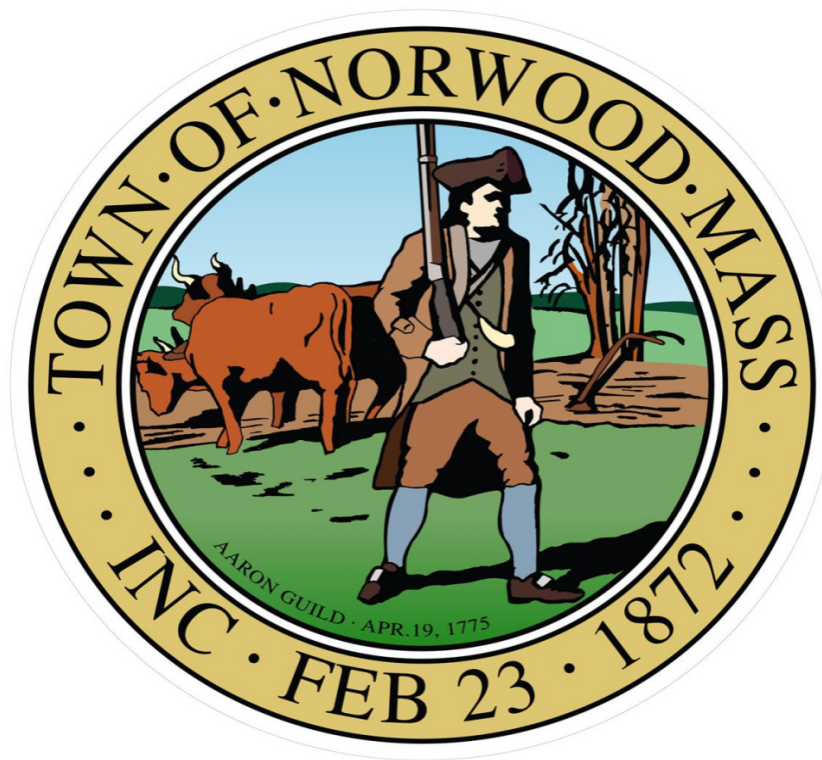


Town of Norwood
XXV BYLAW-Wetlands Protection
Regulations



June 2017

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Section I Introduction and Purpose

A. Introduction

In the considerable body of experience of the Commission, alteration of land immediately adjacent to a wetland invariably results in the alteration of the wetland itself. Wetland alterations observed during construction have been siltation, over-grading, and the deposit of construction debris. Alterations observed after construction include unregulated filling, extension of lawns, and disposing of yard waste, among others. Such alterations have in most instances resulted in increased run-off, siltation, and nutrient loading. Since the Commission cannot allow unregulated alterations of the wetlands, strict buffer zone restrictions will likely be imposed on all projects. In projects abutting the area of critical environmental concern the Commission may impose more severe restrictions than outlined here.

B. Purpose

The purpose of these regulations is to minimize any impact proposed work might have on a resource area and to preserve and exercise jurisdiction over protected resource areas and adjoining land areas in the Town. Wetlands contribute to a number of public interests and are therefore protected by the Norwood Bylaw XXV. The Bylaw identifies additional interests not recognized by the Massachusetts Wetland Protection Act. These interests include but are not limited to; erosions and sedimentation control, avoidance of water and soil pollution, protection of rare species, agriculture, aquaculture, and recreational values. Any permit issued under these Bylaws and Regulations must therefore not adversely affect any of these additional public interests.

These regulations are intended to use the authority of the Town under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Statutes to protect additional resource areas, independent of, and to provide more stringent protection by the Commission than that provided by M.G.L. Chapter 131, Section 40 (the Wetlands Protection Act) and the regulations issued there under, 310 CMR 10.00 (the Wetlands Protection Regulations). These Regulations extend protection to vernal pools, isolated vegetated wetlands in excess of ½ acre, intermittent streams, and land subject to flooding. Under these Regulations Buffer Zones adjacent to protected wetland resources have additional protection not afforded under the Act.

Section II. Definitions

A. Undisturbed Buffer Area (UBA)

The Undisturbed Buffer Area (UBA) is defined as an area extending 25 feet from the Resource Area, with the exception of a vernal pool. The UBA line shall be established by calculating the UBA every 25 feet along the resource area at right angles to the resource area delineation line. Additionally the UBA shall be delineated using any points, which protrude, into the project site. The Norwood Conservation Commission reserves the right to revise the UBA delineation should the Commission feel that utilizing different points for calculation would result in a more restrictive UBA. The UBA extends for the entire buffer of a vernal pool.

B. No Build Area (NBA)

The No Build Area is an area defined as between 25 and 50 feet from the edge of a resource area.

C. Tree Filter Zone

A Tree Filter Zone is defined as the area between 25 and 100 feet measured horizontally from the edge of the resource area. Tree cover is measured for the purpose of this section as the basal area of trees with a 6" diameter at 3 feet above ground level

D. Buffer Zone for a Vernal Pool or for a Pond Under 10,000 Square Feet

The Buffer Zone for a Vernal Pool or for a Pond under 10,000 Square Feet shall extend 100 feet horizontally outward from the mean annual high water line defining the depression, or one-half of the distance between the mean annual high water line and any existing (house) foundation, whichever is smaller. In either case the Buffer Zone for vernal pools shall not extend over existing lawn, gardens, landscaped areas, or developed areas.

E. Buffer Zone for Isolated Land Subject to Flooding

The Buffer Zone for Isolated Land Subject to Flooding shall extend 25 feet horizontally outward from the boundary of the resource area.

F. Buffer Zone for All Other Resource Areas

The Buffer Zone for All Other Resource Areas shall extend 100 feet horizontally from the boundary of the resource area.

G. Vernal Pools

Vernal Pools all seasonal ponds shall be considered vernal pools unless shown not to be according to the Commonwealth of Massachusetts Division of Fisheries and Wildlife.

H. Endangered Species

Endangered Species shall include both plant and animal species either listed or non-listed.

Section III. Performance Standards

A. Undisturbed Buffer Area (UBA)

No work shall be conducted with the Undisturbed Buffer Area (UBA) with the exception of removal of debris, or maintenance / restoration work as instructed or approved by the Conservation Commission or its Agent. Such exceptions may be granted for planting and landscaping within this area. In the UBA no trees over six (6) inches in caliper at a height of three (3) feet above the existing ground shall be cut except for those associated with a storm-water management system or drainage basin located outside of the UBA.

B. No Build Area (NBA)

In a No Build Area (NBA) no construction or removal of vegetation is allowed. Building construction prohibited in this area includes, but is not limited to, porches, decks, and sheds. Construction may include fences, driveways, landscaping, at the discretion of the Commission. The Commission may authorize other activities.

C. Tree Filter Zone

In the tree filter zone no more than 50% of the tree cover can be removed. Tree cover is measured for the purpose of this section as the basal area of trees with a six (6) inch diameter at three (3) feet above ground level.

D. Underground Recharge Systems

All underground recharge systems shall be tested by artificially discharging the amount of water that would be generated by the first inch of rainfall in the 100-year storm. The recharge systems would need to be qualified prior to the issuance of a Certificate of Compliance then re-tested every five (5) years. Re-testing will insure the systems have not deteriorated. This shall be required as an ongoing condition.

E. Existing Underground Recharge Systems

All existing underground recharge systems shall be tested as outlined above. The testing of all existing systems shall be qualified by 6/1/03, and re-tested every five (5) years.

F. Buffer Zones (All)

All work proposed in buffer zones will require the filing of a Notice of Intent

Section IV. Enforcement and Penalties

A. Enforcement

Failure to follow these regulations and procedures may be subject to fines and / or restoration of disturbed area.

B. Penalties

Norwood Conservation Commission Regulations Violation Fines

The following is a list of fines that will be issued to any person or property owner who violates any provision of the Town of Norwood Wetlands Bylaw:

1. Any work done in a wetland or buffer zone areas without filing a Notice of Intent: \$150.00.
2. Any work done after Cease & Desist Order: \$300.00 per day.
3. Failure to follow Order of Conditions: \$300.00 per plan change or condition violated.
4. Failure to reach deadline set on Enforcement Order: \$300.00 per day.
5. Failure to comply with conditions on Enforcement Order: \$300.00 per day.
6. Additional fines will be issued at the discretion of the Conservation Commission.

Section V Stormwater Management

Purpose

The purpose of this regulation is to protect against increased and untreated stormwater runoff, flooding, and to protect the Town's ponds, rivers, streams and groundwater.

Application for Stormwater Management Permit

The following shall specifically require a stormwater management permit:

1. Any activity which will increase the impervious area of a parcel of land subject to the Wetlands Protection Act and Wetland Bylaws.
2. Any activity which will result in an increased amount of stormwater runoff or pollutants flowing from the property onto or into a public way or private property. No land shall be altered within the Town of Norwood without having obtained a stormwater management permit for the property with the following exceptions:
 - A. Repair or replacement of an existing roof of a single family dwelling.
 - B. Maintenance of existing gardens or lawn areas of a single family dwelling.
 - C. Construction of any fence that will not alter existing terrain or drainage.
 - D. Construction of utilities (gas, water, electric, telephone, etc.) other than drainage which will not alter terrain, ground cover, or drainage patterns.

Application requirements

The plan shall contain the following information:

1. Names, addresses and telephone numbers of the owner, applicant, and person or firm preparing the plan.
2. Title, date, north arrow, names of abutters, scale (no greater than 1"=40'), legend, and locus map (1"=200').
3. Location and description of natural features including:
 - a. Watercourses and water bodies, wetland resources areas, riparian zones, and all floodplain information, including the 100 year flood elevation based upon the most recent Flood Insurance Rate Map, or calculated by a professional engineer for areas not assessed on the map.
 - b. Existing vegetation of various kinds including tree lines, shrub layer, ground cover and herbaceous vegetation, and trees with a caliper of 12 inches or larger, noting specimen trees and forest communities.
 - c. Habitats of certified vernal pools and potential vernal pools.
4. Lines of existing abutting streets showing drainage, driveway locations and curbs.

5. Existing soils (type, hydrologic group, erodibility) and the volume and nature of imported soil materials.
6. Topographical features including existing and proposed contours at intervals no greater than two feet with spot elevations provided when needed.
7. Steep slopes for pre and post development conditions, delineated by 0%-15%, 15%-25%, and over 25%.
8. Surveyed property lines showing distances and monument locations, all existing and proposed easements, right-of-ways, and other encumbrances, the size of the entire parcel, and the delineation and number of square feet of the land to be disturbed.
9. Drainage patterns, watersheds, with calculations of proposed land disturbance in each watershed throughout the duration of the proposed land disturbance activity.
10. Location and details of erosion and sediment control measures with a narrative of the construction sequence/phasing of the project.
11. A path and mechanism to divert uncontaminated water around disturbed areas.
12. Location, description, and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilizing measures.
13. A description of construction and waste materials expected to be stored on-site, including a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of materials to stormwater.
14. Plans, reports and calculations must be stamped and certified by a qualified professional.
15. Such other information as is required by the Conservation Commission.

Erosion and sedimentation control plans

The plan shall contain sufficient information to describe the nature and purpose of the proposed project:

1. The total area of disturbance shall be minimized.
2. Development shall be focused within previously disturbed areas where possible.
3. The construction phasing schedule shall be sequenced to minimize disturbance.
4. Soil erosion shall be controlled and sedimentation will be controlled during construction.
5. Dust shall be controlled during construction and/or until area is stabilized.
6. Uncontaminated surface water shall be diverted around disturbed areas.

7. All erosion and sedimentation control measures shall be installed and maintained in accordance with Town specifications and good engineering practices.
8. On and off-site stockpile areas shall be managed to provide protection from erosion.
9. Applicable Federal, State and local laws and regulations shall be complied with fully including waste disposal, sewer regulations, and air quality requirements.
10. Interim and permanent stabilization measures shall be instituted on a disturbed area as soon as practicable but no more than fourteen days after construction activity has ceased on that portion of the site.
11. On-site construction and waste materials shall be handled properly.

Standards

1. The Stormwater Management Plan shall be prepared in accordance the Massachusetts DEP Storm water Management Standards and Stormwater Policy Handbook Volumes One and Two and as revised.
2. Annual groundwater recharge from post-development site shall approximate annual recharge from pre-development.
3. All sites shall be designed so that post development rates of run-off equal pre-development rates of run-off.
4. All sites shall be designed so that post development total run-off is equal to pre-development total run-off.
5. All projects shall have at minimum detention basins with sediment traps and/or catch basins with deep sump and environmental hoods.
6. The Stormwater Management Plan shall incorporate the following best management practices and/or other recommended by the Commission or consultant:

Vegetative swales	Preserve unique natural feature of site
Vegetative filter strips	Non-invasive plant species
Water efficient irrigation system	Natural landscape species
Pervious paving surfaces	Landscape areas that retain water and are
Retention basins	Appropriate to soils & micro-climates
7. The Total Maximum Daily Load, (TMDL), for the Neponset River Watershed shall be included in the stormwater management plan.

Operation and maintenance

An operation and maintenance plan is required at the time of application for all projects. Once approved, the plan shall be recorded at the Norfolk County Registry of Deeds, shall remain on file with the Conservation Commission and shall be an ongoing requirement. The O&M Plan shall include

1. The names and owners for all components of the system.
2. Maintenance agreements that specify:
 - a. Names and addresses of persons responsible for operation and maintenance
 - b. Persons responsible for financing maintenance and emergency repairs.
 - c. Maintenance schedule listing action to be taken and when for all for all drainage structures, including swales d ponds.
 - d. List of easements with purpose and location of each.
 - e. Signature of the owner.
 - f. Requirement to notify the Conservation Commission in writing of change of ownership or assignment of financial responsibility.
 - g. Amendments to the O&M agreement shall be made in writing to the Conservation Commission and shall be signed by the responsible parties. The amended O&M shall be filed at the Registry of Deeds.
 - h. Annual reports with maintenance log shall be sent to the Commission.

Point Source Discharge

Any development or redevelopment which comes under the review of the Conservation Commission shall be subject to the following point source discharge requirements:

Discharge of storm water runoff whether directly to, or indirectly through storm sewer piping to, any stream, brook, river, body of water, or recourse area shall meet the following criteria:

1. The rate of flow to the resource area may not change pre to post development.
2. Timing of the peak flow to the resource area may not change pre to post development.
3. Total flow to the resource area may not change pre to post development.
4. Each water quality unit separator shall be sized to treat the first 1/2" of rain from the furthest point which drains to the water quality unit.
5. Rainfall calculations as per the Natural Resources Conservation Service Precipitation Frequency Analysis for New York and the New England States.

Section VI Mitigation

The applicant must show clearly and convincingly that there is no practicable and substantially economic alternative to the proposed project with less harmful effect on the buffer zone that can be achieved. The Commission may impose additional requirements or substituted mitigation requirements as it deems necessary.

The applicant must prove that 60% of the lot within a zoning district is 'high and dry.'

In cases where a waiver is granted, the Commission shall require mitigation measures to offset potential impacts to the wetland resource areas. The mitigation must improve the natural capacity for resource area.

Compensatory storage shall be provided for all flood storage volume that will be lost as a result of a proposed project, (within bordering land subject to flooding).

Replicated existing compensatory storage should be no more than 5,000 square feet, provided it does not reduce the 60% high and dry requirement and a volume not previously used for flood storage. Such replicated compensatory volume shall have unrestricted hydraulic connection to the same waterway or water body and shall be provided within the same reach of the river, stream, or creek.

New compensatory storage area shall not reduce the 60% 'high and dry' area as listed above.

Streams or intermittent streams shall not be relocated.

Work required to provide compensatory storage shall not restrict flows so as to cause an increase in flood storage or velocity or cause lateral displacement of water that would otherwise be confined within said area.

No project may be permitted which will have an adverse effect on specified wildlife habitat sites as identified either by a certified or registered professional in that field of expertise or by procedures established under 31cmr 1059 estimated habitat of rare wildlife.

At its discretion, the Conservation Commission may require that mitigation be implemented and demonstrated to be functioning before a project permitted by the waiver may be implemented.

Section VII. Plan Specifications

This section defines the specification requirements for the plans submitted with a Notice of Intent.

A. Scale of main plan.

The main plan must be suitable for detailed study and measurement of the proposed work, not more than forty (40) feet to the inch. Existing and proposed contours at an interval of not more than two (2) feet should be shown. Each plan shall show both a numerical indications of the scale as well as a graphical scale.

B. Supplementary plans.

More than a single plan may be necessary to clearly and legibly represent the relevant information. Supplementary maps particularly likely to be needed are total watershed including the site and off site areas draining into or over any part of the site, sub-watersheds, soil and cover. Where the information on such supplementary plans can be presented legibly on a reduced size plan, a scale of more than forty (40) feet per inch may be submitted.

C. Specific data required on plans.

The following are minimum data requirements for all filings and drawings. Drawings failing to provide all applicable data from this list may cause the filing to be considered incomplete. The Commission may return incomplete filings and the twenty-one (21) day period for scheduling of the public hearing will be considered not to have started. The Commission may impose additional site-specific data requirements if it finds they are needed to evaluate the impact of the proposed project on the interests mentioned in the Act and Bylaw. These requirements are in addition to those requested in the guidelines issued from time to time by the Department of Environmental Protection, Wetlands Division.

1. Title Block. The title block must be located at the lower right hand corner of the drawing. It must identify the project name, the owners / agents name and address, map and lot number, sheet number and total number of sheets, scale and date of submission of the plan.
2. Revision Block. All drawings shall have a revision block located above the title block, with provisions for dates and explanations for all changes. Revision information shall be kept current and complete.
3. North Point. All drawings shall have an indication of true north on each page.
4. Scale Statement. The scale shall be shown both by a statement of scale and by a graphical scale. If insets have a different scale than the main plan, this must be clearly indicated. If vertical and horizontal scales differ, this must be clearly indicated.
5. Identifying Information. The stamp and signature of a registered professional engineer responsible for the plan is required. When property line locations are material to the Commission's Deliberations, they must be attested to by a registered land surveyor. When wetland lines are shown, the name of the person making the delineation shall be included on the plan.

6. Notes and Legend. Notes shall be included giving the source of all information on the plan, including the names of any professional contributing data to the plan (e.g. wetlands botanist). The vertical datum and benchmarks used shall be clearly stated.
7. Legend. A legend shall show the meaning of all line types, and symbols used on the plan.

D. Copies.

The Commission requires nine (9) complete sets of printed plans and an electronic copy.

E. Folding.

Prints shall be folded according to the standard method based on size so the final folded document measures 8 ½ X 11 inches, and the title block is visible.

Section VIII. Endangered Species

The developer is required to survey the proposed site for endangered species both plant and animal. All endangered species are to be considered whether or not they are listed on the state or federal lists. If there is any question regarding the existence of endangered species the applicant must file an application with the Natural Heritage Agency.

Section IX. Trail Access for Motorized Vehicles

To protect the environment, as well as the safety for those enjoying conservation areas within Norwood, motorized vehicles are not permitted on land in the care and control of the Norwood Conservation Commission.

These motor vehicles included all devise containing internal combustion engines and electric vehicles for the purpose of transporting one of more individuals, except as allowed by the Americans with Disabilities Act.

The exceptions being:

- Mobility devices such as wheelchairs and manually powered mobility aids such as walkers and crutches.
- Vehicles required for the maintenance of such properties.
- Emergency vehicles.

The adoption of the rules does not represent an endorsement that the Norwood Conservation properties are safe for any trail user. Physical space to reverse direction on a trail may not be available.

Violators will be penalized. The penalty for each violator will be \$50.00 dollars for the first offense. Each additional violation will be \$300.00 dollars.

Section X. Snow Storage and Disposal Policy

- It is illegal to dump plowed snow directly into water bodies, buffer zones, and surrounding wetlands.
- Snow shall not be disposed of on top of storm drains, catch basins, or in stormwater drainage swales or ditches.
- Snow shall not be disposed of in vegetated wetland, vernal pools, or areas of critical environmental concern.
- In order to keep salt, and other pollutants in snow piles out of waterways:
 1. A filter barrier should be placed securely in the downgrading side of the snow site.
 2. Where possible, a 50ft vegetative buffer strip should be maintained to filter pollutants between the disposal site and adjacent waterways.
 3. Debris shall be cleared from the site and properly disposed of at the end of the snow season, but no later than April 15th.

Section XI. Effective Dates

Existing lots as of 1/1/03 are subject to ½ the buffer requirements of these regulations. Lots subject to zoning changes or new subdivisions after 1/1/03 shall be subject to these regulations. In addition all projects requiring / obtaining zoning variances after 1/3/03 are subject to these regulations.

Section XII. Revision History

Entire Regulations adopted June 17, 2009

Revised June 5, 2013

Revised June 19, 2013

Revised February 1, 2017 – Fee Schedule

Revised June 21, 2017 – Fee Schedule

Revised August 15, 2018 – Fee Schedule

Revised November, 2018 – Fee Schedule

Section XIII Fees Schedule – As of November 7, 2018

MINOR PROJECTS (ADDITIONS, POOLS, TENNIS COURTS, ETC.)	\$ 78.50
SINGLE FAMILT DWELLING / PER UNIT RESIDENTIAL	\$766.50
<i>MULTIPLE DWELLING STRUCTURES</i>	\$766.50
PLUS \$ PER UNIT IN BUFFER	\$231.00
PLUS \$ PER UNIT IN FLOOD ZONE	\$231.00
SUBDIVISIONS (ROAD AND UTILITIES ONLY)	\$766.50
PLUS \$ PER SQUARE FOOT IN BUFFER	\$ 2.63
PLUS \$ PER SQUARE FOOT IN FLOOD ZONE	\$ 2.63
COMMERCIAL & INDUSTRIAL PROJECTS	\$1018.50
PLUS \$ PER SQUARE FOOT WETLAND DISTURBED	\$ 1.55
PLUS \$ PER SQUARE FOOT BUFFER DISTURBED	\$.16
PLUS \$ PER SQUARE FOOT LAND SUBJECT TO FLOODING	\$.16
<i>EXTENSIONS</i>	
SINGLE FAMILY / MINOR PROJECTS	\$157.50
ALL OTHERS	\$388.50
REFILING	Original fee
PREVIOUSLY DENIED WITHIN THREE (3) YEARS	or \$1,386.00
	whichever is less
DETERMINATIONS	
FORMAL	\$78.75
RE-OPENING HEARINGS	50% of original fee
LATE NOTICE	1 ½ X FEE
NOTICE AFTER ENFORCEMENT	2 X FEE
TO LIFT AN ENFORCEMENT	\$157.50
ISSUE ORIGINAL CERTIFICATE OF COMPLIANCE FOR PROJECTS COMPLETED MORE THAN 3+ YEARS	\$346.50 Residential \$693.00 Commercial
REISSUE CERTIFICATE OF COMPLIANCE	\$157.50
ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION	\$1.58 per foot Not to exceed \$766.50
RIVER FRONT	ADD 50%
CONSULTATION FEE W/ COMMISSION	\$194.25
ABUTTERS LIST (MAILING LABELS WILL BE PROVIDED)	\$3.15 per abutter

Total amount of fees due shall be capped at \$12,000.00.