

ARTICLE XIII

SUPERIMPOSED DISTRICTS

Section 13.01 Inland Wetlands District

1. Purpose of District - The purpose of this district is:
 - a. To preserve and protect the streams and other water courses and their adjoining lands in the Town of Marshfield.
 - b. To protect the health and safety of persons and property against the hazards of flooding and contamination.
 - c. To preserve and maintain the groundwater table for water supply purposes.
 - d. To protect the community against the detrimental use and development of lands adjoining such water courses.
 - e. To conserve the watershed areas of the Town of Marshfield for the health, safety, and welfare of the public.
2. Definition of District - The Inland Wetlands District is superimposed over any other district established by this Bylaw. Except as noted below, all lands in Marshfield which have been identified by the Soil Conservation Service of the U.S. Department of Agriculture as being characterized by poorly drained and very poorly drained mineral soils and very poorly drained soils formed by inorganic deposits and having a water table at or near the surface seven to nine months of the year are included in the district. Where these soils fall within the Coastal Wetlands District, the area shall be considered as in the Coastal Wetlands District.

A parcel of land with respect to which a building or use permit is sought shall not be subject to the provisions of this Article XIII if:

- a. It is partially outside the Inland Wetlands or Coastal Wetlands Districts, and;
- b. The contiguous portion outside the boundaries of such Districts is equal to at least 80% of the minimum area requirements of Article VI, and;
- c. The proposed building or use will take place on the portion of such parcel which is outside such Inland or Coastal Wetlands Districts.

3. Permitted Use - Municipal use, such as waterworks, pumping stations, essential services and parks, is permitted under this section. Land in the Inland Wetlands District may be used for any purpose otherwise permitted in the underlying district except that:
 - a. No structure intended for human occupancy or use on a permanent basis having water and sewage facilities and no other building, wall, dam or structure (except flagpoles, signs and the like) intended for permanent use shall be erected, constructed, altered, enlarged, or otherwise created or moved for any purpose unless a Special Permit from the Board is issued. However, without a Special Permit, a structure existing at the time this Bylaw becomes effective may be reconstructed or repaired after a fire or other casualty and a dwelling or buildings accessory to a dwelling existing at the time this Bylaw becomes effective may be altered or enlarged provided no other provisions of these Bylaws are violated.
 - b. Dumping, filling, excavating or transferring of any earth material within the District is prohibited unless a Special Permit from the Board is issued. However, this paragraph does not prohibit ordinary gardening activities in lawn or garden areas which are used for such purposes at the time this Bylaw becomes effective.
 - c. No ponds or pools shall be created or other changes in water courses, for swimming, fishing or other recreational uses, agricultural uses, scenic features or drainage improvements or any other uses unless a Special Permit from the Board is issued.
4. Permit and Procedure - Any person(s) desiring such a permit shall submit an application to the Board of Appeals which shall comply with the conditions and submittal requirement as listed in the following subsections. (Such conditions shall include, where applicable, approval by the Board of Selectmen, the Massachusetts Department of Environmental Protection, and the Massachusetts Highway Department under Chapter 131 of the General Laws, acts relating to the protection of inland wetlands of the Commonwealth.)

The application procedure shall be the same as for Special Permit. Copies of the application for Special Permit to the Board with accompanying plans shall also be sent to the Building Inspector, Board of Health, Conservation Commission and the Planning Board for their recommendations to the Board, as to their approval, disapproval or appropriate recommendations.

5. Required Submittals

- a. Submission of a location plan at a scale of 1"=1000' showing the lot(s) to be developed, lot(s) lines within which the development is proposed, and tie-in to the nearest road intersection.
 - b. A site plan at a minimum scale of 1"=40' shall be prepared by a registered land surveyor or registered professional civil engineer. The site plan shall be submitted to the Board and shall show at least the following:
 - (i) The location, boundaries, and dimension of each lot in question.
 - (ii) Two-foot contours of the existing and proposed land surface.
 - (iii) The locations of existing and proposed structures watercourses, and drainage easements, means of access, drainage, and sewage disposal facilities.
 - (iv) The elevation of the basement and first floor.
 - (v) The area and location of leaching fields.
6. Development Conditions - For the development of land within the Inland Wetlands District, the following conditions shall apply:
- a. The lot(s) shall be served by a public water system.
 - b. If the lot(s) is to be served by public sewerage system, the following conditions shall apply:
 - (i) A minimum of six test borings to a minimum depth of eight feet shall be taken; three of which shall be within the area of the proposed structure and three within 25 feet of the outside walls of the structure, but not closer than ten feet. A report by a soil scientist or qualified engineer shall accompany the test data.
 - (ii) The floor level of areas to be occupied by human beings as living or working space shall be four feet above the seasonal high water table and not subject to periodic flooding.
 - (iii) If the basement floor level is below the seasonal high water table and affords the possibility of human occupancy at some future date, although not originally intended, adequate perimeter drainage and foundation shall be installed to withstand the effect of pressure and seepage. Furnace and utilities are to be protected from the effects of leaching.

- (iv) Safe and adequate means of vehicular and pedestrian passage shall be provided in the event of flooding of the lot(s) or adjacent lot(s) caused by either the overspill from water bodies or high run-off.
- c. If the lot(s) is to be served by an on-lot septic system, the following conditions including those listed previously shall apply:
 - (i) The leaching area designed for use, as well as a reserved area for future expansion or total future use shall be plotted with dimensions on the site plan.
 - (ii) A minimum of two percolation tests per leaching area shall be performed. The maximum groundwater table shall be determined during the last two weeks of March or the first three weeks of April. At least two deep observation pits shall be dug to determine soil profiles. The observation pits may be dug during other times of the year, and shall be accompanied by a detailed report compiled by a soil scientist or qualified engineer.
 - (iii) The leaching areas shall not be constructed in areas where the maximum groundwater elevation is less than four feet below the bottom of the leaching area.
- d. The developer shall show that the proposed development will not endanger health, safety, including safety of gas, electricity, fuel and other utilities from breaking, leaking, short circuiting, grounding, igniting or electrocuting; obstruct or divert flood flow; substantially reduce natural floodwater storage capacity; destroy valuable habitat for wildlife; or increase storm water run-off velocity so that water levels on other land are substantially raised or the danger from flooding increased.

7. Board of Appeals Procedure

- a. The Board of Appeals shall not take final action on an application for a Special Permit hereunder until it has received a report thereon from the Building Inspector, the Board of Health, the Conservation Commission, and the Planning Board, or until 30 days have elapsed after receipt of such plan without the submission of a report. The Board of Appeals shall give due consideration to all reports and, where its decision differs from the recommendations received, shall state the reasons therefore in writing.
- b. The Board may, as a condition of approval, require that effective notice be given to prospective purchasers, by signs or otherwise, of past flooding of said premises, and the steps undertaken by the petitioner or his successor in title to alleviate the effects of the same.

8. Occupancy Permit - No occupancy permit shall be issued until the Board, the Building Inspector, the Board of Health, the Conservation Commission, and the Planning Board have received a certified plan showing the foundation and floor elevations, grading of the premises, elevations of the various elements that make up the sewage disposal system, and that all requirements of all permits are satisfied.
9. Areas and Yard Regulations - A lot, a portion of which is in the Inland Wetlands District meets minimum area regulations under Article VI of this Bylaw provided that not more than 20 percent of the lot area which is required to meet the minimum requirements of the zoning district is within the Inland Wetlands District.

Section 13.02 Coastal Wetlands District

1. Purpose of District - The purpose of this district is to promote:
 - a. The health and safety of the occupants of lands subject to seasonal or periodic tidal flooding.
 - b. The preservation of the salt marshes and tidal flats and their attendant public benefit.
 - c. The safety and purity of water; control and containment of sewage; safety of gas, electric, fuel and other utilities from breaking, leaking, short circuiting, grounding, igniting, electrocuting or any other dangers due to flooding.
2. Definition of District - The Coastal Wetlands District is superimposed over any other districts established by the Bylaw. All lands in Marshfield covered by water of the average lunar monthly high tides and all other lands which have been identified in the report, "Soil Survey, Plymouth County, Massachusetts" issued July 1969 by the Soil Conservation Service of the U.S. Department of Agriculture as being Tidal Marsh and thereby subject to tidal flooding are included in this district.
3. Permitted Uses - Municipal uses such as wastewater treatment facilities, water works, pumping stations, essential services, and parks are permitted in this district. Land in the Coastal Wetlands District may be used for any purpose otherwise permitted in the underlying district except that:
 - a. No structure intended for human occupancy or use on a permanent basis having water or sewerage facilities, and no other building, wall, dam, or structure (except flagpoles, signs and the like) intended for permanent use shall be erected, constructed, altered, enlarged or otherwise created or moved for any purpose except for piers, boathouses, walkways, and similar facilities as which may be granted by a Special Permit from the Board.

However, without a Special Permit, a structure existing at the time this Bylaw becomes effective may be reconstructed or repaired after a fire or other casualty and a dwelling or building accessory to a dwelling existing at the time this Bylaw becomes effective may be altered or enlarged provided no other provisions of these Bylaws are violated.

- b. Dumping, filling, excavating, or transferring of any earth material within the District is prohibited. However, this paragraph does not prohibit ordinary gardening activities in lawn or garden areas which are used for such purposes at the time this Bylaw becomes effective.
 - c. No ponds or pools shall be created or other changes in water courses, for swimming, fishing, or other recreational uses, marine agricultural uses, scenic features or drainage improvements or any other uses unless a Special Permit from the Board is issued.
 - d. No use shall be permitted to develop in such a manner as will adversely affect the natural character of the area.
4. Permit and Procedure - Any person(s) desiring such a permit shall submit an application to the Board which shall comply with the conditions and submittal requirement as listed in the following subsections. (Such conditions shall include, where applicable, approval by the Board of Selectmen, the Massachusetts Department of Environmental Protection and the Massachusetts Highway Department under Chapter 130 of the General Laws, Acts Relating to the Protection of Coastal Wetlands of the Commonwealth.) The application procedure shall be the same as for Special Permits. Copies of the application for Special Permit to the Board of Appeals with accompanying plans shall also be sent to the Building Inspector, Board of Health, the Conservation Commission, and the Planning Board for their recommendations to the Board as to their approval, disapproval or appropriate recommendations.
5. Required Submittals
- a. Submission of a location plan at a scale of 1"=1,000' showing the lot(s) to be developed, lot lines within which the development is proposed and tie-in to the nearest road intersection.
 - b. A site plan at a minimum scale of 1"=40' shall be prepared by a registered land surveyor or a registered professional engineer. The site plan shall be submitted to the Board and shall show at least the following:
 - (i) The location, boundaries, and dimension of each lot in question.

(ii) Two-foot contours of the existing and proposed land surface.

(iii) The location of existing and proposed structures, watercourses and drainage easements, means of access and drainage.

6. Board of Appeals Procedure

a. The Board shall not take final action on an application for a Special Permit hereunder until it has received a report thereon from the Building Inspector, the Board of Health, the Conservation Commission, and the Planning Board or until 30 days have elapsed after receipt of such plan without submission of a report. The Board shall give due consideration to all reports and, where its decision differs from the recommendations received, shall state the reasons therefore in writing.

b. The Board may, as a condition of approval, require that effective notice be given to prospective purchasers, by signs or otherwise, of past flooding of said premises and the steps undertaken by the petitioner or his successor in title to alleviate the effects of the same.

7. Occupancy Permit - No occupancy permit shall be issued until the Board, the Building Inspector, the Board of Health, the Conservation Commission, and the Planning Board have received a certified plan showing the foundation and floor elevations, elevations of the completed construction, and that all requirements of all permits are satisfied.

8. Areas and Yard Regulations - A lot, a portion of which is in the Coastal Wetlands District meets minimum area regulations under Article VI of this Bylaw provided that not more than 20 percent of the lot area which is required to meet the minimum requirements of the zoning district is within the Coastal Wetlands District.

Section Water Resource Protection District (WRPD)
13.03

1. Purpose of District - The purpose of this overlay district is to prevent contamination of and preserve the quantity and quality of ground and surface water which provides existing or potential water supply for the Town's residents, institutions, and businesses.

2. Scope of Authority - This overlay district shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Uses prohibited in the underlying zoning districts shall be prohibited in the WRPD.

3. Establishment and Delineation of the WRPD

3.1 The WRPD includes the Zone II protection areas as shown on the "Zoning Map of the Town of Marshfield, Massachusetts," as defined in Section 3.03 of the Zoning Bylaw (Zoning Map). The WRPD is superimposed over any other District established by this Bylaw. In cases of conflicting use regulations, the more restrictive zoning requirements shall apply.

3.2 The boundaries of this district may be modified upon acceptance of approved Zone II conformance with Well Head Protection requirements of the Massachusetts Drinking Water Regulations 310 CMR 22.21 and through a Zoning Map amendment approved through Town Meeting.

4. Split Lots and Determination of Applicability

4.1 Where the boundary line of the WRPD divides a lot or parcel, the requirements established by this bylaw shall apply only to the portion of the lot or parcel located within the WRPD. The boundary shall be shown on a site plan as required by this bylaw or through Site Plan Review and shall be acceptable to the reviewing authority in accordance with all applicable provisions from the Zoning Bylaw and associated Planning Board Rules and Regulations.

4.2 The applicant shall demonstrate, through the use of site plans, that development activity outside of the boundary shall not be connected to land within the boundary through post-development grading, stormwater infrastructure, wastewater infrastructure or other potential connections that could lead to the contamination of groundwater within the WRPD. Where development practices create a hydrologic connection across the WRPD boundary, the applicant shall demonstrate that any water moving into or away from the WRPD is accounted for in any of the required pollutant loading calculations and meets all of the standards associated with the WRPD. Where a Special Permit may be required, the Planning Board may impose such conditions as are reasonably required to ensure that these standards are met.

4.3 If an applicant questions the accuracy of Town's Zoning Map as referenced in Section 3.1 above, the applicant may challenge the extent to which his/her property is subject to the WRPD provisions in advance of submitting an application for development to the Building Inspector, Zoning Board of Appeals, or the Planning Board. Said challenge shall be made through a request for a Determination of Applicability to the Building Inspector. A request for a Determination of Applicability shall be made in writing to the Building Inspector and shall include the following information at a minimum:

- a. Site Plan clearly depicting the parcel boundary and boundaries of adjacent parcels and rights of way;

- b. Survey benchmarks;
- c. Stamp from a Massachusetts Registered Surveyor;
- d. Name and address of property owner(s);
- e. Property address and Map and Lot number from the most recent Assessor's records;
- f. Locations of surface water and wetland flags;
- g. Location of WRPD boundary;
- h. North arrow;
- i. Scale (minimum of 1 inch = 40 feet).

4.4 Upon receipt of a request for a Determination of Applicability, the Building Inspector may make this determination in consultation with the Town Engineer and any other applicable agent of the Town of Marshfield.

4.5 The burden of proof shall be upon the applicant to determine the extent to which the property is subject to the jurisdiction of this Bylaw. At the request of the applicant the Town may engage a professional engineer or State of Massachusetts registered Land Surveyor to determine more accurately the boundaries of the district with respect to individual parcels of land and may charge the applicant for all or part of the cost of the investigation.

4.6 The Building Inspector shall file his/her written determination with the Planning Board and the Zoning Board of Appeals. Any application for a Determination of Applicability and associated materials shall not substitute for materials required as part of Site Plan Review, a Building Permit Application, or any application for a Special Permit. Any determination made by the Building Inspector as part of a Determination of Applicability shall be considered by other reviewing agencies in their deliberations of separate applications, but shall not constitute approval or denial of said applications.

5. Use Regulations

5.1 Exempt Uses – The following specific uses of land shall be exempt from provisions associated with the WRPD. Where municipal services are exempted herein (subsections e, f, and g), the Department of Public Works or Town Engineer shall provide notice to the Planning Board of these activities within fourteen (14) days of beginning work along with any available engineered plans.

- a. Storage of liquid petroleum products of any kind incidental to (1) normal household quantities as defined in Article Two "Definitions" of the Zoning Bylaw and outdoor maintenance or the heating of a structure, (2) waste oil retention facilities approved by the Board of Health OR required by M.G.L. c. 21, s.52AA, or (3) emergency generators required by statute, rule or regulation;

- b. Non-sanitary wastewater treatment facilities approved by the DEP exclusively designed for the treatment of contaminated ground or surface water and operating in compliance with 314 CMR 5.05(3) or 5.05(13);
- c. The replacement or repair of an existing non-sanitary wastewater treatment facility that will not result in a design capacity greater than the design capacity of the existing non-sanitary wastewater treatment facility;
- d. The installation of new wells, the laying of water lines, repair and replacement of pipe and appurtenances;
- e. Drainage repair, replacement, and expansion of existing drainage structures and pipe. All drainage repair, replacement, and expansion shall follow DEP stormwater management Best Management Practices as applicable;
- f. Minor road repair and overlay including total reconstruction or expansion;
- g. Street improvements pursuant to the Planning Board's street improvement policy; and
- h. The laying of sewer line, repair, replacement or expansion of existing structures and pipe.

5.2 Prohibited Uses - In addition to any prohibitions found in Section 5.04 Table of Use Regulations, the following specific uses of land shall be prohibited within the WRPD:

- a. Petroleum, fuel oil, and heating oil bulk stations and terminals, not including liquefied petroleum gas.
- b. Facilities that generate, treat, store or dispose of hazardous waste that are subject to M.G.L. c.21C and 310 CMR 30.00, except for the following:
 - i. Very small quantity generators as defined under 310 CMR 30.000;
 - ii. Household hazardous waste centers and events under 310 CMR 30.390;
 - iii. Waste oil retention facilities required by M.G.L. c.21, s.52A;
 - iv. Non-sanitary wastewater treatment facilities approved by DEP for the treatment of contaminated waters.
- c. Storage of sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for the removal of snow or ice on roads.

- d. Stockpiling and disposal of snow or ice containing sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for the removal of snow or ice on roads which has been removed from highways and streets located outside of the WRPD.
- e. Landfills and/or open dumps as defined in 310 CMR 19.006.
- f. Automobile graveyards and junkyards, as defined in M.G.L. c.140B, s.1.
- g. Landfills receiving only wastewater and/or septage residuals including those approved by the DEP pursuant to M.G.L. c. 21 s.26 through s.53; M.G.L. c. 111 s.17; M.G.L. c. 83 s.6 and s.7, and regulations promulgated thereunder.
- h. Animal feedlots exceeding ten animals per acre, except as may be protected under M.G.L. c.40A, s.3.
- i. Any new development or expansion of existing development that will result in more than 30% of a site becoming impervious within a residential district or more than 60% of a site within a commercial or industrial district becoming impervious unless specifically exempted under Section 13.03 5.1 Exempt Uses.
- j. Discharge to the ground of non-sanitary wastewater including industrial and commercial process wastewater, unless specifically exempt in Section 13.03 5.1 Exempt Uses.

5.3 By-Right Uses – The following uses are allowed by-right within the WRPD provided all necessary permits, orders, or approvals required by local, state or federal laws are obtained and subject to Section 13.03 5.2 Prohibited Uses and Section 13.03 5.4 Special Permit Uses of this bylaw.

- a. Conservation of soil, water, plants, and wildlife;
- b. Outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted;
- c. Foot, bicycle and/or horse paths, and bridges;
- d. Normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;
- e. Maintenance, repair, and enlargement of any existing structure;
- f. Single family residential development;;

- g. Farming, gardening, nursery, conservation, forestry, harvesting, and grazing;
- h. Construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, treatment plants, aqueducts, and tunnels; and
- i. Any use allowed by-right in Section 5.04 Table and Use Regulations that is not otherwise prohibited or requires a Special Permit in the WRPD.

5.4 Special Permit Uses – In addition to Section 5.04 Table of Use Regulations, the following uses shall require a Special Permit from the Planning Board, as the Special Permit Granting Authority (SPGA).

- a. Enlargement or alteration of existing uses that do not conform to the WRPD;
- b. Activities that involve toxic or hazardous materials in quantities greater than those associated with normal household quantities except as may be prohibited under Section 13.03.5.2 Prohibited Uses;
- c. Any increase in size or new onsite septic system or sanitary wastewater treatment plant with an individual or combined flow of 2,000 gallons per day or greater.
- d. Any streets, including new subdivision streets and bridges, which will be built to serve five lots or more unless specifically exempted under Section 13.03 5.1 Exempt Uses.
- e. Underground storage tanks not including those that may be used to temporarily store wastewater effluent in a system approved by the Board of Health or those used to temporarily store stormwater as part of a management system compliant with Section 6.8 of this Bylaw.

5.5 Reoccupation and Special Permits. Existing residential, commercial, industrial, and/or community facilities where a change in use is proposed may not require a Special Permit provided that a WRPD Reoccupation Certificate signed by the Building Commissioner indicates that a Special Permit is not required pursuant to the Planning Board Rules and Regulations associated with this Bylaw. Eligibility for a WRPD Reoccupation Certificate is contingent upon following conditions:

- a. Any proposed use that is allowed by right pursuant to Section 13.03.5.3 shall be eligible.

- b. Where the previous use required a Special Permit and the proposed use also requires a Special Permit, the triggers for Special Permits must be the same pursuant to Section 13.03.5.4 in order to be eligible.
- 6. Performance and Design Standards for All Activities. Where applicable, the following performance and design standards shall apply to any activity that may be allowed by-right or through a Special Permit in the WRPD.
 - 6.1 Construction Activities – Erosion and sediment control measures shall be taken to ensure that exposed earth and debris are not displaced by stormwater runoff or other conditions in accordance with the requirements for Site Plan Review or the Rules and Regulations associated with a WRPD Special Permit.
 - 6.2 Safeguards - Provision shall be made to adequately protect against toxic or hazardous materials discharge or loss through corrosion, accidental damage, spillage, or vandalism. Such measures may include provision for spill control in the vicinity of chemical or fuel delivery points, secure storage areas for toxic or hazardous materials, and indoor storage provisions for corrodible or dissolvable materials. Any proposed indoor or outdoor storage of liquid petroleum products shall be in covered and secure container(s) in an area that has a containment system. Said containment system shall be designed and operated to hold the larger of the following two volumes:
 - a. 10% of the cumulative storage capacity of all containers; or
 - b. 110% of the single largest container’s storage capacity.
 - 6.3 Pesticides, Fertilizer and Manure – Storage of pesticides, as defined in M.G.L. c.132B, of commercial fertilizers and soil conditioners, as defined in M.G.L. c.128, s.64, and animal manure shall only be permitted within a structure with an impermeable cover and liner designed to prevent the generation of contaminated runoff or leachate.
 - 6.4 Disposal - No disposal of hazardous wastes within WRPD shall occur. All provisions of M.G.L. Chapter 21C (the Massachusetts Hazardous Waste Management Act) shall be adequately satisfied.
 - 6.5 Fill - Fill material used in the WRPD shall contain no solid waste, toxic or hazardous materials, or hazardous waste. Adequate documentation shall be provided to ensure proper condition of the fill. Where a Special Permit is required, the SPGA may require soils testing by a certified laboratory at the applicant's expense as part of the application process or during construction.
 - 6.6 Separation from Groundwater - Permanent removal, or regrading of the existing soil cover shall be prohibited where these activities shall result in a finished grade elevation less than five (5) feet above the historical high groundwater level.

- a. Excavations for: 1) building foundations; 2) roads or utility work; or 3) the installation of Stormwater BMPs shall be exempt from this requirement.
 - b. The high groundwater elevation may be determined by:
 - i. Soil color using the Munsell system, the abundance, size and contrast of redoximorphic features, if present;
 - ii. Observation of actual water table during times of annual high water table; or
 - iii. Use of USGS wells for correlating comparisons in water tables during times when the water table is not at the annual high range.
 - c. Groundwater elevations depicted on plans shall be stamped by a Massachusetts registered Professional Engineer.
 - d. Where these requirements would severely limit the development potential of a particular parcel, an applicant may propose permanent removal or regrading of the existing soil cover to a finished grade which is less than five (5) feet above the historical high groundwater elevation through a full WRPD Special Permit application.
- 6.7 Wastewater – Wastewater flow in the WRPD shall not exceed 440 gallons per 40,000 square feet for the use of conventional on-site wastewater disposal. This flow may increase to 550 gallons per 40,000 square feet through the use of a DEP approved innovative and alternative septic system provided the Board of Health also approves the use of the system.
- 6.8 Stormwater Management - Stormwater runoff from impervious surfaces shall be recharged on-site in accordance with the standards and guidelines included in the latest version of the Massachusetts Stormwater Management Standards unless in conducting application review it is determined that either recharge is unfeasible because of site conditions or is undesirable because of uncontrollable risks to water quality from such recharge.
7. Performance and Design Standards for Special Permit Applications. In addition to those performance and design standards in listed in Section 13.03.6, the following performance and design standards shall apply to any activity that may be allowed through a Special Permit in the WRPD as applicable.
- 7.1 Nitrogen loading - All applicants required to obtain a Special Permit in accordance with Section 5.04 Table of Use Regulations and Section 13.03.5.4 Special Permit Uses, and all applicants for any permit for any use or structure to be located on land which is within the WRPD and which is shown on a definitive subdivision plan, filed on or after April 22, 1996, shall demonstrate by written report to the satisfaction of the Planning

Board, that the concentration of nitrate - nitrogen resulting from wastewater disposal, animal waste, runoff and fertilizer application, when diluted by rainwater recharge on the lot or subject property as a whole, shall not exceed five (5) milligrams per liter (mg/L). Nitrogen loading, for the purpose of this requirement, shall be calculated in accordance with the Planning Board Rules and Regulations adopted pursuant to Section 13.03 8 Administrative Procedures.

- 7.2 Emergency Response Plan (ERP) - For industrial and commercial uses, an emergency response plan to prevent contamination of soil or water in the event of accidental spills or the release of toxic or hazardous materials shall be submitted to the SPGA, if deemed necessary, for approval prior to granting of a Special Permit. Recommendations from the Fire Department on said plan shall be sought. At a minimum, the ERP shall include:
- a. A clear outline of communication protocol among facility personnel and emergency response agencies;
 - b. 24-hour contact information for a designated emergency response coordinator (typically the owner or facility manager), who can respond to the site within one hour of notification, multiple emergency response coordinators are recommended;
 - c. 24-hour emergency contact information for local police department, fire department, and board of health;
 - d. 24- hour emergency contact information for notification of the Massachusetts Department of Environmental Protection;
 - e. 24-hour emergency contact information for the facilities designated hazardous waste transporter, if the facility is a licensed hazardous waste or regulated waste generator;
 - f. A list of the hazardous products or hazardous wastes present at the facility, including volume and location of any aboveground or underground storage containers;
 - g. Inventory of all clean-up supplies; and
 - h. A facility map showing hazardous waste accumulation areas, aboveground or underground storage containers, sinks and drains, emergency exits, fire extinguisher locations, and locations of spill clean-up supplies. The facility map shall be posted in the building and shall include emergency contact numbers.
- 7.3 Monitoring - Periodic monitoring shall be required when the site location and land use activities in the area indicate a significant risk of contamination to the water supply as determined by the SPGA based upon recommendations of the Department of Public

Works, Board of Health, and Conservation Commission. Such monitoring may include analysis of water for chemical constituents determined by the SPGA to be appropriate and the installation of groundwater monitoring wells constructed and located by a registered professional engineer with expertise in hydrology, or by directly testing effluent. All testing and engineering costs will be borne by the applicant for Special Permit or owner of the property.

7.4 Wastewater Flows that Exceed 2,000 gpd – For those uses that require a Special Permit pursuant to 5.4.d, applicants shall meet one of the following standards using the procedures outlined in the Planning Board’s Regulations:

- a. Where a previously developed site is being redeveloped, applicants shall demonstrate that there is no net increase in the concentration of nitrogen when nitrogen loading analyses are performed for both the previous and proposed use; or
- b. For new development that cannot meet the 5 mg/L on-site standard for average nitrogen concentration or where the standard under Section 13.03 7.4.a cannot be achieved for redevelopment, a aggregation of flows analysis shall be provided pursuant to the WRPD Rules and Regulations demonstrating the use of credit land will result in compliance with the 5 mg/L standard.

8. Administrative Procedures - The Planning Board, as the SPGA, shall adopt Rules and Regulations relative to their role in governing activities within the WRPD, which may be amended from time to time and filed with the Town Clerk. Where a Special Permit application is being considered, the Board shall follow the procedural requirements for Special Permits as set forth in M.G.L. Chapter 40A, Section 9.

9. Review Criteria - Decisions by the SPGA to approve, deny or approve with conditions any application for a Special Permit in the WRPD shall use the following criteria:

9.1 The proposal shall be in harmony with the purpose and intent of this bylaw and will promote the purposes of the WRPD.

9.2 The proposal shall meet the Performance and Design Standards of Section 13.03 6 Performance and Design Standards for All Activities and Section 13.03 7 Performance and Design Standards for Special Permit Applications as applicable.

Section Storm Water Management Overlay District
13.04

1. Purpose - The purpose of the Storm Water Management Overlay District is to protect, maintain and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development storm water runoff and non-point source pollution associated with new development and redevelopment. These objectives will be met by regulating new construction, construction of impervious surfaces, the removal of natural vegetation, especially large trees, and the excavation and alteration of land, in order to minimize erosion, sedimentation, flooding, water pollution, and other adverse impacts of development within the Overlay District or any adjacent low lying areas.
2. Scope of Authority - The Storm Water Management Overlay District is established as an overlay district and shall be superimposed on other zoning districts established by this Bylaw. All regulations of the Marshfield Zoning By-Law applicable to the underlying districts shall remain in effect, except that where the Storm Water Management Overlay District imposes additional regulations, such regulations shall prevail.
3. District Boundaries – The boundaries of the Storm Water Management Overlay District are delineated on the Official Zoning Map.
4. Applicability – The following types of development within the Storm Water Management Overlay District are subject to Site Plan Review. Notwithstanding other provisions of this Bylaw, no land development within the Storm Water Management Overlay District shall be permitted and no building permit or Special Permit shall be issued until the provisions of the Storm Water Management Overlay District regulations have been met and received Site Plan approval. Development activities subject to Site Plan Review within said district include the following:
 - 4.1 The construction of a new dwelling or principle structure;
 - 4.2. Any substantial alteration or addition to any dwelling or other structure, if such action enlarges the footprint of the structure by more than 200 square feet;
 - 4.3 The removal, filling, excavation or alteration of earthen materials if such alteration changes pre-existing topography and drainage characteristics of the property in a manner that may adversely impact abutting property owners.
 - 4.4 The removal or destruction of more than 5 mature trees having a diameter of six inches or greater, measured four feet from the ground surface. This limitation on cutting of mature trees does not apply to trees that are to be removed for construction of a street, dwelling, driveway, walkway, septic disposal system, or a retaining wall. Other trees may be removed if in the opinion of the Tree Warden

the trees are dead, dying or diseased trees that represent a safety hazard to public health or property.

- 4.5 Any activity that increases the impervious coverage on any lot that causes additional volumes of runoff to discharge on abutting properties that may cause flooding and adversely impact abutting property owners.
5. Development Performance Standards – All new construction, substantial alterations, excavation, filling, grading or tree cutting described above in Section 4. shall comply with the following development standards.
 - 5.1 For lots ranging in size from 5,000 to 7,499 square feet the following development limitations shall apply.
 - a. Building area shall not exceed 16% of the land area of any lot.
 - b. Impervious surfaces shall not exceed 25% of the land area of any lot.
 - c. A minimum of 15% of the lot shall remain undisturbed with existing natural vegetation.
 - 5.2 For lots ranging in size from 7,500 to 9,999 square feet, the following development limitations shall apply.
 - a. Building area shall not exceed 15% of the land area of any lot.
 - b. Impervious surfaces shall not exceed 22% of the land area of any lot.
 - c. A minimum of 25% of the lot shall remain undisturbed with existing natural vegetation.
 - 5.3 For lots ranging in size from 10,001 square feet to 19,999 square feet in area the following development limitations shall apply.
 - a. Building area shall not exceed 15 % of any lot area.
 - b. Impervious surfaces shall not exceed 20 % of the lot area.
 - c. A minimum of 35 % of the lot area shall remain undisturbed with existing natural vegetation.
 - 5.4 In the Storm Water Management Overlay District, the removal of native vegetation, especially large trees having a diameter of six inches or greater, measured four feet from the ground surface, shall be minimized. Trees may only be removed for

construction of streets, structures, driveways, retaining walls, walkways, utilities and septic systems. Selective clearing of not more than 5 trees for lawns shall be designated on the site plan.

- 5.5 To the maximum extent feasible, post development runoff shall not exceed pre-development runoff. All roof runoff shall be retained and recharged on site in drywells or infiltration basins covered by natural vegetation which shall be designed to accommodate a 1” rainfall within a 24 hour period. Post development storm water will be collected by an off-site storm water management system approved by the Site Plan Review Board.
 - 5.6 Sediment and erosion control measures approved by the Site Plan Review Board shall be employed to minimize the impacts during and after construction.
6. Permit Procedures & Requirements – Any activity listed above in Section 4. requires Site Plan Review. For applicants submitting plans for roadway improvements as part of the Voluntary Street Determination Policy and Procedures, the Site Plan Review Board shall be the Planning Board. For development applications applying for a Special Permit or Variance from the Board of Appeals, the Site Plan Review Board shall be the Board of Appeals. In the event that a development proposal requires approvals from both the Planning Board and the Board of Appeals, the Board of Appeals shall be the Site Plan Review Board. For all other development activities listed in Section 4. that trigger a Site Plan Review, the Planning Board shall be the Site Plan Review Board.

(Section 13.04 Storm Water Management Overlay District Enacted April 2006 ATM)
(Section 13.03 Water Resource Protection Overlay District bylaw replaced April 2011 ATM)