



**TOWN OF WESTFORD
STORMWATER UTILITY FEE CREDIT PROCESS**

Introduction

The Town of Westford has established the following credit policy which provides the opportunity for property owners to reduce their yearly stormwater utility fee by implementing certain stormwater improvements on their property known as Best Management Practices (BMPs). The purpose of the BMPs is to reduce stormwater runoff, improve water quality, and to help lower the overall cost of the Town’s stormwater management program. Examples of BMPs include, but are not limited to: bioretention areas, rain gardens, constructed wetlands, extended dry detention basins, wet basins, sand filters, vegetated filter strips, dry wells, and infiltration basins. A complete list of qualifying BMPs can be found in the Massachusetts Stormwater Handbook – Volume 2, Chapter 2 (see web link under Stormwater Management Resources).

Available Credits

The following credits are available for Non-Single-Family Residential properties (NSFR) and Single-Family Residential properties (SFR) that meet the credit criteria:

NSFR	Eligible for a maximum 50% reduction in the stormwater fee.
Property:	A credit cannot lower the fee to less than the fee of 1 Equivalent Residential Unit (ERU).
SFR	Eligible for a maximum 1-step tier reduction (ex. Tier 5 reduced to Tier 4).
Property:	Credits are not available for SFR Tier 1 properties.

Credit Criteria

In order to be eligible for a stormwater credit the following criteria must be met:

- Stormwater BMPs shall have been designed, constructed, and maintained in accordance with the BMP specifications included in the Massachusetts Stormwater Management Handbook and Westford’s Stormwater Management Bylaw.
- NSFR & SFR properties with a valid Stormwater Management Permit issued by the Westford Planning Board shall be in full compliance with the permit decision and conditions of approval.
- NSFR properties that do not have a Stormwater Management Permit issued by the Westford Planning Board shall demonstrate compliance with the Massachusetts Stormwater Management Standards.
- SFR properties that do not have a Stormwater Management Permit issued by the Westford Planning Board shall meet the requirements of either Standard 2 (Peak Rate Attenuation), Standard 3 (Recharge), or Standard 4 (Water Quality) of the Massachusetts Stormwater Management Standards. At least 50% of the property’s impervious area shall be directed to the BMP(s) used to meet the standards.

The maximum 50% fee reduction for NSFR properties will be approved for those properties that fully satisfy the above Credit Criteria for the entire property. Properties that satisfy the full criteria on only a portion of the property would be eligible for a reduced credit. For example, if one-half of a property’s

impervious surface area meets the full criteria then a 50% credit would be applied for that portion of the property only. This would result in a 25% reduction in the overall stormwater fee (i.e. $0.5 \times 50\% = 25\%$). It is important to note that the calculation is based on impervious surface area and not overall land area.

Application Submission

A Stormwater Utility Fee Credit Application shall be submitted to the Westford Engineering Department for review. It is recommended that the following supporting information be provided with the application:

- Stormwater Permit file # issued by the Westford Planning Board (if applicable).
- Recent photographs of the BMP(s) location with a date stamp within 60 days of the credit application.
- Site plan showing the property, BMP(s) size & location, and impervious surface that drains to the BMP(s).
- Maintenance logs showing that the BMP(s) has been properly inspected and maintained in accordance with an existing operation and maintenance plan (O&M) or Massachusetts Stormwater Handbook requirements.
- NSFR applications are required to provide a certification from a licensed engineer verifying that the BMP(s) was constructed in accordance with the Massachusetts Stormwater Handbook, has been properly maintained, and is functioning as intended. Certifications are encouraged but not required for SFR applications.
- Any other supporting information or documents that would support the approval of a stormwater credit.

Stormwater Utility Fee Credit Applications may be completed online at:

www.westfordma.gov/stormwater

Applications may also be submitted by mail to:

Westford Engineering Department
Stormwater Credit Processing
28 North Street
Westford, MA 01886

The application deadline is February 1st.

Stormwater Credit applications will only be accepted for the current billing year and shall not be retroactive. The current stormwater utility bill shall be paid to date and the account shall be in good standing in order to be considered eligible for a stormwater credit.

Credit Review Process

- 1) The Engineering Department will review stormwater credit applications deemed complete within 30 days of receipt.
- 2) For properties with incomplete applications and/or that do not pass inspection during a site visit, a written notice will be sent to the property owner within 30 days noting the deficiencies. The property owner must submit a revised application, before the established application deadline or within 30 days of the written notice, whichever is later.
- 3) Applications deemed complete will be reviewed by the Engineering Department. A site inspection may be performed if determined necessary. The property owner will be notified of the Engineering Department's decision in writing within 30 days of receiving the application.
- 4) Should the application be approved, the Engineering Department will notify the property owner in writing that the credit application was approved. The credit will be applied, and the stormwater fee will be adjusted accordingly.
- 5) Should the application be denied, the Engineering Department will notify the property owner in writing explaining the reason for denial.

Appeal Process

- 1) Property owners that are not satisfied with the Engineering Department's decision may submit an appeal to the Stormwater Fee Appeals Panel comprised of one representative from the Select Board, Planning Board, and Board of Water Commissioners. Appeals may be made by email to StormwaterPanel@westfordma.gov or by mail to: Stormwater Fee Appeals Panel, 28 North Street, Westford, MA 01886. Appeals must be made within 30 days of receiving the Engineering Department's decision.
- 2) The appeal shall include a copy of the credit application that includes the Engineering Department's determination along with the reason for appeal.
- 3) The Stormwater Fee Appeals Panel will have 45 days to review and issue a decision on the appeal.
- 4) The Stormwater Fee Appeals Panel decision shall be final.
- 5) The Stormwater Fee Appeals Panel's decision may be appealed to a Court of competent jurisdiction pursuant to G.L. c. 249, Section 4.

Terms & Conditions

- 1) If approved, a stormwater credit will remain in effect for a 3-year period. After the 3-year term the property owner will need to reapply in order to continue to receive a stormwater credit.
- 2) Property owners are required to maintain their BMPs in order to receive and continue to receive a stormwater credit. The property owner shall be responsible for keeping yearly maintenance logs to

demonstrate the required maintenance is being performed. Maintenance logs shall be provided to the Town upon request.

- 3) The property owner shall give the Town the right to enter the property to inspect the stormwater BMPs. A minimum of 48 hours' notice will be given by the Town prior to any property visit.
- 4) A change in ownership requires a new application to be filed by the new owner.
- 5) If a Stormwater Management Permit was issued by the Westford Planning Board for the property, the property shall remain in compliance with all conditions of that permit decision.
- 6) Stormwater credits can be revoked at any time if it is determined BMPs are not functioning as intended or are not being properly maintained as required.

Additional Information

Additional information on the Town of Westford's Stormwater Management Utility Fee as well as other stormwater related information can be found at: www.westfordma.gov/stormwater

Questions regarding the credit process or general stormwater related questions should be directed to:

Westford Engineering Department
28 North Street
Westford, MA 01886

(978) 399-2716 or emailed to stormwater@westfordma.gov

Stormwater Management Resources

Westford General Bylaw Chapter 147 - Stormwater Management:
www.westfordma.gov/StormWaterBylaws

Westford Planning Board Rules & Regulations for Stormwater Management:
www.westfordma.gov/StormWaterPlanningBoard

Massachusetts Stormwater Handbook and Stormwater Standards:
<https://www.mass.gov/guides/massachusetts-stormwater-handbook-and-stormwater-standards>

Massachusetts Small Municipal Separate Storm Sewer System (MS4) General Permit:
<https://www.epa.gov/npdes-permits/massachusetts-small-ms4-general-permit>