** — An establishment having a substantial or significant portion of its stock-in-trade printed matter, books, magazines, picture periodicals, motion-picture films, video cassettes, or coin-operated motion-picture machines for sale, barter or rental which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual conduct as that term is defined in MGL c. 272, § 31; or an establishment having for sale sexual devices, which shall mean any device primarily designed, promoted or marketed to physically stimulate or manipulate the human genitals, pubic area or anal area, or an establishment with a segment or section devoted to the sale or display of such materials.**[Added ATM 5-6-2000 by Art. 30]**

**ADULT LIVE ENTERTAINMENT ESTABLISHMENTS (CABARET)** — Establishments which feature live entertainment which consists of entertainers engaging in sexual conduct or nudity, or topless and/or bottomless wait persons or employees or any other form of nude or partially nude service or entertainment as defined in MGL c. 272, § 31.**[Added ATM 5-6-2000 by Art. 30]**

**ADULT MINI-MOTION-PICTURE THEATER** — An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by emphasis on matter depicting, describing or relating to sexual conduct as defined in MGL c. 272, § 31, for observation by patrons therein.**[Added ATM 5-6-2000 by Art. 30]**

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1. **Editor's Note: Former Subsections A and B were redesignated as Subsections B and C, respectively, to accommodate the addition of this new Subsection A.**

ADULT MOTION-PICTURE THEATER — An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual conduct as defined in MGL c. 272, § 31, for observation by patrons therein.**[Added ATM 5-6-2000 by Art. 30]**

ADULT PARAPHERNALIA STORE — An establishment having as a substantial or significant portion of its stock devices, objects, tools or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in MGL c. 272, § 31.**[Added ATM 5-6-2000 by Art. 30]**

ADULT RETAIL USE — An establishment having 35% or more of its stock-in-trade devoted to books, magazines, publications, tapes, films and/or other items that are distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.**[Added ATM 5-6-2000 by Art. 30]**

ADULT VIDEO STORE — An establishment having a substantial or significant portion of its stock-in-trade, videos, movies or other film, material which is distinguished or characterized by its emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined by MGL c.272, § 31.**[Added ATM 5-6-2000 by Art. 30]**

APARTMENT —

- A. UNIT — Any room or suite of rooms forming a habitable unit for one family with its own cooking and food storage equipment and its own bathing and toilet facilities and its own living, sleeping and eating areas wholly within such room or suite of rooms.
- B. APARTMENT BUILDING — A building containing four or more apartment units, with no portion of the building below the first story or above the second story used for dwelling purposes.

ARTISANAL MANUFACTURING — A workshop for the production, in whole or in part, of custom-made goods by a skilled craft-worker or artisan which are to be sold on site.**[Added ATM 5-7-2016 by Art. 37]**

ASSISTED LIVING HOUSING — Housing units and associated facilities designed for the elderly who require daily assistance but who do not require nursing home care. An assisted living housing unit consists of the same characteristics as a congregate living housing unit. Associated facilities typically provide additional services beyond congregate housing, including daily meals and personal services, medical monitoring and supervision. Assisted living shall refer to certified assisted living residences only, as regulated under EOEA 651 CMR 12.02.**[Added ATM 5-7-2016 by Art. 37]**

BIOTECHNOLOGY — Any technology that uses living organisms or parts of organisms to make or modify products, to improve plants or animals, or to develop micro-organisms for specific uses as defined by the United States Office of Technology Assessment.**[Added ATM 5-7-2016 by Art. 37]**

**BUILD** — Includes the words "erect," "construct," "alter," "enlarge," "move," "modify," "excavate," "fill" and any others of like significance.

**BUILDABLE LOT** — With the exception of the Village Center District, each lot shall have at least half of its minimum lot size required by zoning consisting of contiguous upland. The upland area shall be exclusive of any resource area as defined by Massachusetts Wetland Protection Act Regulations 310 CMR 10.00 or Chapter 202 of the Westminster General Bylaws.**[Added ATM 5-7-2016 by Art. 37]**

**BUILDING** — Includes the word "structure," unless the context unequivocally indicates otherwise. "Building" shall also mean any three-dimensional enclosure by any building materials of any space for use or occupancy, temporary or permanent, and shall include foundations in the ground; also, all parts of any kind of structure above the ground, except fences and field or garden walls or embankment retaining walls.

**BUILDING SUPPLY STORE** — A retail store where building materials such as lumber, bricks, plywood, drywall, paneling, cement blocks and other cement products, and other building supplies are stored and sold. Such merchandise may be stored in the open, provided that all merchandise so stored is screened from ground level view from any abutting street or abutting property at the property line where such materials are stored.**[Added ATM 5-7-2016 by Art. 37]**

**BUSINESS OFFICES** — Establishments primarily engaged in the rendering of services to other businesses, such as photocopying, printing, blueprinting shops, advertising firms, mail and packaging services, data processing and office support services, janitorial and building maintenance, employment agencies, protective services, office equipment repair and leasing, and other similar services.**[Added ATM 5-7-2016 by Art. 37]**

**BUSINESS SERVICES** — Establishments primarily engaged in rendering services to other businesses, such as photocopying, printing, and blueprinting shops, advertising firms, mail and packaging services, data processing and office support services, janitorial and building maintenance, employment agencies, protective services, office equipment repair and leasing, and other similar services.**[Added ATM 5-7-2016 by Art. 37]**

**COMMERCIAL BOARDING OR TRAINING KENNEL** — An establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment at which such services are rendered in exchange for consideration and in the absence of the owner of any animal; provided, however, that "commercial boarding or training kennel" shall not include an animal shelter or animal control facility, a pet shop licensed under MGL c. 129, § 39A, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others.**[Added STM 11-18-2014 by Art. 15]**

**COMMERCIAL BREEDER KENNEL** — An establishment, other than a personal kennel, engaged in the business of breeding animals for sale

or exchange to wholesalers, brokers or pet shops in return for consideration.**[Added STM 11-18-2014 by Art. 15]**

**CONGREGATE LIVING HOUSING** — As defined by the Massachusetts Office of Elderly Affairs, congregate housing is a shared living environment designed to integrate the housing and services needs of elders and younger disabled individuals. The goal of congregate housing is to increase self-sufficiency through the provision of supportive services in a residential setting. Congregate housing is neither a nursing home nor a medical care facility. It does not offer twenty-four-hour care and supervision. Services are made available to aid residents in managing activities of daily living in a supportive, but not custodial environment. Each resident has a private bedroom, but shares one or more of the following: kitchen facilities, dining facilities, and/or bathing facilities.**[Added ATM 5-7-2016 by Art. 37]**

**DAY-CARE CENTER** — Any facility operated on a regular basis whether known as a day nursery, nursery school, kindergarten, child play school, progressive school, child development center, or preschool, or known under any other name, which receives children under seven years of age, or under 16 years of age if such children have special needs, for nonresidential custody and care during part or all of the day separate from their parents.**[Added ATM 5-7-2016 by Art. 37]**

**DOMESTIC CHARITABLE CORPORATION KENNEL** — A facility operated, owned or maintained by a domestic charitable corporation registered with the Department of Agricultural Resources or an animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane treatment of animals, including a veterinary hospital or clinic operated by a licensed veterinarian, which operates consistent with such purposes while providing veterinary treatment and care.**[Added STM 11-18-2014 by Art. 15]**

**DWELLING** —

- A. **DWELLING, ATTACHED** — A building designed for or occupied as a one-family residence and separated from another attached dwelling on one or both sides by a vertical party wall.
- B. **DWELLING, DETACHED** — A building designed for or occupied as a one-family residence and separated from any other building except accessory buildings by side yards.
- C. **UNIT** — Same as "apartment unit."
- D. **ONE-FAMILY DWELLING** — A building designed for or occupied by one family.
- E. **TWO-FAMILY DWELLING** — A freestanding building, designed or intended exclusively for residential use containing two dwelling units. (This can be two attached dwelling units.)
- F. **EXISTING DWELLING** — A dwelling existing at the time of adoption of this chapter.

ENTERTAINMENT AND RECREATIONAL FACILITIES — Buildings used for public recreation, including but not limited to bowling alley, gyms, dance and yoga studios, skating rink, theater or sport arena or concert hall, provided that such use is housed indoors in sound-insulated structures.**[Added ATM 5-7-2016 by Art. 37]**

FAMILY — Any number of individuals, including domestic employees, living together in a dwelling unit and living as a single, nonprofit housekeeping unit, provided that a group of five or more persons who are not within the second degree of kinship to each other, as defined by civil law, shall not be deemed to constitute a "family."

FAMILY CHILD-CARE HOME — A private residence which, on a regular basis, receives for temporary custody and care during part or all of the day children under seven years of age, or children under 16 years of age if those children have special needs, and receives for temporary custody and care for a limited number of hours children of school age. The total number of children under 16 in a family child-care home shall not exceed six, including participating children living in the residence. Family child-care home shall not mean a private residence used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation as defined and regulated under MGL c. 15D, § 1A, provided that any outdoor play area is screened by fence, wall or planting line from any neighboring residential structure.**[Added ATM 5-7-2016 by Art. 37]**

FARMS — Agriculture, orchard, horticulture, or silviculture, whether or not the farm is exempted under MGL c. 40A, § 3, provided that any building housing farm animals be not less than 50 feet from the property boundary, unless the building was in existence at the time of adoption of this chapter.**[Added ATM 5-7-2016 by Art. 37]**

FINANCIAL OFFICES — A bank, savings and loan, credit union, mortgage office, lending institution, investment company, with or without drive-through services and/or automated teller machine.**[Added ATM 5-7-2016 by Art. 37]**

FRONTAGE — The continuous portion of the line separating a lot from a street to which the owner of the lot has a legal right of access and to which the owner could provide for vehicular access from a principal building or a required parking space. Frontage may be measured at the front yard setback line if the street is an arc of a curve with a radius of 300 feet or less, provided that there is, in any event, not less than a fifty-foot width of such frontage at the street.**[Added ATM 5-7-2016 by Art. 37]**

HEIGHT OF BUILDING — Measured as the vertical distance between the highest point of the roof and the mean finished grade of the ground adjoining the building.

HOME OCCUPATION — An activity customarily carried on by the permanent residents of a dwelling unit, inside the dwelling unit, requiring only customary home equipment. "Home occupations" do not include barbershops, beauty shops, commercial offices such as real estate or



insurance, nor do they involve the sale of articles produced outside the dwelling unit nor the raising or production of products involving odor, vibration, smoke, dust, heat or other objectionable effects.

**HOTEL and MOTEL** — A structure containing sleeping rooms with or without a common eating facility, each room having its own private toilet facilities and each room let for compensation.

**INDEPENDENT LIVING HOUSING** — Housing units and associated facilities designed for the elderly who are self-sufficient and require no on-site personal or health care services. An independent living housing unit consists of a room or group of rooms designed or intended to provide a habitable unit for one or more persons with provisions for cooking, living, sanitation and sleeping for the exclusive use of the household unit. Associated facilities may include substantial common and socializing areas and other amenities as regulated under HHS 107 CMR 10:00.**[Added ATM 5-7-2016 by Art. 37]**

**KENNEL** — A pack or collection of dogs on a single premises, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.**[Added STM 11-18-2014 by Art. 15]**

**LARGE FAMILY CHILD-CARE HOME** — A private residence which, on a regular basis, receives for temporary custody and care during part, or all of the day, children under seven years of age, or children under 16 years of age if such children have special needs, and receives for temporary custody and care for a limited number of hours children of school age, but the number of children under the age of 16 in a large family child-care home shall not exceed 10, including participating children living in the residence. A large family child-care home shall have at least one approved assistant when the total number of children participating in child care exceeds six. Large family child-care home shall not mean a private residence used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation as defined and regulated under MGL c. 15D, § 1A, provided that any outdoor play area is screened by fence, wall or planting line from any neighboring residential structure.**[Added ATM 5-7-2016 by Art. 37]**

**LARGE-SCALE SOLAR PHOTOVOLTAIC INSTALLATION** — A solar photovoltaic system that has a minimum nameplate capacity of 250 kW DC. Such installations may be either ground-mounted or installed upon a rooftop.**[Added STM 11-27-2018 by Art. 12]**

**LIFE SCIENCES** — Advanced and applied sciences that expand the understanding of human physiology and have the potential to lead to medical advances or therapeutic applications, including, but not limited to, agricultural biotechnology, biogenetics, bioinformatics, biomedical engineering, biopharmaceuticals, biotechnology, chemical synthesis, chemistry technology, diagnostics, genomics, image analysis, marine biology, marine technology, medical devices, nanotechnology, natural product pharmaceuticals, proteomics, regenerative medicine, RNA interference, stem cell research and veterinary science (MGL, Chapter 130

of the Acts of 2008). Facilities that utilize animal testing of products are not included in this definition. **[Added ATM 5-7-2016 by Art. 37]**

**LIGHT MANUFACTURING** — Place of manufacturing, assembly or packaging of goods, provided that all resulting cinders, dust, flashing, fumes, gases, odors, refuse matter, smoke and vapor are effectively confined to the premises or are disposed of in a manner that does not create a nuisance or hazard to safety or health. **[Added ATM 5-7-2016 by Art. 37]**

**LIVESTOCK FARMS** — Livestock or poultry, provided that any building housing livestock or poultry be not less than 50 feet from the property boundary unless the building was in existence at the time of adoption of this chapter. The raising of swine is permitted on parcels that are at least five acres in size. **[Added ATM 5-7-2016 by Art. 37]**

**LOADING AREA** — An off-street area for the loading and unloading of goods and materials from a vehicle. **[Added ATM 5-2-2015 by Art. 41]**

**LOT** — The whole area of a single parcel of land undivided by a street under one ownership, with ascertainable boundaries established by deed or deeds of record or a segment of land ownership defined by lot boundary lines on a land division plan duly approved by the Planning Board under the Subdivision Control Statute.<sup>2,3</sup>

**LOT COVERAGE** — The amount of area on a lot covered by the horizontal cross section of structures, exclusive of recreational facilities, such as swimming pools, tennis courts, etc., for the use of the residents. **[Amended ATM 5-7-2016 by Art. 37]**

**LOT FRONTAGE** — The distance measured along the boundary of a lot coinciding with the street line, being an unbroken distance along a way currently maintained by a town, county, or state, or along ways shown on the definitive plans of approved subdivisions which have been secured or constructed, through which actual access to the potential building site shall be required. **[Amended ATM 5-3-2005 by Art. 41]**

**LOT LINE, FRONT** — A line dividing a lot from a street. On any lot bounded on more than one side by a street, the street boundary that is to be the lot front shall be so designated in any application for a permit to build on such lot.

**LOT LINE, REAR** — Except for a triangular lot, the lot line opposite the front lot line.

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

**LOT WIDTH** — As measured wholly within such lot, the shortest distance between side lot lines at the required front yard depth.

**MARINA** — A commercial enterprise having an area for the storage, mooring or service of boats with frontage on a navigable body of water and

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

3. Editor's Note: The former definition of "lot area," as amended, which immediately followed, was repealed ATM 5-5-2012 by Art. 45.

with facilities for the landing of boats. If storage is to be on land and of a transient nature requiring frequent launchings and landings, it shall be inside a building.

**MEDICAL MARIJUANA TREATMENT CENTER/REGISTERED MARIJUANA DISPENSARY** — A registered marijuana dispensary (RMD) as defined in the regulations promulgated by the Massachusetts Department of Public Health (DPH), 105 CMR 725.000. Such facilities shall be registered with the state that acquires, cultivates, possesses, processes, transfers, transports, sells, distributes, dispenses or administers medical marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients and/or their personal caregivers. **[Added ATM 5-3-2014 by Art. 35; amended 5-5-2018 ATM by Art. 29]**

**MOBILE HOME and/or TRAILER** —

- A. **MOBILE HOME** — A transportable, single-family dwelling unit built on a chassis for year-round occupancy and containing the same water supply, waste disposal and electrical conveniences as immobile housing.
- B. **TRAILER** — The following shall be considered a trailer.
  - (1) **TRAVEL TRAILER** — A vehicular portable structure built on a chassis, designed as a temporary dwelling for travel, recreation and vacation and having body width not exceeding eight feet and a body length not exceeding 32 feet.
  - (2) **PICK UP COACH** — A structure to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
  - (3) **MOTOR HOME** — A portable temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
  - (4) **CAMPING TRAILER** — A folding structure mounted on wheels and designed for travel, recreation and vacation use.

**MOBILE HOME OR TRAILER PARK** — A parcel of land which has been planned and improved for the placement of mobile homes or trailers for transient or nontransient use and is designed to accommodate two or more mobile homes or trailers.

**NONCONFORMING** —

- A. **LOT** — A lot that does not conform to a dimensional regulation prescribed by this chapter for the district in which it is located but was in existence at the time of adoption of this chapter and was lawful at the time it was established and conforms to the requirements of MGL c. 40A.
- B. **USE** — A use of a building or lot that does not conform to a use regularly permitted by this chapter for the district in which it is located,

but was in existence at the time of the adoption of this chapter and was lawful at the time it was established.

OCCUPIED — Includes the words "designed, arranged or intended to be occupied."

PARKING SPACE — An area containing adequate space, as determined by the Planning Board, to be used exclusively as a parking stall for one motor vehicle.**[Amended STM 11-27-2007 by Art. 13]**

PERSONAL KENNEL — A pack or collection of more than four dogs, three months or older, owned or kept under single ownership for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed for use in legal sporting activity or for other personal reasons; provided further that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally owned dog; and provided further that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the Department of Agricultural Resources, may be sold, traded, bartered or distributed if the transfer is not for profit.**[Added STM 11-18-2014 by Art. 15]**

PERSONAL SERVICES — Businesses where the primary occupation is the repair, care of, maintenance, or customizing of personal properties that are worn or carried about the person or are a physical component of the person. Personal service establishments shall include but not be limited to: barbershops, beauty salons, manicurists, laundry, dry-cleaning and other garment servicing establishments, tailors, dressmaking shops, shoe repair shops, watch repair shops, opticians, tanning salons, and other similar places of business, but not including offices for physicians, dentists, and veterinarians.**[Added ATM 5-7-2016 by Art. 37]**

PRIVATE NONPROFIT SOCIAL CLUB OR LODGE — Buildings and facilities owned by a corporation, association, person or persons for a social, educational, or recreational purpose, to which membership is required for participation and not primarily operated for profit nor to render a service that is customarily carried on as a business.**[Added ATM 5-7-2016 by Art. 37]**

PROFESSIONAL OFFICES — An office or offices of recognized professions, such as doctors, lawyers, licensed massage/muscular therapists, engineers, artists, musicians, designers and others who through training are qualified to perform services of a professional nature.**[Added ATM 5-7-2016 by Art. 37]**

PUBLIC SERVICE CORPORATIONS — Those corporations located within the Commonwealth of Massachusetts that provide a public service or services, regulated by the Massachusetts Department of Public Utilities or the Massachusetts Department of Telecommunications and Cable, and which may be exempted from local zoning after a public hearing held by

either department to determine the applicability of MGL c. 40A, § 3, where the Town is notified as an interested party.**[Added ATM 5-7-2016 by Art. 37]**

**PUBLIC UTILITIES** — Investor-owned electric power, natural gas, and water utilities in the commonwealth.**[Added ATM 5-7-2016 by Art. 37]**

**RECYCLING FACILITY** — The use of land and/or structures for the collection and/or processing of used materials, excluding motor vehicles and excluding bottle and can redemption, whereby the resultant product is to be reused in the same or different form or matter, provided that all resulting cinders, dust, flashing, fumes, gases, odors, refuse matter, smoke and vapor are effectively confined to the premises or are disposed of in a manner that does not create a nuisance or hazard to safety or health.**[Added ATM 5-7-2016 by Art. 37]**

**RESIDENTIAL-SCALE SOLAR PHOTOVOLTAIC INSTALLATION** — A solar photovoltaic system that has a maximum nameplate capacity of 25 kW DC. Such installations may be either ground-mounted or installed upon a rooftop.**[Added STM 11-27-2018 by Art. 12]**

**RETAIL STORE** — A business that sells consumer products directly to consumers and may include, but is not limited to, department stores and stores that sell the following: furniture, clothing, hardware, household furnishing, sporting goods, electronics, and appliances, provided that all storage and sales of materials are conducted within a building and such building is no greater than 25,000 square feet of gross floor area.**[Added ATM 5-7-2016 by Art. 37]**

**SELF-SERVICE STORAGE (MINI-WAREHOUSE) FACILITY** — An establishment consisting of a structure or group of structures containing separate storage spaces of varying sizes leased or rented for dead storage as individual leases. Individual storage spaces shall be leased or rented to tenants who are to have access to said space for the purpose of storing or removing personal property. No individual storage space shall exceed 900 square feet of gross floor area. Trucking terminals are specifically excluded from this definition and the intent is to limit the definition to that use set forth in Massachusetts General Laws, Chapter 105A, Self-Storage Facilities.**[Added ATM 5-6-2000 by Art. 31]**

**SHARED PARKING** — Parking spaces that may be shared by different uses to be counted towards the parking requirement. Parking spaces to be shared should serve uses that have different hours of operation.**[Added ATM 5-7-2016 by Art. 37]**

**SIGNS** — Includes any permanent or temporary structure, device, letter, word, model, banner, pennant, insignia, trade flag or representation used as or which is in the nature of an advertisement, announcement or direction or is designed to attract the eye by intermittent or rapid motions or illumination.

**SOLAR PHOTOVOLTAIC INSTALLATION** — An active solar energy collection device that converts solar energy directly into electricity whose primary purpose is to harvest energy by transforming solar energy into

another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.**[Added STM 11-27-2018 by Art. 12]**

**SOLID WASTE MANAGEMENT** — Any activity, together with associated buildings, structures and facilities, concerning the handling, movement, transfer, composting, reuse, sorting, storage, gas-to-energy conversion, and disposal of solid waste as regulated or permitted by the Massachusetts Department of Environmental Protection pursuant to 310 CMR 19, including any such activities and associated facilities as they may be regulated or permitted by amendments of such regulations or by successor state agencies.**[Added STM 11-28-2017 by Art. 12]**

**SPACE, HABITABLE** — Those areas within the exterior walls of a dwelling which have headroom of not less than seven feet measured vertically upward from the top of the finished floor, but excluding basement areas and excluding areas in any accessory structure attached to any dwelling.

**STORY** — That portion of a building contained between any floor and the floor or roof next above it, but not including any portion so contained if more than one-half (1/2) of such portion vertically is below the average natural grade of the ground adjoining such building.

**STREET** — A public way or private way on record at the Registry of Deeds which affords a principal means of adequate access to abutting property and open to travel by the general public or a way shown on a subdivision plan duly approved by the Planning Board under the Subdivision Control Statute.<sup>4</sup>

**STRUCTURE** — A combination of material assembled at a fixed location to give support or shelter, such as a building, tower, framework, platform, bin, sign or the like.

**TRADE, PROFESSIONAL OR OTHER SCHOOL** — A specialized instructional establishment that provides on-site training of business, commercial and/or trade skills (such as accounting, data processing, and computer repair).**[Added ATM 5-7-2016 by Art. 37]**

**UPPER STORY RESIDENTIAL** — Dwelling units located above first-floor commercial or institutional uses in the Village Center District.**[Added ATM 5-7-2016 by Art. 37]**

**USE** — The purpose for which land or a building is arranged, designed or intended or for which either land or a building is or may be occupied or maintained.

**USE, PRINCIPAL** — The main or primary purpose for which a structure or lot is designed, arranged or intended, or for which it is permitted to be used, occupied or maintained under this chapter.**[Added ATM 5-3-2005 by Art. 42]**

**VETERINARY KENNEL** — A veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment or care; provided, however,

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

that "veterinary kennel" shall not include a hospital or clinic used solely to house dogs that have undergone veterinary treatment or observation or will do so only for the period of time necessary to accomplish that veterinary care.**[Added STM 11-18-2014 by Art. 15]**

YARD —

- A. FRONT YARD — An open space extending the entire width of a lot from lot side line to lot side line between the front lot line or lines and the nearest point of a building.
- B. REAR YARD — An open space extending the entire width of a lot line from side line to side line between the rear lot line or the corner of a triangular lot farthest from the front lot line and the nearest point of the building.
- C. SIDE YARD — An open space extending along a side line of a lot (between the front yard and the rear yard on such lot) and extending between the side line of such lot to the nearest point of the building.

ARTICLE III  
**Zoning Districts**

**§ 205-5. Zoning districts designated.**

The Town of Westminster is hereby divided into zoning districts designated as follows:

**Residential Districts**

R-I (50,000) **[Amended STM 11-2-1978 by Art. 4]**

R-II (60,000) **[Amended STM 10-12-1999 by Art. 14]**

R-III (86,000)

**Commercial Districts**

C-I (Highway)

C-II (Neighborhood)

VC (Village Center) **[Amended 5-7-2016 by Art. 36]**

**Industrial Districts**

I-I

I-II **[Added STM 10-10-1995 by Art. 17]**

**Floodplain and/or Wetland Protection Districts**

F

**Solid Waste Management District**

SWMD **[Added STM 11-28-2017 by Art. 10]**

**§ 205-6. Zoning Map.**

- A. Except for Floodplain Districts, the location and boundaries of these districts are hereby established as shown on a map entitled "Zoning Map of the Town of Westminster," dated March 27, 1974, bearing the signatures of the members of the Planning Board and on file in the office of the Town Clerk, which map, with all explanatory matter thereon is declared to be a part of this chapter.<sup>5</sup>
- B. Any changes or amendments made at a Town meeting in accordance with the provisions of Article XIII of this chapter shall be indicated by the alteration of said map, and the map thus altered is declared to be a part of the bylaws; thus amended alterations shall be made to the map by the Planning Board and shall be signed and dated by said Board.

**§ 205-7. Determination of district boundaries.**

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5. **Editor's Note: A copy of the Zoning Map is included as an attachment to this chapter. The Zoning Map, entitled "Westminster, MA: Zoning Map," prepared by the Montachusett Regional Planning Commission, dated November 27, 2018, and replacing the existing Zoning Map, was adopted STM 11-27-2018 by Art. 11.**



- A. Where a district boundary is indicated as within or parallel to a street, highway, railroad right-of-way, watercourse or Town municipal boundary such district boundary shall be construed as the center line or being parallel to the center line of such street, highway, railroad right-of-way, watercourse or Town municipal boundary. If a watercourse, the center line shall be defined as the center line of the natural channel.
- B. Whenever any uncertainty exists as to the exact location of a boundary line, the location of such line shall be determined from the scale of the map by the Building Inspector or enforcing officer of this chapter.

**§ 205-8. Solid Waste Management District (SWMD).<sup>6</sup> [Added STM 11-28-2017 by Art. 11]**

- A. Purpose. The purpose of the SWMD is to provide a suitable location for solid waste management and recycling facility uses within the Town of Westminster that will protect the health and safety of the residents of the Town while allowing the Town to meet its solid waste management and recycling facility needs.
- B. Permitted uses. The following uses shall be allowed as of right within the SWMD:
  - (1) Solid waste management;
  - (2) Recycling facility;
  - (3) Federal, state and municipal park, playground or recreational facility; and
  - (4) All uses or structures accessory to permitted uses listed above.
- C. Prohibited uses.
  - (1) Solid waste management and recycling facility uses which are subject to Board of Health site assignment, and which are not in compliance with the terms and conditions of said site assignment.
  - (2) Solid waste management and recycling facility uses which are subject to permitting by the Massachusetts Department of Environmental Protection, and which are not in compliance with the terms and conditions of said permits.
  - (3) All uses not expressly permitted in Subsection B above.
- D. Dimensional standards.
  - (1) Lots within the SWMD shall be at least five acres in size.
  - (2) No waste disposal shall take place within 1,000 feet of a dwelling.

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**6. Editor's Note: Former § 205-8, Wetland Protection District, added STM 12-13-1982 by Art. 2, was repealed ATM 5-2-2006 by Art. 51.**

- (3) No waste disposal shall take place within 50 feet of a front, rear or side lot line.

**§ 205-9. Floodplain District. [Amended STM 12-13-1982 by Art. 2]**

- A. Purpose. The purposes of the Floodplain District are to protect the public health, safety and general welfare, to protect human life and property from the hazards of periodic flooding, to preserve the natural flood control characteristics and the flood storage capacity of the floodplain and to preserve and maintain the groundwater table and water recharge areas within the floodplain.
- B. District delineation.
  - (1) The general boundaries of the Floodplain District are shown on the Westminster Flood Insurance Rate Map (FIRM) dated July 19, 1982, as Zones A, A1-30 to indicate the one-hundred-year floodplain. The exact boundaries of the district are defined by the one-hundred-year-water-surface elevations shown on the FIRM and further defined by the flood profiles contained in the Flood Insurance Study dated January 1982. The floodway boundaries are delineated on the Westminster Flood Boundary Floodway Map (FBFH) dated July 19, 1982, and further defined by the floodway data tables contained in the Flood Insurance Study. These two maps, as well as the accompanying study, are incorporated herein by reference and are on file with the Town Clerk, the Planning Board and the Building Inspector.
  - (2) Within Zone A, where the one-hundred-year flood elevation is not provided on the FIRM, the developer/applicant shall obtain any existing flood elevation data and it shall be reviewed by the Planning Board. If the data is sufficiently detailed and accurate, it shall be relied upon to require compliance with this chapter and the State Building Code.
- C. Use regulations. The Floodplain District is established as an overlay district to all other districts. All development, including structural and nonstructural activities, whether permitted by right or by special permit, must be in compliance with MGL c. 131, § 40, and with the requirements of the Massachusetts State Building Code pertaining to construction in the floodplains (currently Section 744).
  - (1) Permitted uses. The following uses of low flood-damage potential and causing no obstructions to flood flows shall be allowed, provided that they are permitted in the underlying district and they do not require structures, fill or storage of materials or equipment:
    - (a) Agricultural uses such as farming, grazing, truck farming, horticulture, etc.
    - (b) Forestry and nursery uses.

- (c) Outdoor recreational uses, including fishing, boating, play areas, etc.
  - (d) Conservation of water, plants wildlife.
  - (e) Wildlife management areas, foot, bicycle and/or horse paths.
  - (f) Temporary nonresidential structures used in connection with fishing, growing, harvesting storage or sale of crops raised on the premises.
  - (g) Buildings lawfully existing prior to the adoption of these provisions.
- D. Special permits. No structure or building shall be erected, constructed, substantially improved or otherwise created or moved; no earth or other materials dumped, filled, excavated or transferred, unless a special permit is granted by the Zoning Board of Appeals. Said Board may issue a special permit hereunder (subject to other applicable provisions of this chapter) if the application is compliant with the following provisions:
- (1) The proposed use shall comply in all respects with the provisions of the underlying district;
  - (2) Within 10 days of receipt of the application, the Board shall transmit one copy of the development plan to the Conservation Commission, the Planning Board, Board of Health, Town Coordinator<sup>7</sup> and the Building Inspector. Final action shall not be taken until reports have been received from the above Boards or until 35 days have elapsed;
  - (3) All encroachments, including fill, new construction, substantial improvements to existing structures and other development are prohibited, unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the one-hundred-year flood; and
  - (4) The Board may specify such additional requirements and conditions it finds necessary to protect the health, safety and welfare of the public and the occupants of the proposed use.

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7. Editor's Note: The Annual Town Meeting voted 5-1-2010 by Art 30 to authorize the Board of Selectmen to appoint a Town Administrator to replace the position of Town Coordinator.

## ARTICLE IV

**Application of Regulations, Modifications and Exceptions****§ 205-10. Conformity required.**

No buildings shall be erected or used and no land shall be used or divided unless in conformity with the regulations of this chapter. All other buildings and all other uses of land or of buildings are hereby expressly prohibited, except those already lawfully existing which by the provisions of this chapter become lawfully nonconforming.

**§ 205-11. Lots situated partially in Town.**

When a lot is situated in part in the Town of Westminster and in part in the adjacent municipality, the provisions of this chapter shall be applied to the portion of such lot in the Town of Westminster in the same manner as if the entire lot were situated in Westminster.

**§ 205-12. Lots in more than one district.**

When a lot is transected by a zoning district boundary, the regulations of this chapter applicable to the larger part by area of such lot may also, at the option of the lot owner, be deemed to govern in the smaller part beyond such zoning district boundary, but only to an extent not more than 30 linear feet in depth beyond such zoning district boundary.

**§ 205-13. Minimum building requirements. [Amended STM 4-16-1983 by Art. 32]**

- A. No building shall be erected, except on a lot fronting on a street, and there shall be not more than one principal building on any lot, except as allowed under this chapter. **[Amended ATM 5-3-2005 by Art. 40]**
- B. Flag lots. In addition, any parcel larger than five acres may be further divided without process through the Subdivision Control Law,<sup>8</sup> provided that each created lot either conforms with the appropriate land space requirements for that zoning district or the following: **[Amended STM 11-3-1994 by Art. 12; ATM 5-6-2017 by Art. 35]**
  - (1) Each parcel shall have a minimum of 54 feet of frontage for an access to a Town road, this width to be maintained to the circumference of the radius described in Subsection C(1) below;
  - (2) Each parcel shall contain a minimum of two and one-half (2 1/2) times the land area it would normally require in each zoning district; and
  - (3) There shall be no more than two such accesses adjacent to each other.

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

C. Design standards for newly created lots: whether created through the subdivision process or approval not required (ANR) process, all lots created after March 13, 2017 shall be designed as follows: **[Added ATM 5-6-2017 by Art. 35]**

- (1) There shall be a point on each lot from which a circle having a radius of 50 feet can be drawn without touching any of the opposing lot lines.
- (2) At no point shall the width of a lot from side lot line to side lot line be less than 54 feet.

**§ 205-14. Land within lines of a street.**

Land within the lines of a street on which a lot abuts shall not be counted as part of such lot for the purpose of meeting the area requirements of this chapter, even though the fee to such land may be in the owners of abutting lots.

**§ 205-15. Land taken by eminent domain.**

Any land taken by eminent domain or conveyed for public purpose for which the land could have been taken or was taken by eminent domain shall not be deemed to be transferred in violation of the land area, width and space provisions of this chapter.

## ARTICLE V

**Nonconforming Buildings and Uses****§ 205-16. Continuation, alteration or enlargement. [Amended STM 10-2-1978 by Art. 1]**

- A. Any lawful use of any structure or land or both may be continued, although not conforming with the provisions of this chapter. A nonconforming business may be sold for a similar nonconforming purpose if not governed by the conditions of § 205-18.
- B. Existing nonconforming structures or uses may be extended or altered, provided that such extension or alteration conforms to the applicable land space and use requirements for that zoning district. No nonconforming extension or alteration is permitted unless there is a finding by the Zoning Board of Appeals that such a change, extension or alteration shall not be substantially more detrimental than the existing nonconforming structure or use to the neighborhood. Such action by the Board of Appeals shall be in accordance with Article XII of this chapter and MGL C. 40A. **[Amended STM 11-3-1994 by Art. 13]**
- C. Nothing herein contained, however, shall prevent the alteration or enlargement of a sanitary disposal system which may be nonconforming, provided that such alteration or enlargement shall comply with all requirements of the State Department of Public Health or, if such system is not subject to state approval, with the requirements of the local Board of Health. No special permit or other action by the Board of Appeals shall be required in such event.

**§ 205-17. Change to conforming use.**

If any nonconforming use of any structure or land, or both, is changed to a conforming use, it shall not thereafter be put into any nonconforming use.

**§ 205-18. Abandonment.**

If any nonconforming development or use of land or of a building be discontinued for a period not less than 24 consecutive months, which, in the terms of this chapter, shall be evidence of abandonment of a nonconforming usage, such land or building shall thereafter be used or developed only in accordance with the terms of this chapter for the zoning district in which such property is located.

**§ 205-19. Destruction or damage. [Amended STM 10-2-1978 by Art. 1]**

Any nonconforming building or structure destroyed or damaged by fire, flood, lightning, wind or other natural cause may be restored only to the extent of its former nonconforming use and status, provided that, before a building permit shall be issued, plans of the restored building and the site shall be reviewed within 45 days of initial application for a building permit

with the Planning Board, and failure to act by the Planning Board within 45 days of application shall constitute approval. Work of restoration must commence within two years from the date of such destruction or damage.

**§ 205-20. Amendments during construction. [Added STM 10-2-1978 by Art. 1]**

Construction or operation under a building permit or special permit shall conform to any subsequent amendment of this chapter, unless the use or construction is commenced within a period of six months after the issuance of the permit and, in cases involving construction, unless such construction is continued through to its completion, as continuously and expeditiously as is reasonable.

ARTICLE VI  
**Use Regulations**

**§ 205-21. Explanation of Table of Use Regulations.**

- A. Except as provided by law or in this chapter in each district no building, structure, or land shall be used or occupied except for the purposes permitted as set forth in the accompanying Table of Use Regulations, § 205-22.
- B. A use listed in § 205-22 is permitted as of right in any district under which it is denoted by the letter "Y" subject to such requirements as may be specified elsewhere in this chapter. If designated in the Table by the letters "SP" the use may be permitted as a special exception only if the Board of Appeals so determines and grants a special permit therefor as provided in Article XII of this chapter and MGL c. 40A subject to such restrictions as set forth elsewhere in this chapter and such further restrictions as said Board may establish. If designated by the letter "N" the use is not permitted. The designation of "SP" in the Table of Uses, § 205-22, in a given district does not constitute an authorization or an assurance that such use will be permitted. Rather, each special permit application shall be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate. **[Amended STM 10-2-1978 by Art. 1; STM 11-18-2014 by Art. 13]**

**§ 205-22. Table of Use Regulations.**

The Table of Use Regulations is included at the end of this chapter.





ARTICLE VII  
**Land Space Requirements**

**§ 205-23. Conformance required.**

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

**§ 205-24. Use of land for more than one requirement.**

The land and yard spaces required for any new building or use shall not include any land or area required by any other building or use to fulfill zoning requirements.

**§ 205-25. Distance between buildings.**

If more than one building (other than a one-, two- or three-car garage, a toolshed, a greenhouse or a cabana) may lawfully be placed on any lot in a single or common ownership, the distance between the nearest parts of such buildings shall be not less than 20 feet.

**§ 205-26. Accessory structures: dimensional requirements for residential lots.<sup>9</sup> [Added ATM 5-6-2017 by Art. 34]**

- A. Small accessory structures (120 square feet in size or less) can be located no closer than five feet from a side or rear lot line in all zoning districts that allow residential development. Accessory structures that are larger than 120 square feet but smaller than the principal structure (building used as a dwelling or domicile) can be located no closer than 15 feet from a side or rear lot line in all zoning districts that allow residential development.
- B. In no cases shall an accessory structure of any size be located within the minimum required front yard setback.
- C. Accessory structures that are used to house livestock shall not be located closer than 50 feet from any lot line.

**§ 205-27. Conversion of single-family structures to multi-family structures. [Added ATM 5-6-2017 by Art. 32]**

- A. Conversion of a dwelling existing at the time of adoption of this chapter to accommodate not more than two families is allowed by right in all

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9. Editor's Note: Former §§ 205-26 through 205-45 were renumbered as §§ 205-29 through 205-44.6 as authorized by the Town Clerk pursuant to STM 11-17-2015, Art. 10. See § 1-7. Former § 205-39.1, Developmental rate guidelines, added ATM 5-2-1998 by Art. 31, as amended, expired 7-1-2015.

zoning districts, provided that there is no external structural evidence of occupancy by more than one family other than a second exit for fire purposes for each unit, and further provided that each dwelling unit resulting from such conversion shall have not less than 450 square feet of habitable floor space.

- B. Conversion of a dwelling existing at the time of adoption of this chapter to accommodate more than two families is allowed by special permit from the Zoning Board.

**§ 205-28. Temporary residential structures. [Added ATM 5-6-2017 by Art. 33]**

- A. Residential use of a camper or trailer properly connected to an approved on-site water and sewerage system for a period of not more than 24 months is allowed by right in all zoning districts if the user is in the continuing process of building a home after the issuance of a temporary building permit from the Building Inspector. Nothing in this subsection shall be interpreted to allow the residential use of a lot where forbidden by other sections of this chapter.
- B. Mobile homes, camping trailers, utility trailers, horse trailers, trailers, boats or pickup campers not connected to permanent sewage and water installation may be occupied for occasional short-term use not to exceed 28 days in a calendar year, excluding designated camping grounds.

**§ 205-29. Land Space Requirements Table.**

The Land Space Requirements Table is included at the end of this chapter.

## ARTICLE VIII

**Off-Street Parking and Loading Requirements**

**[Amended ATM 5-3-2005 by Art. 44; STM 11-27-2007 by Art. 13;  
ATM 5-3-2008 by Art. 37; ATM 5-2-2015 by Art. 41]**

**§ 205-30.1. Requirements to be met.**

Parking and loading standards for the Village Center District shall be determined by the appropriate permitting authority on a case-by-case basis. For all other zoning districts, the following parking and loading standards shall apply.

No land shall be used and no building or structure shall be erected, enlarged or used unless the off-street parking and loading space requirements are provided as specified in this section. For the purpose of this section, an enlargement of any building shall require the provision of off-street parking and loading for the existing building as if it were newly constructed if the floor area of any building existing upon adoption of this chapter is increased by more than 5%.

**§ 205-30.2. Computation of required spaces.**

Where the computation of required parking space results in a fractional number, only the fraction of 1/2 or more shall be counted as one.

**§ 205-30.3. Location of spaces. [Amended STM 11-27-2018 by Art. 10]**

Required off-street parking facilities for residential uses shall be provided on the same lot as the principal use they are designed to serve.

Parking areas for commercial uses shall be located in the rear of the primary building, unless the owner can demonstrate that this is not reasonably feasible owing to the shape of the building, shape of the lot or other factors approved by the Planning Board.

For commercial zoning districts, shared parking areas may be permitted by the Planning Board subject to Site Plan Approval, for the purpose of servicing two or more principal uses on separate lots provided that:

- A. Evidence is submitted that parking is available within 400 feet of the premises if the lot satisfies the parking requirements of this bylaw and has excess capacity during all or part of the day.
- B. A proposed contract, agreement or suitable legal instrument acceptable to the Planning Board shall be filed specifying the location of all spaces to be jointly used, the number of such spaces, the hours during the day that such parking is available, and the duration of limit, if any on such parking.
- C. Any reduction in area required for parking because of these joint use provisions may be required to be reserved for landscaped open space.

- D. Nothing in this section shall relieve the owner from providing parking facilities in accordance with this bylaw if subsequently the joint use of parking facilities shall terminate.

**§ 205-30.4. Abutting commercial districts; access to parking.**

For two commercial uses that abut each other within a commercial zoning district, the Planning Board may require that the parking lots for both uses be linked by a paved strip of land 20 feet wide located between each lot's parking area and shared lot line that will enable customers to enter the abutting commercial property without having to use the road providing frontage to the two lots.

**§ 205-30.5. Size of spaces; paving.**

- A. Each required car space shall be not less than nine feet in width and 18 feet in length, exclusive of drives and maneuvering space.
- B. Handicapped parking: Parking spaces for the exclusive use of handicapped individuals shall be provided in accordance with the most recent rules and regulations of the Architectural Access Board, 521 CMR 23.00.

**§ 205-30.6. Buildings containing multiple uses.**

Where one building is used for more than one use, parking requirements shall be computed for each use (a motel with a restaurant would be required to provide parking for both rental units and for seating capacity of the restaurant; a professional office in a residence must provide the space for the office use in addition to the residential requirement) unless the applicant provides adequate information through the site plan review process showing that the peak demand for the proposed uses is not at the same time and, therefore, additional parking is not necessary.

**§ 205-30.7. Number of required spaces. [Amended ATM 5-7-2016 by Art. 36]**

- A. The minimum number of required parking spaces shall be as follows:

<b>Principal Use</b>	<b>Minimum Number of Spaces</b>
1- and 2-family dwellings	2 per dwelling unit
Apartments	2 per dwelling unit
Apartments built under housing for the elderly	1 per dwelling unit
Rooming houses and lodging houses	4, plus 1 for each rental unit over 2
Nursing homes	1 for each 2 beds

<b>Principal Use</b>	<b>Minimum Number of Spaces</b>
Motels, hotels and inns	2, plus 1 1/4 for each rental unit, plus 1 for each 20 square feet of floor area available for meetings or functions
Permitted offices in residences	3, plus 1 for each nonresident employee
Retail stores and services	In districts other than the Village Center District, 1 for each 250 square feet of gross floor area
Restaurants, theaters and other places of assembly exclusive of churches	In districts other than the Village Center District, 1 for each 4 seats
Bowling alleys	4 for each alley
Offices	In districts other than the Village Center District, 1 space for each 500 square feet of gross floor area
Warehouses and other commercial or industrial buildings	1 for each 900 square feet of gross floor area

- B. For accessory uses not listed above there shall be provided adequate off-street parking as determined by the Planning Board.

#### **§ 205-30.8. Location of parking and loading spaces.**

No parking or loading space shall be located within 10 feet of any property line or road right-of-way.

- A. Parking and loading areas for nonresidential uses (excluding customary home occupations) shall be set back 25 feet from any property line when the property abuts a residential district or residentially used property, and the Planning Board may require landscaping and/or fencing to be installed within the setback areas.
- B. Parking and loading areas for nonresidential uses (excluding customary home occupations) that are supported by retaining walls shall have an additional setback requirement equal to the height of the retaining wall and applied to the nearest lot line abutting said retaining wall.

#### **§ 205-30.9. Screening of parking and loading areas.**

Parking and loading areas for non-residential uses (excluding customary home occupations) shall be effectively screened on each side which adjoins or faces the side or rear lot line of a lot located in a residential zoning district or a residentially used property, through the use of landscaping and/or fencing. Fencing shall consist of a solid fence or wall not less than three feet, or more than six feet in height at the time of occupancy of such lot.

**§ 205-30.10. Loading requirements.<sup>10</sup>**

- A. General: Off-street loading spaces or loading areas shall be provided and maintained by the owner of the property for each nonresidential building or use which is erected, enlarged or altered after the effective date of this bylaw, according to the following provisions.
- B. Same lot: All loading spaces or loading areas required by this bylaw shall be located on the same lot as the building or use which they are intended to serve, and in no case shall any required loading area be part of an area used to satisfy the off-street parking requirements of this bylaw.
- C. No queues or backing onto street: No loading facility shall be designed to require trucks to queue on a public way while waiting to be off-loaded. No loading facility shall be designed to require vehicles to back onto a public way; all turning maneuvers shall be accommodated on the premises.

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**10. Editor's Note: This section was originally adopted as § 205-36; however, since a section numbered § 205-36 already existed, the Town Clerk was authorized by STM 11-17-2015, Art. 10, to correct the duplicate numbering by renumbering this section as § 205-34.2.**

ARTICLE IX  
**Special Provisions**

**§ 205-31. Certain uses permitted.**

The following uses may be permitted as designated in § 205-22, Table of Use Regulations, provided that they meet the following requirements in addition to any other requirements.

**§ 205-32. Motels.**

- A. No motel shall be constructed on a lot having less than 200 feet of frontage, nor less than 40,000 square feet of lot area.
- B. On each lot used for motel purposes there shall be provided front, rear and side yards each not less than 50 feet in depth.
- C. A space not less than 20 feet shall be maintained open with grass, bushes, flowers or trees all along each side lot, rear lot and front lot, except for entrance and exit driveways, and such open space shall not be built on, nor paved nor used for parking.
- D. No space within the required front yard depth shall be used for parking, except as a temporary nature such as for registering.
- E. Each motel site shall be provided with not more than two motor vehicle driveways for each abutting street which shall intersect the abutting street or streets at 90°.
- F. Each rental unit shall contain not less than 210 square feet of habitable floor area.
- G. Subject to the Board of Appeals, uses such as, but not limited to, restaurants, convention facilities, health clubs, retail shops and beauty and barber shops are permitted within motels containing 100 or more units.

**§ 205-33. Apartments and attached dwellings.**

- A. Site plans.

- (1) In considering the granting of a special permit for the construction of apartments and attached dwellings, the Board of Appeals shall take into consideration the needs of the community, the effect of the development upon the neighborhood and the community in terms of traffic, utilities, drainage, municipal facilities and the health and welfare of the inhabitants. If after consideration the Board determines that the development is not in the best interest of the community for any of the aforementioned reasons, the application for said permit shall be denied. For each apartment development, a site plan shall be submitted, in duplicate, and shall comply with the following standards:



- (a) R-I Zoning District:
  - [1] Minimum frontage: 400 feet.
  - [2] Minimum setback: 50 feet.
  - [3] Minimum side and rear yards: 50 feet.
  - [4] Minimum lot: five acres.
  - [5] Maximum building and parking coverage: 40%, exclusive of recreational buildings and facilities.
  - [6] Maximum building coverage: 20%, exclusive of recreational buildings and facilities.
- (b) The following lot area (see definitions) shall be provided:  
**[Amended ATM 5-2-2006 by Art. 48]**
  - [1] For each unit containing one bedroom or less: 4,000 square feet.
  - [2] For each two-bedroom unit: 8,000 square feet.
  - [3] For each unit containing three or more bedrooms: 12,500 square feet.
- (c) No parking shall be allowed within 35 feet of any lot line, and parking areas shall be attractively landscaped.
- (d) No building shall be located within 100 feet of any existing single- or two-family dwelling, and adequate landscaping in the form of trees shall be planted between the building and the single- or two-family dwelling.
- (2) One copy of said site plan shall be submitted by the Board of Appeals to the Planning Board for its review and comments. Where action by the Board of Appeals differs from the recommendations of the Planning Board, the reasons for such action by the Board of Appeals shall be put in writing.
- B. Minimum habitable floor space. For each unit constructed or resulting from conversion, the minimum habitable floor space shall be as follows:
  - (1) Efficiency units: 450 square feet.
  - (2) One-bedroom units: 550 square feet.
  - (3) Two-bedrooms or more: 750 square feet.
  - (4) Westminster Housing Authority's housing for the elderly: 400 square feet.
- C. A minimum of 25% of the units constructed under this section shall be set aside as deed restricted affordable housing units or affordable

rental units in perpetuity as defined by the Department of Housing and Community Development (DHCD). **[Added ATM 5-2-2006 by Art. 48]**

**§ 205-34. Accessory dwelling unit. [Added ATM 5-3-2005 by Art. 48; amended ATM 5-6-2017 by Art. 39]**

Accessory dwelling units are allowed by right in accordance with this section.

A. Purpose. The purposes of the accessory dwelling unit section are to:

- (1) Provide an opportunity for older homeowners who can no longer physically or financially maintain their single-family home to remain in the homes they might otherwise be forced to leave;
- (2) Make housing units available to moderate-income households who might otherwise have difficulty finding homes within the Town;
- (3) Provide a variety of types of housing to meet the needs of its residents; and
- (4) Protect stability, property values, and the single-family character of a neighborhood.

B. Performance standards. The Building Commissioner shall issue a building permit and certificate of occupancy for an accessory dwelling unit upon verification that the following standards and criteria are met:

- (1) The accessory dwelling unit will be a complete, separate housekeeping unit that functions as a separate unit from the principal single-family unit.
- (2) The owners of the principal structure shall occupy, as their primary residence, either the principal dwelling unit or the accessory dwelling unit.
- (3) Only one accessory dwelling unit shall be created within a single-family structure.
- (4) The lot in which the single-family unit is created must have a determination from the Board of Health that there is adequate septic capacity or that the system may be expanded to provide adequate capacity. No such verification is required if the lot is served by municipal sewer.
- (5) The accessory dwelling unit shall be designed so that the appearance of the building remains that of a one-family residence as much as feasibly possible.
- (6) The accessory dwelling unit shall be clearly a subordinate part of the single-family dwelling. It shall be no greater than 700 square feet nor have more than two bedrooms.

- (7) At least three off-street parking spaces must be available for use by the owner occupants and tenants.
- (8) The construction of the accessory dwelling unit shall be in conformity with the State Building Code.

**§ 205-35. Adult entertainment facilities and activities. [Added ATM 5-6-2000 by Art. 30]**

A. Purpose.

- (1) The purpose of these adult entertainment regulations of the Town of Westminster Zoning Bylaw is to address and mitigate the secondary effects of adult entertainment establishments. Secondary effects have been shown to include increased crime, adverse impacts on public health, adverse impacts on the business climate, adverse impacts on the property values of residential and commercial property and adverse impacts on the quality of life. All of said secondary impacts are adverse to the health, safety and general welfare of the Town of Westminster and its inhabitants.
- (2) The provisions of these regulations have neither the purpose nor intent of imposing a limitation on the content of any communicative matter or materials, including sexually oriented matter or materials. Similarly, it is not the purpose or intent of these regulations to restrict or deny access by adults to adult entertainment establishments or to sexually oriented matter or materials that is protected by the Constitutions of the United States or of the Commonwealth of Massachusetts, nor to restrict or deny rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute or exhibit such matter or materials. Neither is it the purpose or intent of these regulations to legalize the sale, rental, distribution or exhibition of obscene or other illegal matter or materials.

B. For the purposes of this section, the term "adult entertainment facility" shall mean adult bookstores, adult live entertainment establishments, adult motion-picture theaters, adult mini-motion-picture theaters, adult video store, and adult paraphernalia store.

C. No special permit for an adult entertainment facility (as listed in the Table of Use Regulations<sup>11</sup>) shall be granted except in accordance with the following conditions and requirements:

- (1) Shall not be located within a radius of 1,400 feet of any type of residential zoning district. **[Amended STM 11-29-2016 by Art. 9]**
- (2) Shall not be located within a radius of 1,400 feet of any school, library, or teaching facility, whether public or private,

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

governmental or commercial, which school, library, or teaching facility is attended by persons under 18 years of age. **[Amended STM 11-29-2016 by Art. 9]**

- (3) Shall not be located within a radius of 1,400 feet of any church, synagogue, or permanently established place of religious services, which is attended by persons under 18 years of age, or day-care center. **[Amended STM 11-29-2016 by Art. 9]**
  - (4) Shall not be located within a radius of 2,000 feet of any other adult entertainment facility. **[Amended STM 11-29-2016 by Art. 9]**
  - (5) Signs. Adult entertainment facilities shall be limited to one sign (freestanding or attached) with a total display area of no more than 10 square feet. The sign shall have no moving parts, shall be illuminated only by a direct, external lighting source, and shall be set back a minimum of 50 feet from all street or property lines.
  - (6) Structures associated with the proposed use shall be located a minimum of 150 feet from any street line.
- D. Application for a special permit submitted to the special permit granting authority (Westminster Planning Board) must include the following information:
- (1) Name and address of the legal owner of the adult entertainment facility.
  - (2) Name and address of all persons having a fee, equity and/or security interest in such facility. In the event a corporation, partnership, trust or other entity is listed, the name and address of every person who has an ownership interest and/or beneficial interest in the entity must be listed in order that the SPGA will know who are the persons who actually own and control the store or theater.
  - (3) Name and address of the manager.
  - (4) The number of employees, or proposed number of employees, as the case may be. Proposed security precautions, and the physical layout of the premises.
- E. Special permits for adult entertainment facilities shall not be granted to any person convicted of violating the provisions of Massachusetts General Laws Chapter 119, § 63, or Massachusetts General Laws Chapter 272, § 28. All persons listed on the application for a special permit as required in the previous subsection are subject to this prohibition. Special permits for adult entertainment facilities shall only be issued following public hearings held within 65 days after filing of an application with the special permit granting authority, a copy of which shall forthwith be given to the Town Clerk by the applicant. The special permit granting authority shall act within 90 days following the public

hearing for which notice has been given by publication or posting as provided in Massachusetts General Laws Chapter 40A, § 11, and by mailing to all parties in interest. Failure by the special permit granting authority to take final action upon an application for a special permit herein within said 90 days following the date of the public hearing shall be deemed to be a grant of the permit applied for. Special permits issued by the special permit granting authority herein shall require an affirmative vote of four members of the five-member Board.

- F. A special permit granted herein shall lapse within one year, including such time to pursue or await the determination of an appeal referred to in Massachusetts General Laws Chapter 40A, § 17, from the grant thereof if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.
- G. Any existing adult entertainment facility shall apply for such special permit within 90 days following the adoption of this section.
- H. If any of the provisions of this section or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of the section, or the application of such other provisions which may be given effect without the invalid provision or application thereof.

**§ 205-36. Self-service storage facilities. [Added ATM 5-6-2000 by Art. 31]**

- A. Self-service storage facility buildings shall not exceed one story or 13 feet in height.
- B. Self-service storage facilities shall be limited to personal property use only.
- C. No outside storage shall be allowed.
- D. The storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals shall be prohibited.
- E. The use of the unit for uses other than dead storage shall be prohibited.
- F. Servicing or repair of motor vehicles, boats, trailers, lawnmowers, or any similar equipment shall be prohibited.

**§ 205-37. Cluster housing projects. [Amended STM 10-2-1978 by Art. 5; 10-2-1978 STM by Art. 6; STM 11-1-2000 by Art. 7; ATM 5-3-2005 by Art. 45; ATM 5-1-2010 by Art. 31; STM 11-27-2018 by Art. 9]**

- A. Purpose: For the purpose of encouraging the preservation of open space and promoting the more efficient use of land and to protect and promote the health, safety, convenience and general welfare of

the inhabitants of the Town, an owner or owners of a tract of land containing five acres or more located in a residential district, or a duly authorized agent thereof, may, pursuant to the requirements of this bylaw and upon the review and approval by the Planning Board of a definitive subdivision plan for such purpose, utilize such property for a cluster housing project.

B. Applicability: Cluster housing projects shall be allowed by right in all residential zoning districts.

C. Dimensional standards:

- (1) Every lot shall contain not less than 15,000 square feet, except that a lot abutting common open space may contain not less than 10,000 square feet.
- (2) Every lot shall have a minimum frontage of 50 feet on a way created by the subdivision plan. No lot approved hereunder shall front on an existing public or private way.
- (3) Provision shall be made so that each dwelling shall be set back from the subdivision way on which its lot is located at least to a point where the lot width is a minimum of 100 feet but in no event less than 30 feet; and
- (4) Provisions shall be made so that each dwelling shall have two side yards, each at least 15 feet, and a rear yard of at least 20 feet.
- (5) The number of lots allowed within a cluster housing subdivision shall not exceed the number of lots that could be created through a traditional subdivision plan.

D. Provision of open space:

- (1) Provision shall be made so that open land shall be owned:
  - (a) In common by the owners of the lots in the tract; or
  - (b) By membership corporation, trust or association whose members are all the owners of the lots in the tract; or
  - (c) By the Town; or
  - (d) Otherwise as the Planning Board may approve.
- (2) Provision shall be made so that open land shall be:
  - (a) Restricted to any one or more of the following uses: recreational, agricultural, conservation or park.
  - (b) Restricted so that no structure shall be erected thereon, except as an incident to the above uses.

E. Design standards:

- (1) All land not utilized for lots and roads shall be set aside as open space.
  - (2) The open space shall be designed as large contiguous areas whenever possible. Long, thin, narrow strips or narrow areas of open space shall occur only when necessary for access, as vegetated buffers along wetlands or the perimeter of the site, or as connections between open spaces.
  - (3) Open space shall be arranged to protect valuable natural and cultural resources such as stream valleys, wetlands and buffers, unfragmented forestland and significant trees, wildlife habitat, open fields, scenic vistas, trails and archeological sites.
  - (4) The areas of the site to be developed shall be outside of the floodplain, steep slopes (grades of 25% or more), perennial streams, wetlands and buffer zones.
  - (5) The development shall be designed to conform to the existing topography and natural features of the land, and minimize the total amount of disturbance to a site.
- F. In connection with an application for approval of a definitive subdivision plan from the Planning Board under this section, the applicant shall provide the following information:
- (1) A determination of the area of the tract usable for residential construction;
  - (2) A general description of the neighborhood in which the tract lies and the effect of the plan on the area;
  - (3) The relation of the plan to the long-range plan of the Town;
  - (4) The extent to which the plan is designed to take advantage of the natural terrain of the tract.

**§ 205-38. Village Center District regulations.<sup>12</sup> [Added ATM 5-7-2016 by Art. 36]**

- A. Purpose. The purpose of the Village Center District is to protect and strengthen the traditional New England character of the Westminster Village Center, encourage sustainable and attractive site design, and promote a diverse and vibrant mix of commercial, residential, institutional, and recreational opportunities in support of the commerce, health, safety, and welfare of Westminster.
- B. Applicability and severability. The regulations within this section shall apply to those lots located in whole or part within the Village Center Zoning District. The regulations established herein shall be considered

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**12. Editor's Note: Former § 205-39, Earth removal, added ATM 6-5-1993 by Art. 10, as amended ATM 5-3-1997 by Art. 32, was repealed STM 10-26-2004 by Art. 21.**

controlling wherein they should be found in conflict with other sections of this chapter. The invalidity of any section or provision of this section, or its application to any development proposal, shall not invalidate any other section, provision or application of this chapter.

C. Special use regulations in VC District.

(1) Upper-story residential. Foregoing the limitations established for residential units in other sections of this chapter, this section shall control dimensional and density requirements for upper-story residential units in the Village Center District. In order to encourage increased housing opportunities in Westminster, upper-story residential uses above existing first-floor commercial or institutional units may be created subject to the following limitations:

(a) Existing buildings. Upper-story residential units may be created in buildings that existed at the time of the adoption of this section (May 7, 2016), provided that the following criteria are met:

- [1] The lot contains at least 7,500 square feet of area.
- [2] The provisions of § 205-30.7 shall not apply to upper-story residential units. The parking requirement shall be one parking space per unit.
- [3] Parking for any commercial uses shall be provided as established under § 205-30.7. Spaces provided may be shared use spaces, provided it can be demonstrated that the combination of uses does not have concurrent peak parking demands.
- [4] Any exterior alterations to provide adequate ingress or egress must be reviewed by the Planning Board as part of site plan review.
- [5] Dwelling units created must contain a minimum of 500 square feet of gross floor area.

(b) New construction. Upper-story residential units may be provided as part of new construction, provided that the following criteria are met:

- [1] The lot contains at least 15,000 square feet of area.
- [2] The proposed building does not contain more than 25,000 square feet of gross floor area. Dwelling units created must have a minimum of 500 square feet of gross floor area.



- [3] The provisions of § 205-30.7 shall not apply to upper-story residential units. The parking requirement shall be one parking space per unit.
  - [4] Parking for any commercial uses shall be provided as established under § 205-30.7. Spaces provided may be shared use spaces, provided it can be demonstrated that the combination of uses does not have concurrent peak parking demands.
- (2) Provisions for multi-use lots. Lots may contain more than one principal use in addition to accessory uses in the Village Center District, provided that all dimensional and parking requirements are met for all uses subject to the following exemptions:
- (a) Shared use parking spaces are allowed to count toward the parking requirement, provided that it can be demonstrated the combination of uses does not have concurrent peak parking demands.
- D. Additional dimensional requirements. The Planning Board may waive any additional setbacks by special permit, provided that relief from such dimensions provides for site design that allows for additional landscaping, lighting, sidewalks, improved pedestrian or vehicular circulation, or other such amenities that provide a public benefit.

**Table 205-38-1**

	<b>Front</b>	<b>Side</b>	<b>Rear</b>
<b>Dimensional Requirement</b>	<b>(feet)</b>	<b>(feet)</b>	<b>(feet)</b>
Maximum building setback <sup>1, 2</sup>	20	—	—
Minimum parking setback	20	10	—
Minimum landscaped buffer	5	5	—
Maximum lot coverage		80%	
Maximum building height for upper-story residential		35 feet	

## Notes:

- 1. Maximum building setback applies only to the principal structure on the lot; additional structures are not subject to this requirement.
  - 2. Structures on lots with 50 feet of frontage or less are exempted from this requirement.
- E. Additional district sign regulations.
- (1) Signs cabinets, moving signs, and other internally illuminated signs are prohibited.

- (2) Window and door signs shall not conceal more than 30% of the total area of the windows and doors on a building facade that an individual business occupies.
- F. Additional site plan review standards within the Village Center District. The following site plan review standards shall apply within the Village Center District, in addition to the generally applicable standards in § 205-43F. The Planning Board may waive any additional site plan requirements, provided that relief from such standards provides improved site design or other amenities that provide a public benefit.
  - (1) Building placement and orientation.
    - (a) Buildings and building entrances should be oriented to face Main Street. It is especially desirable for buildings to be oriented toward Main Street instead of parking lots.
    - (b) Buildings should be placed on the front of lots near Main Street to gradually realign the buildings in the Village Center District and encourage a cohesive and consistent streetscape.
  - (2) Landscaping.
    - (a) A five-foot landscaped buffer should be maintained along the front property line between the public sidewalk and buildings to encourage a more hospitable pedestrian experience. The use of shade trees within the landscaped buffer area along the front lot line is highly encouraged.
    - (b) Landscaping should consist of a combination of noninvasive plantings that are inclusive of low ground cover plantings, trees, shrubs, flowers, and grasses.
    - (c) Landscaping should be designed to be attractive in all seasons.
    - (d) Landscaping should be used to help define spaces, entry sequences, and pedestrian areas as well as screen parking facilities, utilities, mechanical equipment, and waste management facilities.
    - (e) Landscaping should be maintained so as not to obscure buildings, signage, or handicap accessibility features.
  - (3) Pedestrian facilities.
    - (a) Sidewalks should be paved with concrete and integrated within site landscaping.
    - (b) Pedestrian connections should be constructed between building entrances and parking areas, and should provide connectivity with other pedestrian facilities, such as public sidewalks or walkways on adjacent sites where they exist.

- (c) Existing sites with insufficient pedestrian facilities, such as limited sidewalks or no separation for pedestrian and vehicular circulation, should upgrade those facilities when doing exterior building modifications or other site upgrades.
- (4) Design of parking facilities.
  - (a) Parking facilities should be screened from the streetscape with landscaping. The parking facilities serving commercial, institutional, and mixed use lots with more than five contiguous spaces or more than one row of parking spaces should be bordered by landscaped buffers. The landscaped buffers should be maintained in good condition and should utilize plantings that are attractive in all seasons.
  - (b) Parking should be located behind or to the side of buildings. Parking should not be located closer to the front lot line than the front facade of the principal structure on the lot.
  - (c) Parking lots should be marked with striping and signage as needed to clearly identify expected vehicular circulation patterns, queuing areas, temporary and handicap parking, and other parking limitations.
- (5) Building facades and materials.
  - (a) Exterior building materials inclusive of windows, siding, doors, trim, decking, and other typical materials should be selected for their consistency in appearance with the traditional New England architectural vernacular.
  - (b) High quality materials should be used on building exterior. Where synthetic materials are used, they should be close in approximation and appearance to traditional materials.
  - (c) Sustainable and environmentally friendly building materials should be used whenever possible.
  - (d) Materials used on the front facade of a building should be carried around on all sides of the building.
  - (e) Windows in commercial structures inclusive of storefront window systems and doors should not be obscured by opaque glass.
- (6) Massing, window fenestration (arrangement, proportioning and design), and doors.
  - (a) Buildings should utilize irregular footprints, material transitions, changes in roof slope, varying building heights and massing, and architectural features, such as columns, bays, or other projections. Avoiding monotonous building facades or

the appearance of out-of-scale buildings through architectural features is strongly encouraged.

- (b) Buildings on corner lots should be oriented to face both streets and utilize high quality materials on both facades.
  - (c) Flat roofs are generally discouraged unless deemed otherwise appropriate by the Planning Board. Where flat roofs are constructed, they should be adorned with a decorative parapet wall or cornice to provide screening for rooftop equipment and maintain a consistent appearance with the traditional New England architectural vernacular.
  - (d) Roofs with gables, dormers, cupolas, chimneys, or other design features are encouraged.
  - (e) Building facades should have an appropriate and proportionate number of windows and doors. Windows should be selected for their consistency with the style of the building. Where windows are replaced in historic structures, the glazing of the replacement windows should be consistent with that of the original windows.
- (7) Utilities and mechanicals.
- (a) Open storage areas, service areas, loading facilities, and utility buildings should be screened from the view of neighboring properties, the street, and other structures using landscaping, fencing, or other appropriate methods.
  - (b) Garbage dumpsters should be enclosed by opaque fencing, which should be kept closed except when being serviced, and landscaping.
- (8) Signs and illumination.
- (a) Signs and banners should be constructed of substantial materials.
  - (b) Second-story signage should be discouraged.
  - (c) Illumination for signs should be provided by lamps which cast light downward.
  - (d) Lighting for signage or parking should not be cast onto neighboring properties. The use of shields and other mechanisms to prevent light pollution and nuisance should be utilized to the extent necessary.
  - (e) The installation of pedestrian-scale lamps adjacent to pedestrian areas is encouraged. Lamps should be selected for their consistency with the character of the Village Center and should be sited appropriately to avoid visual clutter. Tall

lamp posts should not be used adjacent to buildings, but are acceptable in the interior of large parking areas.

**§ 205-39. Wireless communications towers and facilities.<sup>13</sup> [Added STM 6-18-2001 by Art. 3]**

A. Objectives. This section establishes the Wireless Communications Facilities Overlay District, permits the use of wireless communications facilities within the Town, regulates their impacts, and accommodates their locations and uses in a manner intended to:

- (1) Protect the scenic, historic, environmental and natural or man-made resources of the Town;
- (2) Protect property values;
- (3) Minimize any adverse impacts on the residents of the Town (such as, but not limited to, attractive nuisance, noise and falling objects) with regard to the general safety, welfare and quality of life in the community;
- (4) Provide standards and requirements for regulation, placement, construction, monitoring, design, modification and removal of wireless communications facilities;
- (5) Provide a procedural basis for action within a reasonable period of time for requests for authorization to place, construct, operate or modify wireless communications facilities;
- (6) Encourage the use of certain existing structures and towers;
- (7) Minimize the total number and height of towers located within the community;
- (8) Require tower sharing and clustering of wireless communications facilities where they reinforce the other objectives in this section; and
- (9) Comply with the Federal Telecommunications Act of 1996.

B. Applicability; terminology.

- (1) Applicability. **[Amended STM 11-29-2012 by Art. 12]**
  - (a) The requirements of this section shall apply to all wireless communications facilities, as well as any material change or proposed change to an existing facility, except where federal or state law or regulations exempt certain users or uses from all or portions of the provisions of this section, and except for

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**13. Editor's Note: Former § 205-39.2, Wireless communications facilities moratorium, added STM 1-8-2001 by Art. 4, prohibited the construction of wireless communications facilities in the Town and the issuance of building permits for such facilities, with certain exceptions, for a period of six months beginning 1-8-2001. Said moratorium has expired.**

public safety providers as set forth in Subsection B(1)(c) below, and is intended to repeal and supersede any section of the Zoning Bylaw which may conflict with the provisions of this section as they apply to wireless communications towers and facilities, as defined herein.

- (b) No wireless communications facility shall be considered exempt from this section by sharing a tower or other structure with such exempt uses.
  - (c) Waivers. For wireless communications facilities intended for use by local, regional, state and/or federal public safety providers, the special permit granting authority may waive strict adherence to the requirements of this section (with the exception of the height limitations and required fall zones).
  - (d) Exemptions: facilities used by a federally licensed amateur radio operator ("ham radio"), as referred to in MGL, c. 40A, § 3.
- (2) Terminology. In addition to the terms defined in § 205-4, Definitions, of this chapter, the following words, which are technical terms applying to wireless communications facilities, shall have the meanings indicated below. Although set forth here for convenience, the terms shall have the same effect as if set forth in § 205-4, Definitions.

ABANDONED TOWER — A tower not being used for the purpose for which it was permitted for a period of 12 months. Failure to file the annual declaration with the Westminster Board of Selectmen shall constitute an abandonment of the tower.

ACT — The Federal Telecommunications Act of 1996.

ADEQUATE COVERAGE — Coverage is adequate within that area surrounding a base station where the predicted or measured median field strength of the transmitted signal is such that the majority of the time transceivers properly installed and operated will be able to communicate with the base station without objectionable noise (or excessive bit-error-rate for digital) and without calls being dropped. In the case of cellular communications in a rural environment, this would be signal strength of at least 90 DBMs. It is acceptable for there to be minor temporary loss of signal within the area of adequate coverage. The outer boundary of the area of adequate coverage is that location past which the signal does not regain uniformly.

ANTENNA — A device by which electromagnetic waves are sent or received, whether a dish, rod, mast, pole, set of wires, plate, panel, line, cable or other arrangement serving such purpose.

ANTENNA SUPPORT STRUCTURE — Any pole, telescoping mast, tower tripod, or any other structure which supports a device used in the transmitting and/or receiving of electromagnetic waves.

AVAILABLE SPACE — The space on a tower or other structure to which antennas of a wireless communications service provider are able to fit structurally and be able to provide adequate coverage.

BASE STATION — The primary sending and receiving site in a telecommunications facility network. More than one base station and/or more than one variety of telecommunications provider may be located on a single tower or structure.

BUILDING FOR EQUIPMENT SHELTER — An enclosed structure used to contain batteries, electrical equipment, telephone lines, transmitters, etc. used by the carriers on the towers.

BUILDING-MOUNTED ANTENNA SUPPORT STRUCTURE — Any antenna support structure mounted on, erected on, or supported in whole or part by a building or structure occupied and/or used for purposes other than wireless telecommunications.

CAMOUFLAGED — A wireless service facility that is placed within an existing or proposed structure disguised, painted, colored, or hidden by a compatible part of an existing or proposed structure, or made to resemble an architectural feature of the building or structure on which it is placed. The term "stealth" is sometimes used as a synonym for "camouflaged."

CARRIER — A company, authorized by the FCC, that provides wireless communications services.

CHANNEL — One of the assigned bands of radio frequencies as defined in the Act, licensed to the service provider for wireless service use.

COLLOCATION — The use of a single mount by more than one carrier and/or several mounts on a building or structure by more than one carrier. Each service on a collocation is a separate wireless service facility.

COMMUNICATIONS EQUIPMENT SHELTER — A structure designed principally to enclose equipment used in connection with wireless communications transmission, and/or reception.

COMMUNICATIONS TOWER — A monopole or self-supporting tower, constructed as a freestanding structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving wireless communications.

CONCEALED — A wireless service facility within a building or other structure, which is not visible from outside the structure.

CONSULTANT — A qualified engineer licensed in the Commonwealth of Massachusetts, selected by the ZBA or DAC at the expense of the applicant to review the application and verify that the new tower is necessary at the proposed site, or any other

review required under this section or requested by the ZBA or DAC, as the case may be.

DAC — Design Advisory Committee.

DBM — A unit of measure of the power level of an electromagnetic signal expressed in decibels referenced to one milliwatt.

dBu — Unit of measure of the electric field strength of a signal, expressed in an absolute measure for describing service areas and comparing different transmitting facilities independent of the many variables (See "DBM" above.) introduced by different receiver configurations.

DESIGN ADVISORY COMMITTEE — The Westminster Planning Board.

EA — See "Environmental Assessment."

EMERGENCY POWER — Electrical generators usually powered by propane gas or diesel fuel so as to provide uninterrupted service in the case of electrical utility failure, provided that any generators used may not emit more than 35 decibels over the ambient noise level at the property line.

ENVIRONMENTAL ASSESSMENT — An EA is the document required by the FCC and NEPA when a personal wireless facility is placed in certain designated areas.

FAA — Federal Aviation Administration.

FACILITY SITE — A conforming lot or parcel, or any part thereof, which is owned or leased by one or more wireless communications providers and upon which one or more wireless communications facility(s) and required landscaping are located.

FALL ZONE — The area on the ground within a prescribed radius from the base of a tower, typically the area within which there is a potential hazard from falling debris, or collapsing material.

FCC — Federal Communications Commission.

FREQUENCY — The number of cycles completed each second by an electromagnetic wave, measured in hertz (Hz), megahertz (MHz, one million hertz), or gigahertz (GHz, one billion hertz).

HERTZ — One hertz (Hz) is the frequency of an electric or magnetic field which reverses polarity once each second, or one cycle per second.

LATTICE TOWERS — A type of mount that is self-supporting with multiple legs and crossbracing of structural steel.

MODIFICATION OF AN EXISTING FACILITY — Any material change or proposed change to an existing facility, including but not limited to power input or output, number of antennas, change in antenna type or model, repositioning of antenna(s), removal



or replacement of transmission equipment, colocation of new transmission equipment, or change in number of channels per antenna above the maximum number approved under an existing permit or special permit. **[Amended STM 11-29-2012 by Art. 13]**

**MONITORING** — The measurement, by the use of instruments away from the antenna, of the electromagnetic radiation from a site as a whole, or from individual wireless communications facilities, towers, antennas, repeaters or associated power supplies and generators.

**MONOPOLE** — A single self-supporting vertical pole with no guy wire anchors, usually consisting of a galvanized or other unpainted metal, or a wooden pole with below grade foundations.

**NEPA** — National Environmental Policy Act.

**PERSONAL WIRELESS SERVICE FACILITY** — Facility for the provision of personal services, as defined by the Telecommunications Act.

**PRE-EXISTING TOWERS AND ANTENNAS** — Any tower or antenna, which was lawfully erected before the effective date of this section.

**RADIO-FREQUENCY RADIATION (RFR)** — The electromagnetic emissions from wireless service facilities.

**REPEATER** — A small receiver/relay transmitter of not more than 20 watts output designed to provide service to areas which are not able to receive adequate coverage from the primary sending and receiving site in a wireless communications network.

**RFI** — Radio frequency interference.

**RFR** — Radio frequency radiation.

**SCENIC VIEW** — A wide-angle or panoramic field of sight and may include natural and/or man-made structures and activities which may be seen from a stationary viewpoint or as one travels along a roadway, waterway, or path, and may be to an object in the distance, such as a mountain, or an object nearby, such as an historic building or a pond.

**SELF-SUPPORTING TOWER** — A communications tower that is constructed without guy wires.

**SPECIAL PERMIT** — A permit under this section and § 205-50 of this chapter as granted by the Zoning Board of Appeals (ZBA).

**SPECTRUM** — Relating to any transmissions or reception of electromagnetic waves.

**STEALTH TOWER** — A camouflaged tower.

**STRUCTURALLY ABLE** — The determination that a tower or structure is capable of carrying the load imposed by the proposed

new antenna(s) under all reasonable predictable conditions as determined by professional structural engineering analysis.

TOWER — A structure or framework, or monopole, that is designed to support wireless communications transmitting, receiving, and/or relaying, antennas and/or equipment. Components of the wireless communications facility used only to attach or support other elements of that facility are excluded, provided such components are relatively less substantial than those other elements and do not materially affect a dimension of that facility.

TOWER HEIGHT — The vertical distance measured from the base of the tower support structure to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the tower height.

TOWN — Westminster, Massachusetts, and/or its elected or appointed officials.

WCFOD — Wireless Communications Facilities Overlay District.

WIRELESS COMMUNICATIONS FACILITIES OVERLAY DISTRICT — All parcels of land shown on the map entitled: "Wireless Communications Facilities Overlay District Map," dated August 2012.<sup>14</sup>**[Amended STM 10-26-2004 by Art. 22; STM 11-29-2012 by Art. 15]**

WIRELESS COMMUNICATIONS FACILITY — All equipment, buildings, and structures with which a wireless communications service carrier broadcasts and receives the radio-frequency waves which carry their services and all locations of said equipment or any part thereof.

WIRELESS COMMUNICATIONS SERVICE PROVIDER — An entity licensed by the Federal Communications Commission (FCC) to provide wireless communication services to individuals, businesses or institutions.

WIRELESS COMMUNICATIONS SERVICES — Commercial mobile radio services, unlicensed wireless services, and common carrier wireless exchange access services as defined in the Act.

ZBA — Zoning Board of Appeals.

C. Location of facilities.

(1) Criteria; priority for location of facilities.

(a) Wireless communications facilities shall be located according to the following priorities:

[1] Within an existing structure and camouflaged.

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14. Editor's Note: Said map is on file in the Town offices.

- [2] Camouflaged on an existing structure, such as but not limited to an existing electric transmission tower or an existing radio antenna, a water tower, or building, and of a compatible design.
- [3] Collocated with existing wireless communications service facilities.
- [4] If adequately demonstrated to the ZBA in the special permit process that each of the three types of locations is not feasible, erection of a new facility which complies with the other requirements of this section and where visual impact can be minimized and mitigated. **[Amended STM 11-29-2012 by Art. 14]**

(b) Applicants shall demonstrate that they have investigated locations higher in priority ranking than the one for which they are applying and whether sites are available and, if applicable, under what conditions.

- (2) Locations where facilities are permitted by special permit. A wireless communications facility may be installed in the Wireless Communications Facilities Overlay District, all commercial districts, and all industrial districts by a special permit from the ZBA in accordance with this section.
- (3) Locations with nonconforming situations. The ZBA may grant a special permit to modify, reconstruct, or replace a pre-existing tower or facility if it decreases the degree of nonconformity with this section.

D. Dimensional, screening and other site development requirements.

- (1) Shelters and accessory buildings. Any communications equipment shelter or accessory building shall be designed to be architecturally similar and compatible with the surrounding area. Whenever feasible, a building shall be constructed underground.
- (2) Setbacks. Any new tower shall be set back at least 1 1/2 times the height of the tower plus 10 feet from each lot line of the site on which the tower is located. Any nonconcealed antenna shall be set back at least 1 1/2 times the height of the antenna, as measured from the ground level, from each lot line of the site on which the antenna is located. However, if the antenna is being attached to an existing tower whose setback complies with this section, and if the ZBA determines that the addition of the antenna does not materially alter the basis of that prior approval, then no new, independent, setback requirement shall be created by the addition of the antenna. In commercial and industrial districts, or on publicly owned land, the ZBA may grant a special permit to allow a lesser setback if it makes a finding that such lesser setback provides adequate safety, promotes collocation or improves design,

and will not negatively impact the appearance and character of the neighborhood.

- (3) Security; signs. The area around the wireless communications facility shall be completely secure from trespass or vandalism. A sign not larger than one square foot shall be posted adjacent to the entry gate indicating the name of the facility owner(s) and a twenty-four-hour emergency telephone number. Advertising or symbols of any kind on any antenna, tower, fencing, accessory building or communications equipment shelter is prohibited. The tower ladder shall be designed and maintained to prevent unauthorized climbers.
- (4) Lighting. Unless required by the Federal Aviation Administration, no exterior night lighting of towers or the wireless communications facility is permitted except for manually operated emergency lights for use when operating personnel are on-site.
- (5) Other requirements.
  - (a) Emergency power. Emergency power shall emit no more than 35 decibels over ambient noise level at all property lines.
  - (b) Noise. Noise at the site perimeter from the operation of any machinery or equipment shall be minimized to no more than 35 dB.
  - (c) Design. Towers shall be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights when overall permitted height allows. Towers shall be designed structurally, electrically and in all respects to accommodate both the applicant's and additional antennas when overall permitted height allows.
  - (d) Distance requirements:
    - [1] Distance between towers. Wireless communications facilities shall be a minimum distance of 2 1/2 miles from each other, unless it is determined by a qualified engineer licensed to practice in the Commonwealth of Massachusetts that a closer proximity is needed for "adequate coverage" as defined in this section. Under no circumstances shall any wireless communications facility be within a distance of one mile to another, unless such tower is a stealth tower and the applicant's technology cannot be used on an existing tower as determined by a qualified engineer licensed in the Commonwealth of Massachusetts. The Town may select a consultant, at the applicant's expense, to assist in evaluating the applicant's requests in this regard.

- [2] Distance for repeaters:
  - [a] No repeater shall be located closer than 50 feet to an existing residential dwelling unit.
  - [b] No repeater shall be located less than 25 feet, nor more than 70 feet above ground.
- [3] No wireless communication facility, with the exception of repeaters, shall be located:
  - [a] Within any of the following prohibited areas:
    - [i] Massachusetts or federally regulated wetlands.
    - [ii] A Massachusetts certified vernal pool.
  - [b] Within 100 feet horizontally of any Massachusetts regulated wetland.
  - [c] Within 200 feet horizontally of the Outer Riparian Zone measured horizontally from any river or perennial stream.
  - [d] Within 300 feet of any existing permanently occupied residential dwelling (except camouflaged facilities).
  - [e] Within a distance equal to the overall height of the stealth or camouflaged facilities to any property line, unless incorporated within an existing building, tower or steeple.
- (6) Dimensional requirements. All wireless communications facilities shall comply with the following requirements:
  - (a) Height, general. Regardless of the type of mount, wireless communications facilities shall be no higher than 15 feet above the average height of buildings within 300 feet of the proposed facility. In addition, the height of a wireless communications facility shall not exceed by more than 15 feet the height limits of the zoning district in which the facility is proposed to be located, unless the facility is completely camouflaged, such as within a flagpole, steeple, chimney, or similar structure.
  - (b) Height, ground-mounted facilities. Ground-mounted wireless communications facilities shall not project higher than 15 feet above the average building height or, if there are no buildings within 300 feet, these facilities shall not project higher than 15 feet above the average tree canopy height, measured from ground level (AGL). If there are no buildings within 300 feet of the proposed site of the facility, all ground-mounted wireless communications facilities shall be surrounded by dense tree growth to screen views of the facility in all directions. These

trees may be existing on the subject property or planted on site.

- (c) Height, side and roof-mounted facilities. Side and roof-mounted wireless communications facilities shall not project higher than the height of the building, or more than 15 feet above the height limit of the zoning district within which the facility is located, whichever is higher. Wireless communications facilities may locate on a building that is legally nonconforming with respect to height, provided that the facilities do not project above the building height, or the height limit of the zoning district within which the building is located, whichever is higher.
- (d) Height, existing structures. New antennas located on any of the following structures existing on the effective date of this section shall be exempt from the height restrictions of this section, provided that there is no increase in the height of the existing structure as a result of the installation of a wireless communications facility: water towers, guyed towers, lattice towers, fire towers and monopoles.
- (e) Height, existing structures (utility). New antennas located on any of the following existing structures shall be exempt from the height restrictions of this chapter, provided that there is no more than a twenty-foot increase in the height of the existing structure as a result of the installation of a new antenna: electric transmission and distribution towers, telephone poles and similar existing utility structures. This exemption shall not apply in Historic Districts, within 150 feet of the right-of-way of any scenic roadway, or in designated scenic viewsheds.
- (f) Height, wireless communications facilities overlay district. Wireless communications facilities up to 150 feet in height may be permitted by special permit in the Wireless Communications Facilities Overlay District. Monopoles or camouflaged towers are the only type of mount allowed for such taller structures. Such structures shall comply with all setback and other requirements of this section.

E. Justification of need.

- (1) Coverage area. The applicant shall provide a map of the geographic area in which the proposed facility will provide adequate coverage.
- (2) Adequacy of other facility sites controlled by the applicant. The applicant shall provide written documentation of any facility sites in the Town and in abutting towns or cities in which it has a legal or equitable interest, whether by ownership, leasehold or otherwise. Said documentation shall demonstrate that these facility sites do not already provide, or do not have the potential to provide by site adjustment, adequate coverage.

- (3) Capacity of existing facility sites. The applicant shall provide written documentation that it has examined all facility sites located in the Town and in abutting towns in which the applicant has no legal or equitable interest to determine whether those existing facility sites can be used to provide adequate coverage.
- (4) Adequate coverage through the least disruptive means. The applicant shall provide written documentation that the proposed facility uses the least disruptive technology (through the use of repeaters or other similar technology as may be developed subsequent to adoption of this section) in which it can provide adequate coverage in conjunction with all facility sites listed above.

F. Application.

- (1) Applicant. Application shall be made to the Zoning Board of Appeals in the same manner as applications for any other special permit. The applicant or co-applicant for any permit for a wireless communications facility must be the wireless communications services provider for the facility being proposed. The applicant shall submit documentation of the legal right to install and use the proposed facility mount at the time of the filing of the application for the permit. No permits shall be granted for a tower or facility to be built on speculation.
  - (a) Applicants for wireless communications towers or facilities shall include the following supplemental information in their filings for special permit approval:
    - [1] Location map. The location of the proposed structure on the most recent United States Geological Survey Quadrangle map, showing the area within at least a three-mile radius of the proposed tower site.
    - [2] A map or sketch of the property proposed to be developed, professionally drawn to scale and with the area to be developed clearly indicated.
    - [3] A report from qualified and licensed professional engineers that:
      - [a] Describes the facility height, design, and elevation.
      - [b] Documents the height above grade for all proposed mounting positions for antennas to be collocated on a wireless communications tower or facility and the minimum separation distances between antennas.
      - [c] Describes the tower's proposed capacity, including the number, height, and types(s) of antennas that the applicant expects the tower to accommodate.

- [d] Documents steps the applicant will take to avoid interference with any established public safety wireless communications, and includes both an intermodulation study that predicts no likely interference problems and certification that the study has been provided to the appropriate public safety agencies. Towers utilized by Westminster public safety channels will not locate conflicting frequencies on the same tower.
- [e] Describes existing and proposed coverage. In the case of new tower proposals, the applicant shall demonstrate that existing wireless communications facility sites and other existing structures within Westminster, in abutting towns, and within a ten-mile radius of the proposed site cannot reasonably be modified to provide adequate coverage and/or adequate capacity to the Town of Westminster.
- [f] Describes potential changes to those existing facilities or sites in their current state that would enable them to provide adequate coverage, and provides a detailed computer generated actual received level propagation model that describes coverage of the existing and proposed facilities.
- [g] Describes the output frequency, number of channels and power output per channel for each proposed antenna.
- [h] Includes a written five-year plan for use of the proposed wireless communications facility, including reasons for seeking capacity in excess of immediate needs if applicable, as well as plans for additional development and coverage within the Town of Westminster.
- [i] Demonstrates the tower's compliance with the municipality's setbacks for towers and support structures.
- [j] Provides proof that at the proposed site the applicants will be in compliance with all FCC regulations, standards, and requirements, and includes a statement that the applicant commits to continue to maintain compliance with all FCC regulations, standards, and requirements regarding both radio frequency interference (RFI) and radio frequency radiation (RFR). The Town of Westminster may hire independent engineers to perform evaluations of compliance with the FCC regulations, standards, and



requirements on an annual basis at unannounced times. The Town may allocate to the applicant any reasonable expenses incurred or authorized by it in retaining independent engineers to perform these evaluations.

- [4] Commitment to share space. A letter of intent committing the tower owner and his or her successors to permit shared use of the tower if the additional user agrees to meet reasonable terms and conditions for shared use, including compliance with all applicable FCC regulations, standards and requirements and the provisions of this section.
- [5] Existing structures. For wireless services to be installed on an existing structure, a copy of the applicant's executed contract with the owner of the existing structure must be submitted.
- [6] Environmental assessment. To the extent required by the National Environmental Policy Act (NEPA) and as administered by the FCC, a complete environmental assessment (EA) draft of the final report describing the probable impacts of the proposed facility shall be submitted to the Building Inspector prior to the issuance of a building permit.
- [7] Vicinity map. A topography priority resource map showing the entire vicinity within a one-thousand-foot radius of the tower site, including the wireless communications facility or tower, public and private roads and buildings and structures, water bodies, wetlands, landscape features and historic sites. The map shall show the property lines of the proposed tower site parcel and all easements or rights-of-way needed for access from a public way to the tower.
- [8] Proposed site plans of the entire wireless communications facility, professionally drawn to scale, showing all improvements, including landscaping, utility lines, screening and roads.
- [9] Elevations showing all facades and indicating all exterior materials and color of towers, buildings and associated facilities.
- [10] Where the proposed site is forested, the approximate average height of the existing vegetation within 200 feet of the tower base.
- [11] Construction sequence and estimated time schedule for completion of each phase of the entire project.

[12]Any additional information requested by the Westminster ZBA.

- (b) Plans shall be drawn at a minimum at the scale of one inch equals 50 feet. The permit application shall be signed under the penalties of perjury.
- (2) Review by the Design Advisory Committee.
- (a) The Town of Westminster's Design Advisory Committee shall review an applicant's site plans and make recommendations to the ZBA for special permits within 35 days of filing with the Town Clerk. The Design Advisory Committee will make comment on whether the site plans show that a proposed wireless communications facility will be appropriate for the site if built according to the plans.
  - (b) The DAC may require a consultant to review the application and proposed site at the applicant's expense.
- (3) Approval criteria. A special permit shall be granted under this section only if the ZBA shall find that the project is in harmony with the general purpose and intent of this article and chapter. In addition, the ZBA shall make all applicable findings before granting the special permit, including but not limited to the following:
- (a) That the applicant is not already providing adequate coverage or is unable to maintain adequate coverage without the special permit;
  - (b) That the applicant is not able to use existing facility sites either with or without the use of repeaters to provide adequate coverage;
  - (c) That the proposed wireless service facility minimizes any adverse impact on historic resources, scenic views, residential property values, natural or man-made resources;
  - (d) That the applicant has agreed to implement all reasonable measures to mitigate the potential adverse impacts of the facilities;
  - (e) That the facility shall comply with the appropriate FCC regulations regarding emissions of electromagnetic radiation and that the required monitoring program is in place and shall be paid for by the applicant; and
  - (f) That the applicant has agreed to rent or lease available space on any tower it controls within Westminster or the contiguous towns, under the terms of a fair-market lease, without discrimination to other wireless service providers;

- (g) That collocation is not possible due to structural or space limitations on existing or approved facilities, interference materially impacting existing or approved facilities, aesthetic considerations, coverage area considerations, or a violation of any federal standard or requirement.
- (4) Conditions. The ZBA may impose such conditions and safeguards as it deems are in the interest of public health, safety, welfare and convenience, and in all cases shall impose the following conditions:<sup>15</sup>
  - (a) By January 15 of each year, the wireless communications service provider shall provide to the Board of Selectmen, in care of the Town Administrator, the name of the operator, the names of any tenants on the property where the facility is located, FCC registrations for all wireless communications service providers on the property, the frequencies being used, the power levels, insurance certificates, evidence that a performance bond remains in place and emergency telephone numbers.
  - (b) By January 15 of each year, the wireless communications service provider shall file with the Board of Selectmen, in care of the Town Administrator, a certification of structural integrity from a qualified structural engineer, evidence of continuing compliance with the American National Standards Institute and National Council for Radiation protection, FAA and FCC, including compliance with updates and modifications.
- (5) Term of permit.
  - (a) A special permit shall be valid for a fixed or conditional period of time as determined by the Zoning Board of Appeals. A special permit for any wireless communications facility that exceeds the height provisions of the zoning district or underlying zoning district, as the case may be, shall be valid for a maximum of 15 years. At the end of the approved time period, the facility shall be removed by the carrier, or a new special permit shall be required.
  - (b) All wireless communications service providers shall file annually by January 15, with the Board of Selectmen, in care of the Town Administrator, a statement regarding the operational aspects of the facility, including, but not limited to the amount of power consumption; power radiation; frequency transmission; the number, location, and orientation of antennas; and types of services provided.<sup>16</sup>

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**15. Editor's Note: The Annual Town Meeting voted 5-1-2010 by Art. 30 to authorize the Board of Selectmen to appoint a Town Administrator to replace the position of Town Coordinator. The word "Coordinator" was changed to "Administrator" in this subsection pursuant to said Art. 30.**

G. Removal of abandoned antennas and towers.<sup>17</sup>

- (1) A wireless communications service provider shall annually, by January 15, file a declaration with the Westminster Board of Selectmen, in care of the Town Administrator, certifying the continuing safe operation of any facility installed subject to these regulations. Failure to file a declaration shall be deemed an abandonment of such facility.
- (2) A wireless communications facility shall also be considered abandoned when it has not been used for the purpose for which it was permitted for a period of 12 months.
- (3) The wireless communications service provider shall obtain and maintain a performance bond in an amount no less than \$100,000, or such greater sum as the ZBA may determine, for the removal of each wireless communications facility constructed in the Town of Westminster and for the restoration of the site, in a form approved by the Treasurer and the Town Counsel.
- (4) The wireless communications service provider shall obtain and maintain \$3,000,000 in personal injury and property damage liability insurance. The Town of Westminster shall be named an additional insured and the certificate holder shall be the Town Administrator.
  - (a) The wireless communications service provider shall have 90 days to remove a tower following the expiration of the special permit, or from the date it is deemed abandoned as set forth herein.
  - (b) If such a facility is not so removed, the Town may exercise its rights under the performance bond without further notice.

**§ 205-40. Wind energy facilities. [Added ATM 5-5-2012 by Art. 44]**

## A. Purpose. The purpose of this section is to:

- (1) Provide a permitting process for wind energy facilities so they may be utilized in a cost effective, efficient and timely manner to reduce the consumption of utility-supplied electricity;
- (2) Integrate these facilities in the community in a manner that does not disrupt the character of existing neighborhoods and minimizes

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**17. Editor's Note: The Annual Town Meeting voted 5-1-2010 by Art. 30 to authorize the Board of Selectmen to appoint a Town Administrator to replace the position of Town Coordinator. The word "Coordinator" was changed to "Administrator" in this subsection pursuant to said Art. 30.**

their impacts on nearby property values and on the scenic, historic, and environmental resources of the Town; and

- (3) Protect health and safety of the community, while allowing wind energy technologies to be utilized for citizens' general welfare.

B. Applicability.

- (1) This section applies to small wind energy facilities no greater than 750 kilowatts per hour of rated nameplate capacity in total that are proposed to be constructed after the effective date of this section.
- (2) For residential wind energy facilities, this section applies to facilities of no greater than 15 kilowatts per hour of measured capacity in total. With the exception of a net metering agreement between the owner of a residential wind energy facility and a utility company, residential wind facilities shall provide electricity only to the lot they are placed on. Experimental wind turbines shall not be tied into the utility electric grid.

C. Definitions.

A-WEIGHTED SOUND LEVEL (DBA) — A measure of overall sound pressure level designed to reflect the response of the human ear, which does not respond equally to all frequencies. It is used to describe sound in a manner representative of the human ear's response. It reduces the effects of the low frequencies with respect to the frequencies centered around 1,000 Hz. The resultant sound level is said to be A-weighted and the units are dBA.

C-WEIGHTED SOUND LEVEL (DBC) — Similar in concept to the A-weighted sound level (dBA), but C-weighting does not de-emphasize the frequencies below 1,000 Hz as A-weighting does. It is used for measurements that must include the contribution of low frequencies in a single number representing the entire frequency spectrum. Sound level meters have a C-weighting network for measuring C-weighted sound levels (DBC) meeting the characteristics and weighting specified in ANSI S1.43-1997 Specifications for Integrating Averaging Sound Level Meters for Type 1 instruments.

DAYTIME SOUND — The ambient sound level heard during the daytime between the hours of 7:00 a.m. and 7:00 p.m.

EXPERIMENTAL WIND FACILITY — A wind turbine and associated equipment that is used for experimental, demonstration, educational and/or research purposes that does not have a rated nameplate and is not connected to the electrical grid. Experimental wind facilities that are not anchored to an existing structure shall be considered temporary structures for the purposes of this bylaw.

FALL ZONE — An area surrounding the wind turbine into which the turbine and/or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure that shall remain unobstructed and confined

within the property lines of the primary parcel where the turbine is located at, the purpose being that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel and will not fall onto dwellings, accessory buildings, and will not intrude onto a neighboring property. The fall zone area shall be the circumference of the area around the turbine equal to the height of the turbine as measured from the bottom of the base of the tower to the tip of the wind turbine blade at its highest point.

**HEIGHT** — The height of a wind turbine measured from natural grade to the tip of the rotor blade at its highest point, or blade tip height.

**HERTZ** — Frequency of sound expressed by cycles per second.

**LOW FREQUENCY SOUND (LFN)** — Refers to sounds with energy in the lower frequency range of 20 to 200 Jz. LFN is deemed to be excessive when the difference between a C-weighted sound pressure level and an A-weighted sound pressure level is greater than 20 decibels at any measurement point outside or inside a sound sensitive receptor.

**MEASURED CAPACITY** — The maximum rated output of electric power production equipment. This output is typically measured by mathematical extrapolation of mean wind over voltage multiplied by resistance or test meters connected to the equipment.

**NIGHT TIME SOUND** — The ambient sound level heard during the nighttime between the hours of 7:00 p.m. and 7:00 a.m.

**QUALIFIED INDEPENDENT ACOUSTICAL CONSULTANT** — Qualifications for persons conducting baseline and other measurements and reviews related to a small wind energy facility application or for enforcement action against operational wind facilities include demonstration of competence in the specialty of sound testing and full membership in the Institute of Sound Control Engineers.

**RATED NAMEPLATE CAPACITY** — The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a "nameplate" on the equipment.

**RESIDENTIAL WIND ENERGY FACILITIES** — All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, storage, electrical collection and supply equipment, transformers, service and access roads, and one or more wind turbines, which have a measured capacity of 15 kW or less.

**SENSITIVE RECEPTOR** — Places or structures intended for human habitation, whether occupied or not, public parks, institutional uses (places of public assembly, churches, schools, health care facilities), state and federal wildlife areas, recreation areas used by the public.

**SHADOW FLICKER** — A repeating cycle of changing light intensity that occurs when shadows caused by the rotating blades of a wind turbine

pass over an object or across a window.**[Added STM 11-29-2012 by Art. 17]**

**SMALL WIND ENERGY FACILITIES** — All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, storage, electrical collection and supply equipment, transformers, service and access roads, and one or more wind turbines, which have a rated nameplate capacity of 750 kW or less.

**SPECIAL PERMIT** — A permit provided by the special permit granting authority for small wind energy facilities.

**SPECIAL PERMIT GRANTING AUTHORITY** — The special permit granting authority shall be the Planning Board, for the issuance of special permits to construct and operate small wind energy facilities.

**WIND MONITORING OR METEOROLOGICAL TOWER (MET TOWERS)** — A temporary tower equipped with devices to measure wind speeds and direction, used to determine how much wind power a site can be expected to generate.

**WIND TURBINE** — A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two or more blades.

D. General siting standards. Note moved to bylaw from regulations.

(1) Height.

- (a) Residential wind energy facilities shall be no higher than 35 feet above the current grade of the land to the tip of the wind turbine blade or 10 feet above the building structure which it is mounted to, including the tip of the wind turbine blade.
- (b) Small wind energy facilities shall be no higher than 225 feet above the current grade of the land, as measured from the bottom of the base of the tower to the tip of the wind turbine blade at its highest point.
- (c) The Planning Board may allow for a height up to 300 feet if all of the following conditions are met:
  - [1] The applicant demonstrating by substantial evidence that a greater height reflects industry standards for a similar sited wind facility;
  - [2] Demonstration that a greater height is necessary for the facility to be technically and financially feasible, to prevent financial hardship to the applicant; and
  - [3] The facility satisfies all other criteria for the granting of a special permit and site plan approval.

## (2) Setbacks.

- (a) Small wind facilities shall be set back a distance at least three times the total height of the wind turbine (as measured from the bottom of the base of the tower to the tip of the wind turbine blade at its highest point) from all inhabited structures, overhead utility lines, public roads or rights-of-way and property boundaries, provided that no setback shall be required from a building or buildings which are on the same parcel and which are served by the wind energy facility. The SPGA may reduce the minimum setback distance if written permission is granted by the entity with care and control over the affected asset.
- (b) Residential wind facilities shall be set back a distance equal to the total height of the wind turbine plus 25 feet from all inhabited structures, overhead utility lines, public roads or rights-of-way and property boundaries, provided that no setback shall be required from a building or buildings which are on the same parcel and which are served by the wind energy facility. No wind energy facility shall be erected within the front yard setback restriction of any residentially zoned parcel.

## E. Maintenance and removal. Note: moved to bylaw from regulations.

- (1) Maintenance. The owner shall maintain the wind energy facility conversion system in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and security measures.
- (2) Abandonment or decommissioning. Any wind energy facility conversion system which has reached the end of its useful life or has been abandoned shall be removed. A wind energy facility conversion system shall be considered abandoned when it fails to operate continuously for one year (excluding periods of shutdown for the purpose of flicker control) and the turbine owner has not notified the SPGA of the need to temporarily suspend operation for a period of time lasting past one year.
- (3) Removal plan. The applicant shall submit a detailed plan for the removal of the wind facility and restoration of the site to its preexisting condition upon abandonment or decommissioning. The removal plan shall be prepared by a qualified professional and include a detailed estimate of the anticipated removal and site restoration costs that includes a mechanism to account for inflation. Upon a notice of abandonment issued by the Building Commissioner, the wind energy system owner will have 30 days to provide sufficient evidence that the system has not been abandoned.



- F. Temporary wind monitoring towers (met towers). Wind monitoring or meteorological towers shall be permitted in all zoning districts subject to issuance of a building permit for a temporary structure and shall be limited to 18 months after construction has commenced.
- G. Approved wind turbines. Small wind turbines must be approved under an emerging technology program such as the California Energy Commission, International Electrotechnical Commission, or any other small wind certification program recognized by the American Wind Energy Association (AWEA) or the U.S. Department of Energy.
- H. Special permit criteria for small wind energy facilities.
  - (1) Special permits shall be granted by the SPGA only upon its written determination that the proposed use or structure(s) shall not cause substantial detriment to the neighborhood, or the Town, taking into account the characteristics of the site and the proposal in relation to the site. In addition to any specific factors that may be set forth elsewhere in this bylaw and its associated regulations, such determination shall include consideration of each of the following:
    - (a) Social, economic, or community needs which are severed by the proposal;
    - (b) Traffic flow and safety, including parking and loading;
    - (c) Adequacy of utilities and other public services;
    - (d) Neighborhood character;
    - (e) Impacts on the natural environment; and
    - (f) Potential fiscal impact, including impact on Town services, tax base and property values.
  - (2) The SPGA's determination for each of the six criteria shall be set forth in the special permit decision as findings of fact.
- I. Expiration and renewal.
  - (1) Special permits and/or building permits issued pursuant to this bylaw shall expire if:
    - (a) The wind energy system is not installed and functioning within 24 months from the date the permit is issued; or
    - (b) The wind energy system is abandoned (failure to continuously operate for one year, excluding periods of shutdown for the purpose of flicker control), and the owner has not notified the SPGA of the need to temporarily suspend operation.
  - (2) Special permits for small wind energy facilities shall automatically expire after five years from the date of SPGA approval. Current

owners wishing to renew the special permit must seek approval from the SPGA before the use is allowed to continue.

- J. Regulations. The SPGA may periodically adopt or amend rules and regulations for the implementation of this section by majority vote for the purpose of setting forth performance standards for sound levels and shadow flicker, as well as requirements for sureties and insurance for small wind energy facilities.
- K. Severability. The provisions of this bylaw are severable, and the invalidity of any section, subdivision, paragraph, or other part of this bylaw shall not affect the validity or effectiveness of the remainder of the bylaw.

**§ 205-40.1. Large-scale solar photovoltaic installations. [Added STM 11-27-2018 by Art. 12]**

- A. Purpose. The purpose of this section is to facilitate the creation of new large-scale solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on environmental, scenic, natural and historic resources, and to provide adequate financial assurance for the eventual decommissioning of such installations.
- B. Applicability. Subject to the requirements below, large-scale ground-mounted solar photovoltaic installations are permitted by special permit in the residential zoning districts (R-I, R-II and R-III) and commercial zoning districts (C-I and C-II) and upon site plan approval from the Planning Board. For this use, the Planning Board shall be the special permit granting authority (SPGA). Large-scale ground-mounted solar photovoltaic installations are not allowed in the industrial zoning districts (I-I and I-II) or in the Village Center Zoning District (VC). Further, such installations shall not be allowed on:
  - (1) Properties that are currently undergoing active remediation for hazardous waste contamination. Formerly contaminated sites that have obtained "permanent solution" status from the Massachusetts Department of Environmental Protection may be considered suitable for ground-mounted large-scale solar installations depending upon the stipulations attached to said status.
  - (2) Properties where in order to construct the large-scale ground-mounted solar facility, it will be necessary to disturb an amount of land (either earth removal or placement of fill) that will trigger the need to obtain an earth removal and/or placement of fill permit under the Town's Earth Removal and Placement of Fill Bylaw (Chapter 97, Article III).

Large-scale roof-mounted solar photovoltaic installations are allowed by right in all zoning districts upon site plan approval from

the Planning Board, and upon receipt of a report by a qualified structural engineer that documents the roof is capable of supporting the solar array.

Residential-scale solar photovoltaic installations are allowed by right in all zoning districts upon obtaining a building permit from the Building Commissioner.

- C. Special permit criteria: The SPGA must make all of the following findings in order to grant a special permit for a large-scale ground-mounted solar installation:

- (1) The proposed use is appropriate on the site in question.
- (2) The proposed use will not be unduly detrimental to the health, safety or welfare of the community or neighborhood by reason of noise, traffic, pollution, visual impact, or demand on community services.

- D. Reasonable conditions: The SPGA may impose any conditions upon its granting of a special permit deemed necessary to achieve the purpose of this bylaw, such as, but not limited to, the following:

- (1) Greater than minimum setback requirements;
- (2) Modification of exterior appearance;
- (3) Limitation of size or extent of facilities;
- (4) Regulation of traffic and site plan features;
- (5) Screening of premises from view by use of appropriate walls, fencing or buffer strips;
- (6) Limitation of sound levels;
- (7) Additional design and siting modifications where appropriate.

- E. Utility notification. When submitting a site plan to the Planning Board for a large-scale solar installation, the applicant shall submit evidence at the time of the application that the utility company operating the electrical grid where the installation is to be located has been informed of the applicant's intent to construct a solar photovoltaic installation and that approval to connect to the grid has been granted or appropriate application(s) have or will be made to such utilities for interconnection.

- F. Buffers and setbacks.

- (1) Buffer strips. All large-scale ground-mounted installations shall be surrounded by a buffer strip which shall be 100 feet from all abutting properties zoned for residential use. For large-scale ground-mounted solar installations that abut commercial and/or industrial zoning districts, this setback shall be reduced to 50 feet.

Buffer strips shall not be disturbed and left in their natural state. The Planning Board may require the applicant to plant additional vegetation within the buffer strips to better screen the use from abutters.

- (2) Setbacks. All large-scale ground-mounted installations (including all panels, inverters, transformers and all other associated equipment) shall be set back a minimum of 50 feet from all lot lines (front, rear and sides). The setbacks shall be measured from the lot lines to the fence enclosing the solar array.
- (3) Lot coverage limitation: Large-scale ground-mounted installations shall not cover more than 50% of the lot on which it is situated. Lot coverage includes the land covered by solar panels and all associated equipment.

G. Design standards.

- (1) Lighting and security. Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as any appurtenant structures, shall be limited to that required for safety and operational purposes and shall be reasonably shielded from abutting properties. Where feasible, any required lighting shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution. Surveillance and security cameras shall be shielded from viewing abutting private property or invading the privacy of any abutting residential property owner.
- (2) Signage. All signs shall comply with the Zoning Bylaw and shall not be used for displaying any advertising except to identify the owner and/or operator of the solar installation and a twenty-four-hour emergency contact telephone number.
- (3) Land clearing. Clearing of natural vegetation shall be limited to what is necessary for construction, operation and maintenance of the installation. Any land disturbance shall be subject to stormwater management criteria and by applicable laws, regulations and bylaws.
- (4) Visual impact. Any large-scale ground-mounted solar photovoltaic installation shall be designed to minimize visual impacts, including preserving natural vegetation to the maximum extent possible, blending in equipment with the surroundings, and adding vegetative buffers to screen abutting residential properties whether developed or not. Siting shall be such that the view of the solar electric generating installation from other areas of Town shall be as minimal as possible. Buffer strips shall surround the proposed project. A screening plan, that assures the facility is shielded to the greatest extent possible from public view, shall be required to be reviewed under the site plan review.

- (5) Access roads. All access roads and interior roads shall be constructed to minimize grading, removal of stone wall or trees, and to minimize impacts to environmental or historic resources.
  - (6) Hazardous materials. Hazardous materials that are stored, used or generated on site shall not exceed the amount for a "very small quantity generator of hazardous waste" as defined by the Department of Environmental Protection (DEP) pursuant to 310 CMR 30.000. Any applications of herbicides, or pesticides shall be conducted in accordance with the Massachusetts Department of Agriculture regulations.
- H. Additional site plan requirements. In addition to the provisions set forth above, special permit applicants for large-scale ground-mounted solar projects shall comply with all provisions of the Planning Board's site plan approval regulations, unless specifically waived by the Planning Board.
- I. Discontinuance and removal.

Removal requirements: Any large-scale solar photovoltaic installation, or any substantial part thereof, not used for a period of one continuous year or more without written permission from the SPGA, or that has reached the end of its useful life, shall be considered discontinued, and shall be removed. Upon written request from the Zoning Enforcement Officer addressed to the contact address provided and maintained by the owner or operator as part of the special permit application, the owner or operator shall provide evidence to the Zoning Enforcement Officer demonstrating continued use of the solar facility. Failure to provide such evidence within 30 days of such written request shall be conclusive evidence that the installation has been discontinued. Anyone intending to decommission and/or remove such an installation shall notify the SPGA and Zoning Enforcement Officer by certified mail of the proposed date of discontinued operations and plans for removal.

The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. Removal shall consist of:

- (1) Physical removal of all parts of and appurtenances to the solar photovoltaic installation, including structures, equipment, security barriers and transmission lines from the site.
- (2) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (3) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- (4) Gravel or ground cover consistent with landscape.

If the owner or operator of the solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section, the Town shall have the right, to the extent it is authorized by law, to enter the property and remove the installation at the expense of the owner of the installation and the owner(s) of the site on which the facility is located.

- J. Financial surety. Proponents seeking to construct and operate a large-scale ground-mounted solar photovoltaic installation shall provide, prior to construction, surety in form and amount satisfactory to the SPGA, which may be an escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the solar array and remediate the landscape. Such surety will not be required for municipally or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal (minus salvage value), prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation. The SPGA may require that the amount of surety be increased as required during the life of the installation.

**§ 205-41. Medical marijuana treatment center/registered marijuana dispensary (RMD). [Added ATM 5-4-2013 by Art. 37; amended ATM 5-3-2014 by Art. 35]**

- A. Local standards. An RMD shall comply with the locational standards set forth in regulations promulgated by the DPH, 105 CMR 725.110(A)(14).
- B. Operational standards.
- (1) All RMDs shall operate in full compliance with the regulations promulgated by the DPH as provided in 105 CMR 725.000.
  - (2) RMDs which wish to produce edible marijuana-infused products at their RMD must receive Board of Health approval for food processing and preparation.
- C. Necessary permits and approvals. An RMD shall require both a special permit and site plan approval. The Planning Board is the special permit granting authority (SPGA) for such uses. The application and public hearing process for the special permit and site plan approval shall be conducted concurrently by the SPGA. In evaluating a special permit application for an RMD, the SPGA shall not issue a permit unless the SPGA makes a finding that the RMD use is appropriate for the proposed site and that the use will not be unduly detrimental to the health, safety, morals or welfare of the community or neighborhood by reasons of noise, traffic, pollution, noxious gases or wastes, or demand on community services. In its final decision, the SPGA shall stipulate any conditions it deems necessary to ensure that the use will not become unduly detrimental to the Town.
- D. Additional site plan requirements.

- (1) All site plans for an RMD shall include a ten-foot nonvegetative buffer around all parking areas and buildings.
  - (2) Interior building plans for a registered medical marijuana dispensary shall be submitted to and reviewed by the Building, Police and Fire Departments.
- E. Special permit terms. A special permit granted under this section shall expire within two years of the date of permit issuance. Prior to the expiration of the special permit, the applicant may request a renewal of the special permit for an additional two-year period. Said renewal shall not require the applicant to go through the site plan approval process, provided that conditions of the site and RMD have not changed materially from the original application.
- F. Transfer of special permit. The special permit shall have a term limited to the duration of the applicant's ownership of the premises as an RMD. A special permit may be transferred only with the approval of the SPGA in the form of a modification of the original special permit and with all information required in this section and the Planning Board's Site Plan Rules and Regulations. No transfer may be approved unless it is also approved by the DPH.

**§ 205-41.1. Temporary moratorium on the sale and distribution of recreational marijuana. [Added STM 11-28-2017 by Art. 13]**

- A. Purpose: By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for recreational purposes. The law took effect on December 15, 2016, and (as amended by Chapter 351 of the Acts of 2016) requires the Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018, and begin accepting applications for licenses on April 1, 2018. Currently under the Zoning Bylaw, non-medical marijuana establishments (hereinafter "recreational marijuana establishments") as defined in MGL c.94G, § 1 are not a permitted use in the Town of Westminster. Any regulations promulgated by the State Cannabis Control Commission are expected to provide guidance to the Massachusetts municipalities in regulating recreational marijuana establishments. Further, the Act establishes a provision that involves ballot action by the Town whereby the Town may, by ballot, determine whether it will prohibit recreational marijuana establishments within the Town. The regulation of recreational marijuana establishments raises novel and complex issues in terms of legality, planning, and public safety, and the Town needs time to study how best to address these issues. Further, the Town needs time to assess the potential impact of the state regulations on local zoning and to undertake a planning process that will consider amending the Zoning Bylaw regarding regulation of recreational marijuana establishments and other uses related to the regulation of recreational marijuana. The Town intends to adopt a temporary moratorium on the use of land and

structures in Westminster for recreational marijuana establishments so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses and to adopt zoning provisions in a manner consistent with state law, sound land use planning goals and objectives.

- B. Definitions. As used in this section, the following terms shall have the meanings indicated:

MANUFACTURE — To compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

MARIJUANA ACCESSORIES — Equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

MARIJUANA CULTIVATOR — An entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

MARIJUANA ESTABLISHMENT — A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

MARIJUANA PRODUCT MANUFACTURER — An entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

MARIJUANA PRODUCTS — Products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

MARIJUANA RETAILER — An entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

MARIJUANA TESTING FACILITY — An entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

- C. Temporary moratorium. For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for recreational marijuana establishments. The moratorium shall be in effect through December 31, 2018. During the



moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the Cannabis Control Commission regulations regarding recreational marijuana establishments and related uses, determine whether the Town shall, by ballot measure, restrict any, or all, recreational marijuana establishments, and shall consider adopting new provisions of the Zoning Bylaw to address the impact and operation of recreational marijuana establishments and related uses.

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

**§ 205-42. Home occupations. [Added ATM 5-6-2017 by Art. 38]**

A. Purpose and intent.

- (1) Conducting limited business activity from home has become more feasible and more widespread with modern technology and telecommunications. Residents of Westminster should have the ability to conduct reasonable business activities from home that are ancillary to the residential use and that will not be visible to the neighborhood or result in a negative impact.
- (2) The purpose of this section is to set forth reasonable performance standards for home occupations that will ensure that such uses are compatible with surrounding permitted uses, do not adversely affect property values, and do not create any significant adverse impact on the quiet enjoyment of a residential neighborhood by others residing in the vicinity.

B. Home occupations: types.

- (1) Contractors: home-based: the use of a portion of a dwelling or accessory building thereto by a resident builder, carpenter, painter, plumber, mason, electrician or other artisan or by a resident tree surgeon or landscape gardener for incidental work and storage in connection with their off-premises occupation, provided that there is no external change which alters the residential appearance of the buildings, and further provided there is no exterior storage of goods or materials.
- (2) Home office: the use of a portion of a dwelling or accessory building as an office for a resident physician, dentist, attorney-at-law, architect, engineer or member of other recognized profession similar to the aforementioned, provided that there is no external change which alters the residential appearance of the buildings, and further provided there is no exterior storage.

- (3) Home sales: the use of a portion of a dwelling or accessory building thereto by the residents of the dwelling for an office or for the sale of antiques or like merchandise, provided that there is no exterior storage, that all work or sale of goods is carried on inside a building and further provided there is no external change which alters the residential appearance of the buildings.
  - (4) Home personal services: the use of a portion of a dwelling or accessory building thereto by a resident service provider for personal services such as barbershops, beauty shops and like services, provided there are no external changes which alter the residential appearance of the buildings.
- C. Performance standards. All home occupations must register with the Building Commissioner who will verify that the occupation is in compliance with the following performance standards:
- (1) The home occupation shall be conducted within a detached single-family dwelling or in an accessory building on the same property. If within the single-family dwelling, the total area devoted to the home occupation shall not exceed one-third (33%) of the dwelling's gross floor areas.
  - (2) The home occupation must be operated by the resident occupant of the dwelling and may not employ more than three full-time equivalent persons on site who are not residents therein.
  - (3) There shall be no evidence of the occupation through persistent or excessive sound, or through vibration, smell, or sight discernable at the boundaries of the premises.
  - (4) Not more than one commercial vehicle shall be regularly parked outdoors on the premises. Such vehicles shall not weigh more than 15,000 pounds nor have more than two axles.
  - (5) Traffic and parking generated by the home occupation shall not be more disruptive to the neighborhood than traffic normally resulting from residential development considering volume, type, hours and other traffic characteristics.
  - (6) The portion of any structure utilized for the home occupation shall conform to all applicable fire, building, electrical, plumbing and health codes.

**§ 205-43. Site plan review. [Amended ATM 5-3-2005 by Art. 44<sup>18</sup>]**

- A. Purpose. The purpose of site plan approval is to promote public health, safety, and welfare by encouraging the laying out of parking, circulation, and buildings in a safe and convenient manner; to ensure

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**18. Editor's Note: This article also repealed former 205-34, Certain parking lots subject to review, as amended STM 3-15-1989 by Art. 7.**

that new developments are designed to protect and enhance the visual and environmental qualities of the Town, and to provide for an adequate review of development plans which may have significant impacts on traffic, drainage, Town services, environmental quality and community character.

- B. Applicability. Site plan approval shall be required for commercial, business, industrial, office, multiple dwelling residential structures, municipal, institutional, utility, fraternal or recreational purposes. No permit for construction, exterior alteration, relocation, occupancy, or change in use of any building shall be given and no existing use shall be extended unless site plan approval has been granted by the Planning Board. Site plan approval shall also be required for the resumption of any use discontinued for more than two years or for the expansion of any existing use. Expansion shall include any increase in floor space of 25% or more within a ten-year period.
- C. Exemptions.
  - (1) The following shall not require site plan approval:
    - (a) In all zones, normal maintenance or repair of any building or accessory structure.
    - (b) Customary home occupations.
    - (c) The construction or enlargement of any single-family dwelling or building accessory to such dwelling.
  - (2) The Planning Board may vote to waive the applicant's need to submit an application for site plan review under these provisions if the Board determines the proposed changes to the site are minimal and do not require site plan review.
- D. Procedures.
  - (1) Applications shall be filed by the petitioner with the Planning Board at a regularly scheduled Planning Board meeting. Once the application is deemed complete, the Planning Board will mark the application received and notify the Town Clerk. Applications shall be filed with eight prints of the plans.
  - (2) Upon receipt of the site plan application, the Planning Board shall transmit one copy each to the Inspector of Buildings, the Selectmen, the Police Chief, the Fire Chief, the Conservation Commission, the Director of Public Works and any other department the Planning Board deems appropriate. Such agencies shall, within 25 days of receiving such copy, report to the Planning Board about their concerns and questions. Agencies may recommend conditions or remedial measures to accommodate or to mitigate the expected impacts of the development. Failure of such agency to respond within 25 days shall be construed as

nonopposition by that agency. The Planning Board shall not render a decision until it has received all board reports or said 25 days has elapsed.

- (3) Public meeting. The Planning Board will schedule the review of the site plan at a regularly scheduled Planning Board meeting within 35 days after receipt thereof. A decision regarding the site plan shall be rendered within 30 days after the close of the site plan review. The Planning Board shall notify the applicant, in writing, of its decision. The decision of the Planning Board shall be upon a majority vote of those present. The required time limits for a public meeting and for said action may be extended by written agreement between the applicant and the Planning Board.
  - (4) Outside consultants. The Planning Board may hire outside consultants, at the expense of the applicant, to review the plan for conformance with the requirements of the Board.
- E. Plans. Site plans shall be submitted according to the specifications set forth in the Site Plan Rules and Regulations of the Planning Board.
- F. Decision. Site plan approval shall be granted upon determination by the Planning Board that new buildings or other site alterations have been designed in the following manner, after considering the qualities of the specific location, the proposed land use, the proposed building form, grading, egress points, and other aspects of the development.
- (1) The proposal shall comply with the purpose and intent of the Zoning Bylaw and with existing local and regional plans.
  - (2) The development shall be integrated into the existing terrain and surrounding landscape and shall be designed to protect abutting properties and community amenities. To the extent possible, building sites shall be designed to minimize the use of wetlands, steep slopes, floodplains, hilltops; minimize obstruction of scenic vistas from publicly accessible locations; preserve unique natural, scenic and historic features; minimize tree, soil and vegetation removal; and maximize open space retention.
  - (3) Architectural style shall be in harmony with the prevailing character and scale of buildings in the neighborhood and the Town through the use of appropriate building materials, screening, breaks in the roof and wall lines, and other architectural techniques. Proposed buildings shall relate harmoniously to each other.
  - (4) Adequate measures shall be proposed to prevent pollution of surface and ground water, to minimize erosion and sedimentation, to prevent changes in groundwater levels, to minimize potential for flooding, and to provide for stormwater drainage consistent with the functional equivalent of the Planning Board's Subdivision Rules and Regulations.<sup>19</sup>

- (5) Roadways and circulation systems shall be designed to promote convenience and safety for both pedestrians and vehicles. Access roads by which the proposed development is reached shall be adequate in width, grade and construction to carry, without danger or congestion, the additional traffic that is generated from the development.
  - (6) Adequate buffers shall be provided to protect abutting properties from lighting, sight, sound, dust and vibration.
  - (7) Adequate facilities shall be provided for water supply and for handling and disposal of waste and other production by-products.
  - (8) Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment.
- G. Conditions. The Planning Board may impose reasonable conditions to ensure such conformance, including such conditions, safeguards and limitations on time and use upon the applicant, developer and/or operator(s) of the site as the Planning Board may deem to be necessary to assure harmony with the intent of the Zoning Bylaw, including, but not limited to, the following:
- (1) Requirements that parking areas or other parts of the premises be screened from adjoining properties or from the street by walls, fences, planting or other devices.
  - (2) Modification of the location or of the exterior features of any and all structures on the site.
  - (3) Limitation on the hours of operation of outdoor lighting.
  - (4) Off-site traffic improvements to accommodate traffic generated by the proposed development.
- H. Regulations. The Planning Board may periodically adopt or amend rules and regulations for the implementation of this section by majority vote of the Planning Board.

## ARTICLE X

**Signs****§ 205-44.1. Compliance required.**

No signs or advertising devices of any kind or nature shall be erected on any premises or affixed to the outside of any structure or be visible from the outside of any structure in Westminster, except as specifically permitted in this section.

**§ 205-44.2. Residential districts.**

A. The following signs shall be permitted:

- (1) One sign, except for mailbox identification, the letters of which shall not exceed four inches in height and shall identify only the box holder, displaying the street number, or name of the occupant of premises, or both, not exceeding two square feet in area. Such sign may be attached to a building or may be on a rod or post not more than six feet high and not less than 10 feet from the street line. Such sign may include identification of an accessory studio or professional office in the dwelling or on the premises, or may identify other permitted accessory uses, including customary home occupations.
- (2) One bulletin or announcement board or identification sign for a permitted nonresidential building or use, with not more than six square feet of signboard area. For churches and institutions, two bulletin or announcement boards or identification signs are permitted for each building. Each such church or institution sign shall have not more than 10 square feet of signboard area. No such signs shall be located nearer street than one-half (1/2) the required front yard depth.
- (3) On the premises with a lawfully nonconforming nonresidential use, one sign with not more than six square feet of signboard area.
- (4) Two "for sale" or "for rent" or "for lease" signs with not more than six square feet of signboard area each and advertising only the premises on which the sign is located.
- (5) Two building contractor's signs on a building while actually under construction not exceeding six square feet of signboard area each.

B. In residential districts, all signs or advertising devices shall be stationary and shall not contain any visible moving or movable parts. No sign or advertising device in such districts shall be of neon or illuminated-tube type. Lighting of any sign or advertising device shall be continuous (not intermittent nor flashing nor changing) and shall be so placed or hooded as to prevent direct light from shining onto any street or adjacent property. No sign or advertising device shall be illuminated after 11:00 p.m.

**§ 205-44.3. Commercial and industrial districts.**

- A. In commercial and industrial districts, signs shall relate to the premises on which they are located and shall only identify the occupancy of such premises or advertise the articles or services available within said premises.
- B. In commercial and industrial districts, there shall be no temporary or permanent special promotion signs, banners, streamers or placards erected, suspended, posted or affixed in any manner outdoors or on the exterior of any building except for public or institutional purposes.
- C. On each lot in a commercial or industrial district, there is permitted one sign affixed to the exterior of a building, for each occupant. The top edge of each such sign shall be not higher than the roof ridge of the building, or the highest point of the roof, if no ridge pole, nor higher than the plate of a flat roof.
- D. Signs permitted in commercial and industrial districts shall not have more than 100 square feet of signboard area per sign, nor more than three-fourths (3/4) of the length of the face of the building on which the sign is affixed.
- E. In commercial and industrial districts where buildings are set back 40 feet or more, one freestanding sign per lot is permitted. The top edge of any such freestanding sign shall be not higher than 25 feet vertical measured above the average level of the ground between the supports of each sign. For traffic safety, the whole of the signboard or display elements of any freestanding sign shall be either below three feet in height or above 10 feet in height above average ground level. Any such freestanding sign may be located within the front yard space, if any are on such lot, but not nearer than 12 feet to any lot line.
- F. No freestanding sign shall have a signboard area (or display area, if no signboard) exceeding 100 square feet gross area, measured from the tops of the topmost display elements and from exterior side to exterior side of display elements, and including in such measurements any blank space between display elements. No display or signboard dimension shall exceed 16 feet for a freestanding sign.
- G. Illuminated signs are permitted, subject to the following conditions:
  - (1) No sign shall be intermittently illuminated nor be of a traveling-light, animated or flashing-light type.
  - (2) Each steadily illuminated sign shall not exceed 100 square feet gross display area as measured in Subsection E above.
- H. Sign illumination is permitted only between the hours of 7:00 a.m. in the morning and 11:00 p.m. in the evening, except that signs of commercial or industrial establishments may be illuminated during any hours these establishments are open to the public or in operation.

- I. In any commercial or industrial district, for any building in excess of 40,000 square feet of gross floor area, the requirements of Subsections C, D and E may be increased by 10 square feet for each 10,000 square feet of gross floor area in excess of 40,000 square feet gross floor area.

**§ 205-44.4. Illuminated signs.**

In all zoning districts, for safety reasons, any private outdoor lighting fixture, whether temporary or permanent, other than gaseous tube letters in signs, shall be so placed or hooded so that no light beams shall be directed at any point beyond the lot lines of the premises illuminated.

**§ 205-44.5. Nonconforming signs.**

All nonconforming signs shall conform to the requirements of § 205-44.3G(1) of this chapter within one year of the date of adoption of this chapter, for safety reasons. All signs shall conform to all other regulations of this Article X within seven years of the date of adoption of this chapter, except that signs in residential districts on legally nonconforming uses shall be required to conform to Article X this chapter as if they were located in a district in which the use was permitted as a matter of right.

**§ 205-44.6. Real estate signs and building contractors signs in commercial and industrial zones and on acreage over five acres.**

- A. For commercial, industrial or acreage over five acres in any zone, two "for sale," "for rent" or "for lease" signs, with not more than 32 square feet signboard area and advertising only the premises on which the sign located shall be permitted.
- B. For commercial, industrial or acreage over five acres two building contractor's signs not more than 32 square feet each signboard area, while actually under construction, shall be permitted.

**§ 205-45. (Reserved)**





ARTICLE XI  
**(Reserved)**<sup>20</sup>

**§ 205-46. (Reserved)**

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**20. Editor's Note: Former Article XI, Floodplain and/or Wetland Protection District, as amended, was repealed STM 11-28-2017 by Art. 14.**



ARTICLE XII  
**Appeals and Board of Appeals**

**§ 205-47. Variances. [Added STM 10-2-1978 by Art. 9]**

The Board of Appeals shall have the power, after public hearing and notice as required by MGL C. 40A, to grant upon appeal or upon petition with respect to particular land or structures a variance from the terms of this chapter, expressly including variances for use or activity not otherwise permitted in the district in which the land or structure is located, upon a specific finding that, owing to circumstances related to soil conditions shapes or topography of such land or structures and especially affecting such land or structures, but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this chapter would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this chapter.

**§ 205-48. Board of Appeals; membership; powers. [Amended STM 10-2-1978 by Art. 1; STM 3-15-1989 by Art. 7]**

As provided by the Massachusetts General Laws, there shall be in Westminster a Board of Appeals. Such Board of Appeals shall consist of three members and four associate members, all of whom shall be appointed by the Selectmen in a manner specified in the Massachusetts General Laws. Such Board members shall have and exercise the powers applicable under said Massachusetts General Laws. The Board of Appeals shall act as the permit granting authority and as special permit granting authority designated by MGL C. 40A.

**§ 205-49. Appeals. [Amended STM 10-2-1978 by Art. 1]**

An appeal to the Board of Appeals may be taken by any person aggrieved by reason of his or her inability to obtain a permit or enforcement action from any administrative officer under the provisions of MGL C. 40A, by the regional Planning Agency, by any persons, including an officer or board of the Town, or of an abutting city or Town aggrieved by an order or decision of the Building Inspector or other administrative official in violation of any provision of MGL C. 40A or this chapter.

**§ 205-50. Special permits. [Added STM 10-2-1978 by Art. 1]**

- A. Except as otherwise provided for in Article IX, special permits, as provided for in Article VI, shall only be issued or denied by the Board of Appeals following a public hearing held within 65 days after filing of an application for a special permit with the Town Clerk and upon a finding by the Board that the use request is appropriate on the site

in question and that the use will not be unduly detrimental to the health, safety, morals or welfare of the community or neighborhood by reason of noise, traffic, pollution or demand on community facilities or utilities. The Board, in issuing any special permits, shall stipulate any conditions it deems necessary to ensure that the use will not become unduly detrimental to the Town or area in which it is located.

- B. A special permit granted by the Board shall lapse within two years, which shall not include such time required to pursue or await the determination of an appeal if one is taken, from the grant thereof, if a substantial use thereof has not sooner commenced, except for good cause or, in the case of permit for construction, if construction has not begun by such date, except for good cause. **[Amended STM 11-29-2012 by Art. 16]**

**§ 205-51. Lapse of variance. [Added STM 10-2-1978 by Art. 1]**

If the rights authorized by a variance are not exercised within one year of the date of the grant of such variance, they shall lapse.

ARTICLE XIII  
**Amendments**

**§ 205-52. Amendment procedure. [Amended STM 10-2-1978 by Art. 1]**

- A. This zoning chapter may be amended by one of the following submitting the proposed amendment to the Board of Selectmen:
- (1) The Board of Selectmen.
  - (2) The Zoning Board of Appeals.
  - (3) An individual owning land to be affected by the amendment.
  - (4) Request of registered voters of a Town pursuant of MGL C. 39, § 10.
  - (5) The Planning Board.
  - (6) The Regional Planning Agency.
- B. The Board of Selectmen shall, within 14 days of receipt of a proposed amendment, submit it to the Planning Board for review, public hearing, and report with recommendations, pursuant to MGL C. 40A, § 5.

**§ 205-53. Change in boundary descriptions.**

If geographic change of a zoning boundary description is proposed, words of boundary description change for insertion in the warrant shall be accompanied by a brief written statement of the nature, extent and location in the Town of the Zoning Map change proposed together with three blackline prints of a diagram to scale showing the area to be changed, stating pertinent dimensions in feet.

**§ 205-54. Costs for hearing and notices. [Amended STM 10-2-1978, Art. 1]**

The costs of publication and of mailing of notices of public hearing and the costs of holding such zoning hearing and of making public record of the proceedings at such public hearing, if such a record be made, shall be paid by the Planning Board, but the Planning Board may determine whether a fee to cover such costs shall be required of zoning amendment proponents.



## ARTICLE XIV

**Enforcement; Violations and Penalties****§ 205-55. Zoning permit required. [Amended STM 10-2-1978 by Art. 1]**

No building shall be erected, altered or moved in the Town without a written permit issued by the Building Inspector. Permits shall be applied for in writing. The Building Inspector shall not issue any such permit unless the plans for the building and the intended use thereof in all respects fulfill the provisions of this chapter, except as may have been specifically permitted otherwise by action of the Board of Appeals, provided that a written copy of the terms governing any such permission be attached to the application and to the resulting building permit issued. One copy of each such permit, as issued, including any conditions or exceptions attached thereto, shall be kept on file in the office of the Building Inspector. This provision shall not apply to alterations of less than \$2,000.

**§ 205-56. Plot plans.**

Each application for a permit to build, alter or move a building shall be accompanied by a plot plan in such number of copies and drawn to such scale as is required by the Building bylaws of the Town. Each such plot plan shall show dimensions and areas of lots and of structures to be erected, altered or moved and adjacent streets or angles of all lot lines shown thereon, and also of any streets or ways. Such plot plans shall also indicate approved street grades and proposed elevations of the tops of foundations, the locations of existing sanitary sewers, storm drains and water pipes in any street shown and the locations of all existing buildings and structures within the application area, provided that the cost of said construction exceeds \$500.

**§ 205-57. Enforcement officer; notice. [Amended STM 10-2-1978 by Art. 1; ATM 5-3-2005 by Art. 47]**

This chapter shall be enforced by the Building Inspector or other person designated by the Board of Selectmen. The Building Inspector, upon being informed, in writing, of a possible violation of this chapter or on his own initiative shall make or cause to be made an investigation. After investigation and inspection, he shall give written notice of such premises. The Building Inspector shall demand in such notice that such violation is abated within a reasonable time, designated therein by the Building Inspector. Such notice and demand may be given by mail addressed to the owner at the address appearing for him on the most recent real estate tax records of the Town and to the occupant at the address of the premises of such seeming violation. A copy of said notice shall be filed with the Board of Selectmen. The Building Inspector shall also comply with the notice requirements in MGL C. 40A, § 7.



**§ 205-58. Failure to abate. [Amended STM 10-2-1978 by Art. 1]**

If, after such notice and demand, such violation has not been abated within the time specified, the Building Inspector shall institute appropriate action or proceedings in the name of the Town to prevent, correct, restrain or abate any violation of this chapter. Penalties as specified in § 205-58 shall begin immediately upon expiration of the time specified for abatement by the Building Inspector if such abatement has not taken place.

**§ 205-59. Violations and penalties. [Amended STM 10-2-1978 by Art. 8; ATM 5-3-1997 by Art. 34]**

Any violation of any provision of this chapter or of any regulation by the Town Health Officer pursuant to this chapter shall be punished by a fine of not more than \$300. Each violation and each day of violation shall constitute a separate offense, punishable by fine as aforesaid.

**§ 205-60. Noncriminal disposition. [Added STM 11-18-2014 by Art. 14]**

In addition to the provisions of enforcement listed above, the Building Commissioner may, in his discretion, enforce the provisions of the Zoning Bylaw by noncriminal disposition pursuant to MGL c. 40, § 21D. Each day on which a violation exists shall be deemed to be a separate offense. Noncriminal citations may be appealed to Gardner District Court or Worcester County Housing Court in accordance with MGL c. 40, § 21D. The penalty for violation of any provision of the Zoning Bylaw pursuant to this section shall be \$50 for the first offense; \$75 for the second offense; \$100 for the third offense; and \$125 for the fourth and each subsequent offense.

**WESTMINSTER PLANNING BOARD**  
**RULES AND REGULATIONS**  
**FOR**  
**SITE PLAN APPROVAL**



**September 2005**

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# **SITE PLAN APPROVAL RULES AND REGULATIONS**

## **Westminster Planning Board**

Adopted: September 2005

## **SECTION 1. GENERAL PROVISIONS**

### ***1.1 Purpose.***

Site Plan Approval Rules and Regulations are hereby adopted to establish the procedures and requirements for submitting site plans; and to notify applicants of the review criteria for site plans.

### ***1.2 Authority.***

Under the authority vested in the Planning Board of the Town of Westminster the Board hereby adopts these Rules and Regulations.

### ***1.3 Applicability.***

Any development requiring Site Plan Approval shall comply with the provisions of these Rules and Regulations. In accordance with the Site Plan Review Bylaw, if there is a question about whether a project requires Site Plan Review, the Planning Board shall determine if Site Plan Approval is required for a proposed development.

### ***1.4 Waivers.***

A waiver of strict compliance from these Rules and Regulations may be granted if the Planning Board determines that such a waiver is in the public interest and not inconsistent with the intent and purpose of these Rules and Regulations and the Westminster Zoning Bylaw. All requests for waivers shall be submitted in writing with the site plan application. All requests shall identify the provision or provisions of the regulations from which relief is sought. The request shall also include a statement explaining why the applicant thinks that granting a waiver would be in the public interest and not inconsistent with the purpose and intent of these Rules and Regulations and the Zoning Bylaw.

### ***1.5 Amendments.***

These Rules and Regulations may be amended by a majority vote of the Planning Board after a public hearing duly advertised once in a paper of general circulation in the Town of Westminster no less than seven days prior to the date of the public hearing.

### ***1.6 Effective Date.***

The effective date of any amendment to the Site Plan Rules and Regulations shall be the date these Regulations and any such amendments are filed with the Westminster Town Clerk.

## **SECTION II. SITE PLAN PROCEDURES**

### ***2.1 Site Plan Submission Requirements.***

All Site Plans shall be prepared by a registered architect, landscape architect, or professional engineer. All Site Plans shall be on standard 24" by 36" sheets, be prepared at a scale of 1" = 40', with continuation on 8 1/2" by 11" sheets as necessary for written information. Items required for submission include the following:

- 2.1.1 The project name, north arrow, date, scale, name and address of record owner and applicant, engineer, architect and their proper seals of registration. Names of all abutters within 300 feet of the site boundaries as determined from the latest tax records. If the property owner is not the applicant, a statement of consent from the property owner should be included with the application.
- 2.1.2 Existing and proposed topography at a minimum contour interval of two feet, including all wetlands and the 100' buffer, streams, water bodies, drainage swales, areas subject to flooding, significant trees, historic features, and unique natural land features. The delineation of the River's Protection Act (200'), where applicable.
- 2.1.3 The dimensions of the lot, the frontage, location and footprint of all structures, existing and proposed, total area of buildings in square feet, percentages of building and lot coverage, parking areas, service areas, adjacent ways, streets and driveway openings within 300 feet of the site boundaries.
- 2.1.4 The location and description of all proposed septic systems, water supply, storm drainage systems, utilities, and refuse and other disposal methods.
- 2.1.5 Landscape Plan showing planting areas, signs, fences, walls, walks and lighting, both existing and proposed. Location type, and screening details for all abutting properties and waste disposal containers.
- 2.1.6 The location, height, size, materials, and design of all proposed signage.
- 2.1.7 The location height, intensity, and bulb type of all external lighting fixtures, the direction of illumination, and methods to reduce glare onto adjoining properties.
- 2.1.8 Location and description of proposed open space and recreation areas.
- 2.1.9 A locus plan at the scale of 1" = 200'. A table of information showing how the plan conforms to the Zoning Bylaw.
- 2.1.10 The location of zoning districts, and overlay zoning districts within the locus of the plan.

- 2.1.11 Building elevation plans at a scale of 1/4" = 1' showing elevations of all proposed buildings and structures and indicating the type and color of materials to be used on all facades.
- 2.1.12 Evaluation of Impact on Water Resources. The applicant shall submit such materials on the measures proposed to prevent pollution of surface and ground water, erosion of soil, excessive runoff of precipitation, excessive raising or lowering of the water table, or flooding of other properties. The evaluation shall include the predicted impacts of the development on the aquifer, if applicable, and compare the environmental impacts to the carrying capacity of the aquifer.
- 2.1.13 Evaluation of Impact on Landscape. The applicant shall submit an explanation, with sketches as needed, of design features intended to integrate the proposed new buildings, structures and plantings into the existing landscape to preserve and enhance existing aesthetic assets of the site, to screen objectionable features from neighbors and public areas.
- 2.1.14 Evaluation of Traffic Impacts. The applicant shall submit an evaluation of the development's impact on the existing traffic network. The evaluation shall include: a.) The projected number of vehicle trips to enter and depart the site shall be estimated for an average day and peak hours; b.) The projected traffic flow patterns for both vehicular and pedestrian access, including vehicular movements at all intersections likely to be affected by the proposed development; c.) The impact of traffic upon existing streets in relation to levels of service and road capacities; and d.) The proposed mitigating measures.
- 2.1.15 Environmental Impacts of the proposed development during the construction phase of development. Corrective and protective measures such as construction sequencing and dust and erosion control, which will be taken, as part of the project, to minimize adverse impacts shall be described in detail.
- 2.1.16 The proposed use or uses of the site, i.e. retail, office or storage, number of employees, and maximum seating capacity (where applicable).

## **2.2 Site Plan Filing.**

The Site Plan Application (Appendix A) and a copy of the Site Plan shall be filed by the petitioner with the Town Clerk. Three copies of the application including the date and time of filing certified by the Town Clerk shall be filed forthwith by the petitioner with the Planning Board. Applications shall be filed with eight (8) additional prints of the plans. If the Applicant, after being notified by the Town Planner of missing or incomplete application items, fails to either submit the items necessary to complete the Application, or withdraw the Application in writing, within seven (7) days of the written

notification, the Planning Board shall forthwith notice and conduct a public hearing on the incomplete Application, but will accept no additional submissions from the Applicant. If the Board determines that the application is, indeed, incomplete in that the application does not conform with these requirements, it shall deny the application on that ground, and the Applicant shall forfeit the submittal fees.

**Public Hearing:** Upon determination by the Board that the application for approval of the Site Plan is complete, the Board shall set a date for the public hearing and so notify the Applicant. Notice of the hearing shall be arranged by the Board, at the Applicant's expense, by advertisement in a newspaper of general circulation once not less than seven days before the day of such hearing; and by mailing a copy of the advertisement to all owners of land abutting upon the land included in the plan as appearing on the most recent tax list.

**Application Review:** Within fourteen (14) days after the filing of the Site Plan Application with the Planning Board, the Town Planner shall notify the Planning Board and the Applicant, in writing, of any missing or incomplete application items. Within seven (7) days of being so notified, the Applicant may either submit the items necessary for a complete Application under these Rules, or withdraw the incomplete Application by notifying the Planning Board and the Town Clerk, in writing, of the withdrawal, at which time the submittal fees shall be refunded.

### ***2.3 Referrals.***

Upon receipt of the Site Plan application, the Planning Board shall transmit one copy each to the Conservation Commission, the Board of Appeals, the Building Inspector, the Selectmen, the Police Chief, the Fire Chief, the Director of Public Works and any other department the Planning Board deems appropriate. Such agency shall, within 25 days of receiving such copy, report to the Planning Board about their concerns and questions. Agencies may recommend conditions or remedial measures to accommodate or to mitigate the expected impacts of the development. All boards and departments are expected to provide a written response even if only to say they have no comments. The Planning Board shall not render a decision until it has received all Board reports or said 25 days has elapsed.

### ***2.4 Procedures.***

If a development requires both a Board of Appeals Special Permit and Site Plan Approval, it is recommended that the applicant obtain the Special Permit before applying for Site Plan approval.

### ***2.5 Public Hearing.***

Within 35 days after the filing of a complete Site Plan Review Application, the Planning Board will schedule a Site Plan Review public hearing at a properly posted Planning Board meeting.

## **2.6 Decision.**

A decision regarding the site plan shall be rendered within thirty (30) days of the close of the public meeting. The Planning Board shall notify the applicant in writing of its decision. The decision of the Planning Board shall be upon majority vote of those present. The required time limit for filing a decision may be extended by written agreement between the applicant and the Planning Board.

## **2.7 Fees.**

2.7.1 Filing Fees. A Filing Fee in accordance with the most recent Planning Board Fee Schedule shall be submitted with the Site Plan. Failure to submit the fee at the time of submitting the application, shall be deemed an incomplete application. Currently, the Filing Fee for Site Plan Review is no charge for preliminary plan; then \$100 application fee plus \$250 for projects up to 10,000 square feet; or \$500 for projects over 10,000 square feet plus consultant review fees.

2.7.2 Consultant Review Fees. In addition to Filing Fees which are fees to cover administrative costs, the Board may also require Consultant Review Fees. When reviewing a site plan application, or when conducting inspections in relation thereto, the Board may determine that the assistance of outside consultants is warranted. The Board may require the applicant to pay a "Consultant Review Fee" at the time of submission or at any time in the review process. The fee will consist of the reasonable costs incurred by the Board for the employment of outside consultants engaged by the Board to assist in the review of a proposed project.

In hiring outside consultants, the Board may engage engineers, planners, lawyers, urban designers or other appropriate professionals, at the sole cost and expense of the Applicant, who can assist the Board in analyzing a project to ensure compliance with all relevant laws, bylaws, and regulations. Such assistance may include, but not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decision or regulations, or inspecting a project during construction or implementation.

Funds received by the Board pursuant to this section shall be deposited with the town treasurer who shall establish a special account for this purpose. Expenditures from this account may be made at the discretion of the Board without further appropriation. Expenditure from this special account shall be made only for services rendered in connection with a specific project or projects for which a project review fee has been or will be collected from the applicant. Accrued interest may also be spent for this purpose. Failure of an applicant to pay a consultant review fee shall be grounds for denial or revocation of the permit.



At the completion of the Board's review of a project, any excess amount in the account, including interest, attributable to a specific project shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or the applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be the applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.

Any applicant may take an administrative appeal from the selection of outside consultants to the Board of Selectmen. Such appeal must be made in writing and may be taken only within 20 days after the Planning Board has mailed or hand-delivered notice to the applicant of the selection. The grounds for such an appeal shall be limited to the claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field. The required time limit for action upon an application by the Board shall be extended during the administrative appeal. In the event that the Board of Selectmen does not render a decision within 30 days following the filing of an appeal, the Planning Board's selection shall stand.

## **SECTION III. DESIGN STANDARDS**

### ***3.1 Parking Requirements.***

The total number of parking spaces shall be determined by §205-27 - §205-33 of the Zoning Bylaw.

### ***3.2 Driveway and Circulation.***

A safe and convenient driveway and circulation system shall be provided for each development. The following guidelines shall apply:

- 3.2.1 Entrance and exit driveways shall be located to maximize sight distances where the proposed road meets an existing way.
- 3.2.2 Entrance and exit driveways shall be located to maximize the distance from existing and proposed access connections of adjacent properties.
- 3.2.3 Where it is necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, sidewalks, and traffic controls within the streets.
- 3.2.4 Parking aisles shall be separated from site circulation routes.
- 3.2.5 Where topographic and other conditions warrant, shared access driveways are encouraged on lots with similar existing or potential uses.

- 3.2.6 There shall be no more than one driveway connection from any lot to any street, except when separate entrance and exit driveways may be provided where necessary to safeguard against hazards and to avoid congestion; and additional driveway connections may be provided, particularly for, but not limited to, large tracts and uses of extensive scope, if traffic flow in the street will be facilitated by the additional connection.

### **3.3 Traffic Standards.**

Proposed uses shall not degrade the existing levels of service of surrounding roads and intersections, below Level of Service (LOS) D, based on peak-hour traffic volumes. When the existing LOS is below LOS D, the proponent shall propose mitigation to maintain or improve performance indicators. Traffic information shall be submitted by a registered Traffic Planner/Engineer.

### **3.4 Landscaping and Buffers.**

The site shall be landscaped with native tree, shrub and grass species. Street trees, 2" caliper diameter breast high (dbh) or larger, shall be planted along the entire frontage of the lot at one tree for each 40 feet of frontage. Landscaping shall be set back from entrance and exit ways to allow for safe exiting sight distances. For a list of preferred and discouraged landscaping materials see Appendix B.

Parking areas shall be screened from the public road and adjacent properties. Large parking areas containing 25 or more parking spaces shall be subdivided with landscaped islands. Adjacent properties shall be screened by trees and vegetation. Exposed storage areas, machinery, HVAC equipment, service areas, dumpsters, truck loading areas, utility buildings and structures shall be screened from view from adjacent properties and streets by dense evergreen plantings, earthen berms, walls, or fences complimented by evergreen plantings.

In the case where an industrial or commercial building abuts residentially zoned property or land used for residential purposes, the Planning Board may require that the front/side or setbacks be landscaped to minimize disturbance to residential areas.

All landscaped areas shall be maintained in a healthful condition. Trees and shrubs that die shall be replanted during the next growing season. This requirement shall apply for two years following the date of initial or replacement planting.

### **3.5 Erosion Control.**

Erosion and soil sedimentation of streams and water bodies shall be minimized by using the following erosion control practices:

- 3.5.1 The development shall be designed to fit the physical characteristics of the site, including the topography, soils and natural drainage systems;
- 3.5.2 Once construction activities are underway, the amount of area and duration of exposure shall be kept to a minimum;

- 3.5.3 Temporary erosion control measures such as hay bales or fabric filters shall be used during construction;
- 3.5.4 Exposed or disturbed areas due to stripping of vegetation, soil removal, and regrading shall be permanently stabilized within six months of occupancy.
- 3.5.5 Permanent vegetation and mechanical erosion control measures shall be installed as soon as possible after construction ends but in no case less than 6 months after approval.

### ***3.6 Storm Water Drainage and Management.***

All site plans shall conform to the drainage requirements specified in the Rules and Regulations Governing the Subdivision of Land. Increases in run-off shall be recharged on site by being diverted to vegetated surfaces for infiltration, or through the use of detention ponds. Dry wells shall be used only where other methods are infeasible and shall require oil, grease, and sediment traps to facilitate removal of contaminants prior to discharge to the ground. All drainage structures shall be maintained on a regular basis.

### ***3.7. Siting and Appearance Guidelines.***

Buildings, parking and other structures shall, to the extent possible, be located to protect and preserve unique natural areas, wetlands, wetlands buffers, rare and endangered plant species, rare or endangered animal habitat, trees with 15 inch dbh or greater, historic features, and flood plain areas.

Buildings should be compatible with the prevailing historical architectural styles in the town and should relate to such architecture in terms of character, scale and building materials. Proposed buildings should relate harmoniously to each other. Buildings should be located to preserve and complement natural, historic and scenic areas, and to reduce the visual impact of the buildings from adjacent properties.

### ***3.8 Sidewalks and Walking Paths.***

Where determined necessary by the Planning Board, sidewalks shall be provided along the site's road frontage. Walking and foot-paths are encouraged in all developments. Walking and foot-paths may be constructed using alternative pavement materials such as stone dust. Sidewalks may be constructed with pavers, stamped concrete or other alternative surfaces than bituminous concrete if approved by the Planning Board.

### ***3.9 Utilities and Lighting.***

All utilities shall be located underground. Lighting shall conform to the Westminster Zoning Bylaws.

### ***3.10 Pollution and Hazardous Materials.***

Where applicable, the applicant shall maintain a hazardous materials plan on file with the Fire Chief. The purpose of the plan is to assist the Town with necessary information in

the event of a spill, fire, or other emergency and to ensure compliance with the Zoning Bylaws.

### ***3.11 Storage Tank Vaulting and Monitoring.***

If heating oil, gasoline, kerosene, diesel fuels, or any chemicals are to be used and stored underground on the site, they shall be contained in a holding tank. The tank shall be vaulted and equipped with an automatic monitoring system to detect any leakage from the tank.

### ***3.12 Fill Materials and Stump Burials.***

The applicant shall provide assurances that no potential groundwater contaminants are included in any fill materials used in site preparation. Stump burial is considered a waste dump activity and as such requires a permit from the Board of Health.

### ***3.13 Fire Safety and Protection.***

Fire and emergency vehicle access shall be provided to each building shown on the site plan. The emergency access shall be maintained and kept in a passable condition at all times. Fire Ponds and dry hydrants, or other fire protection measures shall be required for all developments as specified by the Fire Chief.

## **SECTION IV. ADMINISTRATION**

### ***4.1 Bonding.***

Prior to the issuance of an occupancy permit the Planning Board may require a performance guarantee to ensure compliance with the plan and conditions set forth in their decision.

### ***4.2 Permit Lapse.***

Any Special Permit with site plan approval issued under this section shall lapse within two years if a substantial use thereof has not commenced except for good cause.

### ***4.3 As Built Plans.***

Final "As Built Plans" showing the location of, all buildings and structures, all utilities, including the septic system, leaching area, underground piping, vent pipes, drainage facilities, the well, the well pipes, electric, gas, and phone lines shall be submitted and approved prior to the issuance of an occupancy permit. "As built plans" shall be prepared by a licensed survey professional and be provided on drawings bearing the appropriate professional license stamp.

## APPENDIX A

### APPLICATION FOR SITE PLAN APPROVAL, SECTION 5400 OF THE WESTMINSTER ZONING BY-LAW

This application shall be filed by the petitioner with the Town Clerk. Three copies of said application including date and time of filing certified by the Town Clerk shall be filed forthwith by the petitioner with the Planning Board. Applications shall be filed with eight (8) prints of the plan.

The following sections of the application describe supplementary information that must be submitted, and those aspects of the proposed site development that will be evaluated by the Planning Board.

1. Full name of owner(s) and address of land to which this application applies:

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2. Full mailing address and telephone number of owner(s) of land to which this application applies or full name, mailing address and telephone number of the applicant if different from above.

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3. Location of Property: Map \_\_\_\_\_ Section \_\_\_\_\_ Parcel \_\_\_\_\_

4. Zoning District(s) (Including all overlay districts) \_\_\_\_\_

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5. Describe briefly the development for which Site Plan Approval is sought:

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6. Describe briefly the uses or activities for which site plan approval is sought:

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Uses will be reviewed for conformity with those described in the Zoning By-Law. These may be the specific intended uses of the site if known, or lists of potential uses of the site if the uses are not known at this time.

Note: If the uses are not known at the time of application, present "worst-case" (most intensive) estimates of water consumption, sewage discharge, parking requirements, and traffic impacts, along with your assumptions used to develop these estimates. Site plan and building permits for such sites will be valid only for occupancy that does not exceed these estimates.

7. The application must include a plan of the site and proposed developments as specified in the Rules and Regulations.

The plan will be reviewed for the following features, please provide:

- Lot Area \_\_\_\_\_, Frontage \_\_\_\_\_, Building Height \_\_\_\_\_, Number of Stories \_\_\_\_\_.

Building	Front	Rear	Left Side	Right Side
- Setbacks:	Setback: _____	Setback: _____	Setback: _____	Setback: _____

Parking	Front	Rear	Left Side	Right Side
- Setbacks:	Setback: _____	Setback: _____	Setback: _____	Setback: _____

- Lot Coverage (buildings, parking, paving): \_\_\_\_\_

- Adequate walkways and pedestrian access: \_\_\_\_\_

- Adequate access, driveways and private ways: \_\_\_\_\_

- Adequate waiting areas for drive-in uses: \_\_\_\_\_

- Appropriate loading docks and/or access for trucks: Number: \_\_\_\_\_ Location: \_\_\_\_\_

- Is there any proposed site work within the vegetated wetlands or within 100 feet of the vegetated wetlands? Yes: \_\_\_\_\_ No: \_\_\_\_\_

If yes, has the Conservation Commission issued an Order of Conditions?: \_\_\_\_\_  
Date: \_\_\_\_\_.

- List any special permits required from the Board of Appeals: \_\_\_\_\_

- Is the project within the Flood Plain District? Yes: \_\_\_\_\_ No: \_\_\_\_\_

If yes, what is the base flood elevation? (100 year storm): \_\_\_\_\_

Watertight flood-proofing elevation: \_\_\_\_\_

(If watertight flood-proofing is used, provide appropriate certifications of the methods and of the fact that no increase in flood level will occur.

-Does the driveway access a State Highway?

Yes: \_\_\_\_\_ No: \_\_\_\_\_

If yes, has a State DPW curb cut been issued? \_\_\_\_\_ Date: \_\_\_\_\_

- Has a driveway permit been issued by the DPW? Date: \_\_\_\_\_

8. Provide an evaluation of the impact of the development on Water Resources. (Submit information on measures proposed to prevent pollution of surface or ground water, erosion of soil, excessive runoff of precipitation, excessive raising or lowering of the water table, flooding of other properties.)

9. Sewage Discharge Rate (gallons per day) \_\_\_\_\_

Water Usage (gallons per day) \_\_\_\_\_

10. Submit calculations of the storm run-off from buildings and paved areas, and a description of the run-off disposal system and its capacity. Include a description of the extent and depth of flooding anticipated during storm conditions. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. Indicate the estimated parking requirements, and provide a count of the proposed number of parking spaces: \_\_\_\_\_

12. Describe here and show on the plans the curbing, marking or other methods used to define the parking areas and to prevent vehicles from encroaching on required yards:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. Estimate the Daily Traffic: No. of Employees: \_\_\_\_\_ Total No. of Trips: \_\_\_\_\_, Peak A.M.: \_\_\_\_\_, Peak P.M.: \_\_\_\_\_, Sight distance along the road for vehicles using the access driveway: \_\_\_\_\_

For developments where the number of trips exceed 75 per day, submit an expert's evaluation of the impact of such traffic on adjacent town roads. (Any permits or approvals necessary for construction of the driveway/access/curb cut [state or local] shall be submitted with this application.

14. Describe any proposed signs: \_\_\_\_\_

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15. Describe any proposed outdoor lighting (include hours of use, lighting type [e.g. mercury vapor] and spectral filtering, directional shielding, and height of fixtures:

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16. Visual Impact of the Development: (additional information shall be submitted to allow for this evaluation). For elaborate developments additional sketches or artist's renderings or the like may be desirable.

17. Describe the proposed landscaping plan, including parking lot landscaping and the location, structure and screening of on-site holding facilities (e.g. "dumpsters").

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18. Discuss any hazardous materials or wastes to be used or generated on site, including quantities, safety procedures, storage and disposal methods: \_\_\_\_\_

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19. Electric and telephone utility connections: Above Ground: \_\_\_\_\_  
Underground: \_\_\_\_\_

20. Describe the proposed heating system: \_\_\_\_\_

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21. Describe the fire control system in the building (sprinklers, etc.).

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22. Describe access to such ponds(s), and proposed dry hydrant construction and location. \_\_\_\_\_

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23. All applications shall be accompanied by a filing fee as determined by the most recent Planning Board Filing Fee Schedule.



24. In the event of an application of unusual complexity or expense, the Board may retain outside consultants to help review the application, any such fees shall be paid by the applicant.

25. State the full name, mailing address and phone number of any person or attorney who is authorized by you to appear and represent you before the Board other than yourself: \_\_\_\_\_  
\_\_\_\_\_

DATE: \_\_\_\_\_

SIGNATURE OF OWNER: \_\_\_\_\_  
(Owner must sign application or authorize the Applicant to file an application)

## CHECKLIST FOR REVIEW OF SITE PLANS

- ☐ Soils and subsoil compatible to type and intensity of development.
- ☐ Surface drainage, level of water table and periodic flooding accounted for.
- ☐ Ground coverage by structures and impervious surface coverage consistent with drainage and soil considerations.
- ☐ Topography incorporated into site plan.
- ☐ Compatibility with adjacent land uses achieved.
- ☐ Compatibility of internal land uses achieved.
- ☐ Pollution controls provided: air, water noise.
- ☐ Circulation: right-of-way, pavement width, horizontal and vertical alignments, cul-de-sacs, turnarounds, curbs, sidewalks and bonding to cover the cost thereof.
- ☐ Connection with existing transportation network satisfactory.
- ☐ Parking sufficient space for primary users plus service, loading and guest space provided.
- ☐ Building orientation: regard for slope, sun, wind, microclimate used to best advantage, ingress and egress location and site accommodations for pedestrian traffic.
- ☐ Building mass, shape, facade and skyline, (i.e. the visual impact) compatible with community.
- ☐ Security: lighting details.
- ☐ Storm drainage consistent with building and surface coverage, grades, slopes, soils and water table.
- ☐ Water distribution sufficient in volume and pressure for fire needs, hydrant placement satisfactory, looped system.

- ☐ Sewerage layout sufficient to handle flow, adequate size and connections.
- ☐ Garbage collection screened or within buildings, special consideration for on-site incineration.
- ☐ Other utilities placed underground, night-lighting esthetic and sufficient.
- ☐ Easements as necessary have been provided, these and existing easements protected from encroachment.
- ☐ Open space provisions sufficient in size and arrangement, compatible with adjacent uses; will not become nuisances and safety hazards, functional, esthetic and easily maintained.
- ☐ Landscaping and retention of existing growth maximized.
- ☐ Type of heat in building and how fuel supply therefore shall be contained/screened, etc. on site.

## APPENDIX B

### APPENDIX B – DISCOURAGED AND PREFERRED LANDSCAPE MATERIALS

#### **Plant Species to be avoided**

Because of the adverse impacts to the ecology in Central Massachusetts, it is recommended the following plants not be used for landscaping.

##### Trees:

Olive, Russian or Autumn  
Norway maple  
Osage orange  
Silver poplar  
Sycamore maple  
Tree of heaven  
White mulberry  
White cottonwood

##### Shrubs & Small Trees:

Barberry, Japanese  
Winged euonymus  
Honeysuckle, Amur, Japanese, Tartarian  
Privet, including blunt-leaved, common/hedge, and Japanese  
Buckthorn, including common, smooth and shiny/glossy  
Rose, specifically Multiflora, Rugrose & Japanese

##### Vines:

Bittersweet nightshade  
Porcelain berry  
Oriental bittersweet  
Honeysuckle, Japanese or Morrow's/Morrow's X Tartarian/Tartarian  
Silver fleece/lace vine  
Kiwi vine  
Kudzu  
Japanese Wisteria

##### Herbaceous plants:

Garlic mustard  
Hairy willow-herb  
Yellow flag iris  
Purple loosestrife  
Japanese knotweed  
Wild thyme

Other:

Barnyard grass  
Black locus  
Wort, black swallow and money  
Bushy rock-cress  
Canada bluegrass  
Common mullien  
Creeping buttercup  
Curly pondweed  
Cypress spurge  
Dame's rocket  
water-milfoil, Eurasian and variable  
Fanwort  
Giant waterweed  
Goutweed or Bishop's weed  
Hair fescue  
Japanese hops  
Lesser naiad  
Live forever or Orpine  
Phragmites, Reed/Reed canary grass  
Sea- or horned poppy  
Sheep fescue  
Sheep-sorrel  
Spotted knapweed  
Sweet reedgrass  
True forget-me-not  
Water chestnut  
Watercress  
Wetsern catalpa  
Yellow floating heart

**Plant Species that are encouraged**

Native trees:

Flowerwing dogwood  
Sycamore  
American Beech  
White Spruce  
White Pine  
Eastern hemlock  
Eastern red cedar  
Red maple  
Sugar maple  
Red oak  
American linden

Native Wildflowers:

American columbine  
Butterfly weed  
Spike gayfeather  
New England aster  
Cardinal flower  
Lanceleaf Coreopsis  
Spotted geranium  
Blue flag  
Obedient plant  
Cutleaf coneflower

Native Groundcovers & Grasses:

Canada Anemone  
Foam flower  
Wild ginger  
Labrador violet  
Bearberry  
Virginia creeper  
Virgin's bower  
Switchgrass  
Indiangrass  
Little bluestem  
Wild rye

Native Shrubs:

Elderberry  
Bayberry  
Winterberry  
Red Osier Dogwood  
Silky dogwood  
Blueberry, lowbush and highbush  
Sweet pepperbush  
Highbush cranberry  
Pinxterbloom Azalea

# **Chapter 231**

## **SUBDIVISION OF LAND**

### **GENERAL REFERENCES**

**Zoning Board of Appeals — See Ch. 65.**

**Streets and sidewalks — See Ch. 173.**

**Earth removal — See Ch. 97.**

**Zoning — See Ch. 205.**





ARTICLE I  
**General Provisions**

**§ 231-1. Statutory authority.**

Under the authority vested in the Planning Board of the Town of Westminster by MGL c. 41, said Board hereby adopts these rules and regulations governing the subdivision of land in the Town of Westminster. Such rules and regulations shall be effective on the 10th day of December, 1970.

**§ 231-2. Compliance with zoning regulations required.**

No plan of a subdivision shall be approved unless all of the lots shown on the plan comply with Chapter 205, Zoning.

**§ 231-3. Number of dwellings per lot.**

Not more than one building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision or elsewhere in the Town of Westminster without the consent of the Planning Board and that such consent may be conditioned upon provision of adequate ways furnishing access to each site for such building in the same manner as otherwise required for lots within a subdivision.

**§ 231-4. Matters not covered.**

For matters not covered by these rules and regulations, reference is made to MGL c. 41, §§ 81K to 81GG, inclusive, and any amendments thereto.

**§ 231-5. Board of Health restrictions on lots.**

When, in accordance with the statute, the Board of Health reports, in writing, to the Planning Board that certain lots within a proposed subdivision cannot be used as building sites without injury to the public health, Planning Board approval of any such subdivision plan shall be given only on condition that the lots so specified shall not thereafter be built upon except with prior consent, in writing, by the Board of Health.

**§ 231-6. Severability.**

The invalidity of any section or provision of these rules and regulations shall not invalidate any other section or provision thereof.



## ARTICLE II

**Plans Thought Not To Require Approval****§ 231-7. Submission; fee.**

- A. Any person wishing to record in the Registry of Deeds or to file with the Land Court a plan of land or a plan showing division of land and who believes such plan does not require Planning Board approval under the Subdivision Control Law<sup>1</sup> shall submit to the Planning Board office the printing master and four copies of the plan and two copies of application Form A (see appendix),<sup>2</sup> for determination that the plan is complete. The plan will not be marked received until the next regularly scheduled meeting of the Planning Board after such plan is deemed complete for review.
- B. All such submissions shall include the proper filing fee as determined by the most recent Planning Board Fee Schedule.
- C. The Planning Board will endorse such plan within 21 days of submission at a regularly scheduled meeting. If the plan was prepared using a CAD program, the Board may require an electronic submittal of the plan compatible with the Town's current hardware and software.

**§ 231-8. Validation of submission.**

To validate such submission, any such person shall send to the Westminster Town Clerk application Form A.<sup>3</sup>

**§ 231-9. Determination of Planning Board.**

- A. If the Planning Board determines that such a plan does not require approval, it shall forthwith, without a public hearing, endorse on the plan the words "Approval under the Subdivision Control Law not required."
- B. If the Planning Board shall determine that such a plan does require subdivision review and approval, it shall so inform the applicant and the Town Clerk, in writing.

**§ 231-10. ANR plan requirements.**

The plan shall be prepared by a registered land surveyor and shall contain the following information:

- A. North point, date of survey, scale and locus map indicating the relation of the parcel (s) to neighboring roads.

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

2. Editor's Note: Form A is included at the end of this chapter.

3. Editor's Note: Form A is included at the end of this chapter.

- B. The statement "Approval Under the Subdivision Control Law Not Required," together with sufficient space for the signatures of the required number of Board members and the date of endorsement.
- C. Name and address of owner, subdivider, designer and engineer or surveyor.
- D. Names and addresses of all owners of abutting land as they appear in the most recent Town tax list.
- E. Town of Westminster Assessors' Map and Lot Number.
- F. Boundary lines of all proposed lots or divisions of land, with their areas and dimensions in square feet or acres, and with all of the lots designated numerically in sequence.
- G. Names, widths, and status (public or private) of streets and ways shown on the plan.
- H. Zoning classification of the subject property and location of any zoning district boundaries running through or along the property.
- I. Notation clearly stating the purpose of the plan.
- J. Location of all existing buildings and significant structures, stone walls, easements, cemeteries, public or private burial grounds, rights-of-way, streets, ways, and such other references as are known to the applicant or Board and as shall sufficiently identify the land to which the plan relates.
- K. Location of all watercourses and any bodies of water including wetlands as defined by MGL c. 131, § 40, and the local Wetlands Bylaw;<sup>4</sup> the area of the lot outside of the wetlands and the one-hundred-foot buffer zone.
- L. Notation stating that "No determination of compliance with zoning requirements has been made or intended."
- M. Deed reference of record owner by book and page number.

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4. Editor's Note: See Ch. 202, Wetlands.

## ARTICLE III

**Procedures for Submission and Approval of Plans****§ 231-11. Preliminary plan.**

## A. General.

(1) Any person wishing to submit a definitive plan of land to the Planning Board for its approval shall submit to the Planning Board a copy of Form B-1 (see appendix).<sup>5</sup> A preliminary plan of a subdivision may be submitted by the subdivider to the Planning Board and to the Board of Health for discussion and approval, modification or disapproval by each Board. The submission of such a preliminary plan will enable the subdivider, the Planning Board, the Board of Health and others to discuss and clarify the problems of a subdivision before a definitive plan is prepared. Therefore, it is strongly recommended that a preliminary plan be filed in each case. A preliminary plan shall be submitted for any nonresidential subdivision.

(2) Such a plan shall be submitted with eight prints at a regular Planning Board meeting. Notice of submission shall be sent to the Town Clerk in accordance with MGL c. 41.

## B. Contents of plan. The preliminary plan shall show, in a general way, the proposed subdivision and shall include the following:

(1) The subdivision name, North point, date and scale, legend and title "Preliminary Plan."

(2) The name and address of the record owner of the land, and the names of the subdivider, surveyor and engineer.

(3) The location and names of all abutters as determined from the most recent tax list or lists.

(4) The location, names and present widths of existing and proposed streets in the immediate vicinity and within the plan, whether public or private.

(5) The location and boundaries of existing areas dedicated to other public uses and the location and character of all easements, public or private, within or immediately adjacent to the plan.

(6) Proposed lots and lot lines with approximate areas and dimension.

(7) Proposed storm drainage systems.

(8) Proposed public areas, if any, and easements.

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5. Editor's Note: Form B-1 is included at the end of this chapter.

- (9) The location of all existing and proposed water and sewer pipes indicating size of same.
- (10) Topographic plans of the subdivision, in a general manner, including a clear and accurate disclosure of the grades of the existing terrain adjacent to the subdivision, large trees and natural watercourses. Existing buildings, together with fences and walls, shall be shown.
- (11) Center-line profile of all proposed streets and ways.

**§ 231-12. Definitive plan.**

- A. General. Any person submitting a definitive plan of a subdivision for approval by the Planning Board shall, either at a regularly scheduled meeting of the Board or by registered mail, file the following and shall comply with the requirements listed below. The Planning Board may require that all submission items, including plans, be submitted in electronic format compatible with the Town's current hardware and software:
- (1) Any person wishing to submit a definitive plan of land to the Planning Board shall submit to the Planning Board a copy of Form B.<sup>6</sup> Every applicant, after submitting a definitive plan to the Planning Board for approval, shall send to the Town Clerk a written notice, which may be Form B, by registered mail, postage prepaid, or by delivery, stating that he has submitted such plan, describing the land to which the plan relates sufficiently for identification and stating the date in the notice when the final plan was filed with the Planning Board, along with the name and address of the owner of such land. The Town Clerk shall, if requested, give written receipt thereof
  - (2) Form B (see appendix) shall be signed and submitted by the owner or owners of all of the land within the proposed plan to the Planning Board at a regularly scheduled meeting.
  - (3) The application shall also state all easements and restrictions to which the land within the plan is subject and all easements and restrictions appurtenant to such land or over the land of others. The application shall be accompanied by a plan on tracing cloth or Mylar with black permanent ink, together with eight black-and-white prints of the plan prepared by a land surveyor and engineer registered in the Commonwealth of Massachusetts.
  - (4) A filing fee as determined by the most recent fee schedule. (See Appendix.)
  - (5) An environmental and community impact analysis (if required).

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6. Editor's Note: Form B is included at the end of this chapter.

- (6) All drafts of proposed easements for utility, drainage and right-of-way purposes.
  - (7) A list of names and addresses of all abutters within 100 feet, certified by the Town Assessor that they appear as such on the most recent tax list.
  - (8) Drainage calculations certified by the engineer who prepared them; groundwater levels and percolation rates within the proposed detention or retention basins.
  - (9) A list of all requested waivers from these regulations.
- B. The definitive plan shall not be deemed to have been submitted to the Board until the above-referenced items, together with the definitive plan and prints, have been delivered to the Board at a regular or special meeting thereof, and all are fully completed in accordance with these rules and regulations.
- C. Public hearing. Upon determination by the Board that the application for approval of the definitive plan is complete, the Board shall set a date for the public hearing and so notify the applicant. Notice of the hearing shall be arranged by the Board, at the applicant's expense, by advertisement in a newspaper of general circulation in each of two successive weeks, the first publication being not less than 14 days before the day of such hearing. Notice of the hearing shall be given to all owners of real estate abutting upon the land included in such plan or lying within 100 feet of any tract of land of the applicant, any part of which is included in the proposed plan, all as appearing on the most recent tax list, also to all mortgagees of record, if any, of the land within the proposed plan. The Planning Board shall arrange for the publication and transmission of the notices of the hearing. Actual costs will be billed to the applicant. Final endorsements will not be made until all hearing fees have been paid.
- D. Preparation of definitive plan. (Figures 1 through 8 are attached as part of these regulations.<sup>7</sup>)
  - (1) Surveying and drafting requirements.
    - (a) The final or definitive plan shall be prepared by a professional civil engineer registered in Massachusetts from a field survey made by a competent land surveyor also registered in Massachusetts. This plan shall be clearly and legibly drawn on tracing cloth or Mylar. The size of the sheets shall be 24 inches by 36 inches in overall dimension with a one-and-one-half-inch margin on the left-hand side and one-half-inch margins on the other three sides. Both the registered engineer and land surveyor shall affix their stamps adjacent to the title block.

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7. Editor's Note: Figures 1 through 8 are included at the end of this chapter.

- (b) The plan shall be drawn on tracing cloth or Mylar in black India ink, except that the names of the streets and the proposed system of utilities may be drawn in pencil until the plan has been reviewed and instructions are given to ink all details prior to approval. After approval is given, the applicant is required to furnish to the Planning Board a duplicate of the plan on a reproduction master on transparentized waterproof cloth or on a polyester film material.
  - (c) Drafting layout and form shall conform to the plans entitled "Figures 1 through 8."<sup>8</sup>
  - (d) The horizontal scale shall be 40 feet to an inch, unless the Planning Board approves a more convenient scale. The vertical scale shall be four feet to the inch.
  - (e) All surveying shall conform to the Technical Standards for Property Surveys of the American Congress on Surveying and Mapping. The land surveyor shall affix his stamp to the definitive plan with a statement that the survey conforms to these requirements.
  - (f) All elevations shall be referred to mean sea level. Bench marks used in survey work shall be clearly located on the plan.
- (2) Contents of plan. The final or definitive plan shall contain the following:
- (a) Title block. A title in the lower right-hand corner, stating the name of the plan, if any, the scale, the name of the applicant, the registered land surveyor and the registered engineer who prepared the plan and shall conform to Figures 1 through 8.<sup>9</sup>
  - (b) The names, widths and exterior lines of proposed public ways, and the boundaries of other public areas with the plan.
  - (c) The lines, boundaries, areas, lot numbers, and street numbers of all lots, sites or divisions under which the plan is to be divided. Street numbers shall be in accordance with the requirements of the Office of the Board of Assessors.
  - (d) Data to determine readily the location, bearing and length of every street line, lot line and other boundary line shown on the plan, whether straight or curved, sufficient to reproduce the same on the ground. Bounds are to be set at every angle point and point of curvature of the proposed street lines and indicated on the plan. These are to be tied into existing bounds and street lines and shown on the plan.

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**8. Editor's Note: Figures 1 through 8 are included at the end of this chapter.**

**9. Editor's Note: Figures 1 through 8 are included at the end of this chapter.**



- (e) Profiles of proposed streets shall show the rates of grade and the center-line elevations at fifty-foot intervals. The profile shall show sufficient data to properly identify the vertical curves used. Proposed gutter line grades shall be shown at twenty-five-foot intervals around the curves at intersections and continuing 100 feet therefrom. In addition, the existing ground profile at the proposed center line must be shown.
- (f) Existing topography, with two-foot contour intervals and details showing all fences, walls, building waterways and other natural drainage courses, large boulders or out-cropping of ledge, trees and buildings within the subdivision or other natural objects of like importance and all of the features abutting each entrance to the subdivision. Topography plans may be submitted as a separate plan and may be drawn in pencil on tracing paper, but must conform in size and scale to the definitive plan, and a reproduction master as outlined under Subsection D(1), Surveying and drafting requirements, shall be furnished to the Planning Board.
- (g) Proposed topography within the subdivision as required by the Planning Board.
- (h) Size and location of existing and proposed water mains and their appurtenances, if applicable.
- (i) Size and location of existing and proposed sewers and their appurtenances; also, a profile showing rates of grade, if applicable.
- (j) Size and location of existing and proposed subsurface or water drains and their appurtenances; also, a profile showing rates of grade.
- (k) Size and location of existing and proposed electric, telephone and cable facilities.
- (l) The location and area of wetlands and the one-hundred-foot buffer zone.
- (m) The zoning classification of the property, including the delineation of all overlay districts, and the base flood elevations for all lots or parcels within the floodplain.
- (n) There shall be a table prepared and displayed in a convenient place on the plan showing the following:
  - [1] Zoning district(s) in which the land is located.
  - [2] The total area of the entire subdivision.
  - [3] The number of building lots within the subdivision and the total area of all such lots.

- [4] The total area of all ways within the subdivision.
- [5] The total number of linear feet, measured along the center line, of all roadways and culs-de-sac proposed on the plan.
- [6] The total area of wetlands within the subdivision.
- [7] The total area of open space within the subdivision (all land not included in ways or building lots).
- [8] The total number of bounds to be set.

E. Approval.

- (1) The Planning Board, after the hearing, shall vote to approve, modify and approve or disapprove the plan within the time prescribed by law, or such greater time as has been agreed upon, and shall file forthwith a certificate of the vote with the Town Clerk and mail a copy forthwith to the applicant. If the definitive plan is prepared using a computer aided drafting program, an electronic copy of the final definitive plan (on a medium and in a format as directed by the Town Planner) shall be filed with the Planning Board at the time of endorsement.
- (2) The approval of the definitive plan or the completion of streets within any subdivision does not make the streets and ways set out on the plan "accepted streets."

F. Performance guaranty.

- (1) Required for approval. Before endorsement of its approval of a plan, the Planning Board shall require that the construction of ways and the installation of municipal services be secured by one, or in part by one and in part by another, of the methods described in the following Subsection F(1)(a), (b),(c) or (d), which method or combination of methods may be selected and from time to time varied by the applicant:
  - (a) By a proper bond, sufficient in the opinion of the Planning Board to secure performance of the construction of ways and the installation of municipal services required for lots in the subdivision shown on the plan, and the Planning Board may require that the applicant specify the time within which such construction shall be completed.
  - (b) By a deposit of money or negotiable securities sufficient, in the opinion of the Planning Board, to secure performance of the construction of ways and the installation of municipal service required for lots in the subdivision shown on the plan, and the Planning Board may require that the applicant specify the time within which such construction shall be completed.

- (c) By a covenant, executed and duly recorded by the owner of record, running with the land, whereby such ways and services shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgaged deed; provided, however, that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of such premises or part thereof may sell any such lot, subject to that portion of the covenant which provides that no lot shall be built upon until such ways and services have been provided to serve such lot; and provided, further, that nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board. A deed of any part of the subdivision in violation hereof shall be voidable by the grantee prior to the release of the covenant, but not later than three years from the date of such deed.
  - (d) By delivery to the Planning Board of an agreement executed after the recording of a first mortgage covering the premises shown on the plan or a portion thereof given as security for advances to be made to the applicant by the lender, which agreement shall be executed by the applicant and the lender and shall provide for the retention by the lender of funds sufficient, in the opinion of the Planning Board and otherwise due the applicant, to secure the construction of ways and the installation of municipal services. Said agreement shall also provide for a schedule of disbursements which may be made to the applicant upon completion of various stages of the work and shall further provide that, in the event that the work is not completed within the time set forth by the applicant, any funds remaining undisbursed shall be available for completion.
- (2) Release of performance guaranty.
- (a) When the applicant has completed the required improvements specified in these regulations, the applicant shall send, by registered mail, to the Town Clerk and the Planning Board, a written statement that the required improvements have been completed, such statement to contain the address of the applicant. Such statement shall be accompanied by two copies of a certificate by a designer, engineer, or land surveyor, as the case is appropriate, that the work has been completed to the extent described in the certificate and conforms in all details with the approved subdivision plan and these rules and regulations; or, if it does not so conform, such nonconformity shall be accurately described in the certificate. No bond, deposit, or covenant, or any portion or part thereof, shall be released by the Planning Board until it has been established that the work required has been completed in accordance

with the approved plans and has been inspected and found satisfactory according to the standards of the Planning Board.

- (b) When the foregoing requirements have been satisfied, the Board will release all or part of the interest of the Town in such bond and return the bond or the deposit or execute and deliver to the applicant a release, which shall be in form for recording in the Registry of Deeds. Thereafter the conditions relating to such lots and so released shall terminate. Fifteen percent of the total cost of the road improvements, as determined by the Planning Board's engineer, shall be retained to guarantee the integrity of the road after being completed for one full year. If the Board determines that the required improvements have not been satisfactorily completed, it shall specify in a notice sent by registered mail to the applicant and the Town Clerk, the details wherein improvements fail to comply; but, upon failure by the Board to so notify the applicant within 45 days after receipt by the Town Clerk of the written statement from the applicant, obligations under the bond shall cease, any deposit shall be returned, and any such covenant shall become void, to the extent that it or they apply to the portion of the subdivision or lots for which a release was requested.
  - (c) The applicant shall retain title to the fee of each street, path or easement in, or appurtenant to, the subdivision until conveyed to the Town. Prior to final release of security, the applicant shall submit all necessary documentation for street acceptance, including a metes and bounds description of the road and all easements, an as-built plan, and a draft of the proposed deed and any easements.
- G. Expenditure of bonds. If deemed necessary by the Planning Board, the proceeds of any such bond or deposit shall be made available to the Town for expenditure to meet the cost and expenses of the municipality in completing the work as specified in the approved plan. If such proceeds do not exceed \$100,000, the expenditure may be made without specific appropriation under MGL, c. 44, § 53; provided that such expenditure is approved by the Board of Selectmen.
- H. As-built plans. An as-built plan and profile together with three copies thereof, shall be submitted to the Planning Board after completion of construction, or at such times or stages as required by the Planning Board. Such plan shall show drainage lines and structures, water mains, if any, underground gas, electric, telephone, and cable lines, and other appurtenances as actually installed with sufficient ties for proper identification. Street numbers shall be shown near the lots numbers, and circled. On the as-built plan the following must also be shown:
  - (1) A diagram in ink shall show in plan view the complete drainage system, and municipal water and sewerage system, if any, as constructed in the subdivision. This plan shall show the stationing

of all structures, such as manholes, catch basins, wye's etc. The invert elevations of all pipes at their outlets, as well as the pipe sizes and the type of pipe are to be given.

- (2) On the plan view of the street, and the true line relative position of all drainage structures, the mainline drain and its appurtenances shall be shown.
- (3) On the profile view of the street and true relative position of the mainline drain, its structures and appurtenances in profile shall be shown. The invert elevation and percentage of grade of the pipe shall be shown.
- (4) On the respective portions of the street and profile plan, the applicant should show any additional information which would more clearly explain or indicate his drainage and other utilities systems.



ARTICLE IV  
**Design Criteria and Requirements**

**§ 231-13. Suitability of system of ways.**

- A. Ways shall be continuous and in alignment with existing ways, as far practicable, and shall compose a convenient system with connections adequate to ensure free movement of vehicular travel.
- B. If adjoining property is not yet subdivided, the applicant shall provide, in a manner acceptable to the Planning Board, a way or ways to said adjoining property. The plans should show such access as an extension of a right-of-way. The Planning Board may require that the extension be paved.
- C. Proposed development of applicant's other contiguous land. The Planning Board may decline to approve a plan if the applicant owns land contiguous to that shown on the plan and fails to furnish sufficient data to enable the Planning Board to relate the proposed plan to the applicant's remaining land. Such data shall include the lines of proposed ways and lots in general manner and approximate grades, and such other details as the Planning Board may reasonably require.
- D. No block shall exceed 1,000 feet in length in a residential subdivision.
- E. In cases where, in the opinion of the Planning Board, soil conditions warrant, the Planning Board may require the subdivider to take borings at such locations as the Planning Board may deem necessary to provide adequate disclosure of subsurface conditions.

**§ 231-14. Width and grade of ways.**

- A. Roadways shall be designed in accordance with Table 1, Roadway Design Standards.

**Table 1**

**Roadway Design Standards**

<b>Requirement</b>	<b>Residential Roadway</b>	<b>Industrial- Commercial Roadway</b>
Maximum grade	6%	6%
Minimum grade	1%	1%
Pavement width (feet)	26	36
Minimum center-line radius of horizontal curvature (feet)	140	300
Stopping sight distance (feet)	200	300
Curve radius (feet) at intersections	20	20

**Table 1**  
**Roadway Design Standards**

<b>Requirement</b>	<b>Residential Roadway</b>	<b>Industrial- Commercial Roadway</b>
Right-of-way width <sup>1</sup> (feet)	54	80
Shoulder width (feet)	4	4

NOTES:

<sup>1</sup> The Planning Board may require a greater width of right-of-way where deemed necessary to handle either the traffic from within or outside of the subdivision.

**§ 231-15. Dead-end streets.**

- A. A dead-end street shall not be longer than 500 linear feet in combined total length unless, in the opinion of the Planning Board, a greater length is necessitated by topography or other local conditions, excluding financial considerations, or there are clear and compelling benefits to the Town for granting a greater length. For the purpose of these subdivision rules and regulations, a "dead-end street" is defined as any street, extension of a street, or systems of streets, connected to a through street only at a single point. Any such street shall be considered a dead-end street regardless of size or internal circulation patterns. Any street, segment of street, or system of streets which intersects only with a dead-end street shall be deemed to be an extension of the dead-end street. The length of a dead-end street shall be measured along its center-line from the edge of the pavement of the intersecting through street to the midpoint of the circular turnaround.
- B. The number of dwelling units served by a dead-end street shall not exceed (10). Subdivisions containing more than 10 lots shall provide a minimum of two means of vehicular access to and from the subdivision onto previously existing public ways.
- C. A dead-end street or an extension of a dead-end street shall be provided at its closed end with a circular turnaround having a minimum and maximum dimension as shown below in Figures 1 and 1A.<sup>10</sup>

**§ 231-16. Intersection of ways.**

- A. All intersections of ways shall be at an angle of 90° or radial to curves. Street lines at intersections shall be cut back to provide for radii of not less than 25 feet in residential subdivisions and not less than 35 feet in industrial and commercial subdivisions.

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**10. Figures 1 and 1A are included at the end of this chapter.**



- B. The number of ways converging at an intersection shall be kept to a minimum. The centerlines of said streets shall intersect at one common point.
- C. Grades at intersection shall be designed to be no greater than 2% for the first 40 feet and no greater than 4% for the next 30 feet. Adequate sight lines for vehicles and pedestrians shall be provided for and maintained at all street intersections.
- D. The intersection of centerlines of streets shall occur not less than 200 feet apart.
- E. The grading at the intersection of ways shall be so designed as to be safe and convenient for travel and to direct the flow of surface water in a suitable manner.

**§ 231-17. Reservation strips.**

The Planning Board will not approve any plans having so-called reservation strips which would prevent further extension of ways.

**§ 231-18. Utilities.**

- A. Where applicable proper connections shall be made with existing sewers, drains and water mains. Where, in the opinion of the Planning Board, after consultation with the appropriate town department, the capacity of an existing sewer, drain or water main is inadequate to accommodate the entire subdivision, only that portion thereof which, in their opinion can be adequately accommodated, shall be so connected.
- B. Where adjacent property is not subdivided, provisions shall be made for extension of the utility systems by continuing appropriate sewers, drains and water mains to the exterior boundaries of the subdivision, at such size and grade as will allow for their proper projection.
- C. Design analysis. A design analysis shall be submitted with each definitive plan submitted for approval. The design analysis shall include at least the following information:
  - (1) Sanitary sewer system.
    - (a) The calculations used in designing the sewerage system, including the method of estimating average flows (including infiltration allowances), the peaking factor used and the hydraulic design of the system, including quantity and velocity of flow under both average and peak flow conditions, shall be included.
    - (b) Sanitary sewers shall be such as to ensure a flow of not less than two feet per second nor more than 10 feet per second.
  - (2) Interceptor drains must be installed as conditions require.

## D. Stormwater management.

## (1) General.

- (a) A stormwater management plan shall be designed in accordance with the guidelines established in the publication entitled "Stormwater Management: Volume One: Stormwater Policy Handbook"; and "Volume Two: Stormwater Technical Handbook," prepared by the Department of Environmental Protection (DEP) and the Office of Coastal Zone Management (CZM), dated March 1997. This publication is hereby incorporated by reference.
- (b) The plan shall include a detailed design certified by a professional engineer registered in the Commonwealth of Massachusetts that will adequately dispose of surface water. Drainage improvements shall be designed so that there will be no adverse effects created by the proposed rates of runoff for the two-year, ten-year, and one-hundred-year storms. The location of the proposed development site within the regional watershed, and the hydrologic characteristics of the regional watershed shall be considered in the design and evaluation of the stormwater management system. Calculations shall be performed using the USDA SCS TR20 or TR55 methodologies. Predevelopment and postdevelopment drainage divides shall be shown on a diagram incorporated within the calculations. Off-site runoff entering the subdivision shall be properly considered and shall be calculated based on existing conditions, assuming all culverts and other restrictions are functioning properly. To the maximum extent feasible, stormwater shall be recharged rather than piped to surface water.
- (c) All surface retention and detention facilities shall be integrated into the grading and landscaping plan so as to minimize the visual impacts.

## (2) Infiltration or recharge.

- (a) Infiltration measures to recharge groundwater shall be designed to control increased peak rates of runoff due to development conditions. Infiltration basins, infiltration trenches, dry wells and vegetated swales shall be used as appropriate.
- (b) Design shall be based upon storage and infiltration of the increase in runoff due to the proposed development based upon the ten-year frequency storm as determined by SCS methodology.
- (c) The bottom of infiltration measures shall be a minimum of two feet above average high groundwater.

- (d) Design of infiltration measures shall provide for controlling the excess runoff from storms greater than the design storm up to and including the one-hundred-year storm event. The overflow shall be directed so that no increase in flooding of adjacent properties occurs or that access to roadways is made impassable.
  - (e) Design shall be based upon the methodologies of the Standards and Specifications for Infiltration Practices, developed by the State of Maryland Department of the Environment, dated February 1984. Runoff volumes shall be determined using the SCS methodology.
- (3) Detention basins. Head-vs-discharge calculations shall be furnished for the detention outlet control. The outlet control shall be designed to minimize the possibility of clogging and shall permit reasonable access for cleaning. The detention basins shall have an emergency overflow provision in case of clogged outlet, or greater than one-hundred-year storm. The detention basin shall have 3:1 maximum side slope, finished with a six-inch layer of loam, and seeded.
- (4) Stormwater quality.
- (a) Best management practices (BMP) for urban runoff quality should be implemented wherever possible in order to minimize the impact development will have on the quality of runoff.
  - (b) The development should incorporate as many individual treatment devices as practicable. The use of vegetated swales and overland flows is encouraged where appropriate in order to reduce the amount of directly connected impervious surfaces throughout the proposed development.
  - (c) Following is a list of BMP's which may be utilized and minimum guidelines for their design.
    - [1] Vegetated swales. Swales should have side slopes equal to or greater than three feet horizontal to one foot vertical and be constructed at minimum slopes to reduce flow velocities and encourage infiltration. The swales should only hold water during and immediately after rainfall events and should be planted with vegetation suitable for soil stabilization, stormwater treatment and nutrient uptake. The water quality benefits provided by swales are limited due to short residence times.
    - [2] Retention.
      - [a] Retention areas may be designed to infiltrate the first flush volume of stormwater. They should be designed

to retain the first 1/2 inch of runoff or the runoff created by one inch of rainfall, whichever is greater.

- [b] Retention areas should have grassed bottoms and sides to reduce maintenance and maintain soil infiltration properties. A minimum of two feet should be maintained between the bottom of the basin and the seasonal high groundwater table.
  - [c] Retention facilities should be located off-line, meaning only runoff from small storms and the first flush volume of large storms should be directed to and stored in the facility. The system must be designed in a manner which prevents large storm volumes from damaging the basin or resuspending previously settled pollutants.
- [3] Wet detention. Wet detention ponds consist of a permanent water pool, a zone where stormwater runoff is temporarily stored and treated, and a shallow littoral zone for biological quality enhancement. The basin should be designed to provide extended detention times of 24 to 48 hours for small storm events (first 1/2 inch of runoff or the runoff generated by one inch of rainfall, whichever is greater). Approximately 30% of the pond surface area shall be littoral with bottom slopes of 6:1 or flatter and planted with appropriate aquatic vegetation. The littoral zone shall be established around a minimum of 50% of the pond perimeter. The flow length between inlets and the pond outlet should be maximized to prevent short circuiting. A length-to-width ratio of at least 3:1 is recommended, diversion baffles, dikes or peninsulas may be utilized to increase the flow length. The outlet structure of the pond should be designed to retain oil, grease and floatable pollutants in the pond.
- (d) These recommendations are presented as guidelines only and are not intended to limit the innovation or implementation of new technology and designs. The burden shall be upon the engineer to demonstrate the effectiveness of the system in improving the quality of stormwater runoff quality.

#### **§ 231-19. Access on state highways.**

Where access to a state highway is necessary, evidence of state permission must be presented to the Board with submission of the preliminary plan or definitive plan, as the case may be.

#### **§ 231-20. Adequate access from public way.**

- A. Where the street system within a subdivision does not connect with or have, in the opinion of the Board, adequate access from a Town, county or state (public) way, the Board may require, as a condition of approval of a plan, that such adequate access be provided by the subdivider and/or that the subdivider make physical improvements to and within such a way of access, in accord with the provisions of Article IV and Article V of these regulations, from the boundary of the subdivision to a Town, county or state way.
- B. Where the physical condition or width of a public way from which a subdivision has its access is considered by the Board to be inadequate to carry the traffic expected to be generated by such subdivision, the Board may require the subdivider to dedicate a strip of land for the purpose of widening the abutting public way to a width at least commensurate with that required within the subdivision and to make physical improvements to and within such public way to the same standards required within the subdivision. Any such dedication of land for purpose of way and any such work performed within such public way shall be made only with permission of the governmental agency having jurisdiction over such way, and all costs of any such widening or construction shall be borne by the subdivider.

**§ 231-21. Subdivisions straddling municipal boundaries.**

The Planning Board will not approve a subdivision of land where sole access to the subdivision tract in Westminster is through another town, unless the access is through an accepted public way at the time the subdivision is submitted. In general, lot lines should be laid out so as not to cross municipal boundaries.

**§ 231-22. Open spaces.**

Before approval of a plan, the Planning Board may require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of the land. The Board may, by appropriate endorsement on the plan, require that no building be erected upon such park or parks for a period of not more than three years without its approval. This land shall be made available for purchase by the Town. Failure to purchase within three years shall free the owners from restrictions.

**§ 231-23. Protection of natural features.**

- A. Due regard shall be shown for all natural features, such as large trees, watercourses, scenic points, historic spots, and similar community assets, which, if preserved, will add attractiveness and value to the subdivision, and protect the natural resources of the Town.

- B. Existing contours shall be preserved insofar as it is practical to do so. No change shall be made in the contour of the land that adversely affects the land abutting the proposed subdivision.
- C. To be more attractive and economical, subdivisions shall closely adhere to the topography of the land, with streets designed so as to minimize the necessity for excessive cut and fill.
- D. Building envelopes which restrict the placement of buildings within approved lots will be required when necessary to protect significant natural features or scenic viewpoints which might otherwise be adversely impacted from construction.

**§ 231-24. Street names.**

Street names shall be submitted to the Historical Commission for comment and be approved by the Fire Department to prevent duplication or close similarity to names of existing streets and to provide names in keeping with the character of the Town. Names reflecting geographic, natural or historical features are preferred to names of persons.

**§ 231-25. Lot numbers.**

Prior to plan endorsements, lot numbers, as assigned by the Fire Department, shall be shown on the plan.

**§ 231-26. Lot grading and drainage.**

Lots shall be prepared and graded in such a manner that development of one lot does not cause detrimental drainage onto another lot, on areas outside the subdivision, onto roadways, or onto wetlands.

## ARTICLE V

**Required Improvements for Approved Subdivision****§ 231-27. Construction of ways.**

- A. Granite or precast reinforced concrete bounds, four feet long by six inches square at the top, shall be set at points as indicated on the approved plan. Such bounds shall be set in gravel with their tops at the proposed sidewalk surface grades, unless otherwise directed. A hole 1/2 inch in diameter and one inch deep shall be drilled in the bound at the exact point of survey reference.
- B. All underground utilities, including surface water drains, shall be installed and all ways shall be constructed by the subdivider at his own expense, in accordance with the grades approved by the Planning Board. Subdividers shall comply with the details and specifications shown on Figures 2 through 8<sup>11</sup> and to any other specification as indicated on the approved plan.
- C. Residential roads shall consist of at least 18 inches of gravel after compaction in accordance with the Massachusetts Department of Public Works, 1967 Standard Specifications, Sections 401 and 405, or as amended, and treated with a prime coat of MC-1, applied at a rate of 0.3 gallon per square yard, the binder course shall be 2 1/2 inches thick and the top course shall be 1 1/2 inches thick after rolling so as to form a compacted final pavement depth of four inches as shown on in Figure 2. Commercial roads shall be designed to the same specifications as residential roads except for a two-inch base, after compaction, should be applied before the binder course and final course so as to form a compacted final pavement width of six inches as shown in Figure 2A.
- D. Granite curb inlets conforming to Figure 4 will be required at every catch basin.
- E. All sewers, surface water drains, water pipes and any other underground facilities, together with their appurtenances, shall be installed only after the subgrade of the way has been established.
- F. The excavating of trenches, the methods and material of backfilling and all other matters relating to the installation of water pipes, sewer lines, storm drains and subsurface drains shall be consistent with good construction practices and shall at all times be subject to the inspection of the applicable Town departments (Figure 8).
- G. Connections for all utilities from the main structure to the exterior line of the way shall be constructed for each lot, whether or not there is a building thereon.
- H. The subdivider shall protect improvements required under the subdivision rules and regulations, including utilities, streets, curbing,

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**11. Editor's Note: Figures 2 through 8 are included at the end of this chapter.**

sidewalks, etc., from any and all damage, until the entire subdivision is completed and approved as a whole by the Planning Board. Any damage to these utilities, etc., prior to the approval by the Planning Board, shall be repaired in a manner satisfactory to the Planning Board, the full cost of which shall be borne by the subdivider. Any material used which does not meet the standards as set forth in these regulations shall be replaced by the subdivider at his own expense. Underground utilities and appurtenances not installed in accordance with the final grade approved by the Planning Board shall be removed and reset to proper grade at the expense of the subdivider.

- I. Where the grade of the way is above or below the grade of the adjacent land, walls or slopes shall be constructed by the subdivider in conformance with the recommendations of the Planning Board.
- J. Curbing shall be sloped granite edging on all intersections, culs-de-sac and all other radii. Cape Cod berm Type I dense mix shall be allowed in all remaining sections (Figure 5).

#### **§ 231-28. Bituminous pavement.**

- A. Bituminous concrete pavement shall conform to Massachusetts Department of Public Works, 1967 Standard Specifications, Section 460, and designated as Class I binder course, top course and dense mix (for curbs).
- B. Residential subdivisions shall have a two-and-one-half-inch binder course and a one-and-one-half-inch top course. Industrial and commercial subdivisions shall have two-inch binder courses and a two-inch top course. The Planning Board may require a greater width of way where deemed necessary to handle either the traffic generated from within or outside of the subdivision. All drainage structures shall be coated with 3,000 psi air-entrained concrete and coated with asphalt cement, in accordance with the Westminster DPW requirements, before final paving.
- C. Before application of the finish coat, the bituminous concrete base shall have been in place for a minimum of 12 months or for a lesser period as may be determined by the Board. A machine-applied tack coat shall be applied over a cleaned bituminous binder course prior to installation of final paving course.

#### **§ 231-29. Sidewalks.**

All sidewalks shall be designed meeting all applicable accessibility requirements; constructed as shown on Figures 2 and 2A,<sup>12</sup> and shall be of bituminous concrete. Sidewalks shall be five feet wide with a base of eight inches of suitable gravel in accordance with the Massachusetts Department of Public Works, 1967 Standard Specifications, Sections 401 and 405, or as

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12. Editor's Note: Figures 2 and 2A are included at the end of this chapter.



amended, and a surface of Type I-1 bituminous concrete, 2 1/2 inches in depth laid in two courses, one-and-one-half-inch binder and one-inch top.

### **§ 231-30. Driveways.**

There shall be constructed for each lot a driveway ramp not less than 14 feet in width at the gutter line as shown on the plan entitled "Typical Driveway Cross Section" (Figure 3).<sup>13</sup> All driveways shall be designed to meet the specifications of the Westminster DPW. In addition, driveway cuts into streets shall be prohibited until the Planning Board finds that the location, width, length, line of sight, grades, proximity to other driveways and streets, grade and elevation will provide adequate provisions for the public safety. Driveway cuts shall not be permitted within 100 feet of the sideline of intersecting streets or railroad crossings. No more than one driveway cut shall be permitted per lot.

### **§ 231-31. Signs.**

All signage, street signs, stop signs, stop bars, and crosswalks, in accordance with the US Department of Transportation Manual of Uniform Traffic Control Devices, shall be installed within the subdivision.

### **§ 231-32. Trees.**

- A. Trees shall be Sugar maple (or other species approved by the Planning Board) with a diameter of two to three inches measured four feet from the ground level and shall be eight to 10 feet tall. The trees shall be nursery grown and planted in a hole at least one foot in diameter larger than the root system, and the developers must apply good grade of loam, mixed with bog peat and bonving or a good grade of organic fertilizer.
- B. There shall be minimum of two trees per lot in residential subdivisions. These two trees shall be planted anywhere in the front yard area as defined in Chapter 205, Zoning.

### **§ 231-33. Fire protection.**

All subdivisions shall be provided with adequate fire protection installation and maintenance in accordance with the requirements of the Westminster Fire Department entitled "Fire Protection Water Supply Regulations."

### **§ 231-34. Maintenance of site during construction; clean-up following completion.**

During construction, a sightly appearance shall be maintained. Upon completion of all work on the ground, the applicant shall remove all temporary structures and all surplus material and rubbish and shall leave the work in a neat and orderly condition. Waste materials, debris, and

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13. Editor's Note: Figure 3 is included at the end of this chapter.

discards shall be removed to and disposed of at a place and in a manner approved by the Board of Health and the Planning Board.

**§ 231-35. Maintenance of roads and other improvements.**

The applicant shall maintain the roads for vehicular travel in a manner satisfactory to the Board. Further, the applicant shall maintain the road and all other improvements within the subdivision, in a condition which meets all the above requirements to the satisfaction of the Board until acceptance of such roads by vote of the Town.

**§ 231-36. Erosion and sedimentation control.**

- A. The applicant shall control erosion and sedimentation during construction according to the objectives, principles and design considerations set forth in the following publications: "Residential Erosion and Sediment Control," published by the Urban Land Institute, the American Society of Civil Engineers, and the National Association of Home Builders, 1978; and "Soil and Water Conservation in Urbanized Areas of Massachusetts," published by the USDA Soil Conservation Service, Amherst, 1975. These publications are hereby incorporated as part of these regulations. If it is determined by the Conservation Commission or the DPW that the erosion control plan is not working, then the plan shall be revised. Failure to respond shall result in cease-and-desist of all site activity until the revised plan is approved.
- B. When directed by the Town, the applicant shall clean up, in a timely manner, any sand, dirt, or debris which erodes from the subdivision onto any public street or private property, and to remove any silt or debris that enters any existing drainage system including catch basins, sumps, pipelines, manholes, and ditches.

**§ 231-37. Requirements for earth removal within the context of subdivision approval.**

All earth removal incidental to the subdivision of land shall receive an earth removal permit from the Board of Selectmen before the commencement of any earth removal activity.

**§ 231-38. Environmental and community impact analysis.**

- A. Any submission of a subdivision requiring substantial cuts, earth removal in excess of 3,000 cubic yards, creating 1,000 feet or more of roadway/street, or creating more than 10 lots, and all nonresidential subdivisions shall be accompanied by four copies of an environmental and community impact analysis, as determined during the preliminary plan process. The environmental and community impact analysis shall assess the relationship of the proposed development to the natural and man-made environment of Westminster. This report shall be prepared by an interdisciplinary team of professionals qualified and experienced and, where applicable, licensed in their field. Such teams shall typically

consist of registered professional engineers, traffic engineers, architects, landscape architects, land use planners, hydrogeologists, hydrologists, and other environmental professionals.

- B. It is intended that the report be a guide to the Planning Board in its deliberations and will build into the Board's decision-making process an appropriate and careful consideration of the environmental and community impacts of the proposed development.
- C. For each of the components of the environmental and community impact analysis listed under this section, each of the following concerns must be separately addressed.
  - (1) The environmental and community impacts of the proposed development. All primary and secondary environmental and community impacts, both beneficial and adverse, as a result of the proposed development. This section shall include all impacts resulting from the construction phase as well those resulting from project completion.
  - (2) Adverse impacts which cannot be avoided should the proposed development be implemented. The report shall describe the kinds and magnitudes of adverse impacts which cannot be reduced in severity or which can be reduced in severity but not eliminated.
  - (3) Alternatives to the proposed development. The report shall develop, describe and objectively weigh alternatives to the proposed development which are allowed pursuant to the Westminster Zoning Bylaw.<sup>14</sup>
  - (4) Measures to be used to minimize adverse environmental and community impacts. Corrective and protective measures which will be taken, as part of the project, to minimize adverse impacts shall be described in detail.
- D. The Planning Board as part of a review for a preliminary subdivision plan, submitted in accordance with the requirements of § 231-11, shall specify which of the following topics shall be evaluated and the level of detail required for each topic in the environmental and community impact analysis and submitted with the definitive plan. If no preliminary plan is submitted, the environmental and community impact analysis shall evaluate all of the following topics.
  - (1) Traffic analysis. A complete analysis of the traffic flow of the proposed development and impacts of traffic on levels of service on affected intersections.
  - (2) Community impact analysis. Describe the effect of the project on community services including public safety (police and fire

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**14. Editor's Note: See Ch. 205, Zoning.**

protection), public water and sewer, drainage and stormwater management, roadways, waste disposal, and educational services.

(3) Natural environment.

- (a) Air and noise pollution. The impact of local air quality and noise from the proposed development, including traffic generated from the development both during construction and after completion, shall be evaluated. The Planning Board may require detailed technical reports of such impacts.
- (b) Water pollution. The impact of stormwater runoff on adjacent and downstream surface watercourses and subsurface groundwater shall be evaluated. Dangers of flooding as a result of increased downstream runoff, especially peak runoff and the impact of the proposed project on existing water table elevations, shall be analyzed. The location and type of wells located on abutting property within 100 feet of the property line of the proposed project shall be identified. The analysis shall include a report prepared and endorsed by a qualified Massachusetts hydrological engineer setting forth the location and elevation of the high groundwater table on the entire portion of the land to be excavated and the location of monitoring wells which have been used to establish high groundwater table. The highest elevation of the groundwater shall be determined by observation wells monitored during the months of April and May. The report shall include a soil log profile.
- (c) Land. Compatibility of the proposed development with existing soils; the impact of any soils or other materials to be removed from the site; and the potential danger and impacts of erosion and sedimentation caused by the proposed development. The analysis shall include an erosion and sediment control plan. The Planning Board may require detailed soil borings.
- (d) Water supply. The average and peak daily demand and the impact of such demands on groundwater aquifers, supplies and adjacent watercourses.
- (e) Sewage disposal. The average and peak daily disposal and the impact of such disposal on groundwater aquifers, supplies and adjacent watercourses.

(4) Man-made environment.

- (a) Existing neighborhood land use. Compatibility with adjacent or nearby land uses or approved private development plans, if known, or land use changes to occur during the life of the proposed development. If not compatible, reason therefor shall be detailed. Consultation with the Planning Board is strongly recommended.

- (b) Zoning. Compatibility of proposed development with the purpose of the Zoning Bylaw<sup>15</sup> and the zoning district.

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**15. Editor's Note: See Ch. 205, Zoning.**



ARTICLE VI  
**Administration**

**§ 231-39. Variation.**

- A. Strict compliance with the requirements of these rules and regulations may be waived when, in the judgment of the Planning Board such action is in the public interest and not inconsistent with the Subdivision Control Law.
- B. For matters not covered by these rules and regulations, reference is made to §§ 81-K to 81-GG, inclusive, of Chapter 41 of the General Laws of the Commonwealth of Massachusetts.

**§ 231-40. Project review fees.**

To assist the Board in its review of the plan and at its discretion to serve as its agent during the course of construction, the Board may hire, at the developer's expense, an engineer or other professional to act as consultant to the Board.

**§ 231-41. Inspection.**

- A. An engineer, reporting to and designated by the Planning Board, but paid by the applicant, shall be required. The engineer shall not authorize any changes from these regulations or from the approved definitive plan for the subdivision without specific approval of the Planning Board.
- B. As each construction phase listed below is completed, the applicant shall notify the Planning Board and the Planning Board's engineer, and no succeeding operation shall commence until the work has been inspected by the Board or its authorized agent.
- C. The applicant shall furnish all data relative to baselines and grade stakes on the ground, stake sheets, ties and other information which is needed, in the opinion of the Board, to accomplish such checking as is required for the requested approval and certification. Charges for such inspections shall be paid for by the applicant as outlined above.
- D. Inspections shall be required at the following stages of construction:
  - (1) After clearing, grubbing, stump removal, excavation to subgrade and excavation of ditches for utilities.
  - (2) After drainage system (pipe, manholes, catch basins and other drainage structures) is installed, but before it is covered. Inspector shall sight drainage pipe runs to adjacent basins. Any defective runs shall be corrected before approval is given.
  - (3) After surface gravel is in and compacted, the inspector shall also reinspect pipe runs from catch basins as above.

- (4) After bituminous concrete is installed.
- (5) Before acceptance by the Town of Westminster at an Annual Town Meeting or at a Special Town Meeting.
- (6) At other specific times deemed necessary by the Board or engineer.
- E. The applicant shall give 72 hours' notice to the Planning Board whenever an inspection is indicated.
- F. The applicant is responsible for requesting inspections at the proper stage in the process of installation of improvements. No work will be accepted that has been covered before inspection.

**§ 231-42. Engineering costs.**

- A. Engineering costs incurred by the Planning Board during the consideration of the preliminary plan and or the definitive plan, and during the preparation and recording of an approved definitive plan will be billed to the applicant, at cost, by the Town of Westminster.
- B. Engineering costs will be billed by the Town to the applicant to cover the actual costs to the Town for the engineering services performed in connection with the subdivision being considered. Normal services will include the following:
  - (1) Checking definitive plans for accuracy of data and for sound engineering practice.
  - (2) Checking record plans for accuracy of data and for sound engineering practice.
  - (3) Inspections, as required.
- C. Other services beyond those outlined above and performed on behalf of the applicant by the engineers of the Planning Board will be billed to the applicant by the Town at cost. These extra services will not be performed unless specifically agreed upon by the Planning Board and the applicant.

**§ 231-43. Acceptance of roads.**

- A. When a road or way in a subdivision has been constructed in a manner fulfilling the requirements of the Planning Board and these regulations, and the binder course has been exposed to a full year of weathering, before the application of the final course, and the final course has also been exposed to a full year of weathering, the applicant may request the Board to inspect the road in order to make a recommendation to the Board of Selectmen and Town Meeting on the question of accepting said way or road. Subdivision road acceptances are the financial and legal responsibility of the applicant. All road acceptance requests shall follow the Town of Westminster's Road Acceptance Policy and



Procedures. The following information will be required before the Board makes a recommendation on road acceptance:

- (1) A Mylar plus two copies of the plan of the road as-built, at a scale of one inch equals 40 feet. The center-line profile shall be shown at 4 feet per inch on the vertical scale and 40 feet per inch on the horizontal scale taken at fifty-foot intervals along the road or way as it has been completed. The plan shall show the monuments with the dates they were set and the traverse and fixed points on the subdivision perimeter used to establish the bound locations, all with bearings, distances, or coordinate values sufficient to reestablish these points.
- (2) All utilities, including water lines, gas lines, cable lines, drainage systems, electric poles and lines, and telephone poles and lines, shall be shown on the plan as they exist.
- (3) Two typewritten copies and one electronic copy of the proposed article for the Town Meeting covering the road or way which is to be considered for acceptance by the Town.
- (4) If applicable, a certificate of compliance from the Conservation Commission under MGL, c. 131, § 40, and the Westminster Wetlands Bylaw.<sup>16</sup>

**§ 231-44. Lot release; building permits.**

The roadway area within the frontage of a lot shall have all utilities, including fire protection, and the bituminous concrete base installed and approved by the appropriate agency before said lot can be released or built upon.

**§ 231-45. Appeals.**

Appeals may be taken from the determination of the Board to Superior Court in accordance with MGL c. 41, § 81BB.

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**16. Editor's Note: See Ch. 202, Wetlands.**

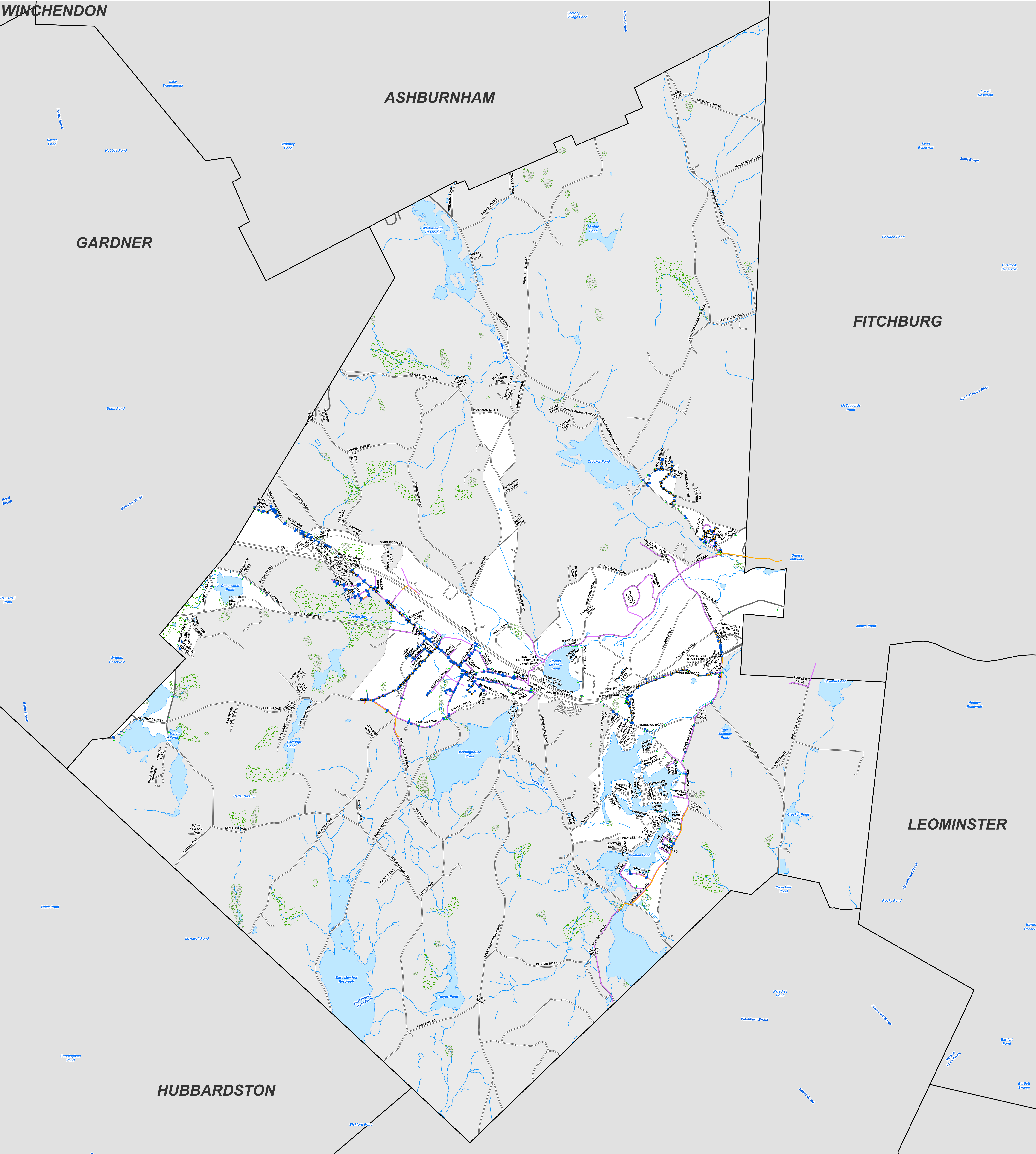
## Appendix D

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### Stormwater System Mapping

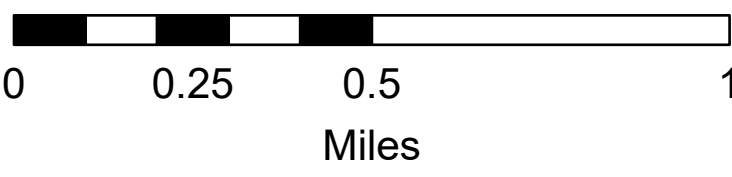
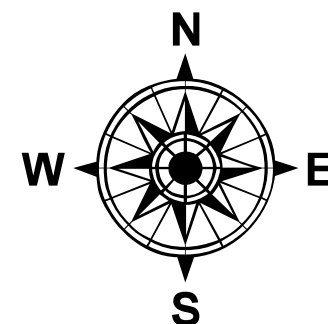
<b>Requirement Summary</b>	<b>Status</b>
<b>Phase I – Must be Complete by July 1, 2020</b>	
1. Outfalls and receiving waters	Complete
2. Open channel conveyances	Not started
3. Interconnections with other MS4s	Not started
4. Municipally owned structural BMPs	Not started
5. Waterbody names and impairments	Complete
6. Initial catchment delineations by topo	Complete (updates ongoing)
<b>Phase II – Must be Complete by July 1, 2028</b>	
1. Outfalls with spatial accuracy +/-30 feet	Complete
2. Pipe connectivity	Not started
3. Manholes	Complete
4. Catch basins	Complete
5. Refined catchment delineations	Not started
6. Municipal sanitary system	Complete
7. Municipal combined sewer system	Not Applicable





**Legend**

- Outfalls
- Catch Basin
- Manhole
- Overflow
- Drain Pipes
- Sewer Pipe
- Sewer Force Main
- Roads
- Lake, Pond, Reservoir
- Wetland, Marsh, Swamp
- Stream, Brook
- Non-Urban Area



**Stormwater Infrastructure Map**  
**Westminister, MA**

Comprehensive  
Environmental  
Incorporated



Data Sources: CEI, MassGIS, Town of Westminister



## Appendix E

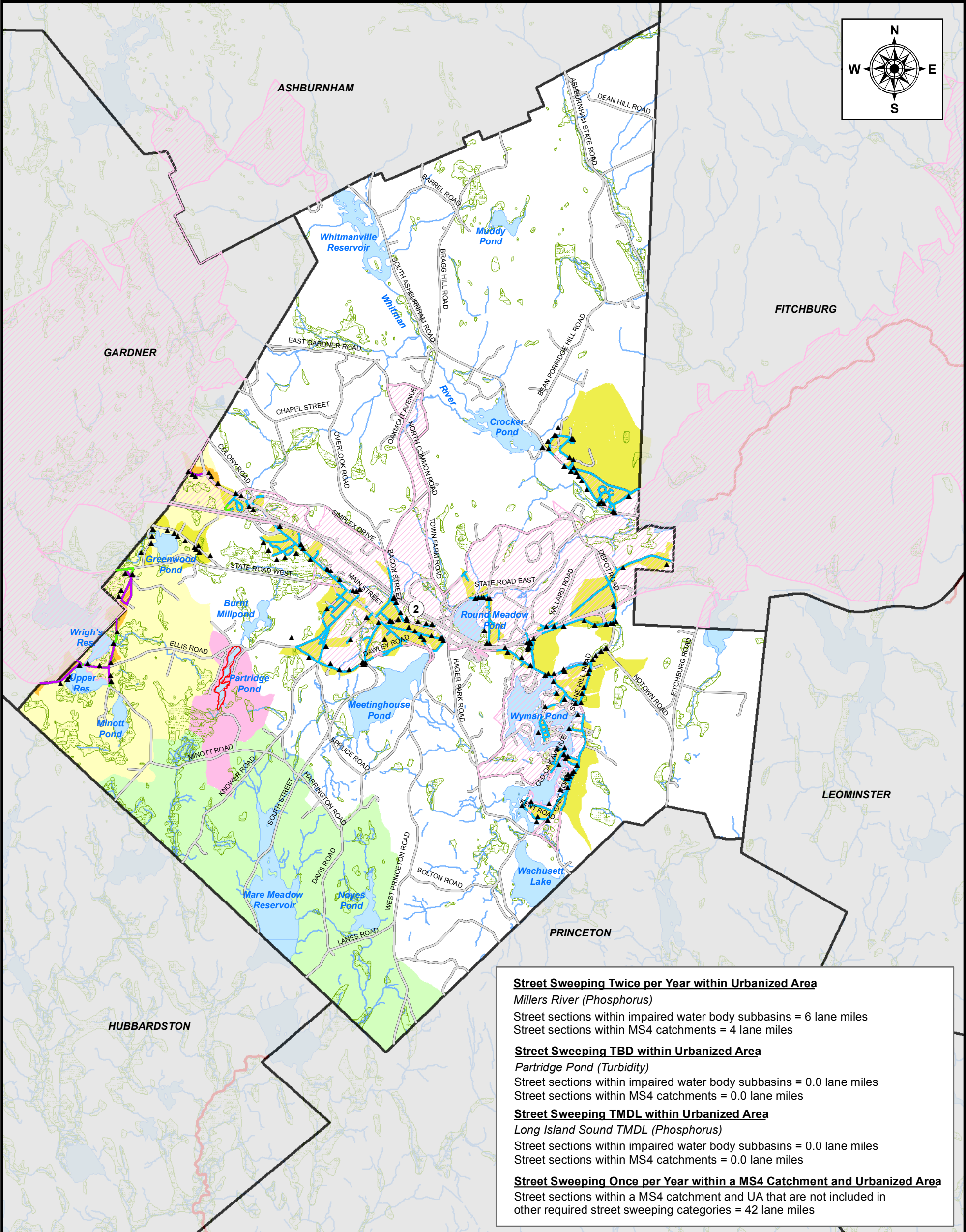
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### Inventory of Town-Owned Property

## Appendix F

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### Street Sweeping Optimization Plan



**Street Sweeping Twice per Year within Urbanized Area**  
*Millers River (Phosphorus)*  
Street sections within impaired water body subbasins = 6 lane miles  
Street sections within MS4 catchments = 4 lane miles

**Street Sweeping TBD within Urbanized Area**  
*Partridge Pond (Turbidity)*  
Street sections within impaired water body subbasins = 0.0 lane miles  
Street sections within MS4 catchments = 0.0 lane miles

**Street Sweeping TMDL within Urbanized Area**  
*Long Island Sound TMDL (Phosphorus)*  
Street sections within impaired water body subbasins = 0.0 lane miles  
Street sections within MS4 catchments = 0.0 lane miles

**Street Sweeping Once per Year within a MS4 Catchment and Urbanized Area**  
Street sections within a MS4 catchment and UA that are not included in other required street sweeping categories = 42 lane miles

Legend

- ▲ MS4 Outfalls

Urbanized Area -

**303d Water Bodies - Category 5**

Impaired Lake, Pond

Impaired River, Stream - Category 5

**Hydrography**

Lake, Pond, River

Wetland

Stream, Brook
- Outfall Catchments**

Discharges to Impaired Water Body Subbasin within UA

Does Not Discharge to Impaired Water Body Subbasin within UA

**Impaired Water Body Subbasins**

Sweep Twice per Year (Millers River)

Sweep TBD (Partridge Pond)

Sweep TMDL (Long Island Sound)

Street Sweeping Once per Year within MS4 Catchment and UA (required)

**Street Sweeping Twice per Year, within UA**

Within MS4 Catchment (required)

Within Impaired Water Body Subbasins (not required)



Street Sweeping Map

Sweeping per Phase II Requirements

Westminster, Massachusetts



Comprehensive Environmental Inc.

## Appendix G

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### Catch Basin Optimization Plan



# Plan for Optimizing Catch Basin Cleaning

Westminster, MA

June 30, 2019

## Prepared For:

**Town of Westminster**  
11 South St  
Westminster, MA 01473

## Prepared by:

**Comprehensive Environmental Inc.**  
41 Main Street  
Bolton, MA 01740



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Appendix A. Map of Drainage Infrastructure

Appendix B. Standard Operating Procedures for Catch Basin Cleaning and Inspection

# 1 Introduction

This Catch Basin Cleaning Optimization Plan has been prepared by Westminster, MA to address the catch basin inspection, cleaning and maintenance requirements of the United States Environmental Protection Agency's (USEPA's) 2016 National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) in Massachusetts, hereafter referred to as the "2016 MS4 Permit."

The 2016 MS4 Permit requires the permittee to document its plan for optimizing catch basin cleaning, inspections, or its schedule for gathering information to develop the optimization plan. This plan documents the Town's existing catch basin cleaning program and its plans for gathering additional information to refine its program to meet the requirements of the permit.

## 2 Permit Requirements

This Catch Basin Cleaning Optimization Plan addresses Section 2.3.7.1.a.iii.2 of the 2016 MS4 Permit (Infrastructure Operations and Maintenance), which includes the following requirements:

- **Establish a schedule** with the goal that the frequency of routine cleaning will ensure that no catch basin at any time will be more than 50 percent full<sup>1</sup>;
- **Prioritize** inspection and maintenance for catch basins:
  - located near construction activities<sup>2</sup>. These should be cleaned more frequently if inspection and maintenance activities indicate excessive sediment or debris loadings;
  - discharging to impaired waters where the pollutant of concern is E. coli or enterococcus; and
  - with sumps more than 50% full during consecutive inspections.
- **Establish proper documentation** of catch basin inspections to include:
  - the location and total number of catch basins;
  - the location and total number of catch basins cleaned or inspected; and
  - the total volume or mass of material removed from catch basin
- **Develop an optimization plan** for catch basin cleaning, inspection plans, or a schedule for gathering information to develop the optimization plan in the first annual report and in the SWMP.

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<sup>1</sup> A catch basin sump is more than 50 percent full if the contents within the sump exceed one half the distance between the bottom interior of the catch basin to the invert of the deepest outlet of the catch basin.

<sup>2</sup> Roadway construction; residential, commercial, or industrial development or redevelopment.

## 3 Existing Catch Basin Management Program

The Town has 496 catch basins to clean and maintain. Refer to the map in **Appendix A**. The Town cleans each catch basin on a yearly basis. The Town hires an outside contractor to complete the cleaning of all catch basins each year. The cleanings take approximately two weeks to complete and a condition assessment of the catch basins is completed every year. The materials are disposed of at the Fitchburg Landfill.

## 4 Plans to Refine Catch Basin Cleaning Optimization

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### 4.1 Optimization Methodology

Westminster will continue to implement its existing yearly catch basin cleaning schedule, during which time, it will collect data on the sump depth and sediment depth in each catch basin. A spreadsheet will be used to track sediment depth at each location. The catch basin inspection form included with the standard operating procedure (SOP) in **Appendix B** will be used to document data collected during cleaning.

A minimum of two years of data will be collected and evaluated to determine the status of the catch basins and whether the sump was more than half full. The catch basins that are more than 50% full will be evaluated for potential factors that may have contributed to it being 50% full (i.e., smaller sump, nearby construction, surrounding land uses, location in town). The evaluation will be used to identify catch basins that require more frequent inspection and/or cleaning and to develop an optimization plan that prioritizes these structures accordingly.

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### 4.2 Catch Basin Cleaning Standard Operation Procedure (SOP)

All catch basins will be inspected and cleaned following the standard operating procedures (SOP) provided in **Appendix B**.

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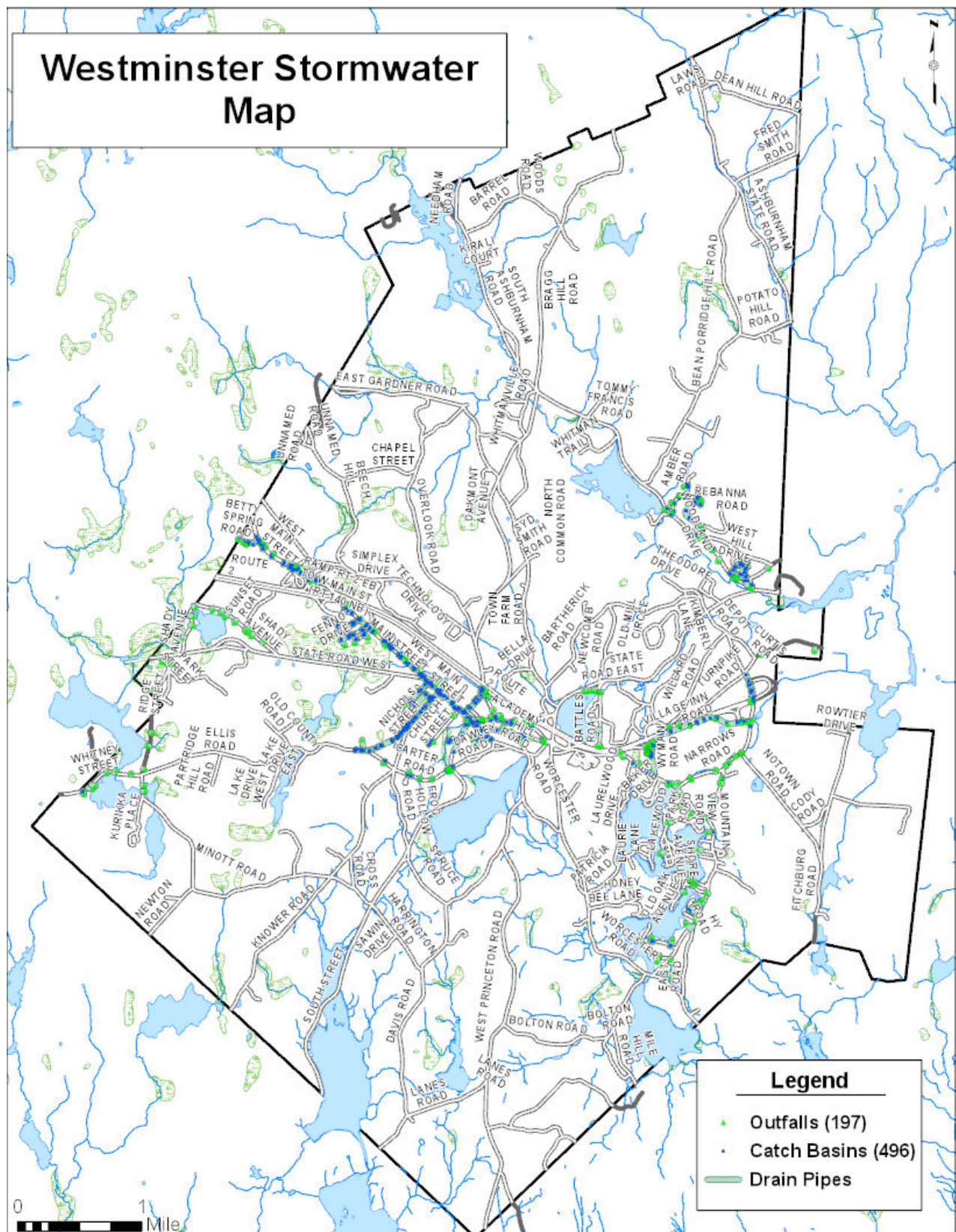
### 4.3 Catch Basin Cleanings Storage and Disposal

Westminster currently disposes of catch basin cleanings at the Fitchburg-Westminster Landfill. The Town will explore possible beneficial uses for its collected catch basin cleanings.

## Appendix A

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### Map of Drainage Infrastructure



## Appendix B

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### Standard Operating Procedures for Catch Basin Cleaning and Inspection

## Permit Requirements

As required by the 2016 MS4 Permit, catch basin inspection and cleaning requirements include the following:

- **Inspect and clean catch basins** to ensure that no catch basin is not more than 50 percent full;
- **Prioritize inspection and maintenance** for catch basins:
  - located near construction activities;
  - discharging to impaired waters; and
  - with sumps more than 50% full during consecutive inspections.
- **Establish proper documentation** of catch basin inspections; and
- **Develop an optimization plan** for catch basin cleaning and inspection.

## Before Cleaning and/or Inspection

- **Notify residents and business** of catch basin cleaning schedule to restrict parking that could obstruct catch basin cleaning operations.
- **Gather** all required forms and maps.
  - Catch Basin Inspection Form; and
  - Maps of area to be cleaned/inspected

## Cleaning and Inspection during Cleaning

1. Clean sediment and trash off of grate.
2. Remove grate.
3. Fill out **Catch Basin Inspection Form** with basin-specific information:
  - **Before cleaning:**
    - Do a visual inspection of outside of grate.
    - Do a visual inspection of the inside of the catch basin to determine cleaning needs and structural issues.
    - Measure depth from rim of catch basin to top of sediment.
    - Measure depth from rim of catch basin to the top of the outlet pipe.
    - Take photo of catch basin.
  - **Clean catch basin:**
    - For manual removal, place removed material in a location protected from potential runoff and place cleanings in a vehicle for transport to designated disposal area.
    - OR use a high-powered vac truck to remove sediment.
  - **After cleaning:**



- Measure depth from rim to bottom of catch basin.
  - Measure depth of sump (outlet pipe to bottom of catch basin).
  - Note if the catch basin is more than 50% full with sediment.
  - Note if the catch basin requires maintenance or if there are pollutants present.
  - Take photo of catch basin.
4. **Storage:** Bring cleanings to designated location at the Fitchburg-Westminster landfill at 101 Fitchburg Rd, Westminster, MA 01743 for disposal.
  5. If any illicit discharges are observed or suspected, notify supervisor.

### Interim Inspection between Cleaning Cycles

1. Clean sediment and trash off grate.
2. Remove grate.
3. Fill out **Catch Basin Inspection Form** with basin-specific information:
  - Do a visual inspection of outside of grate.
  - Do a visual inspection of the inside of the catch basin to determine cleaning needs and structural issues.
  - Measure depth from rim of catch basin to top of sediment.
  - Using sump depth collected during previous cleaning, note if the catch basin is more than 50% full with sediment.
  - Note if the catch basin requires maintenance or if there are pollutants present.
4. If any illicit discharges are observed or suspected, notify supervisor.

## Catch Basin Inspection Form

Inspection Information									
Catch Basin ID									
Street Location				GPS Location					
Inspector's Name									
Date of Inspection				Time of Inspection					
Weather (circle)		Dry		Light Rain		Heavy Rain		Snow	
Catch Basin Information									
Location		Surface Type				Grate			
<input type="checkbox"/> Road/Curb <input type="checkbox"/> Alley <input type="checkbox"/> Ditch <input type="checkbox"/> Parking Lot <input type="checkbox"/> Driveway <input type="checkbox"/> Sidewalk Other: _____		<input type="checkbox"/> Asphalt <input type="checkbox"/> Gravel <input type="checkbox"/> Concrete <input type="checkbox"/> Grass/Dirt Other: _____				____ inches x ____ inches Material: _____ Shape: _____			
Catch Basin Condition									
CB Damage: No Yes		Comment: _____							
	<b><u>Materials (circle)</u></b>					<b><u>Condition (circle)</u></b>			
Grate	Cast Iron Brick Concrete Aluminum Fiberglass					Poor Fair Good Excellent			
Frame	Cast Iron Brick Concrete Aluminum Fiberglass					Poor Fair Good Excellent			
Chimney	Cast Iron Brick Concrete Aluminum Fiberglass					Poor Fair Good Excellent			
Walls	Cast Iron Brick Concrete Aluminum Fiberglass					Poor Fair Good Excellent			
Trap/Hood	Cast Iron Brick Concrete Aluminum Fiberglass					Poor Fair Good Excellent			
Sump	Cast Iron Brick Concrete Aluminum Fiberglass					Poor Fair Good Excellent			
Sediment Depth and IDDE (inches)									
A. Depth from Rim to Top of Sediment: _____ B. Depth from Rim to Bottom of Basin (after vac): _____ C. Sump Depth: _____ D. Depth of Sediment (B-A): _____ E. More than 50% Full of Sediment? (D/C): _____  <b>CB Cleaned?</b> No Yes <b>Suspected illicit discharge?</b> No Yes						Check those Present: __ Sanitary Waste/Smell __ Excessive Sediment __ Oil Sheen __ Floatables/Trash __ Pet Waste: Other: _____ Potential Source: _____			

## Appendix H

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### SWPPP Facilities

## Appendix I

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### List of Stormwater BMPs

## Appendix J

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Annual Reports