

4. ADMINISTRATION

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A. The Conservation Commission or its authorized Agent(s) shall administer, implement and enforce this Bylaw. Any powers granted to or duties imposed upon the Commission may be delegated in writing by the Commission to its employees or agents.

B. Stormwater Regulations. The Conservation Commission may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement (including sanctions for violation), fees (including application, inspection, and/or consultant fees), procedures and administration of this Stormwater Management Bylaw by majority vote of the Commission 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. After public notice and public hearing, the Commission may promulgate rules and regulations to effectuate the purposes of this Bylaw. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this Bylaw. As revisions to this Bylaw may precede updates to the Stormwater Regulations, in case of conflict, this Bylaw shall govern and the Conservation Commission and its Agent may waive provisions of the Stormwater Regulations which are in conflict with this Bylaw. Applicants should consult with the Conservation Agent.

C. Massachusetts Stormwater Handbook. The Conservation Commission, at a minimum, may utilize the policy, criteria and information including specifications and standards of the latest edition of the Massachusetts Stormwater Handbook for execution of the provisions of this Bylaw. This Handbook includes a list of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice. The Handbook may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Unless specifically altered in the Stormwater Regulations, stormwater management practices that 193 are designed, constructed, and maintained in accordance with the Handbook will be presumed to be protective of Massachusetts water quality standards.

D. Stormwater Management Permit. The Conservation Commission shall have the authority to adopt rules and regulations further defining the Stormwater Management Permit (SMP) for projects as described in section 2.A.

E. Actions by the Conservation Commission. The Conservation Commission may take any of the following actions as a result of an application for a Stormwater Management Permit as more specifically defined as part of Stormwater Regulations promulgated pursuant to this Bylaw: Approval, Approval with Conditions, Denial, or Denial without Prejudice.

F. Appeals of Action by the Conservation Commission. A decision of the Conservation Commission shall be final. Further relief of a decision by the Conservation Commission made under this Bylaw shall be appealed to a court of competent jurisdiction.

G. Stormwater Utility. The Select Board may adopt, pursuant to any applicable law or Bylaw, a Stormwater Utility pursuant to M.G.L. Chapter 83 Section 16 and Chapter 40 Section 1A. The Select Board shall administer, implement, and enforce this Utility. Failure by the Canton Select Board to promulgate such a Stormwater Utility through its Regulations or a legal declaration of its invalidity by a court shall not act to suspend or invalidate the effect of the other provisions of this Bylaw.

H. Stormwater Credit System. The Canton Conservation Commission may adopt, through the Regulations authorized by this Stormwater Management Bylaw, a Stormwater Credit System. This credit system will allow applicants the option, if approved by the Commission, to take credit for the use of stormwater low impact design practices to reduce some of the requirements specified in the criteria section of the Regulations. Failure by the Commission to promulgate such a credit system through its Regulations or a legal declaration of the invalidity of the credit system by a court shall not act to suspend or invalidate the effect of the other provisions of this Bylaw.

Independent reference excerpt. Consult the official town PDF for authoritative formatting and subsequent amendments.

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