

## CATEGORY 10 – Recycling Committee

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The Board of Selectmen may establish a Recycling Committee for the promotion and development of a Recycling Program for the purpose of recycling any type of solid waste including but not limited to paper, glass, metal, rubber, plastics, used tires and compostable waste. The program may be established for groups of cities, towns or districts upon agreement of all municipalities or districts in a joint Program.

The Recycling Committee shall consult with the Department of Environmental Protection (D.E.P.) before establishing a Recycling Program.

The Committee shall consist of not less than three nor more than seven members, and shall include the Superintendent of Public Works or the Superintendent's designee.

The terms of the first members of the Committee shall be for one, two or three years, and so arranged so that the term of one of the members expires each year, and their successors shall be appointed to terms of three (3) years each.

A Recycling Program shall be approved by the Board of Selectmen before taking effect.

Section 6 adopted: June 26, 1989  
Amended: Section 11, June 8, 1998

Approved by Attorney General: August 27, 1998

## CATEGORY 11 – Mandatory Recycling Program

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### **Section 1 – Program Established**

There shall hereby be established a program for the mandatory separation of certain recyclable and compostable materials from trash by the residents of the Town of Seekonk (hereinafter referred to as Town) and the curbside collection of these recyclables and compostable materials. The collection of trash, recyclables and composting materials shall be made on a scheduled basis under the supervision of the Public Works Department, as authorized by the Board of Selectmen. Decisions relating to the transportation, sale or disposal of trash, recyclable and compostable materials collected by the Town shall be determined by the Recycling Coordinator, based on contractual arrangements authorized by the Board of Selectman.

Under the guidelines of Massachusetts General Law c.44, §28C and related legal decisions, the following system of fees and exemptions is established to cover all costs of operating the Town's integrated municipal solid waste programs:

- A. An annual trash fee shall be assessed on every residential dwelling unit in the Town and paid by the property owner. The fee will be assessed at a rate method that the Board of Selectman deems appropriate to cover all costs (excluding tipping fees) of operating the trash, recycling, and composting programs instituted now or in the future by the Town, to clean up or prevent pollution caused by existing active or inactive landfills or other solid waste disposal facilities, including the operation of said facilities, to provide solid waste disposal facilities, including but not limited to the principal of, premium; if any, and interest on debt of the Town of Seekonk issued pursuant to M.G.L c.44, §7 or 8. The Town shall make the system self-sufficient with a capital account for amortized purchasing of equipment. The annual trash fee will be determined and implemented by the Board of Selectmen no later than April 1<sup>st</sup> of each calendar year.

- B. Additionally residents must purchase and place all non-recyclable and non-compostable trash/garbage in Town-designated trash bags for collection and disposal. Trash bags must be properly tied and shall not exceed weight limits designated for each bag size. Funds generated from the sale of designated bags will pay for tipping fees.
- C. Any commercial and industrial zoned properties or properties located in a mixed-use zone where a business is being operated, will not be eligible to participate in the Town sponsored pay as you throw trash program and must dispose of all solid waste generated from that location. Businesses shall be exempt from paying the annual trash fee and are not required to use designated trash bags.
- D. The owner of residential property may be exempted from participating in the mandatory program (including payment of a portion of the annual trash fee and purchase of designated bags) by contracting with a licensed solid waste hauling company for the removal and disposal of trash. Any property owner seeking this exemption must annually provide the Board of Health with an acceptable signed contract from a properly licensed and permitted hauler.
- E. Other exemptions for the payment of the annual trash fee may be approved by the Town Administrator, according to the appropriate administrative policy on file in the Board of Selectman's office.
- F. Unpaid trash fees will become a lien on a homeowner's property tax account. Failure to make payment in any year, unless an exemption is granted, shall result in an interest penalty and demand charge assessed as authorized by state statute.

### **Fees**

All associated costs (Annual Trash fee and Town-designated Trash Bag prices) will be annually reviewed by the Board of Selectman., based on the recommendations of the Superintendent of

Public works, Director of Finance, and Town Administrator. Any revenue received from the sale of recyclables shall be used to offset associated costs of the program.

The Board of Selectmen shall establish fees in accordance with Category 5B Departmental Fees.

## **Section 2 – Separation of Recyclables; Placement for Removal**

- A. Each homeowner shall sort individually and prepare all recyclable/compostable materials as defined in the Town's current program, and separate these materials from the non-recyclable trash contained in the Town-designated bags.
- B. In order for trash to be collected by the contractor, Town-provided trash and recycling toppers must be placed on the curb, a minimum of two feet apart.
- C. All recycling/composting materials shall be packaged in a manner to prevent the scattering of the materials. Composting bags shall not exceed thirty (30) pounds in weight per bag. Curb side collection of yard waste occurs during specified times of the year as determined by the Public Works Department. The number of yard waste bags collected per week per address shall not exceed 25 bags.
- D. Recyclables/compostables shall not be placed in plastic garbage bags for collection or disposal.
- E. The recycling/composting materials collected by the Town shall be transported to and disposed of at properly designated recycling/composting facilities.
- F. All non-recyclable/compostable trash shall be placed in the Town-designated bags for curbside collection. All bags must be securely closed/tied. Closed bags shall be placed in Town-provided trash toppers. Individual Town-designated bags shall not exceed the designated weight limits for each bag size.

- G. All material for collection shall be properly placed at the curb no earlier than 4 p.m. on the night before collection day, and no later than 7 a.m. on collection day. All totters shall be removed by noontime the day following collection day.

### **Section 3 – Ownership of Recyclable/Compostable Materials**

Any recyclable/compostable materials left curbside for collection by the Town shall become property of the Town. It shall be a violation of this By-law for any person other than the property owner, authorized employees, or agents on behalf of the Town acting in the course of employment, to collect or pick-up or cause to be collected or picked-up any recyclable/compostable material. Any collection or pick-up violation from one or more locations shall constitute a separate and distinct offense.

### **Section 4 – Definitions**

**“Associated Costs”** - Those costs which must meet and do not exceed projected expenses.

**“Compostables”** - Any leaves, grass and hedge clippings, weeds, garden waste, twigs and brush not longer than 2 feet in length and 1/2 inch in diameter.

**“Hazardous Waste”** - Waste which because of its quality, concentration, or physical, chemical or infectious characteristics may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of , or otherwise managed (i.e. used motor oil, automobile batteries, oil-based paints, etc.)

**“Recyclables”** - Any discarded materials which may be reclaimed and are considered recyclables by the Town, guided by MA DEP waste bans and market conditions (i.e. metal cans, glass containers, HDPE plastic bottles, newspapers, etc.)

**“Residential Dwelling Unit”** - a residential property containing at least one dwelling unit but not more than five (5) units, with each unit constituting a “Residential Dwelling Unit”. This definition shall specifically exclude: properties located in the Continuing Care Residency

Campus Overlay District and the Multifamily Development Overlay District, and businesses, hospitals, motels or hotels, apartment buildings of more than five units, nursing centers, condominiums, and dwellings on private roads.

**“Trash”** - All household items to be discarded including food waste/garbage (excluding recyclable, composting materials, hazardous wastes, bulky items and construction and demolition debris).

**“Uncollectibles”** - Those materials which are not collected by the Town but are the responsibility of the resident to dispose of through the Towns’ bulky waste collection opportunity, or through a private contractor (i.e. construction and demolition debris, furniture, appliances, tree stumps, etc.) and so-called household hazardous waste materials to be discarded through an approved hazardous waste collection program.

### **Section 5 – Authority and Severability**

This By-law shall supersede any existing By-law or Departmental Regulation. All By-laws and regulations or parts of By-laws and regulation previously approved or adopted by any Town Meeting or department that relates to the collection of trash or recycling/composting are hereby repealed.

This By law and the various parts, sentences, sections and clauses thereof are hereby declared to be severable. If any part, sentence, section or clause is adjudged invalid, it is hereby provided that the remainder of this by law shall not be affected thereby.

Any individual who violates this By-law shall be subject to fines in accordance with Category 39 of the By-law and the fine schedule established in Attachment A.

Section 10: May 13, 1991  
Amended: Section 13, June 8, 1998  
Amended: Section 13, May 21, 2007  
Amended: Sections 14, 15, 16 May 27, 2009  
Amended Section 5 November 27, 2014

Approved by Attorney General May 27, 1993  
Approved by Attorney General: August 27, 1998  
Approved by Attorney General August 8, 2007  
Approved by Attorney General Sept. 14, 2009  
Approved by Attorney General Feb. 23, 2015.

## CATEGORY 18 – Right-of-Way Opening

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Standards to be employed by Public Utilities and Contractors Restoring Street, Lanes and Highways in Municipalities

### **Section 1 – Purpose and Scope**

1. The purpose of these standards is to ensure that a Utility or Contractor, after excavating in any municipal street, lane and highway (“public ways”), restores such street, lane and highway to the same condition in which they were found before the excavation.
2. Nothing in these standards may be construed to restrict the Constitutional or statutory authority of cities or towns (“Municipalities”) with respect to public ways. Nothing in these standards is intended to prevent a utility and the Superintendent from mutually agreeing to exceptions to these standards.
3. Nothing in these standards is intended to be inconsistent with any by-law and the constitution and laws of the State.
4. The Utility or Contractor is responsible for insuring compliance, for itself and its contractors, with these Standards. However, Utility or Contractor work may be inspected by the Town of Seekonk to assure that proper procedures are being followed. In the event a Utility or Contractor fails to comply with these standards a Utility or Contractor shall, at its own expense, correct such failures.

### **Street Restoration Standards**

The Board of Selectmen may promulgate rules and regulations, after conducting a public hearing, that are necessary to administer this bylaw.

### **Section 2 – Definitions**

**“AASHTO”** means The American Association of State Highway and Transportation Officials.

**“Clay”** means very finely textured soil which, when moist, forms a cast which can be handled freely without crumbling/breaking; that exhibits plasticity; and when dried, breaks into very hard lumps (i.e., high dry strength) and is difficult to pulverize into a soft, flour-like powder.

**“Cold Patch”** means a bituminous concrete made with slow curing asphalts and used primarily as a temporary patching material when hot mix plants are closed.

**“Compaction”** means compressing of suitable material and gravels that has been used to backfill an excavation by means of mechanical tamping to within 95% of maximum dry density as determined by the modified Proctor test in accordance with AASHTO, T180.

**“Controlled Density Fill (CDF)”**, also called flowable fill, means a mixture of portland cement, fly ash, sand and water. High air (25% plus) may be used instead of fly ash with an adjustment in sand content. CDF is hand-tool excavatable.

**“Emergency Repair Work”** means street opening work which must be commenced immediately to correct a hazardous condition whose continuation would unreasonably risk injury, loss of life or property damage.

**“Gravel”** means coarse to very coarse-grained soil ranging from approximately 0.1 inch to 3.0 inches. Gravel exhibits no plasticity.

**“Infrared Process”** means a recycling procedure whereby an infrared heater plasticizes the surface of an asphalt pavement, preparatory to the introduction of additional compatible paving materials uniformly re-worked and compacted to achieve a density and profile consistent and thoroughly integrated with the adjacent pavement.

**“Newly Paved Road”** means a road whose pavement surface is less than five years old.



**“Organic Soil”** means soil high in organic content, usually dark (brown or black) in color. When considerable fibrous material is the principal constituent, it is generally classified as “peat.” Plant remains or woody structures may be recognized and the soil usually has a distinct odor. Organic soil may exhibit little (or a trace of) plasticity.

**“Permanent Patch”** means a final repair of street opening work to be performed in accordance with these standards and intended to permanently return the opened portion of the roadway to as good a condition as it was prior to the performance of the street opening work.

**“Permit”** means a permit granted by the Town of Seekonk to a Utility or Contractor for permission to do street opening work in a public way.

**“Plasticity”** means that property of soil that allows it to be deformed or molded without crumbling (e.g., like dough or soft rubber). This property reflects the capacity of soil to absorb moisture.

**“Poorly Graded Soil”** means soil that contains a large percentage of its constituent particles within a relatively narrow range; also referred to as “uniform” soil.

**“MassDOT Standards”** means the “Massachusetts Highway Department Standard Specifications for Highways and Bridges”, 1988 (English Edition) and 1995 (Metric Edition) (or most recent edition including Supplemental Specifications dated July 1, 2015, or most recent.

**“Sand”** means coarse grained soil in which the individual grains can be visually detected. When moist, it forms a cast which will crumble when lightly touched; when dry, it will not form a cast and will fall apart when confining pressure is released. Sand exhibits no plasticity.

**“Silt”** means finely-textured soil. When moist, it forms a cast which can be freely handled; when wet, it readily puddles; when dry, it may be cloddy and readily pulverizes into powder with a soft flour-like feel (i.e., low dry strength). Silt exhibits little or no plasticity.

**“Street Opening Work”** means any cutting, excavating, compacting, construction, repair or other disturbance in or under a public way together with restoration of the public way in accordance with these standards, municipal ordinances and any other applicable law following such disturbance.

**“Superintendent”** means the Superintendent of the Department of Public Works of the Town of Seekonk or his/her designee.

**“Temporary Patch”** means the interim application of either cold patch or Type I bituminous concrete compacted to achieve a density equal to that of the surrounding pavement.

**“Utility or Contractor”** means any corporation, partnership or other organization or any individual engaged within the State in any business which is, or the persons engaged in which are, in any respect made subject to the supervision or regulation by the MA PUC. For the purposes of these Standards, a Utility or Contractor shall also mean any person or entity engaged by or on behalf of a Utility or Contractor to perform Street Opening Work.

**“Well Graded Soil”** means soil having its constituent particles within a wide range also referred to as “non-uniform” soil.

### **Section 3 – Permit Requirements**

The Superintendent, upon approval by the Board of Selectmen, may incorporate in permit procedures the portions of these standards that shall apply to Utility or Contractor excavations within the Town of Seekonk’s jurisdiction. A Permit may be issued with the stipulation that it may be modified or revoked with just cause at any time at the discretion of the Board of Selectmen or the Superintendent without rendering the Town of Seekonk liable in any way. It is recognized that the Town of Seekonk shall have the authority to inspect work in progress and the utility shall correct any deficiencies identified during said inspections. The following are the requirement that the Town of Seekonk may require of a Utility or Contractor when granting Permits.

1. The work shall be performed in accordance with plans on file with the Town of Seekonk.
2. The Utility or Contractor shall notify the Superintendent two (2) days prior to the start of work. No work shall be authorized or proceed (except Emergency Repair Work) without said notification.
3. The Utility or Contractor shall notify Dig Safe, in accordance with M.G.L. c.82, §40, at least 72 hours prior to the start of work for the purpose of identifying the location of underground utilities.
4. The Utility shall be responsible to contact the Superintendent regarding the field location of any underground traffic control devices on this project.
5. A copy of the Permit must be on the job site at all times for inspection (exception for emergency repair work). Failure to have the Permit available could result in suspension of the rights granted by the Permit.
6. Work, day, and time constraints shall be conditions of the Permit.
7. If it becomes necessary to open the roadway surface in a larger area than specified in the Permit, the Utility or Contractor shall apply to the Town of Seekonk to amend the Permit to cover the project.
8. The Utility or Contractor shall notify the Town of Seekonk within 14 days after completion of the physical work.
9. No portion of the work shall be sublet to any subcontractor without first giving the permitting authority due notice in writing of such intention. No subcontractor shall be employed who is unsatisfactory to the Town of Seekonk.

10. The contractor shall employ only competent and efficient laborers and first-mechanics or artisans for every kind of work, and whenever, in the opinion of the permitting authority, any person is unfit to perform their task, or does their work contrary to directions, or conducts themselves improperly, the contractor must remove that person from the job site.
  
11. Before any work is started under this application, the applicant shall provide a bond and/or certificate of insurance indicating insurance is in effect and shall not be discontinued or canceled without fourteen (14) days notice to the Town of Seekonk for insurance in the amount of at least: General Insurance \$1,000,000.00 per occurrence, \$3,000,000.00 general aggregate, Auto liability of \$1,000,000.00 combined single limit, Workers compensation limits of Statutory benefits and \$500,000.00 of Employers liability insurance, AND a \$1,000,000.00 Umbrella policy. Explosion, Collapse and Underground Liability shall be included.

The Board of Selectmen shall establish permit fees in accordance with Category 5B Departmental Fees.

#### **Section 4 – Work Standards**

1. All work shall be in compliance with the MassDOT Standards as it pertains to utility and street excavations and repairs unless modified by these standards. Utilities or Contractors should check with MassDOT and the Public Works Department for latest performance specifications and standards.
  
2. The Utility or Contractor shall be responsible for any settlement that may occur as a result of the work done in accordance with the Permit.
  
3. The Utility or Contractor shall be responsible for the ponding of water that may develop within the roadway which was caused by this work.

4. In the event a street opening failure presents a nuisance or a public safety problem, the Utility or Contractor shall respond to all trench and pavement restoration requests by the Town of Seekonk within 48 hours. Non-response within the specified time will result in the required restoration work being done by the Town of Seekonk, with all expenses to be paid by the Utility or Contractor. The Utility or Contractor shall reimburse the Town of Seekonk for the invoiced amount within thirty (30) days.
5. Failure to respond to trench and pavement restoration requests may result in denial of future Permit requests.

### **Section 5 – Safety**

1. Provisions shall be made for the safety and protection of pedestrian traffic during the construction period.
2. Prior to excavating the Utility or Contractor shall be responsible to schedule all traffic detail officers, furnish and erect all required signs, traffic safety devices, and whenever possible maintain a normal traffic flow.
3. Cones and non-reflecting warning devices shall not be left in operating positions on the highway when the daytime operations have ceased. If it becomes necessary for the Town of Seekonk to remove any construction warning devices or the appurtenances from the project due to negligence by the Utility or Contractor, all costs for this work will be charged to the utility.
4. Flashing arrow boards will be used as directed when operation occupy the roadway and shall be available for use at all times.

5. All signs and devices shall conform to the 2009 edition, with Revisions 1 and 2, dated May 2012 or subsequent edition, or revisions to the Manual on Uniform Traffic Control Devices (MUTCD).
6. Efforts shall be made to maintain normal traffic flow, but interruptions or obstructions to traffic shall be defined by conditions of the Permit.
7. When, in the opinion of the Town of Seekonk, the work constitutes a hazard to traffic in any area the Utility or Contractor may be required to suspend operations during certain hours and to remove any equipment from the roadway.
8. When a snow or ice condition exists during the progress of this work, the Utility or Contractor shall keep the area affected by the work safe for travel. The Town of Seekonk may restrict work during snow, sleet, or ice storms and subsequent snow removal operations.
9. The highway surface shall be kept clean of debris at all times and shall be thoroughly cleaned at the completion of the work.
10. At the completion of the work done in accordance with the Permit, all disturbed areas shall be restored to a condition equal in kind to that which existed prior to the work.
11. Blasting, if necessary, shall be done in accordance with state law and local By-laws.
12. All federal, state, and local safety regulations shall be followed.
13. In connection with the Permit, the Utility or Contractor shall assume responsibility for risks and casualties of every description, for loss or injury to persons and property arising out of the nature of the work, from the action of the elements or from any unforeseen or unusual difficulty.

## Section 6 – Protection of Adjoining Facilities

1. If directed by the Superintendent, photographs shall be taken prior to the start of work to insure restoration of designated areas to their former conditions within the limits of the work areas. Copies of the photographs shall be delivered to the Public Works Department.
2. Care must be taken to not interfere with underground structures that exist in the area.
3. Care shall be exercised not to disturb (a) any subsurface traffic duct system. Any such system, if disturbed, shall be restored immediately to its original condition; (b) any traffic loop detector. Any such detector, if disturbed, shall be replaced immediately.
4. The Utility or Contractor shall be responsible to replace all pavement markings in kind which have been disturbed as a result of work done in accordance with the Permit. These pavement markings shall be temporarily replaced at the end of each work day by use of appropriate signage, lighted safety barrels and asphalt markings approved by the Town of Seekonk. These pavement markings shall be permanently restored within ten (10) days after the work has been completed or as deemed necessary by the Superintendent.
5. Existing guardrail that may be removed or damaged shall be replaced to current MassDOT Standards.
6. The Utility or Contractor will be responsible for any damage caused by its operation to curbing, structures, roadway, etc.
7. No trees shall be cut or removed under this Permit.
8. Hand digging shall be required around roots of trees.

## 9. Tree Removal

- a. The Utility or Contractor shall obtain written permission from the tree warden of the Town of Seekonk if it becomes necessary to remove any tree(s).

Replacement trees must be obtained from an established nursery in accordance with "American Standard for Nursery Stock" dated April 14, 2014 or subsequent edition. The trees will be replaced in size and species as directed by said tree warden.

- b. The tree stump shall be removed a minimum of six inches below the surrounding surface and all debris shall be disposed of outside the right-of-way line.

- c. The tree shall be removed under the supervision of a qualified tree surgeon.

10. Every effort shall be made to protect bound markers. However, if it becomes necessary to remove and reset any bound marker, the Utility or Contractor shall hire a Massachusetts Registered Professional Land Surveyor to perform this work. It shall be the responsibility of the land surveyor to submit to the Town of Seekonk a statement in writing and a plan containing his stamp and signature showing that said work has been performed.

## **Section 7 – Excavations**

1. All excavations shall comply with M.G.L. c.82A, §1-5.
2. The surface of a roadway to be excavated for utility or other work shall be cut in reasonably straight and parallel lines using a saw or other accepted method to insure the least amount of damage to the roadway surface. The pavement, including reinforcing steel on concrete roadways, shall be cut the full depth of surfacing. The excavation shall only be between these lines. The cutting operation shall not be done with a backhoe, gradall or any type of ripping equipment.



3. Steel plates used by a Utility or Contractor to protect an excavation shall be of sufficient thickness to resist bending, vibration, etc., under traffic loads and shall be anchored securely to prevent movement. If these conditions are not met, the Utility or Contractor will be required to backfill and pave the excavations daily. No open trench shall be left unattended overnight.
4. Sheeting, shoring or bracing, if employed, shall be left in place and cut off two (2) feet below the surface at the discretion of the Superintendent.
5. When a Utility or Contractor installs a service lateral to a customer an opening may be made over the common supply line to make the proper connection, however the service should be bored or driven the remainder of the way where possible.
6. Excavations shall be signed in accord with the applicable MUTCD standards.

### **Section 8 – Backfill and Compaction**

1. In restoring municipal streets, lanes and highways, Utilities or Contractor may utilize approved backfill material compacted to achieve soil density values of 95% modified Proctor density (as described in AASHTO T180), which may include, as the conditions warrant and at the discretion of the Superintendent, the use of Controlled Density Fill.  
  
Backfill shall be placed in uniform layers, not exceeding twelve inches (12”) in depth, and each layer shall be mechanically tamped to assure adequate compaction. The top twenty inches (20”) of trench backfill shall consist of the following: 1) Fifteen inches (15”) of approved select gravel (placed and compacted in two uniform layers) and 2) Five inches (5”) of bituminous concrete Type I pavement (placed and compacted in two (2) equal layers).
2. Street Restoration Standards

Compliance with these standards will insure satisfactory compaction. These standards are to be used in the field when there is an absence of sieve analysis of materials, Proctor values of the soils and the corresponding inability to utilize a nuclear density gauge or sand cone field density test. The Utility or Contractor shall have the right, at its own expense, to verify compaction through an independent, qualified engineering consulting firm. In the event of test failure, the Utility or Contractor shall be responsible for re-compacting the excavation to meet the required standards.

### 3. Suitability of Backfill Material

- a. This section addresses suitability of materials to obtain an adequate level of compaction.
- b. Suitable backfill material is free of stones larger than half the size of the compacted lift as provided for in MassDOT Standards, construction debris, trash, frozen soil and other foreign material. It consists of the following:
  - i. Well graded gravel and sand;
  - ii. Poorly graded gravel and sand;
  - iii. Gravel-sand mixtures with a small amount of silt;
  - iv. Gravel-sand mixtures with a small amount of silt and trace amounts of clay.
- c. Unsuitable backfill materials consist of the following:
  - i. Inorganic silts and clays;
  - ii. Organic silts;
  - iii. Organic soils including peat, humus, topsoil, swamp soils, mulch, and soils containing leaves, grass, branches, and other fibrous matter.

### 4. Evaluation of Excavated Soil

- a. The soil excavated from a trench shall be evaluated by the Superintendent to determine whether or not it is suitable as a backfill in accordance with Subsection.

- b. An excavated soil that has been evaluated as suitable for backfill shall be reused.
  - c. The Utility or Contractor shall have the right, at its own expense, to verify backfill suitability through an independent, qualified engineering consulting firm.
  - d. An excavated soil that has been evaluated as unsuitable for backfill shall be removed from the site and disposed of properly.
  - e. New material, which meets the requirements of Subsection 8.3, shall be brought in to replace excavated soil found to be unsuitable.
5. Backfill and Compaction of Excavations
- a. Backfill and compaction shall be performed in accordance with MassDOT Standards.
  - b. All leak detection holes (i.e., bar holes) shall be filled in lifts with an appropriate mineral filler and compacted to the bottom of the pavement.
6. If required by the Superintendent, compaction verification shall be performed by the Utility or Contractor to assure that 95% modified Proctor density has been achieved.
7. A color coded marking tape shall be placed at least eighteen inches (18") and not greater than two and one-half feet (2 ½') below final grade above all underground utility installations except sewers and drains running in straight lines between surface catch basins, manholes, or posts identifying the underground installation. Tape shall be durable, non-degradable plastic, not less than two inches (2") wide by .004 inches thick and in the following colors for the particular underground utility:

Blue	-	Water
Red	-	Electric Cable
Yellow	-	Gas

Orange	-	Telephone
Green	-	Sewer

## Section 9 – Pavement Restoration

1. The Utility or Contractor shall be responsible to replace all pavement disturbed by work under the Permit with homogeneous and in-kind pavement, unless otherwise stipulated, to the original strength and condition.
2. Single gradation (Type 1, surface course) bituminous concrete patches may be used when the existing pavement depth is less than three inches (3”), provided that the new patch is installed to a depth 1 inch (1”) greater than the surrounding pavement.
3. Single gradation (Type 1, binder course) bituminous concrete may be used where post grind and inlay method is a condition of the Permit. Minimum allowable depth of pavement shall be four inches when utilizing the grind and inlay method. When the grind and inlay method is performed, the surface of the pavement shall be uniformly ground and removed to a minimum depth of one point five inches (1.5”) for subsequent pavement replacement. The grinding procedure shall provide a twelve inch (12”) cutback into existing undisturbed pavement and shall encompass all disturbed pavement areas of the excavation. Grinding shall be done in reasonable straight lines.
4. All non-emergency pavement excavations shall be repaired with same day permanent patches unless specifically exempted in the permit.
5. Same day patches installed in conformance with these standards must be monitored for a period of two (2) years, and are subject to re-excavation and repair in accordance with all other standards set forth herein. Restoration of single patches up to five feet by seven feet (5’ X 7’) in area shall be by the infrared method, unless another method is agreed to by the Town of Seekonk.

6. Immediately following the procedures outlined in the section for Backfill and Compaction, the adjacent pavement shall be cut back, full depth, to encompass all disturbed pavement areas and underlying cavities associated with the excavation. Any necessary cutbacks shall be done in reasonably straight and parallel lines.
7. All existing pavement surfaces shall be swept clean of dirt, dust, and debris prior to patching. The existing vertical pavement surfaces shall be tack coated with an appropriate asphalt tacking material prior to patching and subsequent to cleaning.
8. Pavement repair depths shall equal or exceed adjoining pavement depths. When existing pavement depths are greater than two inches (2"), pavement repairs shall be made utilizing Type 1, binder course in the underlying patch courses. The wearing surface shall be a minimum 1.5 inches (1.5") of Type 1, surface course. Pavement courses shall not exceed two inches. All pavement courses shall be thoroughly compacted prior to placement of subsequent courses.
9. If the length of the trench for any permit exceeds the width of the roadway of that area, one and one half feet (1 ½') asphalt repaving of the traffic lane impacted will be required. This may include cold planing of the existing pavement if it is deemed necessary by the permitting authority. Appropriate keyways shall be used where new pavement joins with existing pavement. Joints shall be treated with an infrared restoration process approved by the permitting authority for pavement less than five (5) years old. Joints shall be treated with a joint sealant approved by the permitting authority for pavement greater than five (5) years old.
  - a. On streets that have been resurfaced within the previous five (5) years, the entire width of the roadway shall be overlaid with a fifteen inch (15") machine laid dense mix conforming to MassDOT standards. Where the trench is to one side of the street or perpendicular to the direction of traffic, the width of the fifteen inch (15") overlay shall be a minimum of twelve feet (12'), (six feet (6')

either side of the center line of the trench where possible) unless approval to omit the overlay has been granted in writing by the Public Works Superintendent.

- b. If utility manholes or castings have to be raised or otherwise adjusted in height or location, the existing pavement shall be removed for a minimum distance of two feet (2') from the edge of the casting. The thickness of the bituminous concrete paving within this area shall be gradually transitioned from four inches (4") minimum at the perimeter of the patch to the full depth of the casting. This area near the casting should be compacted with extra care to assure that good densification occurs around the manhole.

10. All leak detection holes (i.e., bar holes) shall be filled to refusal with an appropriate asphalt filler to a depth equal to the surrounding pavement depth.

11. Temporary pavement repairs shall be permitted under the following conditions:

- i. Emergency Repair Work completed outside normal Monday through Friday working hours.
- ii. Work performed between December 1 and March 30 when, bituminous concrete is not available on a daily basis.
- iii. Excavation which shall be reopened within five (5) working days.

12. The Utility or contractor shall make every effort to limit excavations conducted under the aforementioned conditions.

13. All excavation, backfill, and compaction work associated with temporary patches shall be performed in accordance with these standards.

14. Temporary patches shall be made with high-performance cold patch or Type 1, bituminous concrete to a minimum depth of two (2") inches. Temporary patches made

between December 1<sup>st</sup> and March 30<sup>th</sup> shall be maintained until a permanent patch can be installed, not later than May 1<sup>st</sup>. Temporary patches made between April 1<sup>st</sup> and November 30<sup>th</sup> shall be removed and replaced with a permanent patch as outlined above within five (5) working days.

15. The Utility or Contractor shall be responsible to maintain temporary patches in a safe condition for all types of travel until a permanent pavement repair has been made.
16. The Town of Seekonk shall have jurisdiction to determine the pavement repair method to be utilized on all pavements which have been installed for less than five years (5).
17. Completed pavement repairs shall not deviate more than zero point two five inches (0.25") from the existing street surface.
18. No less than thirty (30) days and no more than sixty (60) days from the completion of the permanent pavement repair, the Utility or Contractor shall inspect the excavation for settlements, cracking and other pavement defects. Any such excavation which has required repair shall then be re-inspected no less than thirty (30) days and no more than sixty (60) days from the completion of the subsequent repair. The Utility or Contractor shall further inspect all excavations after a one-year time period. Pavements that deviate more than zero point two five inches (0.25") from the existing street surface shall be repaired by the infrared or grind and inlay methods. Surface or joint cracking zero point two five inches (0.25") wide or greater shall be repair utilizing a modified asphalt pavement sealant.
19. The Utility or Contractor shall prepare, document and maintain records of these inspections and make them available to the Town of Seekonk upon request.
20. All excavations made within concrete roadways shall be repaired with concrete in depths equal to the existing concrete.

21. Concrete used for repairs shall conform to the requirements of MassDOT Standards for concrete roadway construction.

22. Clean Up

- a. The work area and the adjacent areas affected by the progress of the work shall be kept clean. All rubbish, surplus materials and unneeded construction equipment shall be removed. All damage to adjacent areas shall be repaired immediately so as to minimize inconvenience to the general public and the property owners.
- b. All damage repairs shall be the sole responsibility of the contractor.
- c. Material or debris from the contractor's operations which have washed into, flowed into, or been placed in water courses, ditches, gutters, sanitary sewers, drains, catch basins, or elsewhere, shall be removed entirely and satisfactorily disposed of during the progress of the work. The water courses, ditches, gutters, sanitary sewers, drains, catch basins, and other repositories of material or debris shall be kept in a clean and neat condition thereafter. The contractor shall restore or replace, at the direction of the Superintendent, any public or private property damaged by the work, equipment, or employees to a condition at least equal to the condition existing immediately prior to the beginning of operations. To this end, the contractor shall complete all required driveway, highway, front walk and landscaping work. Suitable materials, equipment and methods shall be used for such restoration. The contractor shall save harmless the Town of Seekonk from any damage claims caused by the operations.



## **Section 10 – Sidewalks and Driveways**

All work shall be performed in accordance with 521 CMR Rules and Regulations of the Architectural Access Board (AAB) and Americans with Disabilities Act (ADA), and MassDOT Standards, as well as any more stringent municipal guidelines.

1. New or repaved driveways that will meet an existing finished pavement grade must have a minimum 5% slope for a minimum of 5' toward the finished pavement.
2. A sidewalk area that is disturbed shall be restored, full width, in kind a minimum of one foot beyond the disturbed area for bituminous concrete and to the next joint line for concrete.
3. Bituminous concrete sidewalks shall be placed in two equal one and one half inch to two inches (1 ½" to 2") layers after compaction.
4. Concrete sidewalks shall be placed, full width, four inches (4") minimum thickness or match the existing thickness of concrete. Driveway aprons shall be placed, full width, six inches (6") minimum thickness or match the existing thickness of concrete.

## **Section 11 – Compliance with These Standards**

1. Utilities or Contractor shall file with the Public Works Department, by May 1<sup>st</sup> of each year, written statements or policies designed to insure that managers, supervisors and other distribution personnel are aware of, and held accountable to, these Standards.
2. Utilities or Contractor shall track the success and failures of their programs to include the restorations and the inspections of such restorations. Utilities or Contractor shall specify the number of failed restorations compared to the total number of restorations

made during the preceding calendar year, the number of failures reported by a party other than a utility inspector and the age of the failed restoration.

3. Utilities or Contractors shall record the number of failed restorations encountered during the inspections required in Section 9.19. They shall also document the cause of the failure and their policy changes to prevent the recurrence of a similar failure.
4. Utilities or Contractors shall record the number of failed restorations and cost incurred when the Town of Seekonk performed the corrective action in accordance with Section 4.4.

## **Section 12 – Moratoriums**

1. Whenever the Board of Selectmen has approved the plans to resurface or reconstruct a street, the Superintendent will, within thirty (30) days of such action by the Board of Selectmen, give notice to the Town departments, the Seekonk Water District and other utilities, and the owner of each parcel of real estate that has frontage on such street. Upon receipt of such notice, such department, utility or owner (collectively referred to as “Person”) shall have sixty (60) days in which to install or lay any pipes, wires or other facilities under the roadway. If an extension of time is needed by a Person for the installation of such facilities, the Person shall make a written application to the Superintendent explaining fully the reasons for requesting such an extension of time.
2. No permit shall be granted to open a street that has been resurfaced or reconstructed for a period of five (5) years unless in the judgement of the Board of Selectmen an emergency condition exists.
  - a. If a permit is granted, the Town of Seekonk may impose such conditions on the Permittee as the Town of Seekonk deems necessary to preserve the structural

condition of the pavement and to blend the permanent patch with the existing affected pavement.

- b. The Permittee shall guarantee the integrity of the permanent patch and the existing affected pavement through a surety determined by the Superintendent for a period extending one year beyond the end of the moratorium date for that section of road.

### **Section 13 – Violations**

Any person who violates any provision of this bylaw, or permit issued there under, shall be punished by a fine. As an alternative to criminal prosecution or civil action, the Town of Seekonk may elect to utilize the non-criminal disposition procedure set forth in M.G.L. c.40, §21D and CATEGORY 39 Enforcement of the General Bylaws of the Town of Seekonk, in which case the Superintendent shall be the enforcing party.

Any individual who violates this By-law shall be subject to fines in accordance with Category 39 of the By-law and the fine schedule established in Attachment A.

Adopted Town Meeting: January 23, 1989  
Amended: Section 22, June 8, 1998  
Amended: Section 1, May 16, 2006  
Amended: Section 19, November 29, 2010  
Amended Art. 14 November 28, 2011  
Amended Art.18: June 11, 2012

Approved by Attorney General: March 16, 1989  
Approved by Attorney General: August 27, 1998  
Approved by Attorney General: September 11, 2006  
Approved by Attorney General: March 8, 2011  
Approved by Att. Gen: January 20, 2012  
Approved by Att. Gen. July 18, 2012

## CATEGORY 18A – Curb Cuts and Driveways

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### **Section 1 – Purpose and Scope**

The purpose of this bylaw is: to provide the necessary safeguards to the Town's right-of-ways while serving its property owners with an orderly means to access their property.

### **Section 2 – Definitions**

**CURB CUT**-means the location where a town street or way intercepts with a parcel of land to provide the location for a driveway.

**DRIVEWAY**-means a private entrance serving as a means of a vehicular access to a parcel of land abutting a town street or way.

**PROPERTY OWNER**-means the owner of Real Estate including, Residential, Commercial or Industrial property.

### **Section 3 – Permit Requirements**

1. All property owners are required to apply to the Superintendent of Public Works for a permit for any of the following:
  - a. New construction
  - b. Replacement of existing driveway
  - c. Installation of new driveway
2. The application fee shall be waived for replacement of an existing driveway provided no changes are made to the location or width within the Town right-of-way. Any changes in location or width shall result in payment of the application fee.
3. All work shall be performed in accordance with the regulations set forth in the general By-law Category 18 – Right-of-Way Openings.

4. The property owner shall be responsible for maintaining the affected area of the town's right-of-way in a safe and suitable condition for vehicles and pedestrians for a period of five (5) years commencing at the completion of the work as determined by the Superintendent of Public Works. A property owner who fails to maintain the affected area of the town's right-of-way in a safe and suitable condition, will be subject to and responsible for the following:
  - a. Payment to the Town of Seekonk for all repairs necessary as a result of unsafe or unsuitable work in the town's right of way performed pursuant to the issuance of a curb cut or driveway permit.
  - b. As an alternative to criminal prosecution or civil action, the Town may elect to utilize the non-criminal disposition procedure set forth in M.G.L.,c.40, §21D and Category 39 Enforcement of the General Bylaws of the Town of Seekonk, in which case the Superintendent of the Department of Public Works shall be the enforcing party.
5. The Board of Selectmen may promulgate rules and regulations stated in the permit which are necessary to administer this By-Law, after conducting a public hearing.

#### **Fees**

The Board of Selectmen shall establish permit fees in accordance with Category 5B Departmental Fees.

Any individual who violates this By-law shall be subject to fines in accordance with Category 39 of the By-law and the fine schedule established in Attachment A.

## CATEGORY 19 – Depositing Snow on Town Streets

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No person other than an employee in the service of the Town or an employee in the service of a private contractor acting on behalf of the Town shall pile, push, plow, dump, blow, shovel, or deposit snow, ice, or water subject to freezing onto, into, or across any public way, including sidewalks, or cause, direct, sanction, or authorize any such activity involving snow, ice, or water subject to freezing on a public way, including sidewalks.

Snow shall not be pushed, dumped or plowed across any public street. Snow pushed, plowed or dumped across the street from a driveway or private way and left along the edge of road creates a safety concern to Town plow operators and the motoring public.

There shall be no on-street parking during any snowstorm where snow accumulation is expected to reach three (3) inches of snow or more. The parking ban shall remain in effect twenty-four (24) hours after the conclusion of the storm.

Snow, ice, or water subject to freezing placed on any public ways, including sidewalks may not remain on public ways. It shall be the responsibility of the property owner to immediately remove the snow, ice or water and to do so in such a manner that it does not create a hazardous condition to motorists, pedestrians, or Town plow operators. Failure to do so shall result in additional fines for each day that the violation exists.

It is the responsibility of the property owner to inform the hired contractor or tenant of this By-law. Fines shall be applicable to the property owner, tenant, and/or hired contractor as the Town deems appropriate.

Section 6 adopted Town Meeting: 1/23/89  
Amended: Section 23, June 8, 1998

Approved by Attorney General: March 16, 1989  
Approved by Attorney General: August 27, 1998

## CATEGORY 20 – Water Discharge

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No person shall pump, drain or discharge water or cause to be pumped, drained or discharged upon any street or other public place in the Town of Seekonk without receiving prior written approval from the Superintendent of Public Works restricting the time and manner of said discharge. Under no circumstances shall said discharge cause a public inconvenience or interfere with the safety of the public. It shall be the property owner's responsibility to immediately address any discharge that causes a public inconvenience or interferes with the safety of the public.

However, in the case of pumping ground water due to infiltration of a residential dwelling, the homeowner and the Superintendent of Public Works, and/or the Town Engineer shall try to establish recommendations to resolve the situation in the best interest of both parties. If it is determined that a recommendation is not easily determined by the Superintendent of Public Works, and/or the Town Engineer, the homeowner may be required to resolve the situation by hiring outside services at the homeowner's expense. The Penalties for discharging ground water from a residence onto a street or other public place that does not cause a public inconvenience or interfere with the safety of the public shall be enforced if the residential owner, upon meeting with the Superintendent of Public Works and/or the Town Engineer refuses to cooperate and enact any reasonable and viable solution recommended by the Superintendent of Public Works and/or the Town Engineer; or in the event that outside services are required, that the recommendations of the outside services are refused.

Adopted: Section 24, June 8, 1998

Approved by Attorney General: August 27, 1998

## CATEGORY 20A – Illicit Connections and to the Storm Drain System

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### **Section 1 – Purpose and Authority**

The purpose of this By-law is to regulate illicit connections and discharges to the storm drain system, which is necessary for the protection of Seekonk’s water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.

The objectives of this By-law are:

1. To prevent pollutants from entering Seekonk’s municipal separate storm sewer system. (MS4);
2. To prohibit illicit connections and unauthorized discharges to the MS4;
3. To require the removal of all such illicit connections;
4. To comply with state and federal statutes and regulations relating to storm water discharges;
5. To establish the legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement.
6. To prevent contamination of drinking water supplies.

### **Section 2 – Authority**

The Board of Health and Department of Public Works shall administer, implement and enforce this By-law. Any powers granted to or duties imposed upon the Board of Health or the Department of Public Works may be delegated in writing to employees or agents by the Board of Health or the Department of Public Works.

### **Definitions**

For the purposes of this by-law, the following shall mean:

**“Authorized Enforcement Agency”**: The Board of Health or the Department of Public Works, its employees or agents designated to enforce this by-law.



**“Best Management Practice (BMP)”**: An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of storm water runoff.

**“Clean Water Act”**: The Federal Water Pollution Control Act (33 U.S.C. s 1251 et seq.) As hereafter amended.

**“Discharge of Pollutants”**: The addition from any source of any pollutant or combination of pollutants into storm drain systems or into the waters of the United States or Commonwealth from any source.

**“Groundwater”**: All water beneath the surface of the ground.

**“Illegal Discharge”**: Any direct or indirect non-storm water discharge to storm drain systems, except as specifically exempted in Section 6. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or resulting from firefighting activities exempted pursuant to Section 6, subsection 4, of this ordinance.

**“Illicit Connection”**: Any surface or subsurface drain or conveyance, which allows an illegal discharge into storm drain systems. Illicit connections include conveyances which allow a non-stormwater discharge to storm drain systems including sewage, processed wastewater or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this ordinance.

**“Impervious Surface”**: Any material or structure on or above the ground that prevents water from infiltrating the underlying soil.

**“Municipal separate storm sewer system (MS4) or municipal storm drain system”**: The system of conveyances designed or used for collecting or conveying storm water, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other

drainage structure that together comprise the storm drainage system owned or operated by the Town of Seekonk.

**“National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit”:** A permit issued by the United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

**“Non-Storm Water Discharge”:** Any discharge to the storm drain systems not composed entirely of storm water.

**“Person”:** Any individual, partnership, association, firm, company, trust, corporation, and , any agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

**“Pollutant”:** Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or non-point source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include:

1. Paints, varnishes, and solvents;
2. Oil and other automotive fluids;
3. Non-hazardous liquid and solid wastes and yard wastes;
4. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, accumulations and floatables;
5. Pesticides, herbicides, and fertilizers;
6. Hazardous materials and wastes; sewage, fecal coliform and pathogens;
7. Dissolved and particulate metals;
8. Animal wastes;
9. Rock; sand; salt; soils;
10. Construction wastes and residues;

11. And noxious or offensive matter of any kind.

**“Process Wastewater”**: means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

**“Recharge”**: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

**“Storm water”**: Runoff from precipitation or snow melts.

**“Storm Drain System”**: The system of conveyances designed or used for collecting or conveying storm water, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system on public or private ways within the Town of Seekonk.

**“Toxic or Hazardous Material or Waste”**: Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.000.

**“Uncontaminated”**: Water containing no pollutants.

**“Watercourses”**: A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

**“Waters of the Commonwealth”:** All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

**“Wastewater”:** Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

### **Section 3 – Applicability**

This By-law shall apply to flows entering the municipally owned storm water and drainage system on public or private ways within the Town of Seekonk.

### **Section 4 – Regulations**

The Board of Health or the Department of Public Works may promulgate rules, regulations and a permitting process to effectuate the purposes of this by-law. Failure by the Board of Health or the Department of Public Works to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law.

#### **A. Remediation of Illicit Connections**

1. If an illicit connection is found to be from a septic system or other septic waste sources; remediation must commence within forty-eight hours (48) and be completed in seven (7) days.
2. If an illicit connection is found to be from a gray water source such as washing machine water, a sink or a similar discharge, remediation must begin within forty-eight hours (48) and be completed within seven (7) days.
3. If an illicit connection is found to be from a sump pump or similar discharge, the property owner must eliminate the connection, acquire the proper permit,

conform to other requirements stated herein, and remediation completed in ninety (90) days.

4. A control manhole shall be installed at the property line before water is discharged into a catch basin or waterway. The manhole will also have a Tee connector installed vertically to act as an oil water separator. A light weight cover shall be provided to allow access for inspection purposes.

All cost associated with corrective measures are the sole responsibility of the homeowner.

### **Section 5 – Prohibited Activities**

#### **1. Illegal Discharges**

No person shall dump, discharge, cause or allow to be discharged any pollutant or non-storm water discharge into storm drain systems, watercourse, or into the waters of the Commonwealth.

#### **2. Illicit Connections**

No person shall construct, use, allow, maintain or continue any illicit connection to storm drain systems, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

#### **3. Obstruction of Storm Drain Systems**

No person shall obstruct or interfere with the normal flow of storm water into or out of storm drain systems without prior approval from the Board of Health or the Department of Public Works or its designated agent.

#### 4. Exemptions

This by-law shall not apply to any of the following non-storm water discharges or flows provided that the source is not a significant contributor of a pollutant to storm drain systems and further provided that such discharge does not result in icing conditions.

- A. Municipal waterline flushing;
- B. Discharges from landscape irrigation or lawn watering;
- C. Water from individual residential car washing and temporary fund-raising car wash events.
- D. Discharges from de-chlorinated swimming pool water provided it is allowed to stand for one week prior to draining, or tested for chlorine levels with a pool test kit prior to draining (less than one parts per million chlorine), and the pool is drained in such a way as not to cause a nuisance;
- E. Discharges from street sweepers of minor amounts of water during operations;
- F. Discharges or flows resulting from firefighting activities;
- G. Non- storm water discharges permitted under a NPDES permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations.

#### 5. Exemptions with Permit from Board of Health or the Department of Public Works.

This by-law shall not apply to any of the following non-storm water discharges or flows provided that the source is not a significant contributor of a pollutant to storm drain systems, provided that a permit is approved by the Board of Health or the Department of Public Works.

- A. Flows from potable water sources;

- B. Springs;
- C. Natural flows from riparian habitats and wetlands;
- D. Diverted stream flows;
- E. Rising ground water;
- F. Uncontaminated ground water infiltration as defined in 40 CFR 35.2005 (20), or uncontaminated pumped groundwater.
- G. Uncontaminated groundwater discharge from a sump pump, with approved spill containment area for oil tanks, a containment area surrounding sump pump basins and a permit from the Board of Health or the Department of Public Works, in accordance with Section 5;
- H. Water from exterior foundation drains, footing drains (not including active ground water dewatering systems, such as dewatering excavations for foundation or pipelines), crawl space pumps, or air conditioning condensation;
- I. Dye testing, provided verbal notification is given to the Board of Health or the Department of Public Works prior to the time of the test.

The Board of Health or the Department of Public Works shall develop criteria for issuing permits under this section, based on the need to maintain capacity of the storm drain system and to protect public health, safety, welfare or the environment.

### **Section 6 – Suspension of Storm Drainage System Access**

1. The Board of Health or the Department of Public Works may suspend storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened illegal discharge that presents or may present imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Authorized Enforcement Agency may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

2. Any person discharging to a municipal storm drain system in violation of this By-law may have their storm drain system access terminated if such termination would abate or reduce an illicit discharge. The Board of Health or the Department of Public Works will notify a violator of the proposed termination of storm drain system access. The violator may petition the Board of Health or the Department of Public Works for reconsideration and hearing. A person commits an offense if the person reinstates storm drain system access to premises terminated pursuant to this section, without prior approval from the Board of Health or the Department of Public Works.

### **Section 7 – Notification of Spills**

Not with standing any other requirements of local, state or federal law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials at that facility operation which is resulting or may result in illegal discharge of pollutants that person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire and police department, Department of Public Works and Board of Health. In the event of a release of non-hazardous material, said person shall notify the Authorized Enforcement Agency no later than the next business day.

Written confirmation of all telephone, facsimile or in person notifications shall be provided to the Authorized Enforcement Agency within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

### **Section 8 – Enforcement**

1. Regulatory Controls



The Board of Health, the Department of Public Works or its authorized agent shall enforce this by-law, and the regulations promulgated there under, as well as the terms and conditions of all permits, notices, and orders, and may pursue all civil and criminal remedies for such violations.

## 2. Civil Relief

If anyone violates the provisions of this by-law, regulations, permit, notice, or order issued there under, the Board of Health or the Department of Public Works shall issue a stop work order to restrain the person from activities which would create further violations or compelling the person to abate or remediate the violation.

## 3. Orders

The Board of Health or the Department of Public Works may issue a written order to enforce the provisions of this by-law or the regulations there under, which may include:

- A. elimination of illicit connections or discharges to the storm drainage system;
- B. termination of access to the storm drainage,
- C. performance of monitoring, analysis, and reporting;
- D. cessation of unlawful discharges, practices, or operations; and
- E. remediation of contamination in connection therewith.

If the Board of Health or the Department of Public Works determines that abatement or remediation of contamination is required, the order shall set forth a deadline for completion of the abatement or remediation. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the town may, at its option, undertake such work, and expenses thereof shall be charged to the violator or property owner. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the town,

including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Board of Health or the Department of Public Works within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Board of Health or the Department of Public Works affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the cost shall become a special assessment against the property owner of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. c.59, §57 after the thirtieth (30) day at which the costs first become due.

#### 4. Criminal and Civil Penalties

Any individual who violates this By-law shall be subject to fines in accordance with Category 39 of the By-law and the fine schedule established in Attachment A.

#### 5. Non-Criminal Disposition

As an alternative to criminal prosecution or civil action, the Town of Seekonk may elect to utilize the non-criminal disposition procedure set forth in G.L. Chapter 40, s 21D. The Board of Health or the Department of Public Works shall be the enforcing entity.

#### 6. Entry to Perform Duties Under this By-Law

To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Board of Health, the Department of Public Works, its agents, or officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and regulations and may make or cause to be made such examinations, surveys or sampling as the Board of Health or the Department of Public Works deems reasonably necessary.

## 7. Appeals

The decisions or orders of the Board of Health or the Department of Public Works shall be final. Further relief shall be to a court of competent jurisdiction.

## 8. Remedies Not Exclusive

The remedies listed in this by-law are not exclusive of any other remedies available under any applicable federal, state or local law.

### **Section 9 – Severability**

If any provision, paragraph, sentence, or clause, of this by-law shall be held invalid for any reason, all other provisions shall continue in full force and effect.

### **Section 10 – Transitional Provision**

Residential property owners comply with this by-law on a schedule set forth in the Board of Health and Department of Public Works compliance order, but such property owners shall in no case have more than six months from the effective date of the by-law to comply with its provisions, unless good cause is shown for the failure to comply with the by-law during that period.

## CATEGORY 20B – Stormwater Management; Construction Erosion and Sedimentation Control

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### **Section 1 – Purpose**

The purpose of this bylaw is to eliminate or reduce the harmful impacts of soil erosion and sedimentation on the public health, safety, and welfare, and the environment by prohibiting increase in sediment-laden runoff from land-disturbing activities and by prohibiting stream bank erosion along bodies of water. This bylaw regulates activities with potential for such impacts by requiring erosion and sedimentation control plans and pre-activity review. By implementing the controls in this bylaw, and in regulations promulgated pursuant to this bylaw, erosion and sediment shall be controlled so as to protect water quality, flood storage, stream flow, wildlife habitat, aquatic resources, and public safety.

- A. The harmful impacts of soil erosion and sedimentation are:
  - 1. impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;
  - 2. contamination of drinking water supplies;
  - 3. alteration or destruction of aquatic and wildlife habitat; flooding; and,
  - 4. overloading or clogging of municipal catch basins and storm drainage systems.
  
- B. The objectives of this bylaw are to:
  - 1. protect water resources;
  - 2. require practices that eliminate soil erosion and sedimentation and control the volume and rate of stormwater runoff resulting from land disturbance activities;
  - 3. promote infiltration and the recharge of groundwater;
  - 4. ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained;

5. require practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
6. comply with state and federal statutes and regulations relating to stormwater discharges; and,
7. establish the Town of Seekonk's legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement.

## **Section 2 – Definitions**

**ABUTTER:** The owner(s) of land abutting the activity.

**AGRICULTURE:** The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act and its implementing regulations.

**APPLICANT:** Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government to the extent permitted by law requesting approval of an soil erosion and sediment control plan for proposed land-disturbance activity.

**AUTHORIZED ENFORCEMENT AGENCY:** The Planning Board, its employees or agents designated to administer, implement and enforce this by-law.

**CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC):** A certified specialist in soil erosion and sediment control. This certification program, sponsored by the Soil and Water Conservation Society in cooperation with the American Society of Agronomy, provides the public with evidence of professional qualifications.

**CONSTRUCTION AND WASTE MATERIALS:** Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter and sanitary waste at a construction site that may adversely impact water quality.

**CLEARING:** Any activity that removes the vegetative surface cover.

**EROSION:** The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

**EROSION AND SEDIMENTATION CONTROL PLAN (E & S Control Plan):** A document containing narrative, drawings and details developed by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbance activities.

**ESTIMATED HABITAT OF RARE WILDLIFE AND CERTIFIED VERNAL POOLS:** Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act Regulations (310 CMR 10.00) and the Forest Cutting Practices Act Regulations (304 CMR 11.00).

**LAND-DISTURBING ACTIVITY:** Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

**MASSACHUSETTS ENDANGERED SPECIES ACT:** (G.L. c. 131A) and its implementing regulations at (321 CMR 10.00) which prohibit the “taking” of any rare plant or animal species listed as Endangered, Threatened, or of Special Concern.

**MASSACHUSETTS STORMWATER MANAGEMENT POLICY:** 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 M.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.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or municipal storm drain system:** The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Seekonk.

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

**PERSON:** An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

**PRE-CONSTRUCTION:** All activity in preparation for construction.

**PRIORITY HABITAT OF RARE SPECIES:** Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act and its regulations.

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

**SEDIMENT:** Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

**SEDIMENTATION:** The process or act of deposition of sediment.

**SITE:** Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

**SLOPE:** The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

SOIL: Any earth, sand, rock, gravel, or similar material.

STABILIZATION: The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

STORMWATER: Storm water runoff, snowmelt runoff, and surface water runoff and drainage.

STRIP: Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

VERNAL POOLS: Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species.

WATERCOURSE: A natural or man-made channel through which water flows or a stream of water, including a river, brook, or underground stream.

WETLAND RESOURCE AREA: Areas specified in the Massachusetts Wetlands Protection Act G.L. c.131, §40 and in the Town of Seekonk's conservation Commission General Wetlands Protection By-Law.

WETLANDS: Tidal and non-tidal areas characterized by saturated or nearly saturated soils most of the year that are located between terrestrial (land-based) and aquatic (water-based) environments, including freshwater marshes around ponds and channels (rivers and streams), brackish and salt marshes; common names include marshes, swamps and bogs.

### **Section 3 – Authority**

This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.



## **Section 4 – Applicability**

- A. This bylaw shall apply to all activities that result in disturbance of one or more acres of land or will disturb less than one acre but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre of land. Except as authorized by the Planning Board in an erosion and sedimentation control plan or as otherwise provided in this bylaw, no person shall perform any activity that results in disturbance of an acre or more of land. Normal maintenance and improvement of land in agricultural or aquaculture use, as defined by the Wetlands Protection Act regulation 310 CMR 10.4, and or the Seekonk Wetlands Protection By-Law are exempt. In addition, as authorized in the Phase II Small MS4 General Permit for Massachusetts, storm water discharges resulting from the above activities that are subject to jurisdiction under the Wetlands Protection Act and or the Seekonk Wetlands Protection By-Law which demonstrate compliance with the Massachusetts Storm Water Management Policy as reflected in an Order of Conditions issued by the Conservation Commission are exempt from compliance with this bylaw.
- B. Waiver. The Planning Board may waive strict compliance with any requirement of this by-law or the rules and regulation promulgated hereunder, where:
- a. such action is allowed by federal, state and local statutes and/or regulations,
  - b. is in the public interest, and,
  - c. is not inconsistent with the purpose and intent of this by-law.

## **Section 5 – Responsibility for Administration**

The Planning Board shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Planning Board may be delegated in writing to its employees or agents.

The Planning Board may adopt, and periodically amend rules and regulations to effectuate the purposes of this by-law. Failure by the Planning Board to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law.

### **Section 6 – Application Procedures**

Where an erosion and sedimentation control plan is required by Section 4 of this by-law an Erosion and Sedimentation Control Application shall be filed with the Planning Board. The application shall be signed by the owner of the property on which the proposed activity is to be conducted. In addition, the applicant, if the applicant is not the owner, shall sign the application. If the owner or applicant is a business entity, the chief executive officer or other officer with authority shall sign the application. A copy of the application shall be filed with the Town Clerk, and upon receipt, the application shall be marked with the date and time received.

- A. A permit must be obtained prior to the commencement of land disturbing activity that may result in the disturbance of an area of one acre or more. The Erosion and Sedimentation Control Application package shall include:
  - 1. a complete Application Form with original signatures of all owners and applicants;
  - 2. ten (10) copies of the Erosion and Sedimentation Control Plan as specified in Section 7 of this by-law;
  - 3. payment of the application and review fees; and,
  - 4. one (1) copy of the Application Form filed with the Town Clerk.
  
- B. Entry. Filing an application grants the Planning Board or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with the approved Erosion and Sedimentation Control Plan.
  
- C. Public Hearing. The Planning Board shall hold a public hearing within thirty (30) days of the receipt of a complete application and shall take final action within ninety (90) days

from the time of the close of the hearing unless such time is extended by agreement between the applicant and the Planning Board. Notice of the public hearing shall be given by public hearing notice to the Town Clerk, and be posted at the Seekonk Town Hall, on the Town of Seekonk cable channel and on the Town of Seekonk website. The Planning Board shall make the application available for inspection by the public during business hours at the Seekonk Town Hall.

- D. Information request. The applicant shall submit all additional information requested by the Planning Board to issue a decision on the application.
- E. Action by the Planning Board. The Planning Board may:
  - 1. Approve the Erosion and Sedimentation Control Application and issue an approval if it finds that the proposed plan will protect water resources and meets the objectives and requirements of this by-law;
  - 2. Approve the Erosion and Sedimentation Control Application and issue an approval with conditions, modifications or restrictions that the Planning Board determines are required to ensure that the project will protect water resources and meets the objectives and requirements of this by-law; or,
  - 3. Disapprove the Erosion and Sedimentation Control Application and deny the permit if it finds that the proposed plan will not protect water resources or fails to meet the objectives and requirements of this by-law.
- F. Final approval, if granted, shall be endorsed on the Erosion and Sedimentation Control Plan by the signature of the majority of the Planning Board (or by the signature of the person officially authorized by the Planning Board).
- G. Failure of the Planning Board to take final action upon an Application within the time specified above shall be deemed to be approval of said Application. Upon certification by the Town Clerk that the allowed time has passed without the Planning Board's

action, the Erosion and Sedimentation Control Plan shall be issued by the Planning Board.

- H. Project Changes. The applicant, or their agent, must notify the Planning Board in writing of any change or alteration of a land-disturbing activity authorized in an Erosion and Sedimentation Control Plan before any change or alteration occurs. If the Planning Board determines that the change or alteration is substantial, the Planning Board may require that an amended application shall be submitted. If any change or alteration takes place during land-disturbing activities, the Planning Board may require the installation of interim erosion and sedimentation control measures before the change or alteration may be approved.

#### **FEES**

The Planning Board by regulation shall promulgate an application fee schedule for Erosion and Sedimentation Control applications and compliance certificates. The fee specified in such a fee schedule shall be made payable to the Town of Seekonk and shall accompany the permit application or request for certificate of compliance. The Planning Board shall require a fee for review of any Erosion & Sedimentation Control Plan. Said services may include but are not necessarily limited to soil survey and delineation, hydro geologic and drainage analysis, erosion and sedimentation potential, and environmental/land use law.

Each application must be accompanied by the appropriate application fee as established by the Planning Board. Applicants shall pay review fees as determined by the Planning Board sufficient to cover any expenses connected with the public meeting and review of the Erosion and Sedimentation Control Application before the review process commences. Review fees shall be in the form of a check made out to the Board's reviewing engineer. Said review fee should be forwarded to the Board for payment to the Board's reviewing engineer. The Planning Board is authorized to retain a Registered Professional Engineer or other professional consultant to advise the Planning Board on any or all aspects of the Application.

## **COMPLIANCE**

No land-disturbing activity shall take place, unless exempt by the terms of this bylaw, without compliance with an Erosion and Sedimentation Control Plan issued by the Planning Board.

### **Section 7 – Erosion and Sedimentation Control Plan**

- A. The Erosion and Sedimentation Control Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sedimentation controls. The applicant shall submit such material as is necessary to show that the proposed development will comply with the design requirements listed in Section 7.B. below.
  
- B. The design requirements of the Erosion and Sedimentation Control Plan are:
  - 1. Minimize total area of disturbance;
  - 2. Sequence activities to minimize simultaneous areas of disturbance;
  - 3. Minimize peak rate of runoff in accordance with the Massachusetts Stormwater Policy;
  - 4. Minimize soil erosion and control sedimentation during construction, provided that prevention of erosion is preferred over sedimentation control;
  - 5. Divert uncontaminated water around disturbed areas;
  - 6. Maximize groundwater recharge;
  - 7. Install and maintain all Erosion and Sedimentation Control measures in accordance with the manufacturers specifications and good engineering practices;
  - 8. Prevent off-site transport of sediment;
  - 9. Protect and manage on and off-site material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project);

10. Comply with applicable Federal, State and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control;
11. Prevent significant alteration of habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or Of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species from the proposed activities;
12. Institute interim and permanent stabilization measures, which shall be instituted on a disturbed area as soon as practicable but no more than 14 days after construction activity has temporarily or permanently ceased on that portion of the site;
13. Properly manage on-site construction and waste materials; and,
14. Prevent off-site vehicle tracking of sediments.

C. Erosion and Sedimentation Control Plan Content. The Plan shall contain the following information:

1. Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan;
2. Title, date, north arrow, names of abutters, scale, legend, and locus map;
3. Location and description of natural features including:
  - a. Watercourses and water bodies, wetland resource areas and all floodplain information, including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map, or as calculated by a professional engineer for areas not assessed on these maps;
  - b. Existing vegetation including tree lines, canopy layer, shrub layer, and ground cover, and trees with a caliper twelve (12) inches or larger, noting specimen trees and forest communities; and,
  - c. Habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and

Priority Habitats of Rare Species within five hundred (500) feet of any construction activity.

4. Lines of existing abutting streets showing drainage and driveway locations and curb cuts;
5. Existing soils, volume and nature of imported soil materials;
6. Topographical features including existing and proposed contours at intervals no greater than two (2) feet with spot elevations provided when needed;
7. Surveyed property lines showing distances and monument locations, all existing and proposed easements, rights-of-way, and other encumbrances, the size of the entire parcel, and the delineation and number of square feet of the land area to be disturbed;
8. Drainage patterns and approximate slopes anticipated after major grading activities (Construction Phase Grading Plans);
9. Location and details of erosion and sedimentation control measures with a narrative of the construction sequence/phasing of the project, including both operation and maintenance for structural and non-structural measures, interim grading, and material stockpiling areas;
10. Path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable;
11. Location and description of industrial discharges, including stormwater discharges from dedicated asphalt plants and dedicated concrete plants, which are covered by this permit;
12. Stormwater runoff calculations in accordance with the Department of Environmental Protection's Stormwater Management Policy;
13. Location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures;
14. A description of construction and waste materials expected to be stored on-site. The Plan shall include a description of controls to reduce pollutants from these

- materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
15. A description of provisions for phasing the project where one acre of area or greater is to be altered or disturbed;
  16. Plans must be stamped and certified by a qualified Professional Engineer registered in Massachusetts or a Certified Professional in Erosion and Sedimentation Control; and,
  17. Such other information as is required by the Planning Board.

### **Section 8 – Inspection and Site Supervision**

- A. Pre-construction Meeting. Prior to starting the clearing, excavation, construction, or land disturbing activity the applicant, the applicant's technical representative, the general contractor or any other person with authority to make changes to the project, may be required to meet with the Planning Board, to review the approved plans and their implementation. The need for a pre-construction meeting shall be determined by the Planning Board based on the project scope.
- B. Planning Board Inspection. The Planning Board or its designated agent shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the applicant wherein the work fails to comply with the Erosion and Sedimentation Control Plan as approved. The approved E & S Control Plan and associated plans for grading, stripping, excavating, and filling work, bearing the signature of approval of the Planning Board, shall be maintained at the site during the progress of the work. In order to obtain inspections, the applicant shall notify the Planning Board at least two (2) working days before each of the following events:
  1. Erosion and sedimentation control measures are in place and stabilized;
  2. Site Clearing has been substantially completed;
  3. Rough Grading has been substantially completed;
  4. Final Grading has been substantially completed;



5. Close of the Construction Season; and,
  6. Final landscaping (permanent stabilization) and project final completion.
- C. Applicant Inspections. The applicant or his/her agent shall conduct and document inspections of all control measures) no less than weekly or as specified in the permit, and prior to and following anticipated storm events. The purpose of such inspections will be to determine the overall effectiveness of the E & S Control Plan, and the need for maintenance or additional control measures. The applicant or his/her agent shall submit monthly reports to the Planning Board or designated agent in a format approved by the Planning Board.
- D. Access Permission. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Planning Board, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and may make or cause to be made such examinations, surveys or sampling as the Planning Board deems reasonably necessary to determine compliance with the permit.

### **Section 9 – Surety**

The Planning Board may require the applicant to post before the start of land disturbance activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by the Town Treasurer, and be in an amount deemed sufficient by the Planning Board to ensure that the work will be completed in accordance with the plan approval. If the project is phased, the Planning Board may release part of the bond as each phase is completed in compliance with the approved plan but the bond may not be fully released until the Planning Board has received the final report as required by Section 10 and issued a certificate of completion.

## **Section 10 – Final Reports**

Upon completion of the work, the applicant shall submit a report (including certified as-built construction plans) from a Professional Engineer (P.E.), surveyor, or Certified Professional in Erosion and Sedimentation Control (CPESC), certifying that all erosion and sedimentation control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved plan. Any discrepancies shall be noted in the cover letter.

## **Section 11 – Enforcement**

- A. The Planning Board or an authorized agent of the Planning Board shall enforce this by-law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.
  
- B. Orders:
  - 1. The Planning Board or an authorized agent of the Planning Board may issue a written order to enforce the provisions of this by-law or the regulations thereunder, which may include:
    - i. a requirement to cease and desist from the land-disturbing activity until there is compliance with the bylaw and provisions of the approved erosion and sedimentation control plan;
    - ii. maintenance, installation or performance of additional erosion and sedimentation control measures;
    - iii. monitoring, analyses, and reporting: and,
    - iv. remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity.
  
  - 2. If the enforcing person determines that abatement or remediation of erosion and sedimentation is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Seekonk may, at its option, undertake

such work, and the property owner shall reimburse the Town of Seekonk expenses.

3. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the Town of Seekonk, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Planning Board within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Planning Board affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate, as provided in G.L. c.59, §57, after the thirty-first day following the day on which the costs were due.

C. Any individual who violates this By-law shall be subject to fines in accordance with Category 39 of the By-law and the fine schedule established in Attachment A.

D. Appeals. The decisions or orders of the Planning Board shall be final. Further relief shall be to a court of competent jurisdiction.

E. Remedies Not Exclusive. The remedies listed in this by-law are not exclusive of any other remedies available under any applicable federal, state or local law.

### **Section 12 – Certificate of Completion**

The Planning Board will issue a letter certifying completion upon receipt and approval of the final reports and/or upon otherwise determining that all work of the approved E & S control plan has been satisfactorily completed in conformance with this bylaw.

**Section 13 – Severability**

If any provision, paragraph, sentence, or clause of this by-law shall be held invalid for any reason, all other provisions shall continue in full force and effect.

Amended Section 17 Nov. 8, 2008

Approved by Attorney General Feb. 12, 2009

## CATEGORY 20C – Stormwater Management; Post Construction New Developments & Redevelopments

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### **Section 1 – Purpose**

The purpose of this bylaw is to regulate discharges to the municipal separate storm sewer system (MS4) in order to protect the Town's water bodies and groundwater, and to safeguard public health, safety, welfare and the environment. Increased and contaminated stormwater runoff associated with developed land uses and the accompanying increase in impervious surface are the major causes of:

1. Impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;
2. Contamination of drinking water supplies;
3. Erosion of stream channels;
4. Alteration or destruction of aquatic and wildlife habitat; and,
5. Flooding.

Therefore, this by-law establishes stormwater management standards for the final conditions that result from development and redevelopment projects to minimize adverse impacts offsite and downstream, which would be borne by abutters, townspeople and the general public.

The objectives of this by-law are to:

1. Require practices to control the flow of stormwater from new and redeveloped sites into the Town of Seekonk's municipal storm drainage system in order to prevent flooding and erosion;
2. Protect groundwater and surface water from degradation;
3. Promote groundwater recharge;
4. Prevent pollutants from entering the Town of Seekonk's MS4 and to minimize discharge of pollutants from the MS4;

5. Ensure adequate long-term operation and maintenance of structural stormwater best management practices (BMPs) so that they work as designed;
6. Comply with state and federal statutes and regulations relating to stormwater discharges; and,
7. Establish the Town of Seekonk's legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

## **Section 2 – Definitions**

**ABUTTER:** The owner(s) of land abutting the activity.

**ALTERATION OF DRAINAGE CHARACTERISTICS:** Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined, discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater within the area.

**AUTHORIZED ENFORCEMENT AGENCY:** The Planning Board, its employees or agents, designated to enforce this bylaw.

**BEST MANAGEMENT PRACTICE (BMP):** An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

**CLEARING:** Any activity that removes the vegetative surface cover.

**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.

**GRADING:** Changing the level or shape of the ground surface.

**GRUBBING:** The act of clearing land surface by digging up roots and stumps.

**IMPERVIOUS SURFACE:** Any material or structure on or above the ground that prevents water from infiltrating the underlying soil. Impervious surfaces include without limitation: roads, paved parking lots, sidewalks, and rooftops.

**LAND DISTURBANCE ACTIVITY:** Any activity that changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

**MASSACHUSETTS STORMWATER MANAGEMENT POLICY:** 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.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM:** The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Seekonk.

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

**OUTFALL:** The point at which stormwater flows out from a point source or any discernible, confined and discrete conveyance into waters of the Commonwealth.

**OUTSTANDING RESOURCE WATERS (ORWs):** Waters designated by Massachusetts Department of Environmental Protection as ORWs. These waters have exceptional sociologic, recreational, ecological and/or aesthetic values and are subject to more stringent requirements under both the Massachusetts Water Quality Standards (314 CMR 4.00) and the Massachusetts Stormwater Management Standards. ORWs include vernal pools certified by the Natural Heritage Program of the Massachusetts Department of Fisheries and Wildlife and Environmental Law Enforcement, all Class A designated public water supplies with their bordering vegetated wetlands, and other waters specifically designated.

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

**PERSON:** An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by-law, and any officer, employee, or agent of such person.

**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.

**REDEVELOPMENT:** Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.

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

**STORMWATER:** Stormwater runoff, snowmelt runoff, and surface water runoff and drainage.



STORMWATER MANAGEMENT PLAN: A plan required as part of the application for a Stormwater Management Permit. See Section 7.

TSS: Total Suspended Solids.

### **Section 3 – Authority**

This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

### **Section 4 – Applicability**

- A. No person may undertake a construction activity, including clearing, grading and excavation that results in a land disturbance that will disturb equal to or greater than one acre of land, or will disturb less than one acre of land but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre of land draining to the Town of Seekonk MS4, without a permit from the Planning Board. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity or the original purpose of the site.
- B. Exemptions
  - a. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04 and or the Seekonk Wetlands Protection By-Law;
  - b. Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling;
  - c. The construction of fencing that will not substantially alter existing terrain or drainage patterns;
  - d. Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns; and,

- e. As authorized in the Phase II Small MS4 General Permit for Massachusetts, storm water discharges resulting from the activities identified in Section 4A that are wholly subject to jurisdiction under the Wetlands Protection Act and/or the Seekonk Wetlands Protection By-Law and demonstrate compliance with the Massachusetts Storm Water Management Policy as reflected in an Order of Conditions issued by the Conservation Commission are exempt from compliance with this bylaw.

### **Section 5 – Responsibility for Administration**

The Planning Board shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Planning Board may be delegated in writing to its employees or agents.

Rules and Regulations. The Planning Board may adopt, and periodically amend, rules and regulations relating to the procedures and administration of this bylaw, by majority vote of the Planning Board, after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least seven (7) days prior to the hearing date.

### **Section 6 – Application Procedures**

- A. Filing Application. Stormwater Management Plan and Operation and Maintenance Plan Approval must be obtained prior to any site altering activity. While the applicant can be a representative, the permittee must be the owner of the site. The Stormwater Management Permit Application package shall be filed with the Planning Board. A copy of the application shall be filed with the Town Clerk, and upon receipt, the application shall be marked with the date and time received. The application shall include:
  - 1. One original completed Application Form with original signatures of all owners and applicants;

2. Ten (10) copies of the Stormwater Management Plan and project description as specified in Section 7A of this by-law;
  3. Ten (10) copies of the Operation and Maintenance Plan as required by Section 8 of this by-law; and,
  4. Payment of the application and review fees.
- B. Entry. Filing an application for a permit grants the Planning Board, or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with the approved Stormwater Management Plan and Operation and Maintenance Plan.
- C. Public Hearing. The Planning Board shall hold a public hearing within forty (45) days of the receipt of a complete application and shall take final action within ninety (90) days from the close of the hearing unless such time is extended by agreement between the applicant and the Planning Board. Notice of the public hearing shall be given by public hearing notice on the Town of Seekonk cable channel, on the Town of Seekonk website, as well at the Seekonk Town Hall. The Planning Board shall make the application available for inspection by the public during business hours at the Seekonk Town Hall.
- D. Action by the Planning Board. The Planning Board may:
1. Approve the Stormwater Management Permit Application and issue an approval if it finds that the proposed plan meets the Standards in Section 7 and will adequately protect the water resources of the community and is in compliance with the requirements set forth in this by-law;
  2. Approve the Stormwater Management Permit Application and issue an approval with conditions, modifications or restrictions that the Planning Board determines are required to ensure that the project meets the Standards in Section 7 and will adequately protect the water resources of the community, and is in compliance with the requirements set forth in this by-law; and

3. Disapprove the Stormwater Management Permit Application and deny the permit based upon a determination that the proposed plan, as submitted, does not meet the Standards in Section 7B and will not adequately protect water resources of the community and is not in compliance with the requirements of this by-law.
- E. Final approval, if granted, shall be endorsed on the Stormwater Management Plan by the signature of the majority of the Planning Board (or by the signature of the person officially authorized by the Planning Board).
  - F. Failure of the Planning Board to take final action upon an Application within the time specified above shall be deemed to be approval of said Application. Upon certification by the Town Clerk that the allowed time has passed without the Planning Board's action the Stormwater Management Permit shall be issued by the Planning Board.
  - G. Plan Changes. The permittee, or their agent, must notify the Planning Board in writing of any change or alteration in the system authorized by the Stormwater Management Permit before any change or alteration is made. If the Planning Board determines that the change or alteration is significant, based on the Stormwater Management Standards in Section 7.B. and accepted construction practices, the Planning Board may require that an amended application be filed and a public meeting held.

## **Section 7 – Stormwater Management Plan**

- A. The application for a stormwater management permit shall include the submittal of a Stormwater Management Plan to the Planning Board. This Stormwater Management Plan shall contain sufficient information for the Planning Board to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater. The Plan shall be designed to meet the Massachusetts Stormwater Management Standards as set forth in Part B of this section and DEP Stormwater Management Handbook Volumes I and II. The

Stormwater Management Plan shall fully describe the project in drawings, and narrative.

It shall include:

1. A locus map;
2. The existing zoning, and land use at the site;
3. The proposed land use;
4. The location(s) of existing and proposed easements;
5. The location of existing and proposed utilities;
6. The existing and proposed topography of the site with contours at 2-foot intervals;
7. The existing site hydrology;
8. A description and delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which stormwater flows;
9. A delineation of 100-year flood plains, if applicable;
10. Estimated seasonal high groundwater elevation (March to May) in areas to be used for stormwater retention, detention, or infiltration;
11. The existing and proposed vegetation and ground surfaces with runoff coefficient for each;
12. A drainage area map showing pre and post construction watershed boundaries, drainage area and stormwater flow paths;
13. A description and drawings of all components of the proposed drainage system including:
  - i. existing and proposed locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization;
  - ii. all measures for the detention, retention or infiltration of stormwater;
  - iii. all measures for the protection of water quality;
  - iv. the structural details for all components of the proposed drainage systems and stormwater management facilities;

- v. notes on drawings specifying materials to be used and construction specifications; and,
  - vi. expected hydrology with supporting calculations.
14. Proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable;
  15. Timing, schedules, and sequence of development including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization;
  16. A maintenance schedule for the period of construction; and,
  17. Any other information requested by the Planning Board.

## B. Standards

Projects shall meet the Standards of the Massachusetts Stormwater Management Policy, which are summarized as follows:

1. No new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the Commonwealth.
2. Stormwater management systems must be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates.
3. Loss of annual recharge to groundwater should be minimized through the use of infiltration measures to the maximum extent practicable. The annual recharge from the post-development site should approximate the annual recharge rate from the pre-development or existing site conditions, based on soil types.
4. For new development, stormwater management systems must be designed to remove 80% of the average annual load (post development conditions) of Total Suspended Solids (TSS). It is presumed that this standard is met when:
  - a. Suitable nonstructural practices for source control and pollution prevention are implemented;

- b. Stormwater management best management practices (BMPs) are sized to capture the prescribed runoff volume; and
  - c. Stormwater management BMPs are maintained as designed by the responsible party(ies).
- 5. Stormwater discharges from areas with higher potential pollutant loads require the use of specific stormwater management BMPs (see Stormwater Management Volume I: Stormwater Policy Handbook). The use of infiltration practices without pretreatment is prohibited.
- 6. Stormwater discharges to critical areas must utilize certain stormwater management BMPs approved for critical areas (see DEP's Stormwater Management Volume I: Stormwater Policy Handbook). Critical areas are Outstanding Resource Waters (ORWs), shellfish beds, swimming beaches, cold water fisheries and recharge areas for public water supplies.
- 7. Redevelopment of previously developed sites must meet the Stormwater Management Standards to the maximum extent practicable. However, if it is not practicable to meet all the Standards, new (retrofitted or expanded) stormwater management systems must be designed to improve existing conditions.
- 8. Erosion and sedimentation controls must be implemented to prevent impacts during disturbance and construction activities.
- 9. All stormwater management systems must have an operation and maintenance plan to ensure that systems function continuously and consistently as designed.
- 10. All illicit discharges to the stormwater management system are prohibited.

When one or more of the Standards cannot be met, an applicant may demonstrate that an equivalent level of environmental protection will be provided.

- C. Where Applicable, projects shall conform to the requirements of the Planning Board regulations, including but not limited to the Rules and Regulations Governing the Subdivision of Land (dated April 27, 2004 or later).

#### D. Project Completion

Upon completion of the project, the permit shall submit as-built record drawings of all structural stormwater controls and treatment BMPs required for the site. The as-built drawing shall show deviations from the approved plans, if any, and be certified by a Registered Professional Engineer.

### **Section 8 – Operations and Maintenance Plans**

An Operation and Maintenance plan (O&M Plan) is required at the time of application for all projects. The maintenance plan shall be designed to ensure compliance with the Permit, this Bylaw and that the Massachusetts Surface Water Quality Standards, 314, CMR 4.00 are met in all seasons and throughout the life of the system. The Planning Board shall make the final decision of what maintenance option is appropriate in a given situation. The Planning Board will consider natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this decision. The Operation and Maintenance Plan shall remain on file with the Planning Board and shall be an ongoing requirement. The O&M Plan shall include:

- A. The name(s) of the owner(s) for all components of the system
- B. Maintenance agreements that specify:
  - 1. The names and addresses of the person(s) responsible for operation and maintenance
  - 2. The person(s) responsible for financing maintenance and emergency repairs.
  - 3. A Maintenance Schedule for all drainage structures, including swales and ponds.
  - 4. A list of easements with the purpose, location, and limitations (if any) of each.
  - 5. The signature(s) of the owner(s).
- C. Stormwater Management Easement(s).



1. Stormwater management easements shall be provided by the property owner(s) as necessary for:
  - i. access for facility inspections and maintenance,
  - ii. preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event.
  - iii. direct maintenance access by heavy equipment to structures requiring regular cleanout.
2. The purpose of each easement shall be specified in the maintenance agreement signed by the property owner.
3. Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the Planning Board.
4. Easements shall be recorded with the Northern Bristol County Registry of Deeds prior to issuance of a Certificate of Completion by the Planning Board.

#### D. Changes to Operation and Maintenance Plans

1. The owner(s) of the stormwater management system must notify the Planning Board within thirty (30) days of changes in ownership or assignment of financial responsibility.
2. The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of this by-law by mutual agreement of the Planning Board and the Responsible Parties. Amendments must be in writing and signed by all Responsible Parties. Responsible Parties shall include owner(s), persons with financial responsibility, and persons with operational responsibility.

#### E. Future Ownership and Operation & Maintenance of BMPs

In non-residential developments, responsibility for the ownership and Operation & Maintenance of stormwater BMP's shall be that of the owners of property on which the

stormwater BMP's are located. For stormwater BMP's that are constructed within a residential subdivision, a homeowner's association shall be established to assume responsibility for the ownership and Operation & Maintenance of stormwater BMP's. Legal documents establishing said association shall be recorded at the time of the recording of the subdivision. Reports shall be submitted to the Public Works Department one year following the date of the completion of construction of said BMP's and every year thereafter. In the event of failure of the owners of property on which the stormwater BMP's are located, the Town may enter upon the subject property to perform such necessary maintenance as may be necessary to achieve compliance with the approved Operation and Maintenance Plan. An easement shall be recorded upon approval of all BMP's allowing the Town to perform said maintenance and charge the owners of the subject property the cost therefore, inclusive of reasonable attorney's fees in the collection of the said cost.

#### **Section 9 – Surety**

The Planning Board may require the applicant to post before the start of land disturbance or construction activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by the Planning Board and be in an amount deemed sufficient by the Planning Board to ensure that the work will be completed in accordance with the permit. If the project is phased, the Planning Board may release part of the bond as each phase is completed in compliance with the permit.

A minimum of one year following the receipt of the final inspection report as required by Section 10 and issuance of a Certificate of Completion, the applicant may request that the Planning Board release the last \$5,000 or 10% of the security amount, whichever is more, subject to the inspection and approval of the Board upon receiving favorable recommendations from the Town Planner, DPW Superintendent, Building Inspector, or any other Board's Agent designated by the Planning Board.

## **Section 10 – Inspections**

The Planning Board, or its agents, shall inspect the project site at the following stages:

- A. Initial Site Inspection - prior to approval of any plan.
- B. Erosion Control Inspection - to ensure erosion control practices are in accord with the filed plan.
- C. Bury Inspection - prior to backfilling of any underground drainage or stormwater conveyance structures.
- D. Final Inspection - after the stormwater management system has been constructed and before the surety has been released, the applicant must submit a record plan detailing the actual stormwater management system as installed. The Planning Board, or its agents, shall inspect the system to confirm its "as-built" features. This inspector shall also evaluate the effectiveness of the system in an actual storm as defined by the town's standards. If the inspector finds the system to be adequate, the inspector shall recommend that the Planning Board issue a Certificate of Completion.

If the system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the Stormwater Management Plan, it shall be corrected by the permittee before the performance guarantee is released. If the permittee fails to act, the Town of Seekonk may use the surety bond to complete the work. Examples of inadequacy shall include but not be limited to: errors in the infiltrative capability, errors in the maximum groundwater elevation, failure to properly define or construct flow paths, or erosive discharges from basins.

## **Section 11 – Waivers**

- A. The Planning Board may waive strict compliance with any requirement of this by-law or the rules and regulations promulgated hereunder, where:

1. such action is allowed by federal, state and local statutes and/or regulations,
  2. is in the public interest, and,
  3. is not inconsistent with the purpose and intent of this by-law.
- B. Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the by-law does not further the purposes or objectives of this bylaw.
- C. All waiver requests shall be discussed and voted on at the public hearing for the project.
- D. If in the Planning Board's opinion, additional time or information is required for review of a waiver request, the Planning Board may continue a hearing to a certain date announced at the meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

## **Section 6 – Application Procedures**

### SECTION 12. CERTIFICATE OF COMPLETION

The Planning Board will issue a letter certifying completion upon receipt and approval of the final inspection reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this bylaw.

### SECTION 13. ENFORCEMENT

- A. The Planning Board or an authorized agent of the Planning Board shall enforce this bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.
- B. Orders

1. The Planning Board or an authorized agent of the Planning Board may issue a written order to enforce the provisions of this by-law or the regulations thereunder, which may include requirements to:
  - a) cease and desist from construction or land disturbing activity until there is compliance with the by-law and the stormwater management permit;
  - b) repair, maintain; or replace the stormwater management system or portions thereof in accordance with the operation and maintenance plan.
  - c) perform monitoring, analyses, and reporting;
  - d) remediate adverse impact resulting directly or indirectly from malfunction of the stormwater management system.
  
2. If the enforcing person determines that abatement or remediation of adverse impacts is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Seekonk may, at its option, undertake such work, and the property owner shall reimburse the town's expenses.
  
3. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the Town of Seekonk, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Planning Board within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Planning Board affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall

constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57, after the thirty-first day at which the costs first become due.

- C. Criminal Penalty. Any person, who violates any provision of this bylaw or regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- D. Non-Criminal Disposition. Any individual who violates this By-law shall be subject to fines in accordance with Category 39 of the By-law and the fine schedule established in Attachment A.
- E. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- F. Appeals. The decisions or orders of the Planning Board shall be final. Further relief shall be to a court of competent jurisdiction.
- G. Remedies Not Exclusive. The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

#### SECTION 14. SEVERABILITY

If any provision, paragraph, sentence, or clause of this bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.

## CATEGORY 21 – Illegal Dumping

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Notwithstanding any general or special law or rule or regulation to the contrary, it shall be unlawful for any person in the Town of Seekonk, directly or indirectly, to dump, place, throw, deposit or discharge any refuse, rubbish, garbage, household goods, appliance or furniture, construction debris, landscaping debris, scrap, trash or other material of any kind on any way, public or private, or on any land owned or controlled by the Town.

No person shall erect or place thereon any staging or other structure or allow fuel to remain on any street or sidewalk overnight, without the written consent of the Superintendent of Public Works or the Board of Selectmen, prescribing the time and manner of such deposit.

Any individual who violates this By-law shall be subject to fines in accordance with Category 39 of the By-law and the fine schedule established in Attachment A.

Approved: February 2, 1940

Amended Section: April 29, 1963,

Amended: Section 25, June 8, 1998

Approved by the Attorney General: July 26, 1963

Approved by Attorney General: August 27, 1998

## CATEGORY 41 – Wetlands Protection

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### **Section 1 – Purpose**

The purpose of this by-law is to protect the wetlands, related water resources, and adjoining land areas in the Town of Seekonk by prior review and control of activities deemed by the Conservation Commission likely to have a significant or cumulative effect upon resource area values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water quality, water pollution prevention, fisheries, shellfish, wildlife habitat, rare species habitat including rare plant species, aesthetics, and agriculture, aquaculture, and recreation values deemed important to the community (collectively, the “resource area values protected by this by-law”). This by-law is intended to utilize the Home Rule authority of this municipality to protect additional resource areas, for additional values, with additional standards and procedures stricter than those of the Wetlands Protection Act (G.L. Ch. 131 §40) and Regulations thereunder (310 CMR 10.00). In addition to the more stringent protection noted above, this by-law is intended to incorporate changes in the Wetlands Protection Act (G.L. Ch. 131 §40) and Regulations thereunder (310 CMR 10.00), as they may be amended from time to time.

### **Section 2 – Jurisdiction**

Except as permitted by the Conservation Commission or as provided in this by-law, no person shall remove, fill, dredge, build upon, degrade, discharge into or otherwise alter the following resource areas: any freshwater wetland; isolated wetland; coastal wetland; marsh; wet meadow; bog swamp or vernal pool; bank; reservoir lake; pond of any size; river; stream or estuary; any land under said waters; land subject to flooding or inundation by groundwater, surface water, tidal action, or coastal storm flowage or flooding; and lands abutting any of the aforesaid resource areas as set out in Section 7 (collectively the “resource areas protected by this by-law”). Said resources shall be protected whether or not they border surface waters.

### **Section 3 – Exceptions**



The permit and application required by this by-law shall not be required for maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph, radio and television transmissions, or other telecommunication services, provided that written notice has been given to the Commission prior to commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Commission.

The permit and application required by this by-law shall not be required for work performed for normal maintenance or improvement of land which is lawfully in agricultural use at the time, provided that written notice has been given to the Commission prior to commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Commission.

Land defined as “in agricultural use” must already be actively devoted to agricultural use, as opposed to the entire property, and must either have been in such use since before 1975 or have received a permit for conversion to agriculture from the Conservation Commission to be subject to this exemption. Proposals to convert land to agricultural use must be reviewed by the Conservation Commission.

Land that has been brought within agricultural use after 1975 without having first been issued a permit by the Conservation Commission is not considered to be land that is lawfully already being used for agricultural purposes.

Agricultural land can be fallow for some time if it has been used for agriculture for at least three (3) of the preceding five (5) years.

Agricultural uses of land include: raising livestock; growing cranberries; growing other foods for human or animal consumption; raising sod, trees, nursery stock, and ornamental plants; forestry activities, where the land is managed for a continuous crop, and tree farming.

Only activities that constitute “normal maintenance or improvement” of existing agricultural land are exempt from regulation. Such activities include: plowing and tilling, pasturing of animals, using fertilizers, pesticides, and other chemicals in accordance with state and federal law, projects including ditches, drains, access roads, farm ponds, erosion control devices designed to improve drainage, increase access, and enhance productivity and efficiency of the agricultural operations, cultivating cranberries, provided that all activities are conducted in a way as to prevent erosion and siltation, cutting and removing trees for market of the trees or forest products, and selective cutting of trees for individual use by the owners. Tree cutting on land that is not agricultural land is not included.

Normal maintenance or improvement must be related to ongoing uses, i.e., agricultural activity during the past five years.

The permit and application required by this by-law shall not apply to emergency projects necessary for the protection of the health or safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof, provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within 24 hours after commencement, provided that the Conservation Commission or its agent certifies the work as an emergency project, provided that the work is performed only for the time and place certified by the Conservation Commission for the limited purposes necessary to abate the emergency, and provided that within 21 days of commencement of an emergency project a permit application shall be filed with the Commission for review as provided by this by-law. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a

public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

#### **Section 4 – Applications for Permits and Requests for Determination**

Written application shall be filed with the Commission to perform activities regulated by this by-law affecting resource areas protected by this by-law. The application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the resource areas protected by this by-law. No activities shall commence without receiving and complying with a permit issued pursuant to this by-law.

The Commission in an appropriate case may accept as the application and plans under this by-law the Notice of Intent and plans filed under the Wetland Protection Act, M.G.L. c. 131, §40 and Regulations (310CMR 10.00).

Any person desiring to know whether or not proposed activity or an area is subject to this by-law may in writing request a determination from the Commission. Such a Request for Determination (RFD) shall include data and plans as are deemed necessary by the Commission.

At the time of an application or request, the applicant shall pay a filling fee as required by the Wetlands Protection Act, M.G.L. c. 131, §40. The Commission may waive the filling fee and costs and expenses for an application or request filed by a government agency and may waive them for a request for determination filed by a person having no financial connection with the property which is the subject of the request.

#### **Section 5 – Notice and Hearings**

Any person filing an application with the Commission at the same time shall give written notice thereof, by certified mail (return receipt requested) or hand delivery, to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the

abutters within 300 feet of the property line of the applicant, including any in another municipality or across a body of water. The notice to abutters shall enclose a copy of the application, with plans, or shall state where copies may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. When a person requesting a determination is other than the owner, the request, the notice of the hearing, and the determination itself shall be sent, by the Commission to the owner as well as to the person making the request.

The Commission shall conduct a public hearing on any application or Request for Determination, with written notice given at the expense of the applicant five working days prior to the hearing, in a newspaper of general circulation in the municipality.

The Commission shall commence the public hearing within 21 days from receipt of a completed application or Request for Determination unless an extension is authorized in writing by the applicant.

The Commission shall issue its permit or determination in writing with 21 days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant.

The Commission in an appropriate case may combine its hearing under the by-law with the hearing conducted under the Wetlands Protection Act, M.G.L. c. 131, §40 and Regulations (310CMR 10.00).

The Commission shall have authority to continue the hearing to a date certain announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information offered by the applicant or others, information and plans required of the applicant, deemed necessary by the Commission in its discretion, or comments, and recommendations of boards and officials list in Section 6. In the event the applicant object to a continuance or

postponement, the hearing shall be closed and the Commission shall take action on such information as is available.

#### **Section 6 – Coordination with Other Boards**

Any person filing a permit application or a Request for Determination with the Commission can be required to provide a copy thereof at the same time, by certified mail (return receipt requested) or hand delivery, to the Board of Selectmen, Planning Board, Board of Appeals, Board of Health, and Building Inspector. A copy shall be provided in the same manner to the Conservation Commission of the adjoining municipality, if the application or RFD pertains to property within 300 feet of that municipality. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. The Commission shall not take final action until such boards and officials have had fourteen (14) days from receipt of notice to file written comments and recommendations with the Commission, which the Commission shall take into account but which shall not be binding on the Commission. The applicant shall have the right to receive any such comments and recommendations and to respond to them at a hearing of the Commission, prior to final action.

#### **Section 7 – Permits, Determinations, and Conditions**

If the Commission after a public hearing determines that the activities which are the subject of the application or the land and water uses which will result therefrom are likely to have a significant or cumulative effect upon the resource area values protected by this by-law, the Commission, within 21 days of the close of the hearing, shall issue or deny a permit for the activities requested. If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions. The Commission shall take into account the cumulative adverse effects of loss, degradation, isolation, and replication of protected resource areas throughout the community and the watershed, resulting from past activities, permitted and exempt, and foreseeable future activities.

The Commission is empowered to deny a permit for failure to meet the requirements of this by-law, for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards, and other requirements in regulations of the Commission; for failure to avoid or prevent unacceptable significant or cumulative effects upon the resource area values protected by this by-law; and where no conditions are adequate to protect those values. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.

Lands within 200 feet of rivers, ponds, and lakes, and lands within 100 feet of other resource areas listed in Section 2 are within the jurisdiction of the Seekonk Conservation Commission. These lands are presumed important to the protection of these resources because activities undertaken in close proximity to resource areas have a high likelihood of adverse impact upon the wetland or other resource, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. The Commission therefore may require that the applicant maintain a strip of continuous, undisturbed vegetative cover within the 200-foot [or 100-foot] area, unless the applicant convinces the Commission that the area or part of it may be disturbed without harm to the values protected by the by-law.

In the review of areas within 200 feet of rivers and streams, no permit issued hereunder shall permit any activities unless the applicant, in addition to meeting the otherwise applicable requirements of this by-law, has proved by a preponderance of the evidence that (1) there is no practicable alternative to the proposed property use, overall project purpose (e.g. residential, institutional, commercial, or industrial purpose), logistics, existing technology, costs of the alternatives, and overall project costs.

To prevent wetlands loss, the Commission shall require applicants to avoid wetlands alteration wherever feasible; shall minimize wetlands alteration; and, where alteration is unavoidable,

shall require full mitigation. The Commission may authorize or require replication of wetlands as a form of mitigation, but only with adequate security, professional design, and monitoring to assure success, because of the high likelihood of failure of replication.

A permit shall expire three years from the date of issuance. Notwithstanding the above, the Commission in its discretion may issue a permit expiring five years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission. Any permit may be renewed for a period of up to one year at the discretion of the Commission, provided that a request for a renewal is received in writing by the Commission 30 days prior to expiration. Notwithstanding the above, a permit may contain requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all owners of the land.

For good cause the Commission may revoke or modify a permit or determination issued under this by-law after notice to the holder of the permit or determination, notice to the public, abutters, and town boards pursuant to Section 5, and Section 6, and a public hearing.

The Commission, in an appropriate case, may combine the permit or other action on an application issued under this by-law with the Order of Conditions or Determination of Applicability issued under the Wetlands Protection Act (M.G.L. Ch. 131 §40) and Regulations (310CMR 10.00).

No work proposed in any application shall be undertaken until the permit issued by the Commission with respect to such work has been recorded in the registry of deeds or, if the land affected thereby be registered land, in the registry section of the land court for the district wherein the land lies, and until the holder of the permit certifies in writing to the Commission that the permit has been so recorded.

## **Section 8 – Regulations**

After public notice and public hearing, the Commission shall promulgate rules and regulations to effectuate the purposes of this by-law effective when voted and filed with the Town Clerk. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this by-law.

At a minimum, these regulations shall define key terms in this by-law not inconsistent with this by-law.

## **Section 9 – Definitions**

The following definitions shall apply in the interpretation and implementation of this by-law.

The term “alter” shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this by-law:

- (a) Removal, excavation or dredging of soil, sand, gravel, or aggregate materials of any kind;
- (b) Changing of pre-existing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns flow or patterns, flood retention characteristics;
- (c) Drainage or other disturbance of water level or water table;
- (d) Dumping, discharging or filling with any material which may degrade water quality;
- (e) Placing of fill, or removal of material, which would alter elevation;
- (f) Driving of piles, erection or repair of buildings, structures of any kind;
- (g) Placing of obstructions or objects in water;
- (h) Destruction of plant life including cutting of trees;
- (i) Changing water temperature, biochemical oxygen demand, or other physical or chemical characteristics of water;
- (j) Any activities, changes or work which may cause or tend to contribute to pollution of any body of water or groundwater;



(k) Application of pesticides or herbicides.

(l) Incremental activities which have, or may have, a cumulative adverse impact on the resource areas protected by this by-law.

The term “bank” shall include the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.

The term “person” shall include 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 by-laws, administrative agency, public or quasi-public corporation or body, this municipality, and any other legal entity, its legal representatives, agents, or assigns.

The term “pond (inland)” means any open body of fresh water of any size. Ponds may be either naturally occurring or man-made by impoundment, excavation, or otherwise. Ponds shall contain standing water except for periods of extended drought. For purposes of this definition, extended drought shall mean any period of four or more months during which the average rainfall for each month is 50% or less of the ten year average for that same month.

Notwithstanding the above, the following man-made bodies of open water shall not be considered ponds:

(a) Basins or lagoons which are part of wastewater treatment plants;

(b) Swimming pools or other impervious man-made basins; and

(c) Individual gravel pits or quarries excavated from upland areas unless inactive for five

or

more consecutive years.

The term “rare species” shall include, without limitation, all vertebrate and invertebrate animal and plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless of whether the site in which they occur has been previously identified by the Division.

The term “vernal pool” shall include a confined basin depression which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, and which is free of adult fish populations, as well as the area within 100 feet of the mean annual boundary of such a depression, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife.

Except as otherwise provided in this by-law or in regulations of the Commission, the definitions of terms in this by-law shall be as set forth in the Wetlands Protection Act, M.G.L. c. 131, §40 and Regulations (310CMR 10.00).

### **Section 10 – Security**

As part of a permit issued under this by-law, in addition to any security required by any other municipal or state board, agency or official, the Commission may require that the performance and observance of the conditions imposed hereunder be secured wholly or in part by one or more of the methods described below:

(a) By a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility sufficient in the opinion of the Commission, to be released in whole or in part upon issuance of a Certificate of Compliance for work performed pursuant to the permit;

(b) By a conservation restriction, easement or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of this municipality whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed. This method shall be used only with the consent of the applicant.

## **Section 11 – Enforcement**

No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this by-law, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this by-law.

The Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this by-law and may make or cause to be made such examinations, surveys or samplings as the Commission deems necessary subject to the constitutions and laws of the United States and the Commonwealth.

The Commission shall have authority to enforce this by-law, its regulations, and permits issued thereunder by violation notices, administrative orders, and civil and criminal court actions. Any person who violates provisions of this by-law may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both.

Upon request of the Commission, the Board of Selectmen and the Town Counsel shall take legal action for enforcement under civil law. Upon request of the Commission, the Chief of Police shall take legal action for enforcement under criminal law.

Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

Any individual who violates this By-law shall be subject to fines in accordance with Category 39 of the By-law and the fine schedule established in Attachment A.

Each day or portion thereof during which a violation continues or unauthorized fill or other alteration remains in place shall constitute a separate offense, and each provision of the by-law, regulations, or permit violated shall constitute a separate offense.

Non-criminal disposition - In addition to the procedures for enforcement as described above, the provisions of this general wetlands protection by-law may also be enforced by non-criminal complaint pursuant to the provisions of M.G.L. c. 40, §21D, which has been adopted by the Town in Category 40 Enforcement of the General By-laws. The enforcement agent shall be the Conservation Agent or a police officer. Any individual who violates this By-law shall be subject to fines in accordance with Category 39 of the By-law and the fine schedule established in Attachment A. Each day on which a violation exists shall be deemed to be a separate offense.

### **Section 12 – Burden of Proof**

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not have unacceptable significant or cumulative effect upon the resource area values protected by this by-law. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

### **Section 13 – Appeals**

A decision of the Commission shall be reviewable in the Superior Court in an action filed within sixty (60) days thereof, in accordance with M.G.L., c. 249, §4.

### **Section 14 – Relation to the Wetlands Protection Act**

This by-law is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act. M.G.L., c. 131, §40, and Regulations (310 CMR 10.00) thereunder.

### **Section 15 – Severability**

The invalidity of any section or provision of this by-law shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued.

Adopted: Section 12, April 10, 1998

Amended: Section 45, June 8, 1998

Amended November 17, 2003

Approved by the Attorney General

Approved by the Attorney General: August 27, 1998

Approved by Attorney General December 4, 2003

## CATEGORY 42 – Zoning

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There is in effect in the Town of Seekonk a Zoning By-Law approved by the voters of the Town on April 28, 1958, and approved by the Attorney General of the Commonwealth on October 2, 1958.

This Zoning By-Law and amendments thereto is available in a separate printing.

Amended: Section 46, June 8, 1998

Approved by the Attorney General: August 27, 1998