



## MUNICIPAL STORM DRAIN CONNECTION REGULATIONS

### **I. Regulation Statement**

1. It is recognized that there may arise a public interest or a hardship situation where connections to Dighton's municipal storm drain system may be warranted. These regulations are meant to set forth the conditions under which such a connection may be allowed. It is not the intent of these regulations to promote connections to the Town's storm drain system. Rather, it is meant to provide relief to those property owners of existing buildings who are threatened with damage to property. It should be noted that it is NOT the purpose of these regulations to dewater a lot to make it buildable.
2. It is incumbent upon the applicant to demonstrate that the need to connect is dire, and that no reasonable alternate means of disposal exists.
3. For purposes of these regulations, the term "connection" refers to the permanent underground installation and/or physical connection to a Town drainage structure or a drainage conduit or conduits and the entire related upstream private drainage system. Said system includes, but is not limited to any pumps, conduits, leaching and/or quality structures, back-flow devices, clean-outs, special backfill, and geotextiles installed as a means to convey storm and/or groundwater into the Town storm drain system.
4. These regulations do not supersede any applicable federal, state, or local laws, rules, regulations or bylaws. These regulations are issued pursuant to the Town of Dighton General Bylaws, Article XXVIII, the "Stormwater" Bylaw. Any connection or discharge for which a permit is sought under this policy must be of a type that is expressly allowed by the bylaw.
5. All costs associated with the application process, construction, maintenance, and inspection of the connection shall be the sole responsibility of the applicant as set forth in this policy. It should be noted that other approvals (e.g. environmental, health, etc. Road Opening Permit) may be required before construction can commence. It is the responsibility of the applicant to ensure that all necessary permits are obtained prior to the commencement of work.
6. Any connection approved after the adoption of this policy shall remain subject to the terms and conditions of this policy. If, in the opinion of the highway superintendent or his/her designee, the connection fails to meet said terms and conditions of this policy, that connection is considered to be an unapproved connection. Modifications made to any portion of the connection shall be subject to this policy.

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7. Any discharge to the Municipal Storm Drain System via a connection permitted under this policy shall be consistent with the requirements of the Bylaw, it is the sole responsibility of the property owner to ensure this requirement is followed, to notify the Town if a prohibited discharge is made, accidental or otherwise, to disconnect the connection from the municipal drain system until the problem is rectified, and to be responsible for all costs associated with cleanup.
8. The Board of Health may suspend access to the municipal storm drainage system without notice whenever necessary to prevent the actual or threatened discharge of prohibited substances into the storm drainage system and, upon failure of any party to comply with such suspension order, may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.
9. The Board of Health may request that the Stormwater Committee review any application as the permit issuing authority for Municipal Storm Drain Connection Permits. The issuance of a permit is contingent upon the prior approval and recommendation of the highway superintendent.

## **II. Exemptions**

Discharge into the municipal storm water system resulting from the following sources shall be exempt from these prohibited activities.

1. Municipal activities, including but not limited to fire fighting, waterline flushing;
2. Discharge from landscape irrigation, lawn watering or individual residential car washing performed on lawn areas;
3. Discharge from swimming pools which contains one part per million or less of chlorine;
4. Discharge for which prior written approval has been obtained from the Board of Health as necessary to protect public health, safety and welfare or the environment;
5. Discharge permitted under a permit, waiver or order issued by any state or federal environmental agency, provided that said discharge is in full compliance with the requirements of permit, waiver or order and applicable laws and regulations.

### III. Application Connection Criteria

A proposed connection project must meet all of the following criteria:

1. Application shall be made to the Board of Health. All permit applications for a stormwater drainage connection or the permitting of an existing drainage connection, to the Town's drainage system, shall be submitted in writing to the Board of Health and shall comply with the requirements of the Town's Municipal Storm Drain Connection Regulations.
2. The applicant must demonstrate a need for the connection.
3. The applicant must demonstrate that no practical alternate means of disposal exists. In order to show that no practicable alternative exists, an owner/applicant must show that all reasonable solutions have been evaluated including but not limited to: (1) all possible infiltration methods; (2) the use of Low Impact Development (LID) techniques; (3) the minimization of impervious surface areas; (4) the use of applicable stormwater best management practices (BMPs); (5) the connection to municipal or privately owned off-site drainage systems; and (6) the acquisition of additional property or land easements.
4. The applicant must demonstrate that there exists suitable capacity in the drainage system to which the proposed connection will be made. At the discretion of the highway superintendent or his/her designee, the applicant may be required to provide a written opinion of a Professional Engineer with supporting calculations relative to impact on the downstream, including a hydraulic analysis of the existing and proposed capacity of the Town's drainage system into which the Owner/Applicant proposes to connect. The analysis shall include identification of all current connections to the system from the Town and non-Town of Dighton uses. The evaluation shall be for the entire stormwater drainage system that the owner/applicant proposes connection to and not just the area downstream of the proposed connection.
5. The drainage structure to which the connection will be made must be owned by the Town and located within the frontage of, and on the same side of the public way as the applicant's parcel in need of the draining.
6. All materials and construction must be in accordance with Town specifications, those referenced in this policy, as well as standard industry practice.
7. Prior to commencing any work authorized by a permit, the applicant must execute and record a Liability Covenant, in the form provided by the Town (see Attachment 2), at the Registry of Deeds within the chain of title for the property on which the work is to take place, and must present evidence of such recording to the Board of Health, highway superintendent, or his/her designee. This

information shall be listed on the permit application, and no work shall take place until such time as the recording documentation has been presented for inclusion on the permit.

8. The proposed connection must be used solely for the disposal of clean water from outside a building, including rising groundwater General By-laws Article XXVIII. Connections involving interior building sump pump connections shall not be allowed. Any other discharges, including but not limited to disposal of greywater, blackwater, solvents, paints, petroleum-based products or other contaminants are strictly prohibited.
9. The connection will require an oil/water separator as part of the drainage system prior to connection to the Town system. Additionally, the connection may require a leaching structure, backflow preventer, and shutoff, as determined by the highway superintendent.
10. All components of the connection shall be approved by the highway superintendent or his/her designee.
11. This work will also require a Road Opening Permit if access to a public way is needed. Further work requirements may be imposed upon the applicant as a result of this permit at the discretion of the highway superintendent, the Board of Health, and/or the Stormwater Committee.
12. The property owner shall be responsible for obtaining the services of a contractor who is a Town approved and licensed drain layer to perform the work.
13. It is strongly recommended that an owner/applicant, consider submitting an application for a permit for the purpose of connection to or discharge to any Town drainage system, contact the Dighton Board of Health to discuss the project and the process. It is also recommended that an owner/applicant not file any plans or permit applications for approval with any local boards or commissions for the approval of projects that require a connection or discharge to the Town's drainage system until the owner/applicant has received written notification from the Town that, based on the information presented, there does not seem to be a practicable alternative to provide for on-site stormwater treatment and that Town will continue to review the required information. Site plan approval by a local board or commission does not mean that an owner/applicant has met the Town's requirement that no practicable alternative exists.
14. If the Town determines that no practicable alternative exists other than a connection or discharge to the Town's drainage system, the owner/applicant shall be required to infiltrate or contain as much runoff as the site conditions will allow the Town may only accept the volume of runoff that cannot be infiltrated on-site.

15. The Town will not under any circumstances allow the connection or discharge of drainage from a non-Town facility or property for the following types of connections:
  - Any requests that do not fully comply with the Town's NPDES MS4 Permit and other environmental permits or state and federal regulations;
  - Any requests that do not fully comply with MA DEP's Stormwater Management Standards;
  - Any request for the connection of sump pump discharges;
  - Any request for the connection of building floor drains;
  - Any request for the connection of corrective or after-the-fact drainage connections to ameliorate problems (e.g., flooding) created by a lack of land use planning and/or site design. (An exception could be considered if the requested connection does not include any illicit discharge and mitigates or corrects an existing (i.e., prior to development) flooding or drainage issue within a Town roadway layout.);
  - Any maintenance or continued use of an unauthorized connection or discharge to the Town's drainage system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection. When Town's staff is made aware of an unauthorized connection or discharge, they will immediately notify the property owner and make him/her aware of the steps necessary to correct the situation. The Board of Health will take the necessary steps to disconnect the illicit connection;
  - Any discharges from dewatering activities or non-stormwater discharges including discharges from private construction sites; and
  - Any request that in the opinion of the Town may have an adverse impact on the Town's drainage system in terms of pipe or conveyance capacity, the ability of existing Town of Dighton Best Management Practices (BMPs) to effectively treat the discharge/conveyance, or will require additional maintenance of the Town's drainage system. (An exception may be made for drainage system upgrades that will mitigate the impacts to the pipe system, and or the existing BMPs, or reduce the Town's required maintenance responsibilities.)
16. The Town may either require alteration or removal of an existing connection if it is deemed non-compliant with the Town's NPDES MS4 Permit, Notice of Intent (NOI) Permit, Stormwater Management Plan, or the Illicit Discharge Detection and Elimination Program (IDDE) and / or any of the illicit connection types listed above.
17. The owner of land that connects to or discharges flow into the Town's drainage system may be liable to downstream abutter(s) that receive additional discharge water from the Town's drainage system as a result of any Municipal Storm Drain Connection Permit (MSDCP) that may be issued.

#### **IV. Evaluation of Connection Criteria**

1. Any judgments regarding eligibility of an application under the criteria stated herein shall be made by the Board of Health, with recommendations from the

highway superintendent or his/her designee, and the Stormwater Committee if requested.

## V. Permit Application

1. General Information
  - a. The Board of Health shall review permit applications and determine whether such applications shall be approved and issued. The Board of Health shall circulate a completed Storm Drain Connection Permit application package to the highway superintendent and any other Town departments, commissions, or committees as necessary for consideration.
  - b. The permit application package shall consist of the application form, plans (containing the information listed below), and filing fee. The application will not be considered complete until all parts have been submitted. No action will be taken by the Board of Health until an application is deemed complete.
  - c. The issuance of a Municipal Storm Drain Connection Permit shall constitute approval of a drainage connection.
2. Plans
  - a. The applicant shall submit plans clearly indicating the extent and nature of the proposed work.
  - b. Three (3) sets of plans and supporting documentation shall be submitted on 8-1/2" x 11" sheets or larger, on a scale with sufficient detail to adequately describe the work proposed. In addition, all information shall also be submitted electronically in pdf format.
  - c. The plans and supporting documentation shall be prepared, signed and sealed by a Professional Engineer engage and paid for by the applicant.
  - d. The applicant also may be required to procure the services of a Professional Land Surveyor as is appropriate for the work being proposed.

The plans shall show the following:

- e. Approximate property boundaries.
- f. Site topography with two foot contours, and with sufficient spot grades to show the complete drainage patterns, complete with arrows indicating flow direction. (This may be required at the discretion of the Board of Health in order to determine if there is a viable alternative to the proposed connection to the Storm Drain System.)
- g. Footprint of all buildings/structures located within the site.
- h. Rim and invert elevations of all existing and proposed drainage structures and conduits.

- i. Indication of material types (including product names, numbers, and catalog cuts) and limits proposed for use in conjunction with the connection.
  - j. Length, size and material of all conduits existing within or proposed for use within the site.
  - k. Details of any proposed structures/materials.
  - l. Details of any existing on-site sewage disposal systems, with proposed clearance distances to any proposed storm drain connection component parts.
  - m. Any public utilities in the existing street right of way which may be affected by the proposed work.
3. Application Form
    - a. The applicant shall submit a completed permit form, which is provided as Attachment 1 to this policy.
4. Application Fee
    - a. Original application fee: The applicant, as part of the original application package, shall submit the requisite application fee.
    - b. Renewal application fee: The applicant, as part of the yearly renewal process shall submit the requisite application fee.

## **VI. Performance of Work**

1. Performance of all the work under a permit granted under these rules and regulations shall be by a Town approved licensed drain layer.

## **VII. As-built plans**

1. The applicant shall be required to provide the highway superintendent with an "as-built" plan of the permitted system. This "as-built" shall be based on actual field measurements.
2. Failure to provide such "as-built" plans within thirty (30) days of completion of the work may be cause for disconnection/cutting off of said proposed storm drain connection from the Town's municipal drain system.

## **VIII. Duration and Extension of Permit**

1. A Municipal Storm Drain Connection Permit granted for the installation of a connection may be terminated by the Town if said connection, in the opinion of the highway superintendent or his/her designee, fails to meet the applicable terms and conditions set forth in this policy and as set forth in the terms and conditions of the Municipal Storm Drain Connection Permit, or if termination of the Permit

is necessary to meet federal or state requirements, or is otherwise deemed to be in the best interests of the Town. In the event that the Permit is terminated for any reason, the connection shall be removed by the property owner/applicant within thirty (30) days, after which time if it is not removed, the Town may remove the system at the owner's expense.

3. (MSDCP) Permits, shall expire on May 1<sup>st</sup>.
4. All Municipal Storm Drain Connection Permits shall be reapplied for annually by April 1 and renewals will be issued on a yearly basis by May 1 of each calendar year. Failure of an applicant to apply for and obtain a renewal permit may result in a termination and removal of said connection.

### **IX. Inspections**

1. The property owner/applicant shall agree to allow representatives of the Town to enter onto his/her property for the purpose of inspecting the complete drainage connection and ensuring compliance with the terms and conditions of the municipal Storm Drain Connection Permit and the Liability Covenant before, during and after the connection is installed.
2. The inspection of the system by Town personnel does not relieve the property owner of the responsibility to ensure that the work conforms to the conditions of the Municipal Storm Drain Connection Permit.
3. The Board of Health or its designee shall observe and inspect every portion of the connection. No portion of the connection may be backfilled until proper observation and inspections have taken place.
5. Failure to obtain proper inspections shall be grounds for disconnection from the municipal storm drain system
- 6.

### **X. Enforcement/Administration**

1. The Board of Health shall administer, implement, and enforce these Regulations.
2. The Board of Health may pursue civil and criminal remedies for violation of this ordinance or any permit or order issued pursuant thereto and may seek injunctive relief to restrain further violations or compel remediation of violations.
3. The Board of Health may issue written orders to compel compliance with the provisions of this ordinance and may require:
  - A. Performance of monitoring, analyses and reporting to assure compliance; and
  - B. Remediation of contamination resulting from violations.



4. Where remediation is ordered, the Board of Health shall specify the time within which such remediation shall be complete. Said order shall state that failure to abate the violation or perform the required remediation within the specified time may result in the city undertaking such work at the expense of the owner.
5. The Town shall, within thirty (30) days of completing abatement or remediation of a violation, notify the property owner of the cost incurred in remediation, including administrative costs. If the amount due is not received within thirty (30) days of notification or within thirty (30) days following a final decision of a court of competent jurisdiction affirming or reducing the costs, the costs shall become a special assessment and shall constitute a lien on the owner's property for the amount of said costs. Costs remaining unpaid more than thirty (30) days after becoming due shall accrue interest at the rate provided by law.

## **XI. Appeals Procedure**

1. **Submission:** If the Board of Health denies an application for a Municipal Storm Drain Connection Permit, the applicant may file an appeal with the court of competent jurisdiction within thirty (30) days of receipt of the denial notification.

**ATTACHMENT 1**  
**ORIGINAL PERMIT APPLICATION**

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(PERMIT NO.)

\_\_\_\_\_  
(Check Number)

\_\_\_\_\_  
(PROPERTY OWNER NAME PRINTED)

\_\_\_\_\_  
(SIGNATURE)

\_\_\_\_\_  
(PROPERTY ADDRESS)

\_\_\_\_\_  
(PHONE NUMBER)

**I understand that by my signature above, I am certifying that the connection to the municipal storm drain system is in full compliance with the Town of Dighton Storm Drain Connection Policy and with any additional conditions listed and attached hereto.**

**Contractor Information**

\_\_\_\_\_  
(CONTRACTOR'S NAME PRINTED)

\_\_\_\_\_  
(DIG SAFE NO.)

\_\_\_\_\_  
(STREET ADDRESS)

\_\_\_\_\_  
(TOWN)

\_\_\_\_\_  
(ZIP CODE)

\_\_\_\_\_  
(TELEPHONE NO.)

\_\_\_\_\_  
(PROJECTED START/FINISH DATES)

\_\_\_\_\_  
(ACTUAL START/FINISH DATES)

\_\_\_\_\_  
(PERMIT APPROVED)

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(INSPECTED BY)

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(Book/Page/Registry Reference-Liability Covenant)

**PROJECT INFORMATION TO BE INCLUDED WITH APPLICATION FORM**

APPLICANT SHALL ATTACH A STATEMENT DESCRIBING

- THE PROPOSED WORK,
- THE TYPE OF DISCHARGE INVOLVED
- AN EXPLANATION AS TO THE NECESSITY FOR THE CONNECTION
- EXPLANATION DOCUMENTING THAT NO REASONABLE ALTERNATIVE MEANS OF WATER DISPOSAL EXISTS

**ATTACHMENT 2**  
**RENEWAL PERMIT APPLICATION**

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**(DATE)**

**(PERMIT NO.)**

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**(Check Number)**

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**(PROPERTY OWNER NAME PRINTED)**

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**(PROPERTY ADDRESS)**

**(PHONE NUMBER)**

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**(PROPERTY OWNER SIGNATURE)**

**I understand that by my signature above, I am certifying that the connection to the municipal storm drain system is in full compliance with the Town of Dighton Storm Drain Connection Policy as was originally permitted, and with any additional conditions listed hereto.**

**ATTACHMENT 3 REVIEW BY TOWN COUNSEL**  
**LIABILITY COVENANT**

This Liability Covenant (the "Covenant") is made this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by \_\_\_\_\_ [owner(s)] of \_\_\_\_\_ [address], Dighton, Bristol County, Massachusetts (the "Owner").

RECITALS

WHEREAS, the Owner is the owner in fee simple of a certain parcel of land located on \_\_\_\_\_ [name of street] in Dighton, by deed recorded with the Bristol County Registry of Deeds ("Registry") in Book \_\_\_\_\_, Page \_\_\_\_\_ (the "Property"); and,

WHEREAS, the Owner submitted an application dated \_\_\_\_\_, to the Town of Dighton (the "Town") for a Municipal Storm Drain Connection Permit (the "Permit") to authorize the connection of a private drainage conduit (the "Connection") from the Property to the Town of Dighton public storm drainage system located within the Right-of-Way of \_\_\_\_\_ [name of street] (the "Street"), as shown on the sketch plan attached hereto as Exhibit A; and,

WHEREAS, the Town has issued a Permit, dated \_\_\_\_\_, to the Owner to allow said Connection;

NOW THEREFORE, in consideration of the issuance of the Permit and other good and valuable consideration, the Owner, on behalf of itself, its legal representatives, successors and assigns, covenants and agrees as follows:

1. The Owner agrees to accept and observe the terms and conditions of this Covenant, as well as the terms and conditions of the Permit and the provisions of the Town Municipal Storm Drainage Connection Policy ("Policy"), as is currently in effect.
2. The Owner understands and agrees that the Town retains all of its rights, title and interest in and to the right-of-way of the Street. The Permit shall not be construed as creating or vesting in the Owner any estate in the Street, but only a limited right of use.
3. The Owner acknowledges and agrees that the Town has made no representation or warranty regarding the condition of the municipal storm drain system, or its fitness for the construction of the Connection and the use of the Permit. The Owner shall be solely responsible for any and all costs and expenses associated with the exercise of the Permit.
4. The Owner agrees that the Permit may be terminated by the Town at any time, if the use of the Connection fails to meet the terms and conditions of the Permit or the requirements of the Policy, or if termination of the Permit is necessary to meet

federal or state requirements and regulations, or is otherwise deemed to be in the best interests of the Town.

5. The Owner agrees to allow representatives of the Town to enter onto the Property for the purpose of inspecting the Connection and ensuring compliance with the terms and conditions of this Covenant and the Permit before, during and after the Connection is installed.
6. The Owner agrees that the Connection will be used solely for the disposal of uncontaminated storm water and/or groundwater in accordance with the terms of the Permit and the Policy, and at no time will the Connection be used for the disposal of any other material. The Owner agrees that it is solely responsible to ensure this requirement is followed, to notify the Town if a prohibited discharge is made, to disconnect the Connection until the problem is rectified, and to be responsible for all costs associated with cleanup, including any costs incurred after the termination of this Permit.
7. The Owner agrees that the Town bears no responsibility for maintenance of any portion of the Connection. Any required maintenance of the Connection shall be the sole responsibility of the Owner. Proper Road Opening Permits may be necessary for maintenance work necessary within the Street.
8. The Owner agrees that any modifications made to the Connection shall be subject to this Covenant and that no such modification shall be made without the express written consent of the Town, which may be withheld at the Town's sole discretion.
9. The Owner agrees that the Town may require the permanent removal of the Connection upon the termination of the Permit. The Owner agrees, within thirty (30) days of receipt of written request to do so, to remove that portion of the Connection located within the Street and permanently seal off the Connection to prevent any further discharge into the municipal storm drain system. The removal shall also include the restoration of that portion of the Street disturbed by the removal to the condition of that area prior to the disturbance. The cost for this removal shall be the Owner's sole responsibility.
10. The Owner agrees that the Town may temporarily or permanently disconnect the Connection with or without advance notice if, in the Town's opinion, the use of the Connection poses an immediate threat to public safety, public health, or natural resources.
11. The Owner agrees to keep the Connection in good repair at all times, and to be solely responsible for all costs and expenses associated with its exercise of the Permit.
12. The Owner agrees, for itself and its successors and assigns, to indemnify, defend, and hold harmless the Town, its agents, employees, successors or assigns from and

against any and all claims, demands, suits, actions, costs, judgments, whatsoever, including reasonable attorneys' fees, which may be imposed upon, incurred by, or asserted against the Town, its agents, employees, successors or assigns, by reason of, or in consequence of the Town's issuance or revocation of the Permit, or the Owner's exercise of the Permit. The Owner hereby releases the Town, its employees, officers, agents, board members, and attorneys from any claims, actions, rights of action, causes of action, damages, costs, loss of services, expenses, compensation, attorneys' fees or other liability or responsibility for losses or damages related to the construction of the Connection or the Owner's use of the Permit. The Owner agrees and covenants that it will not assert or bring, nor cause any third-party to assert or bring, any claim, demand, lawsuit or cause of action against the Town, including, without limitation, claims for property damages, diminution in property value claims, personal injury or death damages and any other damages relating to, or arising from, the Town's issuance or revocation of the Permit, or the Owner's exercise of the Permit. The provisions of this section shall survive the termination of the Permit.

13. The provisions contained herein shall run with the land and shall bind the Owner and its successors and assigns, and shall inure to the benefit of, and be enforceable by, the Town.
14. The Owner shall incorporate this Covenant by reference in any instrument conveying an interest in the Property. Failure to so reference this Covenant, however, shall not in any manner affect the validity and effectiveness of this Covenant.

WITNESS the execution hereof under seal this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
[name(s) of Owner]

COMMONWEALTH OF MASSACHUSETTS  
BRISTOL, ss.

On this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, the undersigned notary public, personally appeared the above-named \_\_\_\_\_ and \_\_\_\_\_, who proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person(s) whose names are signed on the foregoing instrument in my presence, and further acknowledged the foregoing instrument to be his/her/their free act and deed.

\_\_\_\_\_  
Notary Public:  
My Commission Expires: