



STORMWATER MANAGEMENT RULES AND REGULATIONS
PROMULGATED BY THE TOWN'S STORMWATER AUTHORITY
PURSUANT TO CHAPTER 195
OF THE TOWN OF RANDOLPH ORDINANCES

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August 22, 2018 - Adopted by the Stormwater Authority

1. AUTHORITY AND PURPOSE

These Stormwater Management Rules and Regulations (the "Regulations") are adopted under the authority granted by the Randolph Stormwater Management Ordinance, Chapter 195 of the Town of Randolph Ordinances. Pursuant to that Ordinance, the Superintendent of the Randolph Department of Public Works ("DPW") is designated as the Stormwater Authority for the Town of Randolph and is authorized to promulgate, review and adopt stormwater regulations, to administer, implement and enforce the Stormwater Management Ordinance, to issue permits, and to enforce the stormwater Regulations and the Stormwater Management Ordinance.

Stormwater Regulations may be adopted only after public notice in a newspaper of general circulation, a public hearing and the filing of the regulations with the Town Clerk. The Regulations are intended to clarify but not expand, extend, modify or replace any provision of the Stormwater Management Ordinance.

The purpose of these Regulations is to aid in the consistent and effective implementation of the Stormwater Management Ordinance. These Regulations establish requirements and procedures for the submission and consideration of an application for a Stormwater Management Permit and related documents, application and review fees, inspection requirements, definitions, and design standards to control the adverse effects of increased stormwater runoff, decreased groundwater recharge, and non-point source pollution associated with new development and redevelopment. Increased volumes of stormwater, contaminated stormwater runoff from impervious surfaces, and soil erosion and sedimentation are major causes of:

- impairment of water quality and decreased flow in lakes, ponds, streams, rivers, coastal waters, wetlands and groundwater;
- contamination of drinking water supplies;
- erosion of stream channels;
- alteration or destruction of aquatic and wildlife habitat;
- flooding; and
- overloading or clogging of municipal catch basins and storm drainage systems.

2. APPLICABILITY

The Regulations apply to any activity regulated by the Stormwater Management Ordinance, including any activity that requires a land disturbance permit, a discharge permit or any other permit or approval from the Stormwater Authority.

3. TYPES OF ADMINISTRATIVE REVIEW

Pursuant to the Stormwater Management Ordinance, when reviewing applications for land disturbance permits, the Stormwater Authority shall employ two types of administrative review based on the amount of land proposed to be disturbed as part of a single project, as follows:

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- (1) Administrative Land Disturbance Review by the Stormwater Authority or its designee is required for projects disturbing at least 5,000 square feet but less than 1/2 acre (21,780 square feet) of land.
- (2) A Land Disturbance Permit from the Stormwater Authority or its designee is required for disturbance of 1/2 acre (21,780 square feet) or more of land or if the proposed use is listed as a land use of higher potential pollutant loads as defined in the Massachusetts Stormwater Management Standards, regardless of the amount of land to be disturbed.

Administrative review applications that meet all the requirements for a land disturbance permit may be issued by one or more agents designated in writing by the Stormwater Authority, without the requirement for a public hearing.

4. DEFINITIONS

In addition to the definitions set forth in the Stormwater Management Ordinance, the definitions contained in Appendix A to these Regulations shall apply in the interpretation and enforcement of the Regulations.

5. SEVERABILITY

If any provision of the Regulations shall be held invalid for any reason, all other provisions shall continue in full force and effect.

6. PERMITS

The Stormwater Authority will refer in these Regulations to all permits issued by the Stormwater Authority pursuant to the Stormwater Management Ordinance as "Stormwater Management Permits." A Land Disturbance Permit is one type of Stormwater Management Permit. **Projects requiring a permit shall submit the materials specified herein and meet the stormwater management criteria specified. Filing an application for a permit shall grant the Authority, or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with the resulting permit. The Authority is authorized to retain a Registered Engineer or other professional consultant to advise on any aspect of the permit application at the applicant's expense.**

A. General.

- (1) Timing of Application. A Storm Water Management Permit ("Permit") must be obtained prior to the commencement of any activity for which a Permit is required under the Stormwater Management Ordinance or these Regulations. It is recommended that the Permit application be submitted at least ninety (90) days before any proposed activity that would trigger the Permit requirement. This will allow sufficient time for the application to be reviewed by the Stormwater Authority and relevant Town Departments.

(2) Owner Responsibility. While application may be made by a representative, the

permittee must be the Owner of the site. If the applicant has less than a fee interest in all parcels on which work will occur, the applicant shall provide written consent from the fee owner of each affected parcel, or evidence of an interest in the parcels sufficient to establish the applicant's right to conduct the work. It is the site Owner or agent's responsibility to determine if other Town, State or Federal permits or applications are required and to secure them.

(3) Public Hearings. As discussed above, certain types of Permit applications may be considered by the Stormwater Authority through an administrative process, without conducting a public hearing. However, a public hearing may be required in some cases and may be held regarding any application at the discretion of the Stormwater Authority, based on the complexity of the proposed activity, the extent of land disturbance, and/or the likelihood of significant public interest in the Permit application. If a public hearing is required, it shall be scheduled to be held at least thirty (30) but not more than forty-five (45) days after the date on which the Permit application is received by the Stormwater Authority.

(4) Burden of Proof. It is the applicant's responsibility to be aware of and meet the requirements of the Stormwater Management Ordinance and the Regulations. The applicant has the burden of proving that the project or activity will comply with the Ordinance and the Regulations.

B. Pre-Application Meeting.

Applicants are strongly encouraged to schedule a pre-application meeting with the Stormwater Authority at the earliest feasible time for the following purposes:

- (1) Discuss the proposed development plans and requirements for a Permit and the anticipated fees.
- (2) Advise the designer and/or applicant of the Town's design standards (See Appendix B), goals with respect to stormwater management at the site, and to the extent practical, of any known concerns or issues regarding stormwater management at the subject site.
- (3) Advise the designer and/or applicant of application submittal requirements or of additional information needed in the application at the time of filing.
- (4) Encourage the use of Low Impact Development (LID) techniques in site design.

A pre-application meeting can be useful in the process of LID design by creating a working dialogue and understanding regarding the goals of the stormwater design. Unlike conventional development and stormwater controls, an LID approach to design begins with an assessment of environmental and hydrologic conditions at the site and how to best address these conditions. Preliminary planning for the site is as critical as the ultimate stormwater controls chosen. A pre-application meeting may be helpful to avoid unnecessary stormwater management activity and

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may possibly help to eliminate the need for filing an application altogether. The assistance of Town staff during any pre-application meeting is intended to be advisory in nature and in no way changes the applicant's sole responsibility for the successful design of stormwater management systems for the site. Nothing communicated during a pre-application meeting shall be construed to constitute the Town's action on a Permit application, or as a promise of any particular action on a Permit Application. Applicants are reminded that the objectives of the LID approach are to:

- (1) Develop a site plan that reflects natural hydrology,
- (2) Minimize impervious surfaces,
- (3) Treat stormwater in numerous small, decentralized structures,
- (4) Use natural topography for drainage ways and storage areas,
- (5) Preserve portions of the site in undisturbed, natural conditions, and
- (6) Lengthen travel paths to increase time of concentration and attenuate peak rates.

C. Application.

A Permit application package shall include the following submittals:

- (1) A filled out copy of the Permit Application Cover Page, which can be obtained from the Stormwater Authority; and the following additional materials to the extent that they apply to any request for a Permit or other approval;
- (2) Proposed Notice to Abutters and List of Abutters (see Section 6(D));
- (3) Stormwater Management Plan;
- (4) Erosion and Sediment Control Plan;
- (5) Operation and Maintenance Plan;
- (6) Records of stormwater easements;
- (7) Plans showing the current and proposed building footprints within each lot and the proposed stormwater management tools and impacts, including grading, drainage, and stormwater disposal for each lot; and
- (8) Application Fee.*

Six (6) hardcopies and one (1) digital copy (CAD & PDF) of the Stormwater Permit application package must be filed with the Stormwater Authority for review by the Authority and by any other Town Departments, Boards or Commissions from which the Authority requests input.

** The application will not be accepted without the Application Fee. The Application Fee for the Permit shall be in addition to any fee requirements for other applications for permits for the same project before any other Town Board, Committee, or Commission which may review the project.*

D. Public Hearings and Notice to Abutters.

- (1) Upon receipt of the Permit application, the Stormwater Authority shall review the application and inform the applicant, within seven days, whether a public hearing will be required, and if so, the date, time, and place of the public hearing.
- (2) If a public hearing is required, the applicant shall provide notification of the Permit application and the scheduled public hearing on that application to all abutters (as defined in Section 6(D)(4), below). The applicant shall provide notification at the mailing addresses shown on the most recent applicable tax list from the municipal assessor. Notification shall be at the applicant's expense. The notification shall state the date, time and location of the hearing, shall state that the application is being made pursuant to the Randolph Stormwater Management Ordinance, shall briefly describe the proposed project, and shall state where copies of the application may be examined or obtained. The notifications shall be mailed at least seven days prior to the public hearing. Failure to give timely notice of the public hearing shall be grounds to continue the hearing.
- (3) Notification to abutters shall be either by certified mail, return receipt requested, or by certificates of mailing. The applicant must present either the certified mail receipts or certificates of mailing for all abutters to the Stormwater Authority before or at the beginning of the public hearing. The presentation of the receipts for all abutters identified on the tax list shall constitute compliance with abutter notification requirements.
- (4) Abutters include owners of property directly adjacent to the property where the activity is proposed and owners of property within one hundred (100) feet of the subject property, including property separated from the subject property by a public or private street or a body of water. Abutters shall also include, for any project involving a water body, any property owner whose property abuts that water body and is within three hundred (300) feet of the subject property, measured from the low-water line both across the water body and along the same shoreline of the water body as is the subject property. If an abutting property is in common ownership, same-family ownership, or in ownership by different entities with common principals, with the subject property, then abutters shall also include the owner of the nearest property to the subject property that is not owned by the applicant, a same-family owner or the same principal owner.
- (5) If a public hearing is to be held, the Stormwater Authority shall publish a notice of the public hearing in a newspaper of general circulation, at least seven days before the hearing. The cost shall be borne by the applicant. The Stormwater Authority shall cause a notice of the public hearing to be posted in Town Hall at least seven days before the hearing.
- (6) Hearings may be continued by the Stormwater Authority, with the consent of the applicant, to a specified date and time, which shall be announced at the hearing that is to be continued. If a continuance is granted due to amendments to the project proposal, revised

submittals shall be supplied to the Stormwater Authority seven (7) days prior to the next scheduled hearing.

E. Stormwater Management Plan:

The Stormwater Management Plan shall contain sufficient information to describe the nature and purpose of the proposed development or project, pertinent conditions of the site and the adjacent areas, and proposed best management practices for the permanent management and treatment of stormwater, in order for the Stormwater Authority to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater. Specific requirements for the content of the Stormwater Management Plan are listed in Appendix C.

F. Erosion and Sediment Control Plan:

The Erosion and Sediment Control Plan shall contain sufficient information to describe 1) the proposed erosion and sedimentation controls for the development or project; and 2) the proposed Stormwater Pollution Prevention Plan to be implemented during any land disturbance or construction that are included in the development or project, including source control and pollution prevention measures, best management practices (“BMPs”) to address erosion and sedimentation, stabilization measures, and procedures for operating and maintaining the BMPs, especially in response to wet weather events and frost. The Stormwater Pollution Prevention Plan shall include a schedule for sequencing construction and stormwater management activities that minimizes land disturbance by ensuring that vegetation is preserved to the maximum extent practicable, and that disturbed portions of the site are stabilized as quickly as possible. Specific requirements for the content of the Erosion and Sediment Control Plan are listed in Appendix D.

G. Operation and Maintenance Plan:

An Operation and Maintenance Plan (“O&M Plan”) for a permanent stormwater management system is required at the time of application for all projects requiring a Permit. The O&M Plan shall be designed to ensure compliance with the Stormwater Management Ordinance and to ensure that the Massachusetts Surface Water Quality Standards, as contained in 314 CMR 4.00, are met in all seasons and throughout the life of the system. The Stormwater Authority shall make the final decision concerning what maintenance option is appropriate in a given situation. The Stormwater Authority shall consider natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this decision. *“The Stormwater Authority shall require the use of dedicated funds or escrow accounts for development projects or the acceptance of ownership by the town of all privately owned BMPs. This may include the development of maintenance contracts between the owner of the BMP and the town. Alternatively, the Stormwater Authority may require the submission of an annual certification documenting the work that has been done over the last 12 months to properly operate and maintain the stormwater control measures. (BETA)”* The O&M Plan, as approved by the Stormwater Authority, shall be recorded at the Norfolk County Registry of Deeds by the permittee prior to the commencement of any work, and shall constitute a

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continuing requirement. A copy of the O&M Plan shall remain on file with the Stormwater Authority.

Stormwater management easements shall be provided by the property owner(s) as necessary and shall be sufficient in location and extent to carry out the required maintenance. Specific requirements for the content of the O&M Plan are listed in Appendix E.

H. Entry:

To the extent permitted by state law, filing an application for Approval or Permit grants the Stormwater Authority, and its employees and agents, permission to enter the subject site to verify the information contained in the application, and to inspect, survey, or sample to determine compliance with any Approval or Permit.

7. FEES

The following fees shall be charged for an application for a Stormwater Management Permit:

A. Application Fee

- (1) An Application Fee is payable at the time of application. It is nonrefundable.
- (2) The purpose of the Application Fee is to offset the Town's costs for the processing of the application by the Stormwater Authority and other costs incurred by the Town in reviewing, approving and monitoring the permit and compliance therewith.
- (3) The Application Fee is in addition to any other local or state fees that may be charged under any other law or ordinance.
- (4) The Application Fee shall be paid according to the following schedule:

<u>ACTIVITY</u>	<u>APPLICATION FEE</u>
Disturbance of 5,000 sf to 21,779 sf	\$ 50.00
Disturbance of 21,780 sf (1/2 acre) to 5 acres	\$100.00
Disturbance of 5 to 10 acres	\$200.00
Disturbance of more than 10 acres	\$300.00
Request for Approval of Detention/Retention Basins or Infiltration Systems	\$250.00 per basin or system
Amendment of an Existing Permit or Approval	\$100.00
Extension of an Existing Permit or Approval	25% of existing fee
Re-Submittal of Permit or Approval Request (after denial)	50% of current filing fee
Request for Certificate of Compliance - (There is no fee for an application for a certificate of compliance if the land disturbance on the project at issue was half an acre or less.)	\$100.00
Any other request for a permit or approval pursuant to the Randolph Stormwater Management Ordinance	\$150.00

B. Review Fee

- (1) A Review Fee may be charged to cover outside professional consultant review services for the project, if the Stormwater Authority, after consultation with the Town Engineer,

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determines that such services are necessary due to the scope and complexity of the project. The consultant services may include, but are not limited to, review by engineers, hydrologists, attorneys, or other professionals for hydrologic and drainage analysis, stormwater quality analysis, site inspections, as-built plan review, and analysis of legal issues.

- (2) The applicant will be provided an estimate of the Review Fee as determined by the Stormwater Authority and the Town Engineer. This estimated fee must be paid to the Town prior to the start of the review process, unless the Stormwater Authority approves other arrangements for the applicant to pay consultants directly when services are provided.

C. Inspection Fees.

An Inspection Fee of fifty dollars (\$50) shall be paid by the applicant for each site inspection conducted by Town personnel during the construction of the project. The cost of any inspection conducted by a professional consultant shall be paid for by the applicant as provided in Section 7(B).

8. PROCEDURES

A. Determination of Completeness.

The Stormwater Authority shall make a determination as to the completeness of the application and adequacy of the materials submitted within seven (7) days of receipt and shall inform the applicant of any deficiencies. No review shall take place until the application has been found to be complete.

B. Review Period.

When possible, the Stormwater Authority shall complete the review of the application and issue a decision within 90 days after the application is deemed to be complete. However, the Stormwater Authority may extend this period when necessary, due to the complexity of the project, the continuance of hearings, or the need to request supplemental or updated project information from the applicant.

C. Other Boards.

The Stormwater Authority shall notify the Building Commissioner, The Planning Department, The Conservation Commission and The Board of Health of receipt of the application and shall keep copies of the application package on file for the applicable Town officers, boards, committees, and commissions to review.

D. Information Requests.

During review of the application, the Stormwater Authority may request such additional information from the applicant as may be necessary to determine whether the proposed activity meets the requirements of the Stormwater Management Ordinance and these Regulations. A failure to submit sufficient information shall be grounds for the Stormwater Authority to deny the Permit application.

E. Actions.

Upon completion of the project review, the Stormwater Authority shall issue a written decision, which shall consist of either:

- (1) Approval. Approval of the Permit application or the request for approval, based upon a determination that the application, including any proposed Storm Water Management Plan, Erosion and Sediment Control Plan, and O&M Plan, meet the requirements and standards set forth in the Stormwater Management Ordinance and these Regulations.
- (2) Approval with Conditions. Approval of the Permit application or the request for approval, subject to any conditions, modifications, or restrictions required by the Stormwater Authority which will ensure that the project meets the requirements and standards set forth in the Stormwater Management Ordinance and these Regulations.
- (3) Denial. Denial of the Permit application or the request for approval, based upon a determination that the proposed project, including any Storm Water Management Plan, Erosion and Sediment Control Plan, and O&M Plan, as submitted, do not meet the requirements and standards set forth in the Stormwater Management Ordinance and these Regulations.

F. Project Changes.

Once a permit or approval is granted, the permittee, or its agent, must notify the Stormwater Authority in writing of any change or alteration in the stormwater management systems authorized in a Permit or approval before the change or alteration occurs. If the Stormwater Authority determines that the change or alteration is significant, the Stormwater Authority may require that an amended application be filed. If any change or alteration of the requirements of the Permit occurs during regulated activities, including significant changes in schedule, the Stormwater Authority may require the installation of interim erosion and sedimentation control measures before considering whether to allow such change or alteration.

G. Project Completion.

“No later than two (2) years”(BETA) after completion of the project, the permittee shall submit a Final Report, with plans and other documentation.

H. Permit Expiration.

A Permit shall expire three (3) years from the date of issuance. Any permit may be renewed at the Stormwater Authority’s discretion for two (2) additional one-year periods, provided that a request for renewal is submitted in writing to the Stormwater Authority at least thirty (30) days prior to expiration.

I. Engineer of Record.

The Applicant shall notify the Stormwater Authority, in writing, of any change in the Engineer of Record.

9. SURETY

Projects subject to the Stormwater Management Ordinance that have received subdivision approval from the Planning Board shall provide security to the Planning Board for the completion of stormwater control measures by one of the means, and in accordance with the procedures, specified in MGL c. 41, §81U. For other projects subject to the Stormwater Management Ordinance, the Stormwater Authority may, at his discretion, require that a performance bond be posted prior to the start of land disturbance activity. The form of the bond shall be approved by the Stormwater Authority, and be in an amount deemed sufficient by the Stormwater Authority to ensure that the work will be completed in accordance with the Permit. If the project is phased, the Stormwater Authority may release part of the bond as each phase is completed in compliance with the Permit, but the bond may not be fully released until the Stormwater Authority has received the Final Report as required by these Regulations and has issued a Certificate of Completion.

10. INSPECTION AND SITE SUPERVISION

A. Pre-construction Meeting.

Prior to starting clearing, excavation, construction, or land disturbance, the Applicant, the Applicant's Technical Representative, the general contractor and any other person with authority to make changes to the project, shall meet with the Stormwater Authority, to review the permitted plans and their implementation. At least two (2) copies of the Stormwater Management Permit and associated plans shall be kept on the project site during the progress of the work. A copy of the NPDES Construction General Permit and Stormwater Pollution Prevention Plan (if applicable) shall be kept at the site as well.

B. Inspections.

The Stormwater Authority or a designated agent, which may be either Town personnel or a professional consultant, shall make inspections as listed below, and shall either approve that portion of the work completed or shall notify the permittee of any noncompliance with Permit requirements. In order to obtain inspections, the permittee shall notify the Stormwater Authority at least two business days prior to the requested inspection. Inspections shall occur at the following stages:

- (1) Erosion and sediment control measures are in place and stabilized;
- (2) Site Clearing has been substantially completed;
- (3) Rough Grading has been substantially completed;
- (4) Final Grading has been substantially completed;
- (5) Close of the Construction Season; and
- (6) Final Landscaping (permanent stabilization) and project final completion.

An additional inspection shall be required prior to backfilling of any underground drainage or storm water conveyance structures.

C. Permittee Inspections.

The permittee or agent shall conduct and document inspections of all control measures no less than weekly or as specified in the Permit, and prior to and following storm events with an anticipated rainfall of greater than or equal to 1 inch per 24 hours. The purpose of such inspections will be to determine the overall effectiveness of the required plans and the need for maintenance or additional control measures. The permittee or agent shall submit monthly reports to the Stormwater Authority or designated agent in a format approved by the Stormwater Authority.

D. Final Inspection.

- (1) After the storm water management system has been constructed, the permittee or Technical Representative shall request a final inspection site meeting with the Stormwater Authority. The Stormwater Authority (or a designated agent) shall visit the site with the Technical Representative to confirm the site's "as-built" features.
- (2) This inspection shall also evaluate the effectiveness of the system in an actual storm. The inspection shall determine whether the stormwater BMPs are operating as designed. In conducting the inspection, the inspector shall look for any physical evidence that the stormwater BMPs are not functioning as designed, such as sand plumes at outfalls, excessive sands in catch basins, oil sheens, stressed vegetation, accumulated litter, and/or failure of the BMP to drain after 72 hours. If the system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the Storm Water Management Plan, the deficiencies shall be addressed and corrected by the

permittee before any performance guarantee is released and a Certificate of Completion is issued.

11. FINAL REPORT

“No later than two (2) years” (BETA) Upon completion of the stormwater management system, and following the Final Inspection, the permittee shall submit a Final Report from a registered Professional Engineer certifying that all stormwater control devices have been completed in accordance with the conditions of the approved Permit, subject to any approved changes and modifications. Any discrepancies must be noted in the cover letter. As part of the Final Report, the permittee shall also include the following:

A. Certified as-built construction plans.

The as-built / record plans shall be drawn to scale and identify the location of any systems for conveying stormwater on the site. **“The as-built drawings must depict all on site controls, both structural and non-structural, designed to manage the stormwater associated with the completed site (post construction stormwater management).” (BETA)** The as-built / record plans shall identify the location of any systems for conveying wastewater on the site and show that there are no connections between the stormwater and wastewater management systems.

B. An Illicit Discharge Compliance Statement.

An Illicit Discharge Compliance Statement shall be submitted to verify that no illicit discharges exist on the site. For redevelopment projects, the Illicit Discharge Compliance Statement shall also document all actions taken to identify and remove illicit discharges, including, without limitation, visual screening, dye or smoke testing, and the removal of any sources of illicit discharges to the stormwater management system.

C. An Operation and Maintenance (O & M) Compliance Statement.

The O&M Compliance Statement shall identify the party responsible for implementation of the O&M Plan and state:

- (1) the site has been inspected for erosion and appropriate steps have been taken to permanently stabilize any eroded areas;
- (2) all aspects of the stormwater BMPs have been inspected for damage, wear and malfunction, and appropriate steps have been taken to repair or replace the system or portions of the system so that the stormwater at the site may be managed in accordance with the Stormwater Management Ordinance, these Regulations, and the Design Standards incorporated by reference,
- (3) future responsible parties have been notified of their continuing legal responsibility to operate and maintain the structure; and
- (4) the O&M Plan for the stormwater BMPs is being implemented.

D. US EPA General Permit Notice of Termination.

A copy of the Construction General Permit Notice of Termination (NOT) (required by the EPA within 30 days after land disturbance has ceased and the site is stabilized; with seventy percent (70%) permanent vegetation coverage or 70% permanent erosion and sediment controls installed) shall be submitted with the Final Report.

E. Stormwater System Effectiveness Statement.

The permittee's Technical Representative shall evaluate the effectiveness of the stormwater best management practices (BMPs) during an actual storm and document the findings. The Final Report shall also include certification from the Applicant's Technical Representative as to the effectiveness of the installed system during storm events.

12. CERTIFICATE OF COMPLETION

Upon receipt and approval of the Final Report and accompanying documents, and upon determining that all work under the Permit has been satisfactorily completed in conformance with the Stormwater Management Ordinance and the Regulations, the Stormwater Authority will issue a letter to the applicant, certifying completion of the work.

13. CONTINUING REQUIREMENTS

- A. Adherence to the provisions of the approved O&M Plan is a continuing requirement of the Permit. Failure to adhere to these provisions will constitute a violation of the Stormwater Management Ordinance and these Regulations and be subject to enforcement action.
- B. A request to modify the requirements of the O&M Plan shall be submitted to the Stormwater Authority, who may approve the requested modification if it is determined to be an insignificant change. If the Stormwater Authority determines that the requested modification is significant, he or she may require that the permittee submit a request to amend the Permit, which shall be subject to the formal review procedures set forth in these Regulations.
- C. The person(s) responsible for the operation and maintenance of a stormwater management facility shall make and keep a record of all operation and maintenance activities showing compliance with the O&M Plan, and shall retain such record for at least three (3) years. Such record shall be provided to the Stormwater Authority, upon request, and made available to the Town during inspection of the facility and at other reasonable times.

14. ENFORCEMENT

The Stormwater Authority or an authorized agent of the Stormwater Authority shall enforce these Regulations, the Stormwater Management Ordinance, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies or take other actions for such violations as provided for in the Stormwater Management Ordinance.

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APPENDIX A

DEFINITIONS

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APPENDIX B
DESIGN STANDARDS

August 30, 2020

1. GENERAL

Developments are to be designed to provide for adequate collection and disposal of stormwater runoff from the project site in accordance with MassDEP Stormwater Management Standards, DPW Standard Details (for subdivisions), recognized engineering methodologies and these regulations and design standards with an emphasis to include Low Impact Development (LID) techniques in the design.

2. APPLICABILITY

These design standards shall be applied as part of Land Disturbance activity.

3. PERFORMANCE AND DESIGN STANDARDS

A. Design of stormwater management system(s) and components

- 1) Developments are to be designed to provide for adequate collection and disposal of stormwater runoff from the project site consistent with MassDEP Stormwater Management Standards or more stringent, DPW Standard Details (for subdivisions), recognized engineering methodologies and these Regulations with an emphasis to include Low Impact Development (LID) techniques in the design.
 - (a) LID site planning and design strategies must be implemented unless infeasible in order to reduce the discharge of stormwater from development sites.
Infeasible means not technologically possible, or not economically practicable and achievable in light of best industry practices.

- 2) Stormwater management systems for New Development projects are also to meet minimum requirements of the *General Permit for Stormwater Discharges From Small Municipal Separate Storm Sewer Systems in Massachusetts* (MS4 Permit) including removal of 90% of the average annual (not per storm) load of Total Suspended Solids (TSS) generated from the total post-construction impervious area on the site AND 60% of the average annual (not per storm) load of Total Phosphorus (TP) generated from the total post-construction impervious surface area on the site.

- (a) Average annual pollutant removal requirements are achieved through one of the following methods:
 - i. Installing BMPs that meet the pollutant removal percentages based on calculations developed consistent with EPA Region 1's BMP Accounting and Tracking Tool (2006) or other BMP performance evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the planned or installed BMP performance any federally or State approved BMP design guidance or performance standards (e.g. State stormwater handbooks and design guidance manuals) may be used to calculate BMP performance; or
 - ii. Retain the volume of runoff equivalent to, or greater than, one (1.0) inch multiplied by the total post-construction impervious surface area on the site; or
 - iii. Meeting a combination of retention and treatment that achieves the above standards; or
 - iv. Utilizing offsite mitigation that meets the above standards within the same USGS HUC12 as the new development site.

3) Stormwater management systems for Redevelopment projects are to meet the minimum requirement of the *General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in Massachusetts* (MS4 Permit) including removal of 80% of the average annual (not per storm) post-construction load of Total Suspended Solids (TSS) generated from the total post-construction impervious area on the site AND 50% of the average annual (not per storm) load of Total Phosphorus (TP) generated from the total post-construction impervious surface area on the site.

- (a) Average annual pollutant removal requirements are achieved through one of the following methods:
 - i. Installing BMPs that meet the pollutant removal percentages based on calculations developed consistent with EPA Region 1's BMP Accounting and Tracking Tool (2006) or other BMP performance evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the planned or installed BMP performance any federally or State approved BMP design guidance or performance standards (e.g. State stormwater handbooks and design guidance manuals) may be used to calculate BMP performance; or

- ii. Retaining the volume of runoff equivalent to, or greater than, 0.80 inch multiplied by the total post-construction impervious surface area on the site; or
- iii. Meeting a combination of retention and treatment that achieves the above standards; or
- iv. Utilizing offsite mitigation that meets the above standards within the same USGS HUC12 as the new development site.

(b) Redevelopment activities that are exclusively limited to maintenance and improvement of existing roadways, (including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems, and repaving projects) shall improve existing conditions unless infeasible and are exempt from Section 3.A.3. Roadway widening or improvements that increase the amount of impervious area on the redevelopment site by greater than or equal to a single lane width shall meet the requirements of Section 3.A.3

- 4) Off-Site mitigation. For projects where it is not technically feasible to retain or treat the required depth of runoff on-site due to physical site restraints, the Applicant will describe in writing why it is not technically feasible to do so, including which on-site treatment BMPs were considered and why they were deemed not feasible. In lieu of requiring the applicant to meet the standards identified in Section 3.A (2&3), the Stormwater Authority may approve a Stormwater Management Plan that includes off-site mitigation through BMPs that provide *the equivalent retention or pollutant removal requirements in part 2.3.6.a.ii.4 of the MA MS4 General Permit* meeting the following criteria:
- i. Applicant has demonstrated to the satisfaction of the Stormwater Authority that on-site compliance has been met to the maximum extent practicable.
 - ii. Off-Site mitigation shall be located within the Town and the same tributary area to the maximum extent feasible. Under no circumstances will off-site mitigation be located outside the same USGS HUC12.
 - iii. The Off-Site mitigation project shall be designed and constructed in a manner consistent with the requirements of the Town Stormwater Management Bylaw and related regulations.
 - iv. The Off-Site mitigation project shall remediate the impacts of proposed and existing impervious surface that is not expected to be the subject of Redevelopment in the next five or more years.
 - v. The Stormwater Authority shall, at its discretion, identify priority areas within the watershed in which Off-Site mitigation may be completed.

- vi. Off-Site mitigation provided at a site not owned by the Town, requires a separate Land Disturbance Review and/or Permit as applicable covering the Off-Site mitigation project, the terms and conditions of which, including ongoing operations and maintenance requirements, shall run with the land where the Off-Site Compliance is located.
 - vii. Construction of the Off-Site mitigation project shall commence within 12 months of Land Disturbance Permit issuance and be completed within 12 months of commencement.
- 5) Structural BMPs and LID techniques suitable to address TMDLs and/or impairments as listed on MassDEP's most recent *Integrated List of Waters Map* are to be utilized to the maximum extent feasible. Provide evaluation process narrative with supporting calculations in the stormwater report. Calculations shall include total impervious area and volume of stormwater to be infiltrated and phosphorus loading calculations including reduction through use of LIDs and BMPs. Innovative or alternative technologies may be considered on a case by case / site by site basis.
 - 6) Provisions are to be made for the adequate disposal of surface runoff so that no flow is conducted over Town ways, or over land not owned by or controlled by the Applicant unless an easement in proper form is obtained permitting such discharge.
 - 7) LID techniques are to be used where adequate soil, groundwater and topographic conditions allow. These may include but not be limited to reduction in impervious surfaces, disconnection of impervious surfaces, bioretention (rain gardens) and infiltration systems.
 - 8) Hydrologic calculations, to document that there is no increase in the peak rate and volume of runoff from predevelopment to post development condition, are to be completed utilizing TR-55 and TR-20 methodologies.
 - 9) Watershed area for hydrologic analysis and BMP sizing calculations are to include at a minimum the site area and all upgradient areas from which stormwater runoff flows onto the site.
 - 10) For purposes of computing runoff, all pervious lands on the site are assumed prior to development to be in "good hydrologic condition" regardless of the conditions existing at the time of the computation.
 - 11) Length of sheet flow used for times of concentration is to be no more the 50 feet.
 - 12) Utilize the 24 hour rainfall data taken from the NOAA Atlas 14 https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html (or most current data from NOAA) and type III storm.

- 13) Soils tests in accordance with MassDEP Stormwater Handbook to be conducted by a Registered Professional Engineer or Massachusetts Soil Evaluator, performed at the location of all proposed infiltration BMPs and LID techniques, to identify soil descriptions, depth to estimated seasonal high groundwater, depth to bedrock, and soil texture. Evaluate sites for any known contamination issues identified in MassDEP data base
<http://public.dep.state.ma.us/SearchableSites2/Search.aspx>
- 14) The design infiltration rate shall be determined from the on-site soil texture and published Rawls rates or saturated hydraulic conductivity tests.
- 15) Provide in-situ saturated hydraulic conductivity tests for infiltration systems to receive stormwater runoff from 2,000 sq. ft. or more of impervious area and within Natural Resources Conservation Service (NRCS) mapped soils with a hydrologic group rating (HGR) of B or C. Conduct testing in accordance with Massachusetts Stormwater Handbook and use an exfiltration rate of 50% of the lowest test result. Infiltration systems shall not be used for stormwater runoff peak flow or volume mitigation in NRCS soils with an HGR of D.
- 16) Size drainage pipes to accommodate the 25-year storm event and maintain velocities between 3 and 10 feet per second using the Rational Method.
- 17) Size drainage swales to accommodate the 25-year storm event and velocities below 4 feet per second
- 18) Size culverts (passing natural streams or brooks across roadways) to accommodate the 50-year storm event and design adequate erosion protection. Design stream crossing culverts in accordance with the latest edition of the Massachusetts Stream Crossing Standards as promulgated by the Wetlands Protection Act Regulations.
- 19) Size stormwater basins to accommodate the 100-year storm event with a minimum of one foot of freeboard
- 20) All drainage structures are to be able to accommodate HS-20 loading.
- 21) Catch basins structures are to be as detailed in DPW Standard Details and spaced a maximum of 250 feet apart in roadways.
- 22) Catch basins adjacent to curbing are to be built with a granite curb inlet as shown in DPW Standard Details.
- 23) Catch basins at low points of road and on roads with profile grades greater than 5% are to be fitted with double grates (parallel with curb) as detailed in DPW Standard Details. Additional catchbasins may be needed based on flow rates.

- 24) Catch basins are to be routed to drain manhole, water quality structures or outfalls, catch basin to catch basin pipe connections are prohibited.
- 25) All drainpipes within right of way are to be reinforced concrete pipe (RCP) and have a minimum diameter of 12 inches. HDPE pipe on private property should be set a no less than 1% slope and special care should be used in handling, bedding and backfill of pipe to prevent UV breakdown and deformation
- 26) Proposed drainage pipes under buildings are prohibited. Existing pipes under buildings are to be relocated.
- 27) Drainage pipes are to be installed with a minimum of 2.5 feet of cover and O-rings as detailed in DPW Standard Details.
- 28) Drainage manholes structures are to be as detailed in DPW Standard Details and spaced at a maximum of every 250 feet.
- 29) Outfalls are to be designed to prevent erosion of soils and pipes 24 inches or larger are to be fitted with grates or bars to prevent ingress.
- 30) Drainage easements are to provide sufficient access for maintenance and repairs of system components and be at least 20 feet wide.
- 31) Recommend minimizing permanently dewatering soils by:
 - (a) Limiting grading within 4 feet of seasonal high groundwater elevation (SHGWE);
 - (b) Raising roadways to keep the bottom of roadway section above SHGWE; and
 - (c) Setting bottom floor elevation of building(s) a minimum of 2 feet above SHGWE.

B. Design of erosion controls(s) to include the following:

- (1) Minimize total area of disturbance;
- (2) Sequence activities to minimize simultaneous areas of disturbance;
- (3) Minimize peak rate of runoff in accordance with the MassDEP Stormwater Standards;
- (4) Minimize soil erosion and control sedimentation during construction;
- (5) Divert uncontaminated water around disturbed areas;
- (6) Maximize groundwater recharge;
- (7) Design, install and maintain all Erosion and Sediment Control measures in accordance with the latest edition of the *Massachusetts Erosion and Sedimentation Control Guidelines for Urban and Suburban Areas*, manufacturer's specifications and good engineering practices;

- (8) Prevent off-site transport and vehicle tracking of sediment;
- (9) 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);
- (10) Comply with applicable Federal, State and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control;
- (11) Avoid or minimize alteration of habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or Of Special Concern, Estimated Habitats of Rare Wildlife and Vernal Pools, and Priority Habitats of Rare Species from the proposed activities;
- (12) Institute interim and permanent stabilization measures, which shall be instituted on a disturbed area as soon as practicable but no more than fourteen (14) days after construction activity has temporarily or permanently ceased on that portion of the site;
- (13) Properly manage on-site construction and waste materials, including truck washing and cement concrete washout facilities; and
- (14) Inspect stormwater controls at consistent intervals in accordance with MassDEP Stormwater Handbook.
- (15) Erosion and sediment controls shall be maintained until site is fully stabilized and authorization for removal is granted by Stormwater Authority.

APPENDIX C

STORMWATER MANAGEMENT PLAN

1. GENERAL

The Stormwater Management Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed best management practices for the permanent management and treatment of stormwater. The Stormwater Management Plan shall contain sufficient information for the Town to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater. The Stormwater Management Plan shall fully describe the project in drawings, and narrative.

2. APPLICABILITY

If a project is subject to Special Permit, Conservation, Subdivision or other regulatory permitting, this Stormwater Management Plan Application will be submitted with the application for these permits which will be in advance of the building permit application.

3. CONTENT

The applicant shall submit the following information, unless otherwise authorized in writing by the reviewing authority:

- a. A plan showing title, date, north arrow, names of abutters, scale (1"=40'), legend, and locus map (1"=800'). Other standard scales are acceptable if approved by the reviewing authority.
- b. The existing zoning and land use at the site.
- c. The location(s) of existing and proposed easements that would affect the proposed use/stormwater management plan and that would be necessary to provide access for maintenance of any stormwater management facilities.
- d. The location of existing and proposed utilities.
- e. The site's existing & proposed topography with contours at 2-foot intervals.
- f. The existing site hydrology.
- g. A description & delineation of existing stormwater conveyances, impoundments, wetlands on or adjacent to the site or which receives stormwater flows from the site.
- h. A delineation of any flood hazard areas (including but not limited to 100-year flood boundaries, floodway boundaries, velocity zones, and other areas subject to flooding or coastal storm flowage) as shown on the FEMA maps or as surveyed at the site. Where detailed Flood Insurance Studies (FIS) have been prepared by FEMA, flood elevation and/or coastal storm flowage data must be obtained from these studies.
- i. Soils data pertaining to the design of each area to be used for stormwater retention, detention, or infiltration, including:
 - i. An estimate made by a qualified individual, such as a Licensed Soil Evaluator, certified Soil Scientist, hydrogeologist, or geotechnical engineer, of seasonal high groundwater elevation at each such facility;
 - ii. A classification of the Hydrologic Soil Groups (HSG) soils on site using classification methodologies developed by U.S. Natural Resources Conservation Service (NRCS), based on observations by a qualified individual, such as a Licensed Soil Evaluator, certified Soil Scientist, hydrogeologist, or

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- geotechnical engineer in accordance with the Massachusetts Stormwater Handbook;
- j. Identification of depth to restrictive layer and/or bedrock observed within 4 feet of the bottom of any such proposed facility, and deeper if required to evaluate potential impacts of the proposed design;
 - k. Corroborating soil textural analysis or field tested saturated hydraulic conductivity rates at each facility in accordance with procedures identified in the Massachusetts Stormwater Handbook.
 - l. The existing and proposed vegetation or other cover types, with area and runoff coefficient for each.
 - m. A drainage area map clearly showing pre and post construction watershed boundaries, drainage areas and stormwater flow paths. Proposed analysis points and corresponding sub-catchment boundaries shall be identified. Off-site areas contributing to the proposed drainage system shall be identified. Analysis points shall be the same for both pre-development and post-development analyses. A drainage area map shall also include the following:
 - i. The proposed land use;
 - ii. A depiction of all areas of cut and fill, and soil disturbance;
 - iii. The existing and proposed vegetation and ground surfaces with runoff coefficients for each;
 - iv. Landscaping plan describing the woody and herbaceous vegetative stabilization and management techniques to be used within and adjacent to the stormwater practice;
 - v. A drainage area map showing pre and post construction watershed boundaries, drainage area and stormwater flow paths, including municipal drainage system flows;
 - vi. A description and drawings of all components of the proposed stormwater management system including:
 1. Locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization;
 2. All measures for the detention, retention or infiltration of water;
 3. All measures for the protection of water quality;
 4. The structural details for all components of the proposed drainage systems and stormwater management facilities;
 5. Notes on drawings specifying materials to be used, construction specifications, and expected hydrology with supporting calculations;
 6. Proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable;
 7. Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in this Regulation. Such calculations shall include:
 - a. Description of the design storm frequency, intensity and duration;
 - b. Time of concentration;
 - c. Soil Runoff Curve Number (RCN) based on land use and soil hydrologic group;
 - d. Peak runoff rates and total runoff volumes for each watershed area;
 - e. Information on construction measures used to maintain the infiltration capacity of the soil where any kind of infiltration is proposed;
 - f. Infiltration rates, where applicable;
 - g. Culvert capacities;
 - h. Flow velocities;
 - i. Data on the increase in rate and volume of runoff for the specified design storms, and
 - j. Documentation of sources for all computation methods and field test results.
 - k. Post-Development downstream analysis if deemed necessary by the Authority;

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- i. Soils Information from test pits performed at the location of proposed stormwater management facilities, including soil descriptions, depth to seasonal high groundwater, depth to bedrock, and percolation rates. Soils information will be based on site test pits logged by a Massachusetts Registered Soil Evaluator, or a Massachusetts Registered Professional Engineer;
- m. Erosion and Sediment Control Plan
- n. Identification of potential pollutant sources such as paint, pesticides, oil, or other toxic chemicals, etc.

APPENDIX D

EROSION AND SEDIMENT CONTROL PLAN REQUIREMENTS

1. GENERAL

The application for a Land Disturbance Permit shall include an Erosion and Sediment Control Plan (ESCP) to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sediment controls. The Applicant shall submit such material as is necessary to show that the proposed development will comply with the design requirements as specified herein and in accordance with the *Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas – A Guide for Planners, Designers, and Municipal Officials*, latest edition. The Applicant may submit the SWPPP in place of the ESCP, if the NPDES General Permit for Discharges from Construction Activities applies.

2. APPLICABILITY

Single-Family Applicants. Single-Family Applicants shall submit the Erosion and Sediment Control Plan as outlined in this section. However, the requirement for stamped and certified plans shall not apply to Single-Family Applicants.

Commercial and Other Non-Single-Family Applicants. Commercial and other Non-Single-Family Applicants shall submit the Erosion and Sediment Control Plan as outlined in this section.

3. CONTENTS

The Erosion and Sediment Control Plan shall include the following:

- A. Contact Information. Names, addresses, and telephone numbers of the property owner, Applicant, and Applicant's Technical Representative(s) or firm(s) preparing the ESCP, if different from the SMP;
- B. Drainage patterns of surface runoff and approximate slopes anticipated after major grading activities (Construction Phase Grading Plans);
- C. Location and details of erosion and sediment control measures with a narrative of the construction sequence/phasing of the project, including both operation and maintenance for structural and non-structural measures, interim grading, and construction and waste material stockpiling areas;
- D. Path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable;
- E. Location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures;
- F. A description of construction and waste materials expected to be stored on-site and intended disposal methods. The ESCP shall 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;

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- G. Plans must be stamped and certified by a Registered Professional Engineer (P.E.) registered in Massachusetts or a Certified Professional in Erosion and Sediment Control (CPESC); and,
- H. Such other information as is required by the Enforcement Officer.

APPENDIX E

OPERATION AND MAINTENANCE PLAN REQUIREMENTS

1. GENERAL

An Operation and Maintenance Plan (O&M Plan) is required at the time of application for all projects. Once approved by Stormwater Authority the Operation and Maintenance Plan shall be recorded at the Norfolk County Registry of Deeds, shall remain on file with the Stormwater Authority and shall be an ongoing requirement.

2. APPLICABILITY

Single-Family Applicants. Single-Family Applicants shall be exempt from submitting the Operation and Maintenance Plan, as outlined in this section.

Commercial and Other Non-Single-Family Applicants. Commercial and other Non-Single-Family Applicants shall submit the Operation and Maintenance Plan as outlined in this section.

3. CONTENTS

The O&M Plan shall include:

- a. The name(s) of the owner(s) for all components of the system
- b. Maintenance agreements that specify:
 - i. The names and addresses of the person(s) responsible for operation and maintenance;
 - ii. The person(s) responsible for financing maintenance and emergency repairs;
 - iii. A Maintenance Schedule listing action to be taken and when for all drainage structures, including swales and ponds;
 - iv. **Include an estimated annual cost of maintenance;**
 - v. A list of easements with the purpose and location of each;
 - vi. The signature(s) of the owner(s);
 - vii. Requirement to notify the Stormwater Authority in writing of change in ownership or assignment of financial responsibility;
 - viii. **Stormwater Management Easement(s).**
 - a. **Stormwater management easements shall be provided by the property owner(s) as necessary for:**
 1. access for facility inspections and maintenance,
 2. preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event;
 3. direct maintenance access by heavy equipment to structures requiring regular cleanout.
 - b. **Stormwater management easements are required for all areas used for off-site stormwater controls unless a waiver is granted by the Planning Board or its agent.**
 - c. **The purpose of each easement shall be specified in the maintenance agreement signed by the property owner.**

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4. MODIFICATIONS

Amendments to the O& M agreement shall be made in writing to the Stormwater Authority and shall be signed by the responsible parties. The amended O & M shall then be filed at the Registry of Deeds when approved.

5. REPORTING

Annual reports with maintenance log shall be sent to the Stormwater Authority.