

ARTICLE I. STORMWATER AND CONSTRUCTION SITE MANAGEMENT

Section 32.01 Purpose

- (a) The purpose of this Ordinance is to protect the surface water bodies, natural resources, and public and private property within the City of Beverly from the negative impacts caused by polluted and unmanaged stormwater runoff and activities related to development, construction and land surface alteration and work not otherwise subject to regulation by the Planning Board and/or the Conservation Commission. In response to the mandates set forth under the amendments to the Federal Clean Water Act, this Ordinance partially fulfills the requirement of the Phase II National Pollution Discharge Elimination System (NPDES) Permit in order to achieve compliance with the U.S. Environmental Protection Agency's stormwater regulations.
- (b) Because stormwater discharges from a variety of sources including storm sewers, construction, waste disposal, earth disturbance and resource extraction are major causes of impairment to the water quality of natural coastal and inland water bodies and wetland resource areas, this Ordinance is designed to regulate a myriad of aspects relating to the development or redevelopment of land as well as to detect and eliminate illicit discharges into the City's storm drainage system.
- (c) This Ordinance and the regulations promulgated hereunder serve to establish minimum standards, design criteria, implementation, guidance and enforcement to achieve the following objectives:
 - (i) Establish, regulate and enforce stormwater management standards for development and redevelopment projects by adopting and enforcing the nine (9) Stormwater Management Standards set forth in the Massachusetts Stormwater Management Policy;
 - (ii) Detect and eliminate illegal discharges to the municipal storm drain system including but not limited to sewage, process wastewater, wash water, indoor drains, floor drains, sinks from residential, commercial or industrial sources;
 - (iii) Guide, regulate and manage construction activities that render soil exposed and vulnerable to erosion by wind and water as well as containing and properly managing potential on-site pollutants including but not limited to oils, gasoline, pesticides, paints, garbage and sanitary wastes;
 - (iv) Regulate the alteration of grades/elevations of the land surface by more than two feet to protect against damage to abutting properties and adjacent wetlands resource areas resulting from altered drainage patterns.
 - (v) Establish a Stormwater Management Advisory Committee to work with the Engineering Department in establishing and evaluating rules and regulations to further clarify and implement this Ordinance.

(Ord. No. 86, 5-12-2008)

Section 32.02 Applicability

- (a) This Ordinance applies to all construction, development, and redevelopment activities that involve and/or impact stormwater discharge, soil disturbance, altering of grades or drainage patterns not expressly exempted from it.

(Ord. No. 86, 5-12-2008)

Section 32.03 Storm water Management of New Development & Redevelopments

- (a) Regulation of discharges to the municipal storm drainage system and the surface waters and wetlands is necessary for the protection of the City of Beverly's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment. Increased and contaminated stormwater runoff associated with developed land uses and the accompanying increase in impervious surface is a major cause of impairment of water quality and flow in the ocean, lakes, ponds, streams, rivers, wetlands and groundwater, contamination of drinking water supplies, erosion of stream channels, alteration or destruction of aquatic and wildlife habitat, and flooding.
- (b) This Ordinance establishes stormwater management standards for development and redevelopment projects that disturb an acre or more of land to minimize adverse impacts offsite and downstream which would be born by abutters, residents and/or the general public by:
- (c) Complying with all other state and federal statutes and regulations relating to stormwater discharges and adopting the following Standards of the Massachusetts Stormwater Policy:
 - (i) Storm water management systems must be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates;
 - (ii) Loss of annual recharge to groundwater should be minimized through the use of infiltration measures to the maximum extent practicable. The annual recharge from a site post-development should approximate the annual recharge from the pre-existing or existing site conditions, based on soil types;
 - (iii) For new development, stormwater management systems must be designed to remove 80% Total Suspended Solids (TSS);
 - (iv) Redevelopment of previously developed sites must meet the Stormwater Management Standards to the maximum extent practicable;
 - (v) All stormwater management systems must have an operation and maintenance plan to ensure that systems function as designed.
 - (vi) Protecting groundwater and surface water from degradation;
 - (vii) Promoting groundwater recharge;

- (viii) Preventing pollutants from entering Beverly's municipal storm drainage system and to minimize discharge of pollutants from the system;
- (ix) Ensuring adequate long-term operation and maintenance of structural stormwater best management practices so that they function as designed;
- (x) Ensuring public safety and protecting public and private property, surface drinking water supplies, groundwater resources, recreation, aquatic habitats, fish and other aquatic life, property values and other uses of lands and waters;
- (xi) Requiring practices to control the flow of stormwater from new and redeveloped sites into the Beverly storm drainage system in order to prevent flooding and erosion;
- (xii) Establishing Beverly's legal authority to ensure compliance with the provisions of this Ordinance through inspection, monitoring, and enforcement.

Section 32.04 Exemptions:

- (a) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04; Maintenance of existing landscaping, gardens or lawn areas provided such maintenance does not include the addition of soil material, or alteration of existing grades;
- (b) The construction of any walls and fencing that will not alter existing terrain or drainage patterns;
- (c) Construction of utilities other than drainage (gas, water, sanitary sewer, electric, telephone, etc.) which will not alter terrain, ground cover, or drainage patterns;
- (d) Projects wholly within the jurisdiction of the Conservation Commission and requiring an Order of Conditions.

(Ord. No. 86, 5-12-2008)

Section 32.05 Illicit Connections

- (a) This Ordinance also provides for the health, safety, and general welfare of the citizens of Beverly by regulating storm water discharge into the City's storm drain system and waterways in accordance with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.
- (b) The City's storm drainage system includes storm water pipes and drainage waterways and conveys surface water runoff to receiving waters. Generally runoff enters the storm water drainage system piping through catch basins on streets and on public and private property and from drainage swales and ditches. No sewage discharge is allowed into this system.

- (c) The City also has a separate piped municipal sanitary sewerage system. In order to reduce and eliminate infiltration and inflow into this system, no storm drainage discharge is allowed into the municipal sanitary sewer system from any source including, but not limited to, sump pumps and roof drainage. The sewerage system conveys wastewater from residences and commercial and industrial establishments to the South Essex Sewerage District wastewater treatment plant in Salem. The City's sewerage system is regulated by the Sewers article hereunder.
- (d) The objectives of this section are to:
 - (i) Minimize the contribution of pollutants to the municipal storm drainage system;
 - (ii) Minimize the negative impact of illicit connections and discharges upon the City's natural resources;
 - (iii) Prohibit illicit connections and discharges to the municipal storm drainage system; and
 - (iv) Establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this Ordinance.

(Ord. No. 86, 5-12-2008)

Section 32.06 Erosion/Sedimentation and Materials Management

- (a) During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates extraordinary maintenance and repair of storm drains and ditches and the dredging of lakes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.
- (b) Many potential pollutants other than sediment are associated with construction activities. These pollutants include pesticides, fertilizers used for vegetative stabilization; petrochemicals (oils, gasoline, and asphalt degreasers), construction chemicals such as concrete products, sealers, and paints, wash water associated with these products, paper; wood; garbage and sanitary wastes.
- (c) As a result, the purpose of this section is to safeguard persons, protect property, and prevent damage to the environment in the City of Beverly. This Ordinance will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of certain development or other activity that disturbs the topsoil or results in the movement of earth within the City of Beverly.
- (d) No person shall be granted a site development permit for land-disturbing activity that would require the uncovering of one (1) acre or more (43,560 square feet) without the written approval of an Erosion/Sediment Control and Materials Management Plan by the Engineering Department. Such projects shall be required to submit an Erosion/Sediment Control and Materials Management Plan with the application when, in the opinion of the

Director of Engineering or his designee, the submission of such a plan is needed to further the purpose and intent of this Ordinance and/or to safeguard surrounding property and public infrastructure systems.

- (e) No person shall be granted a site development permit for land-disturbing activity that would require disturbing less than one acre but more than one-quarter acre without the approval of an Abbreviated Erosion/Sediment Control & Materials Management Application by the Engineering Department.
- (f) No person shall be granted a site development permit for land-disturbing activity that would require disturbing less than one-quarter acre without the approval of a Minor Project Management Application by the Engineering Department.

Section 32.07 Exemptions:

- (a) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources;
- (b) Repairs to any stormwater system deemed necessary by the City of Beverly
- (c) Engineering Department or its designee; or
- (d) Existing nursery and agricultural operations conducted as a permitted use.

(Ord. No. 86, 5-12-2008)

Section 32.08 Drainage Pattern Alterations

- (a) Changing the grading of the land surface can have an impact on drainage characteristics of even relatively small watershed areas. Therefore, regulating proposed grading for all projects, including minor ones is necessary for the protection of the City of Beverly's natural resources, and to safeguard public and private property from the potential negative impacts due to increased peak rate run off, increase in volume, and flooding.
- (b) A permit required by this Ordinance will be issued by the City Engineer to the owner or the owner's duly authorized agent after the City Engineer has reviewed a plan to be submitted showing the nature of the grade change proposed, but only on such conditions, which shall be determined by the City Engineer, that will ensure that the proposed grade changes will not adversely affect existing drainage and groundwater conditions that could affect the public health, safety and welfare of any public way or adjoining real estate.
- (c) It shall be unlawful for any person or other legal owner of real property in the City to disturb the existing grade of land by more than two feet without first obtaining the approval of the City Engineer, and where applicable, the Conservation Commission (if the property is subject to the Wetlands Protection Act or the City's Wetland Protection Ordinance and the Rules and Regulations adopted pursuant to that Ordinance) and the Planning Board (if the property is being altered pursuant to a plan subject to the Subdivision Control Law).

Section 32.09 Exemptions:

- (a) Emergency work as declared or determined by the Director of Engineering or his designee.

(Ord. No. 86, 5-12-2008)

Section 32.10 Responsibility For Administration

- (a) The Director of Engineering shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the Director of Engineering by this Ordinance may be delegated in writing by the Director to persons or entities acting in the beneficial interest of or in the employ of the City.

(Ord. No. 86, 5-12-2008)

Section 32.11 Enforcement

- (a) Any person violating any of the provisions of this Ordinance or of any order or permit issued hereunder shall be deemed guilty of a misdemeanor and each day during which any violation of any of the provisions of this Ordinance, order or permit is committed or continued shall constitute a separate offense. The Department or its delegated agents may issue a stop work order to the owner, the applicant, or the owner's or applicant's agent by certified mail, return receipt requested, and by posting the same in a conspicuous location on the work site. Upon conviction of any violation of this Ordinance, such person shall be punished by a fine of \$300 for each offense. In addition to any penalty authorized by this section, any person violating any of the provisions of this Ordinance shall be required to bear the expense of site restoration. Nothing in this section, including the failure of the Department or its delegated agents to issue a stop work order, shall prevent the City from pursuing any other remedy provided for by law, including equitable relief, to restrain violations of this Ordinance.

(Ord. No. 86, 5-12-2008)

Section 32.12 Rules & Regulations

- (a) The Director of Engineering in collaboration with the City of Beverly Stormwater Management Advisory Committee and Stormwater Coordinator shall be empowered to establish Rules and Regulations to govern the permitting process, including but not limited to fees, application procedures, definitions, use of consultants, security to assure performance, performance standards for work, and such other information the Department and Committee deems necessary to discharge its responsibilities. The Department and Committee may promulgate such rules and regulations to effectuate the purposes of this Ordinance by a majority vote of the duly appointed members of the Stormwater Management Advisory Committee. Failure by the Department and the Committee to promulgate such rules and regulations, or a legal declaration of their validity by a court of law, shall not act to suspend or invalidate the effect of this Ordinance.

(Ord. No. 86, 5-12-2008)

Section 32.13 Severability

- (a) The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, order or decision, which have previously become final.

(Ord. No. 86, 5-12-2008)