



TOWN OF TYNGSBOROUGH

STORMWATER REGULATIONS

Revised July 15, 2020



25 Bryants Lane
Tyngsborough, MA 01879

Contents

Section 1: PURPOSE	1
Section 2: DEFINITIONS	1
Section 3: AUTHORITY	1
Section 4: ADMINISTRATION	1
1. Administrating Authority	1
2. Waivers	1
3. Amendments	1
Section 5: APPLICABILITY	2
1. Applicable Activities	2
2. Exemptions	2
Section 6: STORM WATER MANAGEMENT AND EROSION CONTROL	2
1. Requirements	2
2. Stormwater Management Permit	2
1. Application	2
Major Projects	2
Minor Projects	3
2. Fees	3
1. Application Fee	3
2. Engineering and Consulting Fee	3
3. Fee Revisions	4
3. Approval	4
4. Project Changes	4
5. Project Commencement	4
6. Surety	5
7. Certificate of Completion	5
3. Stormwater Management Plan	5
4. Erosion and Sediment Control Plan	5
5. Long-Term Operations and Maintenance Plan	5
Section 7: INSPECTIONS, ENVIRONMENTAL MONITOR, AND REPORTING	6
1. Inspections- Entry to Perform Duties	6
2. Environmental Monitor	6
Section 8: ENFORCEMENT AND PENALTIES	6
1. Notice of Violation	7
2. Recovery of Costs	7
3. Civil Relief	7
4. Non-criminal Disposition	7
Section 9: APPEALS	7
Section 10: Remedies Not Exclusive	8
Section 11: SEVERABILITY	8
APPENDIX A- DEFINITIONS	0

Section 1: PURPOSE

The purpose of these Stormwater Regulations is to protect, maintain and enhance public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased runoff, decreased ground water recharge, erosion and sedimentation, illicit connections and discharges, and nonpoint source pollution associated with new development and redevelopment of land, pursuant to the Town of Tyngsborough Stormwater Management Bylaw.

Section 2: DEFINITIONS

Appendix A supplies definitions that apply to these Stormwater Regulations. Terms not defined in this appendix shall be construed according to their customary and usual meaning unless the context indicates a special or technical meaning.

Section 3: AUTHORITY

1. The Stormwater Regulations have been adopted by the Conservation Commission in accordance with the Town of Tyngsborough Stormwater Management Bylaw.
2. The Conservation Commission may periodically amend these regulations pursuant to Section 4 of the Stormwater Management Bylaw and other relevant provisions of the General Bylaws of the Town of Tyngsborough.
3. These regulations do not replace the requirements of any other bylaw, regulation or code that may have been or may be adopted by the Town or the Commonwealth.

Section 4: ADMINISTRATION

1. Administrating Authority

The Conservation Commission is designated as the Authority under the Stormwater Management Bylaw and shall administer, implement and enforce these regulations. Any powers granted to or duties imposed upon the Commission may be delegated to town officials, employees, and the agents of the Commission.

2. Waivers

The Conservation Commission may waive strict compliance with any requirement of the Town of Tyngsborough Stormwater Bylaw or the regulations promulgated hereunder, where the waiver:

- A. Is allowed by federal, state and local statutes and/or regulations,
- B. Is in the public interest, and
- C. Is consistent with the purpose and intent of the Tyngsborough Stormwater Management Bylaw.

Any applicant may submit a written request for a waiver, accompanied by supporting information explaining how the waiver will comply with the purpose of the Stormwater Bylaw. All waiver requests shall be acted on within 60 days and the Conservation Commission will provide a written decision. If additional information is required, the Conservation Commission may extend the review period. If the applicant objects to an extension, or fails to provide requested information, the waiver request may be denied "without prejudice" by the Conservation Commission.

3. Amendments

The Conservation Commission may amend rules and regulations after holding a public hearing and said hearing shall comply with all aspects of the Massachusetts Open Meeting Law.

Section 5: APPLICABILITY

1. Applicable Activities

- A. These regulations shall apply to all new development, redevelopment, and activities that are individual or part of a larger common plan that meet or are in excess of the thresholds below:
 1. Non-residential projects that disturb more than 5,000 square feet of land across one or more parcels that are part of a common plan.
 2. Residential projects that disturb more than 20,000 square feet of land across one or more parcels that are part of a common plan.
 3. Activities that would change the existing drainage patterns or will change the rate and/or volume of stormwater discharging from a site.
 4. Disturbance of any amount of land that would increase the amount of stormwater pollutants discharging from the parcel/site.
 5. Any residential projects that disturb less than 20,000 square feet and include the tear down and rebuild of a residential structure(s) on one or more parcels of land.
- B. Illicit connections
 1. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm sewer system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of the connection.
- C. Illicit discharges
 1. No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge to into the municipal storm sewer system or the surface and ground waters and watercourses within Tyngsborough.

2. Exemptions

Activities outlined in Section 6.0 of the Stormwater Management Bylaw are also exempted from these regulations.

Section 6: STORMWATER MANAGEMENT AND EROSION CONTROL

1. Requirements

All activities outlined in Section 5.1 shall require a Stormwater Management Permit (SMP) issued by the Conservation Commission. The worked outlined in the permit shall comply with the "Town of Tyngsborough Construction and Design Standards and Guidelines" ("Standards"). A SMP shall be issued prior to release of all building and land development permits and land disturbances associated with the project.

2. Stormwater Management Permit

1. Application

Major Projects

A completed application for a SMP shall be submitted to the Conservation Director for review by the Conservation Commission during a Conservation Commission meeting. The SMP Application package shall include but not be limited to the following:

- A completed Application Form with original signatures of all property owners;
- Narrative describing the proposed work including existing site conditions, proposed work and methods to mitigate any stormwater impacts;
- Stormwater Management Plan

- Three (3) copies of design plans (stamped by a professional engineer licensed in Massachusetts) that include:
 - Existing site features including structures, pavements, plantings, and stormwater management systems etc.;
 - proposed stormwater management systems, limits of disturbance, resource areas, grading, structures, etc.; and
 - Construction Erosion and sedimentation control plan. (See Section 4.2)
 - Long-term Operations and Maintenance Plan (if applicable)
- Payments for the permit and engineering review fees.
- Surety Bond (if required by the Conservation Commission)
- Abutter Notifications for direct abutters utilizing Certificate of Mail or Certified Mail.

Minor Projects

A completed application for a SMP shall be submitted to the Conservation Director for review by the Conservation Commission during a Conservation Commission meeting. The SMP Application package shall include but not be limited to the following:

- A completed Application Form with original signatures of all property owners;
- Narrative describing the proposed work including existing site conditions, proposed work and methods to mitigate any stormwater impacts;
- An erosion and sediment control plan
- Three (3) copies of design plans (stamped by a professional engineer licensed in Massachusetts) that include:
 - Existing site features including structures, pavements, plantings, and stormwater management systems, etc.;
 - proposed stormwater management systems, limits of disturbance, resource areas, grading, etc.; and
 - Construction Erosion and sedimentation control plan. (See Section 4.2)
- Payments for the permit.
- Surety Bond (if required by the Conservation Commission)

2. Fees

1. Application Fee

A non-refundable application fee shall be made payable to the Town of Tyngsborough.

Application Fee = \$3.00/1000 square feet of disturbance + \$400.00

2. Engineering and Consulting Fee

The applicant shall pay a fee to cover the cost for a peer review of a SMP application and any other related services required by the Conservation Commission. Payment may be required at any point in the deliberations prior to a final decision. A permit application shall include a completed Engineering/Consultant Fee form. Consultant fees shall be determined at the time of project review based on a specific scope of work. The fee shall cover the follow activities:

- wetland survey and delineation,
- hydrologic and drainage analysis,
- wildlife impact analysis,
- stormwater quality analysis,

- site inspections,
- as-built plan review,
- analysis of legal issues.

Subject to applicable law, any unused portion of any fees collected shall be returned to the applicant within forty-five calendar days of a written request by the applicant, unless the Conservation Commission decides in a public meeting that other action is necessary.

The Engineering and Consultant Review fees collected shall be deposited in a revolving account. The Conservation Commission shall include a full accounting of the revolving account as part of its annual report to the Town.

3. Fee Revisions

The Conservation Commission may amend fee schedules and regulations. Amendments shall be preceded by a posted public hearing. A copy of the written decision will be filed with the Town Clerk within ten days after final action is taken.

3. Approval

One of the following actions shall be taken for all SMP applications:

1. The Project shall be reviewed during a public meeting of the Conservation Commission.
2. Approval of the Permit Application based upon determination that the proposed plan meets the Standards and will adequately protect the water resources of the Town and is in compliance with the requirements set forth in the Stormwater Management Bylaw;
3. Approval of the Permit Application subject to any conditions, modifications or restrictions required by the Conservation Commission, which will ensure that the project meets the Standards and adequately protects water resources, as set forth in the Bylaw;
4. Disapproval based upon a determination that the Permit Application does not meet the Standards or failure to protect water resources, as set forth in the Bylaw.
5. Withdrawal of the Permit Application “without prejudice” where an applicant does not submit requested additional information that in the Conservation Commission’s opinion is needed to adequately describe the proposed project.

A permit shall be given to an applicant following approval of their SMP application. The permit shall be signed by the issuing authority or its designated agent. Applicants whose permit applications that are denied by the Conservation Commission, shall be sent a written notification letter.

4. Project Changes

The permittee/applicant shall notify the Conservation Director and/or Town Engineer in writing of any changes or alterations of the proposed project authorized by the Stormwater Management Permit. Work shall not recommence until approval of the changes by the Conservation Commission. If the Conservation Commission determines that the change or alteration is significant, a resubmittal of the SMP shall be required for review and approval.

5. Project Commencement

The project shall commence within 365 days after the issuance date of the SMP. Failure to begin construction within 365 days will result in revocation of the SMP. Therefore, the applicant will be required to submit a new SMP application.

6. Surety

The Conservation Commission may require the permittee to post a bond, cash, or other surety. The form of a bond shall be approved by Town Counsel, in an amount deemed sufficient to ensure work will be completed in accordance with the permit. If the project is phased, the Conservation Commission may release part of the bond as each phase is completed in compliance with the permit. The bond shall not be fully released until the Conservation Commission has issued a Certificate of Completion.

7. Certificate of Completion

The applicant shall request a Certificate of Completion within one year of completing work. Requests for Certificate of Completion that are greater than five years from the issuance date will be subject to additional fees, as outline in the fee schedule. Upon issuance of a Certificate of Completion, it may be required that the Contractor/Applicant prepare and submit record drawings to the Conservation Director or Town Engineer when construction is complete. The as-built plan of the work outlined on the Stormwater Management Permit, shall be submitted in hardcopy and electronic formats, for review and approval. All as-built documents shall be prepared in accordance to the Standards. Any discrepancies should be noted in a cover letter. The Conservation Commission shall issue a Certificate of Completion upon receipt and approval of the final report, as-built plans, and other documents stating that the project was completed in accordance with these regulations and permit conditions.

8. Expiration Date

Permits shall expire 3 years from the date of issuance. Permit extensions may be requested in writing to the Conservation Commission for approval.

3. Stormwater Management Plan

1. The Stormwater Management Plan shall contain sufficient information as required by the Standards. A Stormwater Management Plan shall be included in applications as required by the Inspectional Services Department, Planning Department, and the Conservation Department.
2. The Stormwater Management Plan shall fully describe the project in narrative, drawings, and calculations as outlined in the Standards.
3. To ensure timely review of the Stormwater Management Plan, it is the responsibility of the applicant to verify that all content and submittal requirements are met. A minimum of two weeks is required for technical review.

4. Erosion and Sediment Control Plan

1. The Erosion and Sediment Control Plan shall be designed to ensure compliance with the Standards, these regulations, the NPDES General Permit, and the Massachusetts Surface Water Quality Standards (314 CMR 4.00).
2. If a project requires a Stormwater Pollution Prevention Plan (SWPPP) per the NPDES General Permit for Stormwater Discharges from Construction Activities (and as amended), then the applicant is required to submit a complete copy of the SWPPP (including the signed Notice of Intent and approval letter). The SWPPP must be submitted to the Conservation Commission and Town Engineer at least 14 days before Construction begins. If the SWPPP meets the requirements of the General Permit, it will be considered equivalent to the Erosion and Sediment Control Plan described in this section.
3. The Erosion and Sediment Control Plan shall remain on file with the Stormwater Authority.

5. Long-Term Operations and Maintenance Plan

1. A stand-alone Long-Term Operations and Maintenance (LTO&M) Plan shall be provided for all projects that include structure and nonstructural BMPs, catch basins, manholes, and other stormwater

treatment systems. The LTO&M plan shall be designed to ensure compliance with the Standards and these regulations for the life of the system.

2. To ensure adequate long-term operation and maintenance of stormwater management practices, applicants are required to implement one or more of the following procedures, as required per Stormwater Regulations:
 1. Submission by the applicant of an annual certification documenting the work outlined in the LTO&M plan has been completed over the last 12 months to ensure the stormwater system is operating properly. The certification shall be signed by the owner(s) or authorized agent of the owner(s) named in the LTO&M plan as being responsible for the ongoing maintenance and operations.
 2. The approved LTO&M plan shall be incorporated by reference into the chain of title of the property or properties on which the structures or controls are located, by recording of a notice at the Middlesex North Registry of Deeds or the Land Court. A copy of the certification of record shall be submitted to the Conservation Department and/or Engineering Department.
3. The owner(s) of record on the LTO&M plan must submit in writing to the Conservation Department and/or Engineering Department for review by the Conservation Commission for approval of any changes in ownership, assignment of Operation and Maintenance responsibilities, or assignment of financial responsibility within 30 days of the change in ownership. The owner of record shall be responsible for Operation and Maintenance activities until a copy of the updated Operation and Maintenance Plan has been furnished and recorded with the Middlesex North Registry of Deeds. A copy of the certification of record shall be submitted to the Conservation Department and/or Engineering Department.

Section 7: INSPECTIONS, ENVIRONMENTAL MONITOR, AND REPORTING

1. Inspections- Entry to Perform Duties

The property owner(s) or other party in control of the property shall provide the Conservation Commission or the Town to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. The Conservation Commission, its agents and the Town shall have authority to enter upon privately owned land for the purpose of performing their duties under this Regulation and may make or cause to be made such examinations, surveys, or sampling as the Conservation Commission or Town deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.

2. Environmental Monitor

The Town will require applicants/contractors to hire at their expense an Environmental Monitor to perform inspections of the erosion control measures implemented for a project. The Environmental Monitor will be required to submit monthly reports to the approving Town authority with a copy submitted to the Engineering Department and the Conservation Department. The initial report shall demonstrate that the erosion control measures have been installed, in conformance with the approved Erosion and Sedimentation Control Plan. Subsequent reports shall evaluate the operation of erosion control measures and any required maintenance activities. Should an erosion control measure be found to be inadequate for properly controlling sedimentation, an adequate measure shall be designed and implemented.

Section 8: ENFORCEMENT AND PENALTIES

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of these Regulations. Any person or landowner who violates, or allows others to violate, these Regulations may be subject to enforcement actions outlined below.

1. Notice of Violation

The Conservation Commission, Town Engineer, or its authorized agent may issue a written notice of violation or enforcement order to enforce the provisions of the Bylaw or the regulations thereunder, which may include requirements to: Cease and desist from construction or land disturbing activity until there is compliance with the Bylaw and the Stormwater Management Permit; Repair, maintain; or replace the stormwater management system or portions thereof in accordance with the operation and maintenance plan; Perform monitoring, analyses, and reporting; Fix adverse impacts resulting directly or indirectly from malfunction of the stormwater management system. If the Conservation Commission determines that abatement or remediation of adverse impacts is required, the order may set forth a deadline by which such abatement or remediation must be completed. Said order may further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Tyngsborough may, at its option, undertake such work, and the property owner shall reimburse the Town of Tyngsborough for expenses incurred.

2. Recovery of Costs

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the Town of Tyngsborough including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Conservation Commission within thirty (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 thirty (30) days following a decision of the Conservation Commission affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57, after the thirty-first day at which the costs first become due.

3. Civil Relief

Any person who violates any provision of the Town of Tyngsborough Stormwater Management Bylaw or regulation, order or permit issued thereunder, may be ordered to correct the violation and/or shall be punished by a fine of not more than \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

4. Non-Criminal Disposition

Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town of Tyngsborough may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D. The Conservation Commission or authorized agents of the Town of Tyngsborough shall be the enforcing entity. The penalty for the 1st violation shall be up to \$100. The penalty for the 2nd violation shall be up to \$200. The penalty for the 3rd and subsequent violations shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

Section 9: APPEALS

Any person aggrieved by an enforcement order, or by a decision of the Conservation Director or the Town Engineer under these Regulations, may appeal the order or decision to the Conservation Commission. Appeals shall be made by submitting to the Conservation Commission, within 30 days of the decision or order being appealed, a letter explaining why the order or decision was not justified. Relevant documentation, including the order or decision being appealed and any application, plans, etc., shall be attached to the letter. The decisions or orders of the Conservation Commission shall be final. Any further appeal shall be to a court of competent jurisdiction.

Section 10: 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.

Section 11: SEVERABILITY

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

APPENDIX A- DEFINITIONS

ALTER: Any activity, which will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Alter may be similarly represented as “alteration of drainage characteristics,” and “conducting land disturbance activities.”

APPLICANT: A property owner or agent of a property owner who has filed an application for a Stormwater Management Permit.

BEST MANAGEMENT PRACTICE (BMP): Structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment. “Structural” BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. “Nonstructural” BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

BETTER SITE DESIGN: Site design approaches and techniques that can reduce a site’s impact on the watershed through the use of nonstructural stormwater management practices. Better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover, and using natural features for stormwater management.

CERTIFICATE OF COMPLETION (COC): A document issued by the Tyngsborough Conservation Commission after all construction activities have been completed which states that all conditions of an issued Stormwater Management Permit (SMP) have been met and that a project has been completed in compliance with the conditions set forth in a SMP.

CONVEYANCE: Any structure or device, including pipes, drains, culverts, curb breaks, paved swales or man-made swales of all types designed or utilized to move or direct stormwater runoff or existing water flow.

CRITICAL AREAS: For the purposes of the DEP Stormwater Management Policy, critical areas are Outstanding Resource Waters (ORWs), shellfish growing areas, public swimming beaches, cold water fisheries, and recharge areas for public water supplies.

DEVELOPER: A person who undertakes or proposes to undertake land disturbance activities.

DEVELOPMENT: The modification of land to accommodate a new use or expansion of use, usually involving construction.

DISTURBANCE OF LAND: Any action that causes a change in the position, location, or arrangement of soil, sand, rock, gravel of similar earth material.

DRAINAGE EASEMENT: A legal right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes.

EROSION CONTROL: The prevention or reduction of the movement of soil particles or rock fragments.

EROSION CONTROL PLAN: A plan that shows the location and construction detail(s) of the erosion and sediment reduction controls to be utilized for a construction site.

FLOOD CONTROL: The prevention or reduction of flooding and flood damage.

FLOODING: A local and temporary inundation or a rise in the surface of a body of water, such that it covers land not usually under water.

GRADING: Changing the elevation or shape of the ground surface.

GROUNDWATER: All water beneath any land surface including water in the soil and bedrock beneath water bodies.

LAND USES with HIGHER POTENTIAL POLLUTANT LOADINGS: Land uses or activities with higher potential pollutant loadings, such as auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots with high intensity use, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances, or marinas. Land uses with higher potential pollutant loads are defined in the DEP Stormwater Handbook (see Ch.1 V.1 Standard 5 for definition).

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water from infiltrating through the underlying soil. Impervious surface is defined to include, without limitation: paved parking lots, sidewalks, roof tops, driveways, patios, and paved, gravel and compacted dirt surfaced roads.

INFILTRATION: The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the Massachusetts Department of Environmental Protection (DEP), and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56. The Policy addresses stormwater impacts through performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site. The performance standards and structural BMP specifications are in the Massachusetts Stormwater Handbook, Volumes 1-3.

MINOR PROJECTS: any project that meets the following criteria:

- Any residential projects that disturb less than 20,000 square feet and include the tear down and rebuild of a residential structure(s) across one or more parcels of land.
- Residential parcel with a disturbance between 20,000 square feet and one acre.
- Any commercial projects that disturb more than 5,000 square feet and less than 10,000 square feet of land across one or more parcels.

MAJOR PROJECTS: any project that meets the following criteria:

- Commercial projects that disturb 10,000 or more square feet of land across one or more parcels that are part of a common plan.
- Residential projects that disturb more than one acre of land across one or more parcels that are part of a common plan.
- Activities that would change the existing drainage patterns or will change the rate and/or volume of stormwater discharging from a site.
- Disturbance of any amount of land that would increase the amount of stormwater pollutants discharging from the parcel/site.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM:

The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Tyngsborough.

NEW DEVELOPMENT: Any construction or land disturbance of a parcel of land that is currently in a natural vegetated state and does not contain alteration by man-made activities, or all other projects that do not qualify as a redevelopment project.

NONPOINT SOURCE POLLUTION: Pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into water resource areas.

OPERATION AND MAINTENANCE PLAN: A plan that defines the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to insure that it continues to function as designed.

OWNER: A person with a legal or equitable interest in a property.

PERSON: Any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to Town Bylaws, administrative agency, public or quasi-public corporation or body, the Town of Tyngsborough, and any other legal entity, its legal representatives, agents, or assigns.

PRE-DEVELOPMENT: The conditions that exist at the time that plans for the land development of a tract of land are submitted to the Tyngsborough Conservation Commission. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

POINT SOURCE: Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

POST-DEVELOPMENT: The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land. Post-development refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.

RECHARGE: The replenishment of underground water reserves.

REDEVELOPMENT: Redevelopment projects include the following.

- Maintenance and improvement of existing roadways, including widening less than a single lane, adding shoulders, correcting substandard intersection, improvement existing drainage systems, and repaving.
- Development, rehabilitation, expansion and phased projects on previously developed sites, provided that there is no net increase in impervious area.
- Remedial projects specifically designed to provide improved stormwater management, such as projects to separate storm drains and sanitary sewers and stormwater retrofit projects.

RESOURCE AREA: Any area protected under including without limitation: the Massachusetts Wetlands Protection Act, or the Massachusetts Rivers Act.

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENTATION: A process of depositing material that has been suspended and transported in water.

SITE: The parcel of land being developed, or a designated planning area in which the land development project is located.

STORMWATER MANAGEMENT: The use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.

STORMWATER MANAGEMENT PERMIT (SMP): A permit issued by the Tyngsborough Conservation Commission after review of an application, plans, calculations, and other supporting documents, which prevents the harmful effects of uncontrolled and untreated stormwater runoff.

STOP WORK ORDER: An order issued which requires that all construction activity on a site be stopped. TSS: Total Suspended Solids.

WATER QUALITY VOLUME (WQV): The amount of runoff required to be treated in order to achieve adequate TSS and TP (Total Phosphorus) removal. Please refer to the Tyngsborough Construction and Design Standards and Details for information regarding WQVs for new development and redevelopment project.