ARTICLE xxx, Land Clearing and Protection of Specimen Trees [Added __-__-__]

§ xxx-xx Purpose.

The purposes of this bylaw are to:

A. Protect the health, safety and property of the residents of the Town of Salisbury by regulating clearing activities associated with land development and preserving existing trees and vegetation, preventing erosion and sedimentation of inland and coastal wetlands, ponds and other waterbodies, controlling stormwater runoff, minimizing fragmentation of wildlife habitat and loss of vegetation;
B. Limit land clearing and alteration of natural topography prior to development review;
C. Protect specimen trees and significant forest communities from damage or removal during site development;
D. Protect water quality of adjacent wetlands and surface water bodies;
E. Encourage the use of Best Management Practices that prevent and reduce nonpoint sources of pollutants;
F. Promote land development and site planning practices that are responsive to the Town's scenic character without preventing the reasonable development of land;

§ xxx- xx Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this bylaw shall be as follows:

APPLICANT Any person proposing to engage in or engaged in any non-exempt clearing of trees or understory vegetation within the Town.
BEST MANAGEMENT PRACTICES (BMPS) A structural, nonstructural, or managerial technique recognized to be the most effective and practical means to prevent and reduce nonpoint source pollutants. BMPs should be compatible with the productive use of the resource to which they are applied, and should be cost-effective.
CALIPER American Association of Nurserymen standard for measurement of trunk size of nursery stock. Caliper of the trunk shall be taken 6" above the ground up to and including 4" caliper trees, and 12" above the ground for larger sizes.
CERTIFIED ARBORIST A professional who possesses the technical competence through experience and related training to provide for or supervise the maintenance of trees and other woody plants in the residential, commercial, and public landscape.
CLEARING Removal or causing to be removed, through either direct or indirect actions, trees, shrubs and/or topsoil from a site, or any material change in the use or appearance of the land. Actions considered to be clearing include, but are not limited to: causing irreversible damage to roots or trunks; destroying the structural integrity of vegetation; and/or any filling, excavation, grading, or trenching in the root area of a tree which has the potential to cause irreversible damage.
DRIPLINE An area encircling the base of a tree which is delineated by a vertical line extending from the outer limit of a tree's branch tips down to the ground.

ESSENTIAL ROOT ZONE An area located on the ground between the tree trunk and 10 feet beyond the dripline of a tree which is required for protection of a tree's root system
DIAMETER/DIAMETER-BREAST-HEIGHT (DBH) The diameter of any tree trunk, measured at 4.5 feet above existing grade.
FILLING The act of transporting or placing (by any manner or mechanism) material from, to, or on any soil surface or natural vegetation.
GRADING Any excavating, filling, clearing, or the creation of impervious surface, or any combination thereof, which alters the existing surface of the land.
HAZARDOUS TREE A tree with a structural defect or disease, or which impedes safe sight distance or traffic flow, or otherwise currently poses a threat to life or property.
LANDSCAPE ARCHITECT A person licensed by the Commonwealth of Massachusetts to engage in the practice of landscape architecture.
OWNER Shall mean any person vested with ownership, legal or equitable, sole or partial, or possession of any property.
PROPERTY, PARCEL or LOT Shall mean an area of land as marked on the assessment drawings in the office of the Town Assessor, Salisbury, Massachusetts.
PROTECTED TREE/VEGETATION A tree or area of understory vegetation identified on an approved landscape plan to be retained and protected during construction.
SHALL Is mandatory; "may" is permissive.
SIGNIFICANT FOREST COMMUNITY Unfragmented forests including forest types that provide habitat for rare species, unusual ecological processes, highly diverse forest communities, rare forest types, and those forest types which maintain connections between similar or different habitat patches.
SPECIMEN TREE A native, introduced or naturalized tree which is important because of its impact on community character, its significance in the historic/cultural landscape or its value in enhancing the effects of wildlife habitat. Any tree with a dbh of 6" or larger is eligible to be considered a specimen tree. Trees that have a small height at maturity or are slow growing, such as flowering dogwood or american holly with a dbh of 4" or larger are eligible to be considered specimen trees.
TOWN Shall mean the Town of Salisbury, in the County of Essex, Commonwealth of Massachusetts.
UNDERSTORY VEGETATION Small trees, shrubs, and groundcover plants, growing beneath and shaded by the canopy of trees.

§ xxx- xx Applicability.

Unless specifically exempted under Section xx of this Bylaw, a permit shall be required for the following activities:

A. All land clearing or clear cutting activities of an area greater than 40,000 square feet;
B. Any development activity within a Zone 2 contributing area to the Town's public water supply that will result in the clearing of more than 20,000 square feet;
C. Any development within the jurisdiction of the Conservation Commission that will result in the clearing of more than 20,000 square feet.
D. In applying the applicability standards of this bylaw from the date of adoption, the entire proposed project including future expansions shall be considered and not separate phases or

segments thereof. Ownership by different entities does not necessarily indicate that projects are separate.

§ xxx- xx Exemptions.

A. Removal of hazardous trees, as defined herein.
B. Routine maintenance of vegetation and removal of dead or diseased limbs and/or trees necessary to maintain the health of cultivated plants, to contain noxious weeds and/or vines in accordance with a Department of Environmental Management (DEM) - approved Forest Management Plan, or to remedy a potential fire or health hazard or threat to public safety.
C. Construction and maintenance of public and private streets and utilities within Town-approved roadway layouts and easements.
D. Agricultural activities in existence at the time a bylaw is adopted, work conducted in accordance with an approved Natural Resource Conservation Service Agricultural Plan or agricultural uses on parcels of land of more than five acres as specified in MGL c. 40A Section 3.
E. Construction of roadways and associated infrastructure for subdivisions approved in accordance with the Town Subdivision Rules and Regulations.
F. Construction of any state or Town agency project approved by the Town Board of Selectmen.
G. Construction or installation of public utilities.
H. Non-commercial cutting for fuel, provided that clear-cutting does not occur.
I. Any proposed development that has entered into the Flexible Residential Design process.

§ xxx- xx Permit requirements.

A. Permits. The permit granting authority shall be the Planning Board. Any person planning any land clearing activity requiring a permit shall submit an application to the Planning Board, on a form to be provided by the Planning Board. Where deemed necessary by the Planning Board when considering issuance of a land clearing permit (or the Building Inspector when considering issuance of a building permit), an applicant may be required to submit a site plan showing the area to be cleared. If the Planning Board requires submission of a site plan, the application shall not be deemed complete until the site plan is submitted.
B. Application submission. The applicant shall submit three copies of the application, any required site plan to the Planning Board and shall at the same time submit one copy to each of the Building Inspector, the DPW Director, the Conservation Commission and the Health Officer, for their records. Each of them may forward to the permit granting authority their comments, observations and recommendations. To allow other Town officials time to comment on applications, the permit granting authority shall wait at least 20 days after submission of a complete application before issuing a permit.
C. Site plan requirements. Where a site plan is required it shall meet the requirements of § 77-5B of this bylaw.
D. Other approvals. If any proposed land clearing for which a permit is required under this bylaw also requires an order of conditions from the Conservation Commission and/or a site plan review by the Planning Board and/or any approval by any other Town board or official,

the permit granting authority may grant a permit that is conditional on receipt of the other required approval(s).

E. General permit terms. If the applicant is not the owner of the property to be cleared, the owner of the property shall also sign the application as an applicant and shall guarantee performance of the other applicant(s). Permits for land clearing under this bylaw shall be transferable only to a person who agrees in writing to assume all of the obligations of the permit holder and who is approved as an assignee by the permit granting authority. Permits shall be issued for a term not to exceed two years. A permit may be renewed upon reapplication.

F. Approval deadlines. The Planning Board shall act on completed applications within 45 days after the date of submission of a complete application, including any required site plan. If the Planning Board fails to act within such forty-five-day period, the application shall be deemed to be approved.

§ xxx- xx Review.

Upon receipt of a completed application and required plans as described in Section 6 below, the Planning Board shall transmit one copy each to the Conservation Commission, Building Inspector, and Department of Public Works. Within 45 days of receipt of completed application/plans, these agencies shall submit recommendations to the Planning Board. The Planning Board shall act on applications according to the procedure specified in G.L. c. 40A, §9.

§ xxx- xx Review standards.

A. Minimize site alteration/land clearing:
   (1) Site/building design shall preserve natural topography outside of the development footprint to reduce unnecessary land disturbance and to preserve natural drainage channels on the site.
   (2) Clearing of vegetation and alteration of topography shall be limited to 50% of the site with native vegetation planted in disturbed areas as needed to enhance or restore wildlife habitat.

Land Use	% Clearing Allowed
Agriculture	50%
Residential	35%
Institutional, Commercial, Industrial	40%

   (3) Clearing for utility trenching shall be limited to the minimum area necessary to maneuver a backhoe or other construction equipment. Roots should be cut cleanly rather than pulled or ripped out during utility trenching. Tunneling for utilities installation should be utilized wherever feasible to protect root systems of trees.
   (4) Placement of buildings, structures, or parking facilities shall not detract from the site's scenic qualities and shall blend with the natural landscape. Building sites shall be directed away from the crest of hills, and foundations shall be constructed to reflect the natural terrain.

(5) In the design of a development, priority shall be given to retention of existing stands of trees, trees at site perimeter, contiguous vegetation with adjacent sites (particularly existing sites protected through conservation restrictions), and specimen trees.
(6) Understory vegetation beneath the dripline of preserved trees shall also be retained in an undisturbed state. During clearing and/or construction activities, all vegetation to be retained shall be surrounded by temporary protective fencing or other measures before any clearing occurs, and maintained until all construction work is completed and the site is cleaned up. Barriers shall be large enough to encompass the essential root zone of all vegetation to be protected. All vegetation within the protective fencing shall be retained in an undisturbed state.
(7) Forested areas shall be preserved if they are associated with:
   a. Significant forest communities as defined herein;
   b. Wetlands, waterbodies and their buffers;
   c. Critical wildlife habitat areas;
   d. Slopes over 25 percent.

§ xxx- xx Violations and penalties.

A. Prior to commencement of construction, the applicant, land owner, contractor and construction crew, Building Inspector, and site engineer shall conduct a meeting to review the proposed construction phasing and number and timing of site inspections.
B. Initial site inspection of erosion and sedimentation controls and placement of tree protection measures shall occur after installation of barriers around preserved areas and construction of all structural erosion and sedimentation controls, but before any clearing has begun.
C. Routine inspections of preserved areas and erosion and sedimentation controls shall be made at varying intervals depending on the extent of site alteration and the frequency and intensity of rainfall.
D. Effective stabilization of revegetated areas must be approved by the Town before erosion and sedimentation controls are removed. The Town shall complete an inspection prior to removal of temporary erosion and sedimentation controls.

§ xxx- xx Enforcement; violations and penalties; fees.

The Town may take any or all of the enforcement actions prescribed in this bylaw to ensure compliance with, and/or remedy a violation of this bylaw; and/or when immediate danger exists to the public or adjacent property, as determined by the Building Inspector.

A. The Building Inspector may post the site with a Stop Work order directing that all vegetation clearing not authorized under a land clearing permit cease immediately. The issuance of a Stop Work order may include remediation or other requirements which must be met before clearing activities may resume.
B. The Town may, after written notice is provided to the applicant, or after the site has been posted with a Stop Work order, suspend or revoke any land clearing permit issued by the Town.

C. No person shall continue clearing in an area covered by a Stop Work order, or during the suspension or revocation of a land clearing permit except work required to correct an imminent safety hazard as prescribed by the Town.
D. Fines. Violation of this bylaw shall be punishable by a fine of $100 for each offense. Each day that such violation continues shall constitute a separate offense. Fines shall be recovered by indictment or on complaint before the district court initiated by the Town Manager, or, as an alternative to initiating criminal proceedings, the Town Manager may give the offender a written notice to appear before the clerk of the district court not later than 21 days after the date of such notice for a noncriminal disposition in accordance with MGL c. 40, § 21D.
E. Other laws or regulations. This bylaw shall not be construed to authorize the use of any land or structure for any purpose that is prohibited by any other provision of the General Laws or by any other bylaw, rule or regulation of the Town, nor shall compliance with any such provision authorize the use of any land in any manner inconsistent with this bylaw, except as required by the General Laws.
F. Validity and severability. The invalidity of one or more sections, subsections, clauses or provisions of this bylaw shall not invalidate or impair the bylaw as a whole or any other part thereof.
G. Fees. For land clearing permits the application fee shall be $250.

§ xxx- xx When effective.

This bylaw shall be in force and effect from and after its passage, approval, recording, and publication as provided by law.

Town of Salisbury, Massachusetts
MassBays Research & Planning Grant

Recommendations

ILLICIT DISCHARGE DETECTION & ELIMINATION

The Environmental Protection Agency (EPA) 2003 General Permit for Discharges from Small Municipal Separate Storm Sewer System (MS4) requires Salisbury to "...effectively prohibit, through an ordinance or other regulatory mechanism, non storm water discharges into the system [MS4]...".

1. Identified Non-Compliance or Concern: Chapter 209of the Salisbury General Bylaws (Sewers) contains a prohibition against the discharge of polluted waters to any **natural outlet** within Salisbury or any area under the Town's jurisdiction, the Water Resources Commission, or the Commonwealth; however, it does not contain a prohibition against these discharges to the MS4. In addition, the prohibition is listed under a section referencing "sewers in new developments" and, thus, does not extend to existing sewers and developments.

   Recommended Action: Compliance with the permit can be achieved by revising Chapter 209, §209-6 through Town Meeting (Prohibited discharges; sewers in new developments) as follows:

   a. Revise the title of §209-6 by deleting "*; sewers in new developments*" such that the title of this section reads "*Prohibited discharges.*"

   b. Revise §209-6, Item A to add the phrase "*municipal storm sewer or*" such that the Item reads as follows:

      "a. It shall be unlawful to discharge to any ***municipal storm sewer or*** *natural outlet within the Town of Salisbury, or in any area under the jurisdiction of said Town, and the Water Resources Commission, Commonwealth of Massachusetts, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this bylaw."*

   However, if adoption of the new general bylaw entitled Storm Sewers is undertaken to ensure continued compliance with future permit requirements as recommended later in this document, revision of the Sewers bylaw would not be necessary.

CONSTRUCTION SITE RUNOFF CONTROL

The 2003 EPA stormwater Permit requires Salisbury to have "an ordinance or other regulatory mechanisms to require sediment and erosion control at construction sites" that result in a land disturbance of one acre or more (or less than one acre if part of a larger common plan), and if such an ordinance does not exist, to develop and adopt one.

1. Identified Non-Compliance or Concern: Requirements for sediment and erosion control are provided for properties under the jurisdiction of the Wetlands Protection Act. There are also local requirements located throughout the existing Salisbury Administrative Code; however, there appears to be no means by which compliance is assured.

   Recommended Action: To address this issue, define specific inspection milestones for projects governed by the Planning Board to ensure that proper erosion and sediment control measures are installed prior to

construction, maintained in effective working order throughout the duration of construction, and removed after stabilization has been restored. Since inspection is already being funded under current Review Fees, Weston & Sampson recommends the following reorganization and additions to Article II of the Planning Board Rules & Regulations (Planning Board Fees):

a. Under Section B (Project Review Fees), delete the following phrase at the end of the first paragraph:

"...monitoring or inspecting a project or site for compliance with the Board's decisions or regulations, and inspecting a project during construction or implementation."

b. Under Section B (Project Review Fees), delete Item 5. Inspection Phase in its entirety.

c. Add a new Section C entitled "Project Inspection Fees" to include the following:

"Section C. Project Inspection Fees

Applicability: In addition to Application and Review fees, in accordance with Massachusetts General Law Chapter 44, Section 53G, the Planning Board shall impose a Project Inspection Fee on those applications which require, in the judgment of the Planning Board, inspection by an outside consultant due to size, scale or complexity of a proposed project, the project's potential impacts, or because the Town lacks the necessary expertise to perform the inspection work related to the permit or approval. In hiring the outside consultants, the Board may engage specialists, engineers, lawyers, designers, or other appropriate professionals able to assist the Board and to ensure compliance with all relevant laws, by-laws and regulations. Such assistance may include, but shall not be limited to, monitoring or inspecting a project or site for compliance with the Board's decisions or regulations, and inspecting a project during construction or implementation.

Schedule of Project Inspection Fees: The following schedule of stormwater inspections applies to the types of inspections ordered by the Planning Board and set forth below.

Schedule of Project Inspection

Type of Inspection	***Project Milestone/Frequency***
Pre-construction	*Prior to the start of construction.*
Construction	*Monthly throughout construction or until site restoration is complete.*
Project completion	*After construction and site restoration is complete.*
Post-stabilization	*One year from date of Certificate of Completion.*

Notes:

1. *The above schedule of inspections supersedes all previous schedules as they may have appeared in the Salisbury Zoning By-laws, the Rules and Regulations for the Subdivision of Land, and any listings that may have been compiled from time to time for the benefit of applications.*

Waivers: *The Planning Board may waive or reduce Inspection schedule if, in the opinion of the Board, unusual circumstances exist regarding the inspections.*

Hiatus: *Should construction or implementation of a project be delayed or otherwise shut down for a period of greater than three months for seasonal or non-seasonal reasons, the Applicant*

may submit a written request to the Planning Department for a project hiatus during which inspections) may be suspended, providing that the site is properly stabilized by the Applicant prior to the hiatus. The Planning Department shall determine on a project-specific basis, and present to the Applicant in writing, the proposed reduction in inspections.

Refunds: *Any unused balance of the project inspection fees will be returned to the applicant after the Planning Board grants a Certificate of Completion and/or the work is completed."*

POST-CONSTRUCTION RUNOFF CONTROL (PCRC)

The 2003 EPA stormwater Permit requires Salisbury to have "an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment" that result in a land disturbance of greater than one acre (or less than one acre if part of a larger common plan), and if such an ordinance does not exist, to develop and adopt one. Adequate PCRC regulation is provided under the Wetlands Protection Act for properties located with its jurisdiction. Once Site Plan Review has been triggered by Salisbury's bylaws, the local Planning Board Rules and Regulations contain adequate language to meet the PCRC requirements for properties governed under Site Plan Review, providing the Planning Board implements these Rules and Regulations for both projects falling under Major Permit and Minor Permit thresholds. Based on the definitions of Major and Minor permits, there is potential for some new development or redevelopment projects disturbing greater than an acre to fall outside of Site Plan Review, which is not in compliance with the 2003 EPA stormwater permit. In addition, in some cases, the language within the Salisbury Administrative Code is ambiguous or otherwise does not clearly state the requirements. These ambiguities could lead to new development or redevelopment that is not in compliance with the requirements of the 2003 EPA stormwater permit. The identified instances of potential non-compliance are discussed below.

1. Identified Non-Compliance or Concern: Chapter 77 of the General Bylaws (Earth Filling) requires that the "area to be filled shall have all vegetation removed, such as trees, brush, tree stumps and any accumulated rubbish, junk and debris, including building products and material." The intent of this statement should not be to clear-cut the fill site, but to ensure that the site is cleared of stockpiled/dumped materials.

   Recommended Action: Revise Chapter 77, §77-6 (Standards for Filling) to clarify actual intent of this section as follows:

   a. Delete Item B (Site Preparation) in its entirety and replace with the following:

      "B. Site preparation. The area to be filled shall be cleared of stockpiled or otherwise disposed of organic and inorganic materials, such as fallen trees and brush, tree stumps, rubbish, junk, building/construction/demolition materials, and any other accumulated debris. The area shall also have topsoil removed prior to filling. The area to be filled corresponds to the horizontal limits of the fill activity as represented on a plan view drawing."

2. Identified Non-Compliance or Concern: Article XVIII of the Zoning Bylaws (Site Plan Review) does not specifically include all development or redevelopment projects disturbing greater than one acre under Site Plan Review and could lead to non-compliance with the 2003 EPA stormwater permit.

   Recommended Action: Revise Article XVIII of the Zoning Bylaws (Site Plan Review) as follows:

   a. Add the following additional requirement to §300-111, Item (2)(Minor Permits) of the Zoning Bylaws:

      "(d) Any activity disturbing an acre or more."

3. Identified Non-Compliance or Concern: Article XVIII, §300-111, Item B(3) of the Zoning Bylaws (Repaving) exempts all repaving of an existing paved area (any size) from Site Plan Review. Since this item would exempt reconstruction and replacement of areas greater than one acre from stormwater management, it is not in compliance with the 2003 EPA stormwater permit.

   Recommended Action: Revise §300-111of the Zoning Bylaws as follows:

   a. Add the following additional requirement to Section B(2)(Minor Projects):

      "(e) Reconstruction/reclamation/replacement(not overlay) of an existing paved area of an acre or more."(if d is the recommendation above then this is e)

   b. Revise Item B(3)(Repaving) to read as follows:

      "Repaving (overlay) of an existing paved area of any size is exempt from site plan review. "

4. Identified Non-Compliance or Concern: Article XVIII of the Zoning Bylaws (Site Plan Review) defines what projects require major and minor permits. The bylaw further states that both are subject to submission of runoff calculations and site plan approval from the Planning Board, which provide reviewing authority. However, current procedure for receipt of Minor Permit applications does not include submission of review fees, therefore, there is potential for non-compliance with the stormwater permit.

   Recommended Action: Modify the Schedule of Project Review Fees in Section II.B. of the Planning Board Rules & Regulations to automatically trigger review fees for Minor Projects proposing to disturb greater than an acre. Revision of the Planning Board Rules & Regulations to match the recently revised Site Plan Review article has not yet been completed. In conjunction with these revisions, the Town should revise the tabulated Schedule of Project Review Fees to ensure it triggers appropriate review of stormwater controls on Minor Projects disturbing an acre or more.

5. Identified Non-Compliance or Concern: Existing regulatory mechanisms do not address the alteration of existing impervious areas in a manner that causes a change to runoff flow patterns and/or volume. This issue is one of the most frequent abutter complaints received by the Town and, hence, Weston & Sampson recommends that it be addressed.

   Recommended Action: The existing Site Plan Review bylaw provides for Administrative Review by the Building Inspector for any non-residential construction project that requires a building permit but is not included within the definition of a Major or Minor project. Rather than attempt to modify the recently revised Site Plan Review bylaw, it is recommended that the Building Inspector be tasked with identifying any projects that have the potential to alter existing runoff flow patterns and/or volumes, or otherwise impact abutting properties, and address the runoff during the construction project.

6. Identified Non-Compliance or Concern: The Town is not currently requiring structural best management practices to be installed by a Drain Layer licensed in Salisbury. This could lead to substandard construction and violations of the Clean Water Act and stormwater permit.

   Recommended Action: Add language to both the Planning Board Rules & Regulations, and Conservation Commission Special Conditions to require construction of structural best management practices to be performed by licensed drain layers.

LAND CLEARINGAND PROTECTION OF SPECIMEN TREES

Identified Non-Compliance or Concern:

Activities that do not fall under the strict definition of soil disturbance, fill, or construction are completely unregulated. There are no provisions associated with preserving the environmental and aesthetic benefits of the remaining natural areas in Salisbury. For example, there are no provisions for the protection of specimen trees or contiguous forests, which have been proven to have significant environmental benefits in addition to their ability to reduce stormwater runoff and erosion. Protection of these precious resources is an important part of proper community preservation. Salisbury has already taken some steps to preserve open space, recognizing the environmental and other benefits of open space to the Town, but review of existing requirements regarding other natural local features is needed to ensure that adequate protection of the environment, property values, and the overall nature of the community.

Recommended Action: Add language to existing regulatory mechanisms to provide for minimum protection of the natural environment within Salisbury. Based on review of the Town's existing Administrative Code, Weston & Sampson recommends that this addition be done as a separate (new) general bylaw, similar to that for Earth Filling, named Land Clearing and Protection of Specimen Trees. See attached draft bylaw.

DRAFT GENERAL PERMIT - MASSACHUSETTS NORTH COASTAL WATERSHED SMALL MS4

The 2003 EPA stormwater permit expired in 2008. EPA issued a draft general permit for the North Coastal Watershed, in which Salisbury is located, in 2010 to replace the expired permit. EPA is expected to issue a final permit in late 2011 or early 2012. The new permit includes a number of additional steps communities must take to remain in compliance. These items are listed below, followed by a recommendation. Please note that all provisions are subject to change until the new permit becomes effective.

Potential Non-Compliance: The draft EPA stormwater permit requires that the Town have appropriate legal authority for implementing an Illicit Discharge Detection & Elimination (IDDE) Program.

Recommended Action: Adopt a new general bylaw called "Storm Sewers" (see attached).

Potential Non-Compliance: The draft EPA stormwater permit requires that the Town have written procedures for site plan review that include evaluation of opportunities for use of low impact design and green infrastructure. Site plan review procedures exist, but they do not currently include evaluation or incentives for low impact design or green infrastructure.

1. Recommended Action: Although the existing regulatory mechanisms contain language and incentives to encourage Low-Impact Development, there is no language to define what activities qualify for these incentives. Add minimum thresholds and qualifiers for Low-Impact Development projects to the Planning Board Rules & Regulations and Subdivision regulations.

2. Recommended Action: Incentives for owners/developers who want to implement Low-Impact Development are contained within the Flexible Residential Design (FRD) provisions of the existing Zoning Bylaw; however, these incentives are limited to FRD developments, and do not extend to non-residential development and redevelopment. Weston & Sampson has developed revisions to the Zoning Bylaw and Planning Board Regulations to add a new permit for commercial and industrial LID projects. This new permit category is based on the existing FRD approach and refers applicants to the MA Stormwater Management Handbook to select and evaluate BMPs and allow comparison to conventional stormwater management approaches. A draft of the necessary changes is attached. However, please note that the Planning Board will need to consider what incentives will be included to encourage developers to apply for

this new permit. In addition, an alternative approach to adding a new permit category would be to incorporate LID options as an integral part of the existing Site Plan Review process. This will potentially allow greater use of LID approaches but will require more significant changes to the existing regulatory framework. These revisions have not been drafted as part of this effort.

3. Recommended Action: Although FRD is intended to provide incentives to encourage Low-Impact Development, the Town's current regulatory mechanisms govern FRD under a Special Permit, which is a disincentive. In the long term, the Planning Board should work with local property owners and developers to identify and implement appropriate incentives to encourage Low-Impact Development and Green Practices. In the short term, Weston & Sampson has identified revisions to the Zoning Bylaw and Planning Board Regulations that will remove the special permit requirement for FRD to better encourage its use.

Potential Non-Compliance: The draft EPA stormwater permit requires that the Town add the following post-construction run-off control language to existing regulatory mechanisms:

- For new development of one or more acres, the Town shall require compliance with Standards 3-6 of the Massachusetts Stormwater Management Standards regardless of the proximity of the site to wetland resources.
- For redevelopment of one or more acres, the Town shall require compliance with Standard 7 of the Massachusetts Stormwater Management Standards regardless of the proximity of the site to wetland resources.
- For projects exempt from the Massachusetts Stormwater Management Standards, the Town regulatory mechanisms may apply the Standards to the Maximum Extent Practicable.

Recommended Action: Revise III.C.5 of the Planning Board Rules & Regulations (Drainage) to specifically include the required references to the Massachusetts Stormwater Management Standards as follows:

a. Revise Section III.C.5 to read as follows:

"...Drainage system shall have an emergency overflow for event above and beyond the one hundred (100) year storm event. Regardless of their proximity to wetland resource areas, new developments of one or more acres shall comply with Standards 3-6 of the Massachusetts Stormwater Management Standards, and redevelopments of one or more shall comply with Standard 7. Additionally, all drainage system will be designed in accordance with..."

Potential Non-Compliance: The draft EPA stormwater permit requires that Town regulatory mechanisms include the submission of As-Built plans within 90 days of completion of construction projects, and that such plans depict all onsite controls, both structural and non-structural, designed to manage the stormwater associates with the completed site. Also required are procedures to ensure adequate long-term operation and maintenance of stormwater management practices, such as dedicated funds or escrow accounts for development projects or the acceptance of ownership by the Town for privately owned BMPs.

Recommended Action: Revise the Planning Board Rules & Regulations to require submission of as-built drawings and a plan for long-term operation and maintenance prior to award of the certificate of completion as follows:

a. Revise §300-112, Item H (Certificate of completion) to read as follows:

"...As a result of the approved inspections, the inspector shall submit to the Planning Board, with copy to the Applicant, a signed affidavit indicating that all work has been completed to the satisfaction of the

Town. Once the Board's inspector submits the affidavit, the Applicant shall prepare and submit to the Planning Board, a closeout package including a written request for a certificate of completion, as-built drawings stamped by a professional engineer, and procedures to ensure long-term operation and maintenance of structural and non-structural stormwater best management practices (including methods and funding source). Upon receipt and approval of the closeout documents, a certificate of completion signed by the Board shall be issued, officially terminating the Board's involvement in the site plan review process."

ARTICLE xxx, Storm Sewers [Added __-__-__]

§ xxx-1 Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this bylaw shall be as follows:

ACT or THE ACT The Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended (33 U.S.C. § 1251 et seq.).
BUILDING STORM DRAIN Shall mean that part of the lowest horizontal piping of a storm drainage system which receives the discharge from stormwater inside or outside the walls of the building and conveys it to the building storm sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.
BUILDING STORM SEWER Shall mean the extension from the building storm drain to the public storm sewer or other place of disposal.
DEPARTMENT OF PUBLIC WORKS Shall mean the Department of Public Works of the Town of Salisbury, or its authorized deputy, agent, or representative.
EPA Shall mean the Environmental Protection Agency of the U.S. Government.
EXCESSIVE Shall mean amounts or concentrations of any constituent which in the judgment of the Town will endanger life, limb, the environment or public property, or which can constitute a nuisance.
FACILITIES Shall include structures and conduits for the purpose of collecting, treating, or disposing of stormwater runoff as are disposed of by means of structures and conduits, including treatment and disposal works, necessary intercepting, outfall, and outlet storm sewers, and pumping stations integral to such facilities with storm sewers, equipment, furnishings thereof and other appurtenances connected therewith.
GARBAGE Shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
INVERT Shall mean the bottom inside of the sewer pipe.
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT A permit issued pursuant to the Clean Water Act.
NATURAL OUTLET Shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.
OWNER Shall mean any person vested with ownership, legal or equitable, sole or partial, or possession of any property.
PERSON Shall mean any individual, firm, company, association, society, corporation, or group.
POLLUTANT Any material or substance that may cause an alteration of the chemical, physical, biological or radiological integrity of the receiving waters.
PROPERTY, PARCEL or LOT Shall mean an area of land as marked on the assessment drawings in the office of the Town Assessor, Salisbury, Massachusetts.
RECEIVING WATER QUALITY STANDARDS The Massachusetts Quality Standards, as provided by MGL c. 21, § 27.
RECEIVING WATERS Shall mean any watercourse, river, pond, ditch, lake, aquifer, or other body of surface or ground water receiving discharge of wastewater or stormwater.
SHALL Is mandatory; "may" is permissive.
SPILL Shall mean the release, accidental or otherwise, of any material not normally released to the facilities which by virtue of its volume, concentration or physical or chemical characteristics creates a hazard to the facilities, their operation or their personnel.
STORM DRAIN or STORM SEWER Shall mean a sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.
SUSPENDED SOLIDS Shall mean solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids and which are removable by laboratory filtering and are referred to as "non-filterable residue" in the laboratory test procedures prescribed by the United States Environmental Protection Agency.
TOWN Shall mean the Town of Salisbury, in the County of Essex, Commonwealth of Massachusetts.

TOXIC POLLUTANT Shall mean a pollutant or combination of pollutants listed as toxic in regulations promulgated by the United States Environmental Protection Agency.
UNPOLLUTED WATER Is water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will not cause any violation of receiving water quality standards.
USER Shall mean any person who contributes, causes, or permits the contribution to the storm sewer.
WASTES Shall mean substances in liquid, solid or gaseous form that can be carried in water.
WATERCOURSE Shall mean a channel in which a flow of water occurs, either continuously or intermittently.

§ xxx-2 Prohibited discharges.

A. It shall be unlawful to discharge to any storm sewer, appurtenance, or natural outlet within the Town of Salisbury, or in any area under the jurisdiction of said Town, Commonwealth of Massachusetts, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this bylaw.
B. Storm sewer construction in new developments.
   (1) The developer shall provide storm sewers in the proposed streets or rights-of-way. The cost of installation of these storm sewers shall be borne by the developer.
   (2) Connection to each house, building or property erected shall be in compliance with the provisions of this bylaw. The cost of such connections shall be borne by the developer.
   (3) When a developer installs storm sewers in proposed streets or rights-of-way in anticipation of the extension of the public storm sewer, the cost of installing any subsequent building connections shall be borne by the developer.
   (4) The design of any proposed storm sewer construction under this bylaw shall be approved by the Department of Public Works prior to issuance of a permit.
   (5) Subsequent to any construction provided by this bylaw, no backfill shall be placed until the work has been inspected by the Department of Public Works or its representative.

§ xxx-3 Building storm sewers and connections.

A. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public storm sewer or appurtenance thereof without first obtaining a written permit from the Department of Public Works. Any person proposing a new discharge into the system or a substantial change in the volume or character of the discharge into the system shall notify the Department of Public Works at least 45 days prior to the proposed change or connection.
B. All costs and expenses incident to the installation and connections of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
C. A separate and independent building storm sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private storm sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building storm sewer from the front building may be extended to the rear building and the whole considered as one building storm sewer.
D. Old building storm sewers may be used in connection with new buildings only when they are found, on examination and test by the Department of Public Works, to meet all requirements of this bylaw.
E. The size, slope, alignment, materials of construction of a building storm sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code and other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in

appropriate specifications of the American Society for Testing and Materials and Water Pollution Control Federation Manual of Practice No. 9 shall apply.

F. The connection of the building storm sewer into the public storm sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight to prevent the infiltration of outside pollutants. Any deviation from the prescribed procedures and materials must be approved by the Department of Public Works before installation.

G. The applicant for the building storm sewer permit shall notify the Department of Public Works when the building storm sewer is ready for inspection and connection to the public storm sewer. The connection shall be made under the supervision of the Department of Public Works or its representative.

§ xxx-4 Use of the public storm sewers.

A. No person shall discharge or cause to be discharged any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this bylaw, to any storm sewer.

B. Only those non-stormwater discharges specifically allowed by the Town's current General Permit for Discharges from Small Municipal Separate Storm Sewers, and subsequent re-issuances, shall be discharged to the storm sewer.

§ xxx-5 Protection from damage.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the storm drain works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

§ xxx-6 Powers and authority of inspectors.

A. The Department of Public Works and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, reviewing records, procedures and testing in accordance with the provisions of this bylaw.

B. While performing necessary work on private properties, the Department of Public Works or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the owner and the owner shall be held harmless for injury or death to the Town employees and the Town shall indemnify the owner against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the owner and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner to maintain safe conditions on such premises.

C. The Department of Public Works and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the storm sewer works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

§ xxx-7 Enforcement.

A. The Department of Public Works may suspend the storm sewer service when such suspension is necessary, in the opinion of the Commission, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, causes the Town to violate any condition of its General Permit for Discharges from Small Municipal Separate Storm Sewer Systems, or causes the Town to violate any federal or state law, regulation, or administrative rule or order. Any person notified of a suspension of the service shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Department of Public Works shall take such steps as deemed necessary, including immediate severance of the storm sewer connection, to prevent or minimize damage storm sewer system or endangerment to any individuals or the environment. The Department of Public Works shall reinstate storm sewer service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Department of Public Works within 15 days of the date of occurrence.

B. At any time, the Town Counsel may commence an action for appropriate legal and/or equitable relief in order to halt a discharge in violation of this bylaw, the Town's General Permit for Discharges from Small Municipal Separate Storm Sewer Systems, or any federal or state law, regulation, or Town administrative rule or order, or otherwise to enforce any provision of this bylaw.

§ xxx-8 Violations and penalties.

A. Any person found to be violating any provision of this bylaw shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B. Any person who is found to have failed to cease all violations as defined in Subsection A, whether intentionally, unintentionally or accidentally, may be assessed a civil penalty of up to $5,000 per day. In addition, any violation of this bylaw shall be punishable of a fine of $50 per day. Each day in which any such violation shall continue shall be deemed a separate violation for purposes of both the civil penalty and the fine provisions of this section.

C. Any person violating any of the provisions of this bylaw shall become liable to the Town for any expense, loss, or damage occasioned by the Town by reason of such violation.

D. The Department of Public Works, pursuant to a filing by the Town of a certificate of acceptance of conditions for the issuance of a storm sewer charge lien with the Essex County Registry of Deeds, may place a lien upon the property or premises for which fines, fees or penalties, as provided for in this section, are more than 60 days overdue.

§ xxx-9 When effective.

This bylaw shall be in force and effect from and after its passage, approval, recording, and publication as provided by law.

§ xxx-10 Severability.

The invalidity of any section, clause, sentence, or provision of this bylaw shall not affect the validity of any other part of this bylaw which can be given effect without such invalid part or parts.

PART II ZONING BYLAW

CHAPTER 300: ZONING

ARTICLE xxx Low Impact Development (LID)

§ 300-xx Purpose.

A. The purpose of this Bylaw is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint source pollution associated with new commercial and industrial development and redevelopment. It has been determined that LID site planning and proper management of post-development stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, protect water and aquatic resources, and promote groundwater recharge to protect surface and groundwater drinking supplies. This Bylaw seeks to meet that purpose through the following objectives:

(1) Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources;

(2) Require that new development, redevelopment and all land conversion activities maintain the natural hydrologic characteristics of the land in order to reduce flooding, stream bank erosion, siltation, nonpoint source pollution, property damage, and to maintain the integrity of stream channels and aquatic habitats;

(3) Establish minimum post-development LID Management standards and design criteria for the control of stormwater runoff quantity and quality, the protection of properties and aquatic and groundwater resources downstream from land development, and to minimize nonpoint source pollution from stormwater runoff which would otherwise degrade water quality;

(4) Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development LID Management standards;

(5) Encourage the use of LID practices such as reducing impervious cover and the preservation of greenspace and other natural areas, to the maximum extent practicable; Coordinate site design plans, which include greenspace, with the Town's greenspace protection plan;

(6) Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural LID Management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety;

(7) Establish provisions to ensure there is an adequate funding mechanism, including surety, for the proper review, inspection and long-term maintenance of stormwater facilities implemented as part of this Bylaw;

(8) Establish administrative procedures for the submission, review, approval or disapproval of LID plans, and for the inspection of approved active projects, and long-term follow up; Establish certain administrative procedures and fees for the submission, review, approval, or disapproval of stormwater plans, and the inspection of approved projects.

(9) Meet certain provisions of the Town's requirements to comply with the Clean Water Act National Pollutant Discharge Elimination System (NPDES) Regulations for the Revision of the Water Pollution Control Program Addressing Storm Water Discharges (Phase I and II Rules). Phase I of the storm water program covers municipal storm sewer systems serving populations over 100,000, construction sites above five acres, and industrial activities. The Phase II rule expands the existing NPDES storm water program to address storm water discharges from small (those serving less than 100,000 persons) municipal separate storm sewer systems (MS4) and construction sites that disturb one to five acres. The bylaw will ensure that the town meets the requirements of their NPDES Storm Water General Permit, submitted to the Massachusetts Department of Environmental Protection on July 15, 2003, particularly the specific elements of their Stormwater Management Program outlined in the Permit.

B. Nothing in this Bylaw is intended to replace the requirements of either, the Town of Salisbury Flood Plain Zoning Bylaw, the Town of Salisbury General Wetlands Protection Bylaw, or any other Bylaw that may be adopted by the Town of Salisbury. Any activity subject to the provisions of the above-cited Bylaws must comply with the specifications of each.

§ 300-xx Definitions.

The following definitions shall apply in the interpretation and implementation of this Bylaw. Additional definitions may be adopted under promulgated regulations.

ACCESSORY BUILDING: A subordinate or secondary building situated on the same lot or parcel with a principal building, the use of which is customarily incidental to that of the main building or land use.

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." A land altering activity includes the cutting of trees of greater than 6 inch caliper Diameter Breast Height (DBH).

APPLICANT: A property owner, agent of a property owner, person or persons, including a corporation, trust or other legal entity, who applies for issuance of a LID Permit in accordance with this bylaw.

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 LID Management practices. Better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover, and using natural features for LID Management.

BUILDING ENCLOSURE: The building assemblies comprising the outer structure of a building that enclose living and storage spaces including walls, windows, doors, roof, floors and foundation; also, building envelope, building shell.

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

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.

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 or similar earth material. A land altering activity includes the cutting of trees of greater than 6 inch caliper Diameter Breast Height (DBH).

DRAINAGE EASEMENT: A legal right granted by a landowner to a grantee allowing the use of private land for LID 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 level or shape of the ground surface.

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

HOTSPOT: 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.

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, paved recreation areas 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.

LOW IMPACT DEVELOPMENT: Low Impact Development (LID) is an approach to land development that uses land planning and design practices and technologies to simultaneously conserve and protect natural resource systems and reduce infrastructure costs. LID seeks to design the built environment to remain a functioning part of an ecosystem rather than exist apart from it. LID tools are used to plan and engineer urban and rural sites to maintain or restore the hydrologic and ecological functions of their watersheds.

LID AUTHORITY: The Town of Salisbury Planning Board is duly authorized to administer, implement, and enforce these LID Bylaws. The LID Authority is responsible for coordinating the review, approval and permit process as defined in this Bylaw.

LID DESIGN CRITERIA: Best management practices and specifications for the use of LID. Projects that comply with prescribed requirements may be allowed reductions in stormwater management requirements when techniques are used to reduce stormwater runoff at the site.

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

LOW IMPACT DEVELOPMENT PERMIT (LIDP): A permit issued by the LID Authority, for projects in the categories and meeting the standards defined in this Bylaw, after review of an application, plans, calculations, and other supporting documents. Projects in these categories that meet these generic standards and are properly implemented are assumed to meet the requirements and intent of this Bylaw which is designed to protect the environment of the Town of Salisbury from the deleterious effects of uncontrolled and untreated stormwater runoff.

MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS AND HANDBOOK: The policy issued by the Department of Environmental Protection, 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 implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

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.

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 LID 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 Salisbury, and any other legal entity, its legal representatives, agents, or assigns.

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.

PRE-DEVELOPMENT: The conditions that exist at the time that plans for the land development of a tract of land are submitted to the LID Authority. 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. For the purpose of sizing structural stormwater management devices, the standard for characterizing pre-development land use for on-site areas shall be woods.

RECHARGE: The replenishment of underground water reserves.

REDEVELOPMENT: Any construction, alteration, transportation, improvement exceeding land disturbance of 20,000 square feet, where the existing land use is commercial, industrial, institutional, or multi-family residential.

RESOURCE AREA: Any area protected under including without limitation: the Massachusetts Wetlands Protection Act, Massachusetts Rivers Act, Town of Salisbury Wetlands Protection Bylaw, Wetland Conservancy District and Flood Plain Conservancy Districts.

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.

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

TSS: Total Suspended Solids.

WATER QUALITY VOLUME (WQ_v): The storage needed to capture a specified average annual stormwater runoff volume. Numerically (WQ_v) will vary as a function of drainage area or impervious area.

§ 300-xx Applicability.

The proponent of any proposed commercial or industrial project in the Town of Salisbury that will disturb an area greater than 5000 square feet or greater than 25% of a contiguous property, whichever is greater, may apply for an LID permit.

§ 300-xx LID permit required.

The Planning Board may authorize an LID project pursuant to the grant of an LID permit. The Planning Board will act as the LID permit granting authority for all LID applications. Such LID permits shall be acted upon in accordance with the provisions of this bylaw and § 300-35 of the Town of Salisbury Zoning Bylaw. With respect to LID permit applications under this article, the Planning Board shall also have all the powers and duties of the Zoning Board of Appeals under § 300-35 of this bylaw.

§ 300-xx Pre-application conference.

The applicant for an LID is strongly encouraged to attend a pre-application conference at a regular business meeting of the Planning Board as outlined in the Planning Board's Rules and Regulations.

§ 300-xx LID design criteria.

A. All proposed LID projects shall comply with the most recent version of the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Standards and Handbook.

B. At the time of the application for an LID permit for an LID in conformance with § 300-xx of this bylaw, applicants are required to demonstrate to the Planning Board that the proposed project complies with the following design criteria:

(1) Site Planning Process

The site planning process shall include the following steps: 1) Identify, map and clearly delineate on plans critical environmental resources that shall be withheld from development as conservation areas. These areas shall include wetlands, riverfront areas, floodplains and their buffers that are regulated by local, state and federal law. They may also include steep slopes, mature woodlands, prime farmland, meadows and Core and Priority Habitats as defined by the MA Natural Heritage and Endangered Species Program. The potentially developable area shall consist of land outside identified conservation areas; 2) Identify, map and clearly delineate on plans potential building enclosures within the potentially developable area, avoiding environmental resource areas and buffers; 3) Identify, map and clearly delineate on

plans proposed roadways, sidewalks and other impervious surfaces. Align streets and walkways to access lots and to create internal and external connections to existing and/or potential future streets, sidewalks and trails; 4) Draw in the lot lines; 5) Develop methods to minimize impervious surfaces and to protect and preserve open space.

(2) No Untreated Discharges

Stormwater shall not be discharged directly to a wetland, local water body, municipal drainage system or abutting property without adequate treatment, as defined in the sections below.

(3) Construction/Land Disturbance

A sediment and erosion control plan shall show best management practices for site conditions and minimize the area of the land disturbance. The plan shall also establish requirements for the control of wastes, including discarded building materials, concrete truck washout, chemicals, litter and sanitary wastes. BMPs shall be in conformity with the most recent version of the Massachusetts Erosion & Sediment Control Guidelines for Urban & Suburban Areas (FHHCD, 1997).

(4) Channel Protection

The post-development peak discharge rate from the 2-year, 24-hour storm event shall be equal to the pre-development rate in order to prevent stream bank erosion and channel degradation.

(5) Flood Protection

The post-development peak discharge rate for the 10-year, 24-hour frequency storm event shall be equal to the pre-development rate in order to protect downstream property. The 100-year, 24-hour return frequency storm event shall be controlled and conveyed to prevent extreme flooding and protect public safety.

(6) Groundwater Recharge

Post-development recharge rates shall equal pre-development conditions. Annual groundwater recharge rates shall be maintained by use of structural and nonstructural management practices. The stormwater runoff volume to be recharged to groundwater shall be determined using the methods in the latest version of the Massachusetts DEP Stormwater Management Standards and Handbook. The LID Authority may relax or eliminate the recharge requirement if the site is an area where contaminated soils are documented.

(7) Structural Practices for Water Quality

All structural Stormwater Management devices shall be based on design criteria from the most recent version of the Massachusetts DEP Stormwater Management Standards and Handbook and shall remove at least 80% of total suspended solids (TSS).

(8) Water Quality Volume

The volume for sizing a structural stormwater management device shall be designed according to criteria specified by the Massachusetts DEP Stormwater Management Standards and Handbook.

(9) Hydrologic Basis for Design of Structural Practices

For facility sizing criteria, the basis for hydrologic and hydraulic evaluation of development sites include, but are not limited to the following:

(a) Impervious cover is measured from the site plan and includes any material or structure that prevents water from infiltrating through the underlying soil. These include, but are not limited to, paved parking lots, sidewalks, roof tops, driveways, patios, and paved, gravel and compacted dirt surfaced roads.

(b) The standard for characterizing pre-development land use for on-site areas shall be woods.

(c) Peak discharge rates will be determined using the most recent version of models approved for use by MA DEP. Maximum length of sheet flow for time of concentration calculations shall be no more than 50 feet for pre- and post-development conditions.

(d) For purposes of computing runoff, all pervious lands in the site shall be assumed prior to development to be in "good hydrologic condition" (as referenced in the USDA, Natural Resource Conservation Service's Urban Hydrology for Small Watersheds, TR 55, June 1986), and regardless of conditions existing at the time of computation.

(e) Flooding and channel erosion impacts to streams due to development shall be determined at each point of discharge from the development project. A determination of impacts shall include runoff from the watershed which also contributes to that point of discharge.

(f) The design storms shall be defined as a 24-hour storm using the rainfall distribution recommended by the Northeast Regional Climate Center Atlas of Precipitation Extremes for the Northeastern United State and Southeastern Canada.

(g) Proposed commercial or industrial development shall apply these stormwater management criteria to the land development as a whole. Individual lots in new subdivisions shall not be considered separate land development projects, but rather the entire subdivision shall be considered a single land development project. Hydrologic parameters shall reflect the ultimate land development and shall be used in all engineering calculations.

(10) Sensitive Areas

Stormwater discharges to swimming beaches, aquifer recharge areas, water supplies and other sensitive water resources may be subject to additional criteria, established by the LID Authority after conducting a public hearing in accordance with the Town of Salisbury LID Bylaw.

(11) Hotspots

Stormwater discharges from land uses with higher potential pollutant loadings, known as "hotspots," require treatment practices specified in the most recent version of the MA DEP Stormwater Management Standards and Handbook.

(12) Low-Impact Development (LID) Design Criteria

Applicants are required to use LID Design Criteria to assess the effectiveness of the use of LID better site design practices to decrease stormwater runoff at the site. Projects that comply with LID Design Criteria may be allowed reductions in stormwater management requirements specified in this section of the LID Bylaw. Improved site design and nonstructural controls may minimize the use of structural stormwater controls. The LID Authority may adopt additional criteria for LID site design practices. The LID site design criteria and procedures for their calculation and application are identified in Appendix A of these Regulations.

§ 300-xx Application procedures.

A. The applicant shall file with the Planning Board a properly completed application, five (5) full-size paper copies of the LID Management Plan, Operation and Maintenance Plan, Erosion and Sediment Control Plan; ten (10) paper copies of said plans in reduced size of no less than 11"X17"; fifteen (15) copies of the required supporting narrative for the LID Management Plan, Operation and Maintenance Plan, Erosion and Sediment Control Plan, Inspection and Maintenance agreements and Surety bond; and one electronic file of the complete application. A LID Permit must be issued prior to any site disturbing or altering activity. While the applicant may be a representative, the permittee must be the owner of the site or holder of an easement.

B. The applicant shall submit a completed Application with original signatures of all applicants and owners. The Application shall be made on the appropriate form. Any communication, purporting to be an application, shall be treated as mere notice of intention to seek approval until such time as it is made on the official application form, accompanied by all required supporting documents and materials, filed as required by statute or LID Authority regulation, and the required fees have been paid.

(1) All information requested on the form and by these LID Regulations shall be furnished by the applicant. If an application is signed other than by the property owner, the applicant's interest in the property and her/his authority to sign shall be clearly indicated. Supporting documentation shall be provided if the LID Authority so requires. If an applicant signs in more than one capacity, each capacity shall be clearly indicated. If some person, other than the applicant, is authorized to sign other documents related to the matter, that authority shall be clearly indicated in the application or in a separate document. The names and full contact information for every person involved in developing the plan and who may be contacted for clarifications or additions shall be provided. Such information must include mail address, land line phone number, fax number and email address. A cellular phone number shall be included, if available.

(2) The LID application shall include a list of abutters, to include owners of land directly opposite on any public or private street or way, and abutters to abutters within 300

feet of the property line of the petitioner as they appear on the most recent applicable tax list (notwithstanding that the land of any such owner is located in another city or town or across a body of water) and the planning boards of abutting communities. The names and addresses supplied by the assessor's office for this purpose must be certified by the assessors and such certification shall be conclusive for all purposes. A list prepared by the Assessors showing the Assessor's parcel numbers, names and addresses of all owners of property abutting upon the land included in the site plan as they appear on the most recent tax assessor's list shall also be provided.

(3) The LID application shall include the LID Management Plan and project description (1 electronic, 5 full-size, 10 reduced size, 11"X17" copies and 15 copies of supporting narrative);

(4) Payment of the application and review fees;

(5) Operation and Maintenance Plan (1 electronic, 5 full-size, 10 reduced size, 11"X17" copies and 15 copies of supporting narrative);

(6) Inspection and Maintenance agreements (1 electronic and 15 paper copies of narrative);

(7) Erosion and Sediment Control Plan (1 electronic, 5 full-size, 10 reduced size, 11"X17" copies and 15 copies of supporting narrative).

C. As part of the application process, the applicant shall deliver copies of the LID permit application and plans to local boards, Town departments, and committees according to the Planning Board's Rules and Regulations.

D. The Planning Board shall, in compliance with MGL c. 40A, § 9, hold a public hearing on the LID permit application within 65 days from the date of filing of such application.

E. The Planning Board shall render a decision on the LID permit application within 90 days from commencement of the public hearing unless the applicant consents to an extension.

F. Whether or not conducted during the pre-application stage, the Planning Board may conduct a site visit during the public hearing process. At the site visit, the Planning Board and/or its agents shall be accompanied by the applicant and/or his or her agents if requested by the applicant.

G. The Planning Board may engage technical experts, at the applicant's expense, as are reasonably necessary in connection with its review of the applicant's proposed plan(s). Project fees are outlined in the Planning Board's Rules and Regulations.

H. The procedural and substantive LID permit requirements set forth in this article shall be in addition to any other requirements of the Zoning Bylaws.

I. Relationship between the LID permit plan and a conventional special permit plan filed simultaneously.

(1) If the applicant has also submitted a special permit, as outlined in § 300-xx at the same time as its application for an LID permit, the Planning Board shall hold concurrent public hearings on both plans.

J. Substantial progress toward implementation of the approved LID permit must occur within two years from the date of Planning Board approval which shall not include such time required to pursue or await the determination of an appeal from the grant of the LID permit which is referred to in MGL c. 40A, § 17, or the approval becomes void. Extensions may be granted at the discretion of the Planning Board if the applicant submits proof, in the form of a written narrative, that substantial progress has been made.

§ 300-xx Reduction of dimensional requirements.

The Planning Board encourages applicants to modify lot size, shape, and other dimensional requirements for lots within an LID project, subject to the following limitations:

A. Lots having reduced area or frontage shall not have frontage on a street other than a street created by the LID; provided, however, that the Planning Board may waive this limitation to the extent it determines that such waivers will substantially further the purposes and intent of this bylaw.

B. At least 50% of each required setback for the applicable zoning district shall be maintained in the LID; provided, however, that the Planning Board may further reduce the applicable setbacks to the extent it determines that such reduction(s) will substantially further the purposes and intent of this bylaw.

§ 300-xx Planning Board action; factors to be considered.

The Planning Board may grant an LID permit for an LID project if it determines that the proposed LID project has less detrimental impact on the tract and advances further the interests of the community than a conventional development proposed for the tract. This decision shall be based upon the determination that the LID project includes the use of LID better site design practices and meets the criteria defined in § 300-xx.

§ 300-56 Adoption of rules and regulations.

The Planning Board may, after notice and hearing, adopt rules and regulations to implement the provisions of this bylaw, including but not limited to specifying the content and number of required plans, application procedures, filing and review fees, design criteria, development standards, and other general requirements consistent with this bylaw.

PART III RULES AND REGULATIONS

CHAPTER 465: PLANNING BOARD

ARTICLE xxx Low Impact Development (LID)

§ 465-xx Authority.

The Planning Board is the LID permit granting authority for the low impact development (LID) permit found in Article xxx of the Town of Salisbury Zoning Bylaw. The LID Bylaw allows the Planning Board to adopt rules and regulations to implement the provisions of the bylaw, including but not limited to specifying the content and number of required plans, application procedures, filing and review fees, design criteria, development standards, and other general requirements consistent with the bylaw. In any case where the rules and regulations found below conflict with the actual Zoning Bylaw, the Zoning Bylaw governs.

§ 465-xx Pre-application stage.

A. For Low Impact Development (LID) under Article xx of the Zoning Bylaw, applicants are strongly encouraged to submit the following information to facilitate review and discussion of the LID at the pre-application stage:

(1) Site context map. This map illustrates the parcel in connection to its surrounding area. Based upon existing data sources and field inspections, it should show various kinds of major natural resource areas or features that cross parcel lines or that are located on adjoining lands. This map enables the Planning Board to understand the site in relation to what is occurring on adjacent properties.

(2) Existing conditions/site analysis map. This map familiarizes officials with existing conditions on the property. Based upon existing data sources and field inspections, this base map locates and describes noteworthy resources that should be left protected through sensitive subdivision layouts. These resources include wetlands, riverfront areas, floodplains and steep slopes, but may also include mature, undegraded woodlands, hedgerows, farmland, unique or special wildlife habitats, historic or cultural features (such as old structures or stone walls), unusual geologic formations and scenic views into and out from the property. By overlaying this plan onto a development plan the parties involved can clearly see where conservation priorities and desired development overlap or conflict.

B. Site visit. Applicants are encouraged to request a site visit by the Planning Board and/or its agents in order to facilitate preapplication review of the LID. If one is requested, the Planning Board shall invite the Conservation Commission and the Board of Health.

C. Preapplication conference. If one is requested, the Planning Board shall invite a representative of the Conservation Commission, Board of Health, Department of Public Works and any Open Space Committee. The purpose of a preapplication review is to attempt to streamline the formal application process, to minimize the applicant's costs of engineering and other technical experts, and to commence discussions with the Planning

Board at the earliest possible stage in the development. At the preapplication review, the applicant may outline the proposed LID project, seek preliminary feedback from the Planning Board and/or its technical experts, and set a timetable for submittal of a formal application.

D. Design standards. The design process and standards set forth below in § 465-xx should be discussed by the parties at the preapplication conference and site visit.

§ 465-xx General design standards.

A. The landscape should be preserved in its natural state in so far as practical. Tree and soil removal shall be minimized. Native and noninvasive trees with a caliper greater than 20 inches (measured at four feet) shall not be removed unless such removal is consistent with the purposes and intent of this section. Any grade changes shall be in keeping with the general appearance of the neighboring undeveloped and developed areas. Individual building sites shall be oriented so as to maintain maximum natural topography and to take advantage of natural drainage patterns.

B. Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel. Particular attention shall be paid to seamlessly integrating new streets into the existing street pattern as appropriate.

C. All proposed landscaping shall be designed to complement and add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties and public ways.

§ 465-xx LID management plan.

A. The LID Management Plan submitted with the permit application shall contain sufficient information for the LID Authority to evaluate the environmental impact and effectiveness of the measures proposed for reducing adverse impacts from stormwater runoff. This plan shall comply with the criteria established in these Regulations and must be submitted with the stamp and signature of a Registered Professional Engineer (PE) and/or a Registered Landscape Architect, both of whom are licensed in the Commonwealth of Massachusetts. If the plan shows structural stormwater controls, such plans must include detailed stormwater disposal calculations.

(1) The LID Authority or its agent may allow the applicant to omit from the Application such of the materials listed in this section (LID Management Plan Contents) that will not be needed to adequately evaluate the proposal. If the LID Authority later finds that such materials are needed, the applicant shall then supply them.

(2) It will not be necessary to repeat in the LID Application information included in other applications, e. g. Subdivision or Site Plan, being submitted concurrently or already under LID Authority consideration, but appropriate references to that material shall be included in the LID Management Plan.

(3) All LID Management Plan data shall be submitted on compact disk in a format that can be read by AUTO CAD with all data related to state plane coordinates. Narrative and tables may be in WORD or EXCEL format.

B. The LID Management Plan shall fully describe the project in drawings, narrative, and calculations. It shall include:

(1) Contact Information. The name, address, telephone number and email of all persons having a legal interest in the property and the tax reference number and street address(es) of the property or properties affected;

(2) A locus map;

(3) The existing and proposed land use at the site;

(4) The existing and proposed zoning at the site;

(5) The existing and proposed property lines;

(6) The location(s) of existing and proposed easements;

(7) The location of existing and proposed utilities;

(8) The location of existing and proposed open storage areas and facilities for waste disposal;

(9) The site's existing and proposed topography with contours at 2-foot intervals;

(10) All areas of the site designated as open space;

(11) A description and delineation of existing stormwater conveyances, impoundments, and wetlands, wetland buffer zones, water supply areas, swimming beaches or other environmental resources on or adjacent to the site into which stormwater flows;

(12) A delineation of 100-year flood plains, if applicable;

(13) Estimated seasonal high groundwater elevation in areas to be used for stormwater retention, detention, or infiltration;

(14) The existing and proposed vegetation and ground surfaces with runoff coefficients for each;

(15) A drainage area map showing pre- and post-construction watershed boundaries, drainage area and stormwater flow paths, including municipal drainage system flows;

(16) A recharge area analysis that calculates pre-and post-project annual groundwater recharge rates on the parcel;

(17) A description and drawings of all components of the proposed LID stormwater management system including:

(a) Locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization;

(b) All measures for the detention, retention or infiltration of water;

(c) Descriptions of non-structural best management practices (BMPs);

(d) All measures for the protection of water quality;

(e) The structural details for all components of the proposed drainage systems and LID Management facilities;

(f) Notes on drawings specifying materials to be used, construction specifications, and expected hydrology with supporting calculations;

(g) Proposed site plan including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable;

(h) Any other information requested by the LID Authority.

(18) Hydrologic and hydraulic design calculations for the pre-development and post development conditions for the design storms specified in these Regulations. 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.

(19) Post-Development downstream analysis if deemed necessary by the LID Authority;

(20) Soils Information from test pits performed at the location of proposed LID 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 Certified Soil Evaluator;

(21) Landscaping plan prepared by a Massachusetts licensed Registered Landscape Architect, describing the woody and herbaceous vegetative stabilization and management techniques to be used within and adjacent to the stormwater impact area.

§ 465-xx Operation and maintenance of stormwater management devices.

All property owners are responsible for maintaining the proper operation of all permitted stormwater management devices on their property. Stormwater management devices shall be

maintained to ensure compliance with the Permit, the LID Bylaw and that the Massachusetts Surface Water Quality Standards are met in all seasons and throughout the life of the system.

A. Stormwater Management Easements: Where the LID Authority determines it is necessary, a stormwater management easement shall be provided by the property owner(s) to allow access to stormwater management devices for inspection and maintenance. Easements shall be recorded with the Worcester County Registry of Deeds prior to issuance of a Certificate of Completion by the LID Authority.

B. Operation and Maintenance Plan: An Operation and Maintenance Plan (O&M Plan) is required at the time of application for a LID Permit and shall remain on file with the LID Authority. The O&M Plan shall include:

(1) The name and contact information of the owners of all components of the system;

(2) A map showing the location of the stormwater management devices including all structural and nonstructural components;

(3) Inspection and Maintenance agreements that specify names and addresses of person(s) responsible for operation and maintenance and its financing, an Inspection and Maintenance schedule, including maintenance tasks to be performed, a list of easements with the purpose and location of each and the signature(s) of the owner(s).

§ 465-xx Certificate of completion.

A. Upon completion, the permittee shall certify that the project is in accordance with Plan specifications and shall provide inspections to adequately document compliance.

B. The LID Authority will issue a letter certifying completion upon its receipt and approval of the final inspection and reports and/or upon otherwise determining that all work was completed in conformance with these Regulations.

§ 465-xx Perpetual inspection and maintenance.

A. Maintenance Responsibility

Stormwater management devices and practices shall be inspected to document maintenance and repair needs and ensure compliance with the requirements of the LID Management Plan, the O&M Plan and these Regulations. The current owner of the property shall maintain in good condition and promptly repair all grade surfaces, walls, drains, dams, vegetation, and erosion controls and other protective measures in accordance with approved Plans.

B. Maintenance Inspections

(1) Inspections shall occur during the first year of operation and at least once every three years thereafter. An agreement between the property owner and the LID Authority shall be executed for privately-owned stormwater management systems which specifies the responsible party for conducting and financing long term inspections.

(2) Inspection reports shall be submitted to and maintained by the LID Authority. Inspection reports shall include: the date of inspection; an evaluation of the condition

of structures and devices used to manage stormwater; and a description of any needed maintenance.

C. Right-of-Entry for Inspection

The inspection agreement shall allow the LID Authority or its designee to enter the property at reasonable times and in a reasonable manner for the purpose of inspection.

D. Records of Maintenance and Repair Activities

Parties responsible for the operation and maintenance of a stormwater management device shall provide records of all maintenance and repairs to the LID Authority, upon request, and shall retain those records for 5 years.

E. Failure to Maintain

If the responsible person fails to meet the requirements of the inspection agreement, the LID Authority, may take action to restore the stormwater management device after 30 days written notice. If the violation is an immediate threat to public health or public safety, 24 hours' notice shall be sufficient prior to actions required to return the facility or practice to proper working condition. The LID Authority may assess the owner(s) of the facility for the cost of repair work which shall be a lien on the property.

BYLAW CHANGES

ARTICLE X Flexible Residential Development (FRD)

§ 300-45 Applicability.
A. Land area.
(1) The proponent of any proposed residential subdivision plan in the Town of Salisbury that is on a parcel of five acres or more shall submit an FRD permit application to the Planning Board for an FRD in accordance with the provisions of this bylaw, which shall include an FRD permit plan as described below.
(2) For residential subdivisions on less than five acres and/or all plans for division of land not requiring approval under the Subdivision Control Law, MGL c. 41, § 81P, that are restricted to residential use, an applicant may submit a FRD permit application for an FRD in preference to filing a conventional plan.
B. Zoning classification. Only residential projects on tracts located in the R1, R2, C, C2 and C4 Districts are eligible for FRD.
C. Contiguous parcels. To be eligible for consideration as an FRD, the total tract shall consist of one parcel or set of contiguous parcels.
D. Mix of housing types. The FRD may consist of a combination of single-family and multifamily residential structures. Except for those FRD's composed of the housing type allowed below under § 300-55C, multifamily structures shall be townhouse style and not contain more than two dwelling units and shall not make up more than 50% of the basic maximum number.
E. Land division. To be eligible for consideration as an FRD, the tract may be a subdivision or a division of land pursuant to MGL c. 41, § 81P; provided, however, that an FRD may also be permitted where intended as a condominium on land not so divided or subdivided.
F. Conventional subdivision simultaneous filings. The requirement to apply for an FRD permit shall not prohibit an applicant from choosing to pursue conventional subdivision approval. A "conventional subdivision" shall be defined as a subdivision (as defined by MGL c. 41, § 81L) which does not reflect the FRD permit principles. The only requirement that must be met in these cases is to submit a complete FRD application and initiate the FRD process. The decision to either pursue the FRD permit or the conventional subdivision is outlined in § 300-49H (Procedures).

§ 300-46 FRD permit required.
The Planning Board may authorize an FRD pursuant to the grant of an FRD permit. The Planning Board will act as the FRD permit granting authority for all FRD applications. Such FRD permits shall be acted upon in accordance with the provisions of this bylaw and § 300-35 of the Town of Salisbury Zoning Bylaw. With respect to FRD permit applications under this article, the Planning Board shall also have all the powers and duties of the Zoning Board of Appeals under § 300-35 of this bylaw.

§ 300-47 Preapplication conference.
The applicant for an FRD is strongly encouraged to attend a preapplication conference at a regular business meeting of the Planning Board as outlined in the Planning Board's Rules and Regulations.
§ 300-48 Design process.
At the time of the application for an FRD permit for an FRD in conformance with § 300-49 of this bylaw, applicants are required to demonstrate to the Planning Board that the following four-step design process was performed by a certified landscape architect, or by a multidisciplinary team of which one member must be a certified landscape architect ("qualified design team"), and considered in determining the layout of proposed streets, house lots, and open space.
A. Step One: Identifying conservation areas and the potentially developable area.
(1) The certified landscape architect or qualified design team shall first identify and delineate two categories of conservation areas at the site, as follows:
(a) Primary conservation areas, consisting of those areas protected by federal, state, or local laws, including but not limited to wetland resource areas, areas of critical environmental concern, outstanding resource waters, and estimated rare species habitat (as designated by Natural Heritage and Endangered Species Program); and

(b) Secondary conservation areas, consisting of those elements of the natural landscape that are not protected by law, but the maintenance of which in their natural state would provide environmental, aesthetic, pastoral, historical, or other value to the environment or community, such as flood hazard areas, floodplains, steep slopes (typically greater than 25%), mature woodlands [noninvasive trees with caliper of 20 inches or greater (measured at four feet)], wetland buffer zones, vernal pools, prime farmland, large open meadows, stone walls, critical wildlife habitats, priority habitats (as designated by Natural Heritage and Endangered Species Program) and important cultural features such as historic and archaeological sites, heritage landscapes and scenic views.
(2) The certified landscape architect or qualified design team shall then delineate the potentially developable area, which, to the maximum extent feasible, shall consist of land outside identified primary and secondary conservation areas.
B. Step Two: Locating house sites. The certified landscape architect or qualified design team shall then locate the approximate sites of individual houses within the potentially developable area and delineate the private yards and shared amenities, so as to reflect an integrated neighborhood that conforms with the existing topography and natural features, with emphasis on consistency with the Town's historical development patterns and heritage.
C. Step Three: Aligning the streets and trails. The certified landscape architect or qualified design team shall then align streets to access the house lots and lay out sidewalks and walking trails to create internal and external connections to existing and/or potential future streets, sidewalks, and trails.
D. Step Four: Lot lines. If applicable, the certified landscape architect or qualified design team shall then delineate the lot lines according to § 300-51 of this bylaw.

§ 300-49 Application procedures.
A. An application for an FRD permit for an FRD, or for an amendment thereto, shall include, among other supporting information, an FRD permit plan. The FRD permit plan submittal shall consist of a sketch plan and a conventional subdivision yield plan as described in the Town of Salisbury FRD Rules and Regulations.
B. As part of the application process, the applicant shall deliver copies of the FRD permit application and plans to local boards, Town departments, and committees according to the Planning Board's Rules and Regulations.
C. The Planning Board shall, in compliance with MGL c. 40A, § 9, hold a public hearing on the FRD permit application within 65 days from the date of filing of such application.
D. The Planning Board shall render a decision on the FRD permit application within 90 days from commencement of the public hearing unless the applicant consents to an extension.
E. Whether or not conducted during the preapplication stage, the Planning Board may conduct a site visit during the public hearing process. At the site visit, the Planning Board and/or its agents shall be accompanied by the applicant and/or his or her agents if requested by the applicant.
F. The Planning Board may engage technical experts, at the applicant's expense, as are reasonably necessary in connection with its review of the applicant's proposed plan(s). Project fees are outlined in the Planning Board's Rules and Regulations.
G. The procedural and substantive FRD permit requirements set forth in this article shall be in addition to any other requirements of the Subdivision Control Law
H. Relationship between the FRD permit plan and a conventional definitive subdivision plan filed simultaneously.
(1) If the applicant has also submitted a definitive subdivision plan, as outlined in § 300-45F at the same time as its application for an FRD permit, the Planning Board shall hold concurrent public hearings on both plans.
(2) If the definitive subdivision filing shows a conventional subdivision as opposed to an FRD subdivision, the Planning Board shall first, prior to the close of the public hearings, recommend which plan it considers most beneficial to the Town and then the applicant shall, prior to the close of the public hearings, elect and advise the Board in writing which plan he or she wishes to pursue. The applicant may then withdraw the obsolete application with the Board's approval, or the Board may continue with the approval process for both applications if practicable.
I. Relationship between the FRD permit plan and FRD definitive subdivision plan.
(1) All FRD permits issued by the Planning Board shall, by virtue of this provision, include a condition that an FRD definitive subdivision plan shall substantially comply with an approved FRD permit plan and FRD permit

conditions before receiving Planning Board approval. The Planning Board may hold concurrent public hearings for the FRD permit and the FRD definitive subdivision plan.
(2) An FRD definitive subdivision plan shall be considered not to substantially comply with the FRD permit plan if the Planning Board determines that any of the following changes exist:
(a) An increase in the number of building lots or dwelling units;
(b) A significant decrease in the open space acreage and/or a significant change in the open space quality or configuration;
(c) A significant change in the lot or road layout;
(d) A significant change in the general development pattern, which is contrary to or inconsistent with the primary purposes of an FRD, as specified in § 300-44 of this bylaw;
(e) A significant change to the stormwater management facilities; and/or
(f) A significant change in the wastewater management systems.
(3) If the Planning Board determines that the FRD definitive subdivision plan does not substantially comply with the FRD permit, the Board may deny the FRD definitive subdivision plan.
(4) The Planning Board may conditionally approve an FRD definitive subdivision plan that does not substantially comply with the FRD permit so long as the conditional approval does not violate the purposes and intent of this bylaw. However, such conditional approval must identify where the plan does not substantially comply with the FRD permit and shall be conditional upon the applicant applying for, and the Planning Board granting, an amendment to the FRD permit such that the FRD permit is consistent with the significant changes identified by the Planning Board. The conditional approval shall also require that the applicant file its application for an amendment to the FRD permit within a specified time period.
(5) The public hearing on the application for an amendment to the FRD permit shall be limited to the significant changes identified by the Planning Board in its conditional approval of the FRD definitive subdivision plan. The Planning Board may only review and consider factors and impacts associated with the significant changes in deciding whether to grant an amendment to the FRD permit.
J. Concurrent public hearings are allowed for site plan review and definitive subdivisions when, and if, they will be required subsequent to FRD permit approval. In these cases, definitive plans and site plans may be revised to reflect the FRD process up until the public hearings are closed. The FRD permit public hearing shall be closed and the Planning Board shall vote a final decision regarding the FRD permit before the public hearings for either the definitive plan and/or site plan are closed.
K. Substantial progress toward implementation of the approved FRD permit must occur within two years from the date of Planning Board approval which shall not include such time required to pursue or await the determination of an appeal from the grant of the FRD permit which is referred to in MGL c. 40A, § 17, or the approval becomes void. Extensions may be granted at the discretion of the Planning Board if the applicant submits proof, in the form of a written narrative, that substantial progress has been made.

§ 300-50 Conventional subdivision yield plan; basic maximum number of lots.
The basic maximum number or density, as described herein, shall be derived from and delineated on a conventional subdivision yield plan (hereinafter "basic maximum number"). In the case of a site being divided or subdivided, the conventional subdivision yield plan shall show the maximum number of lots that could be deemed practicably buildable upon the site under a conventional subdivision process according to the Rules and Regulations Governing the Subdivision of Land in the Town of Salisbury

§ 300-51 Reduction of dimensional requirements.
The Planning Board encourages applicants to modify lot size, shape, and other dimensional requirements for lots within an FRD, subject to the following limitations:
A. Lots having reduced area or frontage shall not have frontage on a street other than a street created by the FRD; provided, however, that the Planning Board may waive this limitation to the extent it determines that such waivers will substantially further the purposes and intent of this bylaw.
B. At least 50% of each required setback for the applicable zoning district shall be maintained in the FRD; provided, however, that the Planning Board may further reduce the applicable setbacks to the extent it determines that such reduction(s) will substantially further the purposes and intent of this bylaw.

C. Minimum lot size shall be 10,000 square feet; provided, however, that the Planning Board may reduce this minimum lot size to the extent it determines that such reduction(s) will substantially further the purposes and intent of this bylaw.

§ 300-52 Open space requirements.

A. A minimum of 50% of the tract shown on the development plan shall be open space and must be preserved as such in perpetuity in accordance with this article.

B. The ratio of uplands to wetlands within the proposed open space area shall be equal to or greater than the ratio of uplands to wetlands on the entire tract; provided, however, that the Planning Board may allow a lower ratio if it determines that doing so will substantially further the goals of this bylaw and otherwise be in the best interests of the community. Wetlands are considered resource areas as defined by Section 310 of the Code of Massachusetts Regulations.

C. The open space shall be contiguous and may be composed of more than one lot. "Contiguous" shall be defined as being connected. Open space will still be considered connected if it is separated by a roadway or driveway created by the FRD.

D. The open space shall be, to the greatest extent practicable, accessible to the general public, and not for the exclusive use of a homeowners' association or nonprofit organization. For open space maintained for active agricultural purposes, public access may be limited or completely excluded.

E. The open space shall be suitable for and protected and maintained for either wildlife habitat, conservation, historic preservation (landscapes and/or structures), outdoor education, passive and limited active outdoor recreation, park purposes, agriculture, horticulture, forestry, and/or a combination of these uses. It shall also be served by suitable access for such purposes. The Planning Board may permit up to 5% of the open space to be paved (pervious paving materials are encouraged) or built upon for structures accessory to the dedicated use or uses of such open space (for example, pedestrian walks and bike paths). Parking areas and areas used for vehicular access or egress shall not constitute open space.

F. At the discretion of the Planning Board subsurface wastewater and stormwater management systems serving the FRD may be located within the open space only if the open space is to be maintained and owned by a corporation or trust according to Subsection G(3) below. If the subsurface system is contained on a separate lot within the open space, the remainder of the open space may be conveyed to the Town or a nonprofit organization according to Subsection G(1) and (2) below. Surface systems, such as retention and detention ponds, shall not qualify towards the minimum open space required unless these systems are determined by the Planning Board to be "soft" (nonstructural), natural-like stormwater management systems that do not create impervious surfaces, that enable infiltration and that are otherwise compatible with the contemplated uses of the adjacent open space.

G. The open space shall either be subject to a recorded conservation restriction enforceable by the Town providing that such land shall be perpetually kept in an open state, preserved exclusively for the purposes set forth herein, and maintained in a manner which will ensure its suitability for its intended purposes, or, at the Planning Board's election, shall be conveyed to one of the following:

(1) The Town or its Conservation Commission;

(2) A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above; or

(3) A corporation or trust owned jointly or in common by the owners of lots within the FRD. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust that shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities if the trust or corporation fails to provide adequate maintenance and deemed to have granted the Town an easement for this purpose. In such event, the Town shall first provide 14 days' written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the Town may perform it. The trust or corporation shall be liable to the Town for the reasonable expenses associated with such maintenance performed by it. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval and shall thereafter be recorded.

H. Any such conservation restriction and/or conveyance shall be in a form satisfactory to Town Counsel and the Planning Board and shall be completed and recorded and evidence thereof shall be submitted to the Planning Board and the Building Inspector prior to issuance of the first occupancy permit.

§ 300-53 Design standards.
The Town of Salisbury Planning Board may, after proper notice and public hearing, adopt rules and regulations that govern generic and site-specific design standards relative to the development and design process. These design standards shall include but not be limited to tree and soil removal, streets, landscaping, mix of housing types, architectural style, parking, buffer areas, drainage, screening, common driveways and trails.

§ 300-54 Planning Board action; factors to be considered.
The Planning Board may grant an FRD permit for an FRD if it determines that the proposed FRD has less detrimental impact on the tract and advances further the interests of the community than a conventional development proposed for the tract, after considering the following factors:
A. Whether the FRD achieves greater flexibility and creativity in the design of residential developments than a conventional plan;
B. Whether the FRD promotes permanent preservation of open space, scenic vistas, agricultural land, forestry land, wildlife and rare species habitat, other natural resources and features, including aquifers, water bodies, areas of critical environmental concern, and wetlands, and historical and archaeological resources in a manner that is consistent with the Town of Salisbury Community Development Plan;
C. Whether the FRD promotes a more efficient and compact form of development that consumes less open land and natural materials and conforms to existing topography and natural features better than a conventional subdivision;
D. Whether the FRD reduces the total amount of disturbance on the site as compared with a conventional subdivision;
E. Whether the FRD furthers the goals and policies of the Town of Salisbury Community Development Plan as amended from time to time;
F. Whether the FRD facilitates the construction and maintenance of housing, streets, utilities, and public services in a more economical and efficient manner than a conventional subdivision plan;
G. Whether the FRD permit plan and other supporting documentation comply with all provisions of this bylaw;
H. Whether the proposed construction of housing, landscape and streetscape is in harmony with the architectural heritage and historic character of the Town of Salisbury;
I. Whether the FRD promotes affordable housing and a more diversified housing stock.

§ 300-55 Increases in permissible density.
The Planning Board at its discretion may award a density bonus for an FRD to increase the number of dwelling units beyond the basic maximum number. The density bonus for the FRD shall not, in the aggregate, exceed 35% of the basic maximum number. Computations shall be rounded to the next highest number. Such a density bonus may be awarded in the following circumstances only if the Planning Board determines that the proposed development is in substantial conformance with the purposes and intent of this bylaw:
A. For each set aside of an increased 10% of open space over the minimum 50% open space set aside the Planning Board may award a bonus of 10% of the basic maximum number, up to a maximum bonus of 20%.
B. For every one dwelling unit in a development that is legally and perpetually restricted to occupancy by persons or families who qualify as low or moderate income, as those terms are defined for the area by the commonwealth's Department of Housing and Community Development, and is eligible for inclusion in the Chapter 40B Subsidized Housing Inventory through the Local Initiative Program under MGL c. 40B, §§ 20 to 23, in excess of the number of affordable housing units required by any Town of Salisbury inclusionary housing bylaw,
C. The Planning Board may authorize a density bonus of up to 25% if the applicant proposes a development comprised entirely of townhouse dwellings constructed in a New England village style of architecture that are legally and perpetually restricted to occupancy by persons over the age of 55. Multifamily structures of not

more than four units are permitted in such a development if all units are restricted to occupancy by persons over the age of 55.

§ 300-56 Adoption of rules and regulations.
The Planning Board may, after notice and hearing, adopt rules and regulations to implement the provisions of this bylaw, including but not limited to specifying the content and number of required plans, application procedures, filing and review fees, design criteria, development standards, and other general requirements consistent with this bylaw.

REGULATION CHANGES

ARTICLE IV Flexible Residential Design Requirements
§ 465-14 Authority.
The Planning Board is the FRD permit granting authority for the flexible residential development FRD permit (FRD) found in Article X of the Town of Salisbury Zoning Bylaw.

§ 465-15 Preapplication stage.
A. For Flexible Residential Development (FRD) under Article X of the Zoning Bylaw, applicants are strongly encouraged to submit the following information to facilitate review and discussion of the FRD at the preapplication stage:
(1) Site context map. This map illustrates the parcel in connection to its surrounding neighborhood. Based upon existing data sources and field inspections, it should show various kinds of major natural resource areas or features that cross parcel lines or that are located on adjoining lands. This map enables the Planning Board to understand the site in relation to what is occurring on adjacent properties.
(2) Existing conditions/site analysis map. This map familiarizes officials with existing conditions on the property. Based upon existing data sources and field inspections, this base map locates and describes noteworthy resources that should be left protected through sensitive subdivision layouts. These resources include wetlands, riverfront areas, floodplains and steep slopes, but may also include mature, undegraded woodlands, hedgerows, farmland, unique or special wildlife habitats, historic or cultural features (such as old structures or stone walls), unusual geologic formations and scenic views into and out from the property. By overlaying this plan onto a development plan the parties involved can clearly see where conservation priorities and desired development overlap or conflict.
B. Site visit. Applicants are encouraged to request a site visit by the Planning Board and/or its agents in order to facilitate preapplication review of the FRD. If one is requested, the Planning Board shall invite the Conservation Commission and the Board of Health.
C. Preapplication conference. If one is requested, the Planning Board shall invite a representative of the Conservation Commission, Board of Health, Department of Public Works and any Open Space Committee. The purpose of a preapplication review is to attempt to streamline the formal application process, to minimize the applicant's costs of engineering and other technical experts, and to commence discussions with the Planning Board at the earliest possible stage in the development. At the preapplication review, the applicant may outline the proposed FRD and the yield based on a conventional subdivision buildout, seek preliminary feedback from the Planning Board and/or its technical experts, and set a timetable for submittal of a formal application.
D. Design standards. The design process and standards set forth below in § 465-19 should be discussed by the parties at the preapplication conference and site visit.

§ 465-16 Sketch plan.
The sketch plan, submitted as part of the FRD permit plan under § 300-49 of the FRD Bylaw, shall follow the quality standards and include the components listed below:
A. The sketch plan shall be prepared by a certified landscape architect or qualified design team and shall identify the primary conservation areas, secondary conservation areas, general features of the land, approximate configurations of the lots, open space, and roadways, and shall also include the information listed in the Subdivision Rules and Regulations to the extent applicable. The proposed development as identified on the

sketch plan shall reflect and incorporate the four-step design process set forth in § 300-48 of the Town of Salisbury's Zoning Bylaw and the design standards set forth in §§ 465-18 and 465-19 below.
B. The sketch plan shall include the following:
(1) The subdivision name, boundaries, North point, date, legend, title "Sketch Plan," and scale.
(2) The names of the record owner and the applicant, and the name of the landscape architect and/or qualified design team that prepared the plan.
(3) The names, approximate location, and widths of adjacent streets.
(4) The proposed topography of the land shown at a contour interval no greater than five feet. Elevations shall be referred to mean sea level.
(5) The location of existing landscape features, including forests, farm fields, meadows, wetlands, riverfront areas, water bodies, archaeological and historic structures/remains or points of interest, rock outcrops, boulder fields, stone walls, cliffs, high points, major long views, forest glades, major tree groupings, noteworthy tree specimens, and habitats of endangered or threatened wildlife, as identified as primary and secondary resources according to § 300-48A the FRD in the Salisbury Zoning Bylaw. Proposals for all site features to be preserved, demolished, or moved shall be noted on the sketch plan.
(6)All on-site local, state, and federal regulatory resource boundaries and buffer zones shall be clearly identified and all wetland flag locations shall be numbered and placed upon the sketch plan.
(7) Lines showing proposed private residential lots, as located during step four, § 300-48D of the Salisbury Zoning Bylaw, with approximate areas and frontage dimensions.
(8) All existing and proposed features and amenities, including trails, recreation areas, pedestrian and bicycle paths, community buildings, and off-street parking areas, shall be shown on the plan and described in a brief narrative explanation where appropriate.
(9) The existing and proposed lines of streets, ways, common driveways, easements and any parcel of land intended to be dedicated for public use or to be reserved by deed covenant for use of all property owners in the subdivision, or parcels of land or lots to be used for any purpose other than private residential, shall be so designated within the subdivision in a general manner.
(10) Proposed roadway grades.
(11) Official soil percolation tests for the purpose of locating wastewater treatment options are not required for the FRD permit plan. However, a narrative explanation shall be prepared by a certified professional engineer detailing the proposed wastewater systems that will be utilized by the development and its likely impacts on site and to any abutting parcels of land. For example, the narrative will specify whether individual on-site or off-site systems, shared systems, alternative to Title V systems, or any combination of these or other methods will be utilized.
(12) A narrative explanation prepared by a certified professional engineer proposing systems for stormwater drainage and its likely impacts on site and to any abutting parcels of land. For example, the narrative will specify whether soft or hard engineering methods will be used and the number of any detention/retention basins or infiltrating catch basins; it is not intended to include specific pipe sizes. Any information needed to justify this proposal should be included in the narrative. The approximate location of any stormwater management detention/retention basins shall be shown on the plan and accompanied by a conceptual landscaping plan.
(13) A narrative explanation prepared by a certified professional engineer, detailing the proposed drinking water supply system.
(13) A narrative explanation prepared by a certified professional engineer, detailing the proposed drinking water supply system.
(14) A narrative explanation of the proposed quality, quantity, use and ownership of the open space. Open space parcels shall be clearly shown on the plan.
(15) All proposed landscaped and buffer areas shall be noted on the plan and generally explained in a narrative.
(16) A list of all legal documents necessary for implementation of the proposed development, including any individual deed restrictions, conservation restrictions, land transfers, and master deeds, with an accompanying narrative explaining their general purpose.
(17) A narrative indicating all requested waivers, reductions, and/or modifications as permitted under the FRD of the Salisbury Zoning Bylaw.

§ 465-17 Conventional subdivision yield plan.
A. The conventional subdivision yield plan (yield plan) shall depict the basic number of lots/dwelling units as described in § 300-50 of the Salisbury Zoning Bylaw (basic maximum number of lots/units/bedrooms). The applicant shall submit a narrative explanation detailing the results of the determination of any proposed allocation of yield.
B. The yield plan shall include the following:
(1) The subdivision name, boundaries, North point, date, legend, title "Yield Plan" and scale, the names of the record owner and the applicant, and the name of the engineer, surveyor, and/or qualified design team that prepared the plan.
(2) Names of all abutters as they appear in the most recent Assessor's records, including owners of land separated from the subdivision by a street.
(3) Assessor's map and parcel numbers for all land shown on the plan.
(4) Zoning district boundaries and the zoning dimensional requirements for each zone shown on the plan.
(5) The names, approximate location, and widths of adjacent existing streets.
(6) The proposed topography of the land shown at a contour interval no greater than five feet. Elevations shall be referred to mean sea level.
(7) All on-site local, state, and federal regulatory resource boundaries and buffer zones shall be clearly identified and all wetland flag locations shall be numbered and placed upon the sketch plan.
(8) The existing and proposed lines of streets, lots, rights-of-way, easements, and public or common areas within the subdivision.
(9) Proposed roadway grades.
(10) Official soil percolation tests for the purpose of locating wastewater treatment options may be required at the discretion of the Planning Board on certain parcels where the feasibility of locating wastewater treatment systems may be uncertain.
(11) A narrative indicating all requested waivers, reductions, and/or modifications as permitted by the various bylaws and regulations governing the subdivision.

§ 465-18 General design standards.
A. The landscape should be preserved in its natural state in so far as practical. Tree and soil removal shall be minimized. Native and noninvasive trees with a caliper greater than 20 inches (measured at four feet) shall not be removed unless such removal is consistent with the purposes and intent of this section. Any grade changes shall be in keeping with the general appearance of the neighboring undeveloped and developed areas. Individual building sites shall be oriented so as to maintain maximum natural topography and to take advantage of natural drainage patterns.
B. Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel. Particular attention shall be paid to seamlessly integrating new streets into the existing street pattern as appropriate.
C. All proposed landscaping shall be designed to complement and add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties and public ways.

§ 465-19 Site specific design standards.
A. Mix of housing types. The FRD may consist of a combination of single-family and multifamily residential structures. Except for those FRD's composed of the housing type specified in § 300-55C of Salisbury's Zoning Bylaw, multifamily structures shall not contain more than two dwelling units and shall be of the townhouse style and be designed to appear to be single-family homes by limiting each elevation to a maximum of one main entrance and two garage doors.
B. Parking. Each dwelling unit shall be served by two off-street parking spaces. Parking spaces in front of garages may count in this computation. All parking areas with greater than four spaces shall be screened from public view.
C. Buffer areas. A buffer area of at least 25 feet shall be provided at the perimeter of the development tract where it abuts residentially zoned or residentially occupied properties. A buffer area of at least 100 feet shall be

provided from natural and/or recreational resource areas such as wetlands, intermittent streams, agricultural or recreational fields, and land held for conservation purposes, except as noted below. A two-hundred-foot buffer must be maintained from perennial streams, except to the extent otherwise permitted by the Salisbury Conservation Commission. Driveways necessary for access and egress to and from the tract may cross such buffer areas. No native or noninvasive vegetation in this buffer area shall be disturbed, destroyed, or removed, except for normal maintenance of structures or in connection with landscaping approved by the Planning Board as part of the project. The Planning Board may waive these buffer requirements to the extent it determines that a smaller buffer (or no buffer) will substantially further the goals of this section and otherwise be in the best interests of the community. Any such waiver decisions shall be made in consultation with the Conservation Commission where the Commission's jurisdiction is applicable.

D. Drainage. The Planning Board shall encourage the use of "soft" (nonstructural) natural stormwater management techniques (such as rain gardens and open grass and bioretention swales) and other drainage techniques that do not create impervious surface and that enable infiltration where appropriate. Stormwater should be treated at the source to limit nonsource pollution. Water conservation measures, including but not limited to the use of rainwater retention systems, such as rain barrels and cisterns for water irrigation purposes, are also strongly encouraged.

E. Screening and landscaping. All structural surface stormwater management facilities shall be accompanied by a landscape plan. The landscape plan shall not include invasive plant species and shall include species that are drought tolerant and provide habitat value. Native plant species are strongly encouraged. In-ground sprinkler systems are strongly discouraged.

F. Common/shared driveways. A common or shared driveway may serve a maximum number of 4 dwelling units. The Planning Board may increase this number if it determines that a larger number will substantially further the purposes and intent of the FRD of the Zoning Bylaw and otherwise be in the best interests of the community.

G. On-site pedestrian and bicycle circulation. Walkways and bicycle paths shall be provided to link residences with parking areas, existing trails and streets, recreation facilities (including parkland and open space) and adjacent land uses where appropriate.

H. Disturbed areas. Not more than 50% of the total tract shall be disturbed areas. A disturbed area is any land not left in its natural vegetated state. The Planning Board may allow a greater area of temporary disturbance to the extent it determines that doing so will substantially further the purposes and intent of the FRD in the Zoning Bylaw and otherwise be in the best interests of the community.