

GENERAL BY-LAWS OF THE TOWN OF BOYLSTON

[PROPOSED MODIFICATIONS TO SECTIONS 6, 7 & 9]

SECTION 6 – EARTH REMOVAL BY-LAW

6.01 The members of the Earth Removal Boards shall be appointed as specified in ARTICLE 1, Section 4, Subsection 4.04 of these By-laws.

6.02 No person, firm, or corporation shall remove any soil, loam, sand, gravel, stone or other earth material (herein called “earth”) from any land in the Town not in public use without first obtaining a permit therefore from the Earth Removal Board, as provided in the following section.

A permit shall be granted only by an affirmative vote of not less than four (4) members of the Board.

.01 All site processing;

(a) Whether earth is removed from the site,

(b) Is removed from the site, mined and returned to the site,

(c) Is removed from a location on the site and used elsewhere on the site,

Is subject to the Earth Removal Permitting Process.

On Item (c) The Board can waive the fees associated with section 6.07 - for the purpose of encouraging the onsite usage of earth instead of removing from the site.

6.03 EXEMPTIONS: A permit shall not be required under this By-law for the removal of earth:

(a) In the course of excavation incidental to the construction of a new single family residential building for which all Permits required the Town By-laws or state laws and all pertinent regulations have been issued, nor to the installation of walks, driveways, or similar appurtenances to said building, provided the quantity of material removed shall not exceed that displaced by the portion of the building, walk, driveway, or similar appurtenance below finished grade;

(b) in the course of customary use of land from a farm, garden, or nursery; and

(c) in the course of excavation incidental to the construction of a septic tank, cesspool, leaching field, swimming pool, athletic courts, or cemetery excavations, provided the quantity of material removed does not exceed the displaced portion of the septic tank, cesspool, leaching field, swimming pool, athletic course, or cemetery excavations below the finished grade; or any other excavation of earth incidental to the construction of an addition to an existing commercial, industrial, or residential building provided the quantity of material removed shall not exceed that displaced by the portion of the building, walk, driveway, or similar appurtenance below finished grade, or incidental to

the construction or installation of utilities or drainage or roadwork by the Boylston Water District, or the Town of Boylston.

6.04 An application for an Earth Removal Permit shall be in writing, and shall contain an accurate description of the portion of land from which earth is to be removed; shall state fully the purpose for the removal thereof, and shall include Plans and Water Table Level Readings of the land involved in such form as the Board may require. In addition, an application to remove any Earth (whether or not exemption is claimed) shall submit a registered engineer's or registered land surveyor's:

(a) certified statement that the earth removal plans will not result in the removal of more than 100 cubic yards of earth in addition to exempt volumes; or

(b) stamped plans, with two-foot contours of the parcel(s). These plans shall show existing contours plus the proposed contours at the conclusion of soil-removal operations for the particular calendar year, together with a calculation of the cubic yards of soil to be removed.

In addition, the owner shall submit with the original application for soil removal an engineered plan depicting the intended final contours of the site, together with corresponding calculations, when all soil removal operations will be complete.

No application for a permit to remove Earth shall be scheduled for hearing, unless and until the required contour plans and calculations accompany the application.

6.05 (a) The Board may also make any reasonable Rules and Regulations for the issuance of Permits. The Board may charge reasonable fees for making an Application for Earth Removal.

b) Upon receipt of an application for removal of earth from any land, the Board shall appoint a time and place for a Public Hearing, not later than forty-five (45) days after receipt of a completed application, notice of which shall be given to the applicant, and shall be published at least seven (7) days before such Hearing in a newspaper having a general circulation in the Town.

(c) This application shall be at the expense of the Applicant; the fees shall be determined by the Board of Selectmen, shall remain in effect until changed, and shall be payable to the Town Treasury.

6.06 The Earth Removal Board shall exercise its powers with due regard for:

a. the health, safety, and general welfare of the inhabitants of the Town;

b. the conditions which might be detrimental to a neighborhood;

c. substantial hardships to the applicant, financial or otherwise, and where desirable relief may be granted without substantial detriment to the public good, or to the intent and purpose of this By-law, and;

d. wildlife and natural resources, including but not limited to the recharge of the water table or the condition of the surface water.

The Earth Removal Board may impose conditions on any Permit it grants under this By-law, including, but not limited to:

- a. method of removal
- b. type and location of temporary structures
- c. hours of operation
- d. depth and area of excavation
- e. distance of excavation from street and lot lines
- f. steepness of slopes excavated
- g. re-establishment of ground levels and grades
- h. provisions for permanent and temporary drainage
- i. disposition of boulders and tree stumps
- j. replacement of loam over the area of removal
- k. planting of the area to suitable cover
- l. inspection of the premises at any time by the Board or its representatives
- m. erosion and sediment control measures*

6.07 For all non-exempt operations exceeding 100 cubic yards, the owner of the land from which the earth is to be removed shall pay to the Town, for the costs and expenses associated with administering the application therefore and monitoring of the removal operation, one dollar (\$1.00) for each cubic yard in excess of 100 so removed, as a non-refundable fee. Payment shall be made to the Town Treasurer before any earth removal permit may issue; or a cash or surety bond (as provided below) shall be provided to the Board and filed with the Treasurer to cover the total amount of the anticipated fees, which shall then be paid monthly. The Board may suspend or revoke an Earth Removal permit if fees are not paid on a timely basis. If more than the permitted quantity of earth is removed, the owner of the land shall pay to the Town a penalty in the amount of five dollars (\$5.00) per each cubic yard in excess of the permitted quantity – not to exceed the maximum per diem penalties provided for in these ~~By-laws~~ *By-laws* and State laws amended from time to time.

6.08 The Earth Removal Board may require as a condition to the granting of Permit to remove earth that the applicant furnish a Performance Bond of cash, certified check, or a Surety Company to the Town as obligee in a penal sum to be fixed by said Board as it shall deem sufficient to cover the cost of the performance of all labor and material as shall be required to carry out all the conditions, limitations, and safeguards as may be imposed by said Board in connection with the removal of the particular substances for which the Permit is issued. No permit shall be issued under the provisions of this By-law for a period of more than one (1) year, though permits may be renewed without a hearing at the discretion of the Board.

6.09 The Board may suspend or revoke any permit it has issued at the discretion of the Board, or take any action which shall be necessary to enforce the provisions of this By-law, and the provisions of the General Laws, Chapter 40, Section 21, Paragraph 17.

The suspension or revocation of a permit shall not relieve the holder of the Permit of his obligations there under except at the discretion of the Board.

6.10 The Earth Removal Board shall record all decisions and proceedings handled by the Board in a book kept for that purpose, and shall file in the Office of the Town Clerk a copy of all its decisions, and said Town Clerk shall keep a proper index thereof.

SECTION 7 – DRIVEWAYS

7.01 PURPOSE

The purpose of this By-Law is to insure that driveways shall provide adequate access in the time of emergency for Fire, Police and other emergency vehicles. It is also to prevent the creation of a nuisance in the connecting public ways by the discharge of water, silt, or other matter on said public ways.

7.02 GENERAL REQUIREMENTS

All driveways hereinafter constructed, reconstructed or altered in the Town of Boylston shall be in conformity with this By-Law.

7.03 No driveway shall be constructed, reconstructed or altered for a distance of twenty (20) feet from where it enters upon a public street with a grade exceeding ten percent (10%) slope.

7.04 No driveway shall be constructed, reconstructed or altered so as to discharge water, silt or other matter on a public way.

7.05 No driveway shall be constructed, reconstructed or altered so as to block the flow of water in the gutter in a public way.

7.06 No person shall build or construct any connection between any private driveway in the Town of Boylston and any public Town road in the Town of Boylston without first obtaining a permit from the Board of Selectmen or the Planning Board.

7.07 PERMITS

No Building Permit shall be issued until a Driveway Permit has been obtained.

7.08 The Board of Selectmen, or their Agent, shall issue permits for driveways serving single-family dwellings or one two-family dwelling.

7.09 The Planning Board, or their Agent, shall issue permits for driveways, serving any class of buildings other than one single-family dwelling, or one two-family dwelling.

7.10 SPECIFICATIONS

The Selectmen may appoint an Agent to issue permits provided for in Section 7.08, and may make reasonable Rules and Regulations regarding the construction of surfaces and drainage. It is not intended that driveways serving a single-family dwelling be paved unless the Selectmen, or their Agent, determine that paving is necessary to prevent discharge of silt on the public way. *In such cases where paving is necessary, permeable paving (porous asphalt, pervious concrete, or paving stones) shall be used to the maximum extent practicable.*

7.11 Driveways constructed under the provisions of Section 7.09 shall meet with the current Planning Board Rules and Regulations for roads adopted under the provisions of Massachusetts General Laws, Chapter 41, Section 81Q.

7.12 The Planning Board may waive the requirements for sidewalks, and any other requirements when it determines that they are not necessary, and it is in the best interest of the Town to do so.

7.13 Per diem non-criminal penalty for violation of Driveway By-Law \$50.

SECTION 9 – ~~EROSION AND SEDIMENT~~ *STORMWATER* CONTROL BY-LAW

9.01 The ~~Erosion & Sediment Control By-Law~~ *Stormwater Control By-Law* is hereby established in the Town of Boylston, Massachusetts. *This By-law is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the rules and regulations of the federal Clean Water Act found at 40 CFR 122.34.*

~~9.18~~ This By-law shall take effect upon its approval by the Attorney General and publications as provided by Law, provided however, that any continuous legally permitted development activities in actual operation on ~~May 14, 1979~~ that date may continue.

9.02 PURPOSE

.01 The purpose of this By-law 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 stormwater runoff, nonpoint source pollution associated with new development and redevelopment, and erosion and sedimentation associated with construction.

.02 Compatibility with Other Permit and By-law Requirements: This by-law is not intended to interfere with, abrogate, or annul any other by-law, rule or regulation, statute, or other provision of law. The requirements of this by-law should be considered minimum requirements, and where any provision of this by-law imposes restrictions different from those imposed by any other by-law, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

For projects within any resource area protected under law, including, but without limitation: the Massachusetts Wetlands Protection Act, the Massachusetts Rivers Act, the Massachusetts Watershed Protection Act, or the BMP design and selection criteria given in the most current Massachusetts Stormwater Management Policy, as amended, shall be considered the more restrictive or more protective of human health and the environment, and shall take precedence over the Boylston Stormwater Control By-law. This By-law shall not take precedence over applicable state and federal statutes and

pertinent rules and regulations adopted thereunder, unless this By-law is more restrictive.

9.03 DEFINITIONS

Terms that apply to issuance of a Stormwater Control Permit established by this By-law shall be defined and included as part of the Regulations promulgated and from thie to time amended under Section 9.05.02 of this By-law, the first version of which have been voted by the Conservation Commission as approved on the condition that this By-law enacted, and a copy of which is available at the Conservation Commission and the office of the Town Clerk. Terms not defined in said Regulations or pertinent statutes shall be construed according to their customary and usual meaning unless the context indicates a special or technical meaning.

9.04 SCOPE AND APPLICABILITY

.01 This By-law shall be applicable to the following activities:

- (a) Any Subdivision as defined in the Town’s Zoning By-laws or in Section IV of the Rules & Regulations Governing Subdivision of Land in Boylston, Massachusetts (and as amended) requiring a Definitive Plan;*
- (b) Any activities that result in a land disturbance greater than one acre within the Town of Boylston. Land disturbance shall mean any action that causes vegetation clearing; or a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material; and*
- (c) Any activities that result in a land disturbance less than one acre if the project is part of a larger common plan of development which eventually will disturb greater than one acre within the Town of Boylston. Plans that do not require approval under the Subdivision Control Law, hereafter referred to as “ANR lots”, and meet one or more of the applicability criteria described herein are subject to the provisions of this By-law and shall obtain a Stormwater Control Permit.*

~~9.02 — Before land is cleared, graded, transported or otherwise disturbed for purposes including, but not limited to, the construction of buildings, the mining of minerals, the development of golf courses, and the construction of roads and streets by any private person, partnership, corporation, municipal corporation, county or state agency within the Town of Boylston, an Erosion & Sediment Control Plan shall be submitted to and approved by the Boylston Conservation Commission.~~

9.07 — EXEMPTIONS

.02 Exemptions: No person who meets the applicability of this by-law shall alter land within the Town of Boylston without having obtained a ~~an Erosion & Sediment Control Permit~~ Stormwater Control Permit, with the following exceptions:

- (a) the construction of a single-family or a two-family dwelling, or accessory uses customarily incidental to a single-family or two-family dwelling *that disturbs less than one acre of land*;
- (b) In the course of customary Cemetery *management* operations;
- ~~(c) In the course of customary use of land classified as farm, garden, or nursery;~~
- (c) *Maintenance of existing landscaping, gardens or lawn areas*;
- (d) *Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act 310 CMR 10.04 and MGL Chapter 40A Section 3*;
- (e) *Any work or projects for which all necessary approvals and permits have been issued before the effective date of this By-law*;
- (f) *Construction of utilities (gas, water, electric, telephone, etc.) other than drainage, which will not permanently alter terrain, ground cover, or drainage patterns; and*
- (g) *Emergency repairs to any stormwater management facility or practice, such that the original design location, size, and technology remain the same, that poses a threat to public health or safety, or as deemed necessary by the Conservation Commission.*

.03 Coordination with Other Town Permits. No Town Earth Removal Permit, Order of Conditions from the Conservation Commission, Building Permit, subdivision approval, special permit, variance or finding shall be issued for a project or activity that meets the Scope and Applicability of this By-law until the developer submits a complete Stormwater Control Permit application, the Conservation Commission issues a Stormwater Control Permit, and the developer certifies that all land clearing, construction, and development will be done pursuant to the approved Plans.

~~9.04 No Town Earth Removal, Grading, Conservation or Building Permits shall be issued until the developer submits a grading and Erosion & Sediment Control Plan, approved by the Conservation Commission, and the developer certifies that all land clearing, construction, and development will be done pursuant to the approved Plan.~~

9.05 ADMINISTRATION

.01 Stormwater Authority. The Conservation Commission is hereby designated as the Stormwater Authority. The Conservation Commission, or their agent, shall administer, implement and enforce this By-law. The Boylston Conservation Commission may appoint an Agent to issue Permits and sign Plans provided for in this By-law. The Conservation Commission may appoint the Building Inspector, or other, as its authorized Agent for site inspections and enforcement of this By-law.

~~9.19 The Boylston Conservation Commission may appoint an Agent to issue Permits and sign Plans provided for in this By-law, and the Conservation Commission may make reasonable Rules and Regulations in conformity with, and for the purpose of administering and enforcing this By-law.~~

.02 Stormwater Regulations. The Conservation Commission may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, clerical, inspection, and/or consultant fees), procedures and administration of this Stormwater Control By-law 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 Conservation Commission may promulgate rules and regulations to effectuate the purposes of this By-law. Failure of the Conservation 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 By-law. Notwithstanding the preceding, the Regulations conditionally approved by the Conservation on _____, 2006 are hereby ratified and confirmed.

.03 Stormwater Management Manual. The Conservation Commission will utilize the Massachusetts Stormwater Management Policy and Handbooks, as amended from time to time, for criteria and information including specifications and standards for the execution of the provisions of this By-law. These include a list of acceptable stormwater treatment practices, with specific design criteria for each. Unless specifically altered in this Stormwater Control By-law, stormwater management practices that are designed, constructed, and maintained in accordance with the MA Stormwater Management Handbooks design and sizing criteria may be presumed by the Conservation Commission to be protective of Massachusetts water quality standards.

.04 Actions by the Stormwater Authority. The Conservation Commission may take any of the following actions as a result of an application for a Stormwater Control Permit as more specifically defined as part of the Regulations promulgated as part of this By-law: Approval, Approval with Conditions, Disapproval, or Disapproval without Prejudice.

~~9.03 The Conservation Commission shall retain the Plan, and accept it or reject it within sixty (60) days. If deemed incomplete, the Plan shall be rejected and shall be resubmitted within sixty (60) days, or considered null and void.~~

.05 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 By-law shall be reviewable in the Superior Court in an action filed within 60 days thereof, in accordance with M.G.L. Ch 49 § 4.

.06 Low Impact Development (LID) Credit System. The Conservation Commission may

adopt, through the Regulations authorized by this By-law, a LID Credit System. This credit system will allow applicants the option, if approved by the Conservation Commission, to take credit for the use of “stormwater better site design practices” to reduce some of the requirements specified in the criteria section of the Regulations. Failure by the Conservation Commission to promulgate such a credit system through its Regulations or a legal declaration of its invalidity by a court shall not act to suspend or invalidate the effect of this By-law.

9.06 PERMIT PROCEDURES

Permit procedures and requirements, including permit submittals, right-of-entry, fee schedule, and public hearing process, shall be defined and included as part of the Regulations promulgated under Section 9.05.02 of this By-law.

~~9.05 No work proposed in any Plan shall be undertaken until the final approved Plan with respect to such work has been recorded by the applicant in the Registry of Deeds for the District in which the land is located. The applicant shall furnish proof of such recording.~~

~~9.06 Any person who purchases, inherits or otherwise acquires real estate upon which work has been done in violation of the provisions of this Section, or in violation of the approved Plans under this Section shall forthwith comply with any such Order, and restore such real estate to its condition prior to such violation, as the Conservation Commission deems necessary to remedy such violation.~~

~~9.08 The Erosion & Sediment Control Plan shall be submitted in writing, and contain an accurate description of the topography, geology, soils, hydrology, vegetation and wildlife of the portion of land requiring erosion and sediment control. It shall state fully the purpose for the land disturbance, and shall contain detailed Site Specification Plans, schedules and descriptions of methods proposed to control erosion and sediment.~~

~~9.14 The Applicant shall comply with the applicable State and local requirements relating to the prevention and abatement of pollution.~~

~~9.15 The following items shall be included in, or with an Erosion & Sediment Control Plan:~~

~~.01 the Definitive Development Plan~~

~~.02 the Plan for storm drainage and culverts including:~~

~~a. locations of drains and culverts, and names of streams, rivers, ponds or reservoirs in the Town of Boylston, into which they flow~~

~~— b. discharge capacity and expected velocities at drain or culvert outlets~~

~~— c. conditions below outlets, and expected flow velocities~~

~~— d. supporting computations of the above.~~

~~.03 the Site Grading Plan showing existing topography and planned grades along the proposed street or highway profiles.~~

~~.04 Proposed Sediment & Erosion Control Plan including:~~

- a. ~~Sediment and erosion control structures such as diversions, waterways, slope stabilization structures, sediment basins, etc. in sufficient detail to implement their installation together with referred standards for soil erosion and sediment control as appropriate, and design calculations as required for each structure.~~
 - b. ~~Seeding and/or sodding requirements for exposed areas including seedbed preparation, seed mixtures, lime, fertilizer, and mulching requirements with referenced standards~~
 - c. ~~Schedule, or sequence of operations with starting dates for clearing and/or grading, timing and storm drain and culvert installation, duration of exposure of soils and critical area stabilization, both temporary and permanent. Indicate dates when critical area stabilization, paving, seeding, mulching or sodding is to be completed.~~
 - d. ~~General notes for sediment control that spell out the procedures for implementing the Plan. Time schedule indicated in "c" should be included.~~
 - e. ~~Registered Engineer's seal and signature.~~
- ~~.05 A Request for Approval shall accompany all Erosion and Sediment Control Plans, and shall be in the form prescribed by the Conservation Commission.~~

9.07 PERFORMANCE STANDARDS

Criteria for erosion and sediment control and post-construction stormwater management, including stormwater and low impact development performance standards, shall be defined and included as part of the Regulations promulgated under Section 9.05.02 of this By-law.

- ~~9.09 Critical areas shall be those areas subject to excessive erosion due to highly erodible soils, slope length, and steepness or water concentrations. Concentrations of runoff water, or other reasons may cause this area to be critical. All areas may become critical when vegetation or other soil surface protection is removed as shown on the drawings, or otherwise identified.~~
- ~~9.10 The applicant shall perform all work, furnish all materials, and install all measures required to control soil erosion resulting from the proposed action, and prevent excessive flow of sediment from the development site. Such work may include the installation of water diversion structures, diversion ditches, and sediment basins, and seeding, mulching or sodding critical areas to provide temporary protection. An applicant shall submit a Plan showing the methods used to control soil erosion during construction along with the schedule of construction operations. When no work will be performed, on critical areas for more than thirty (30) days or less if deemed necessary by the Conservation Commission they shall be protected by temporary seeding, mulching, or sodding or the slope lengths shall be reduced by the installation of diversions or other means. When topography permits, sedimentation basins shall be constructed at points of water concentration from critical areas that will remain unprotected longer than thirty (30) days or less, if deemed necessary by the Conservation Commission. Earth berms or diversions shall be constructed to intercept and divert runoff water away from critical areas. Diversion outlets shall be stable or shall be stabilized by paving or other means acceptable to the Conservation Commission.~~

- ~~9.11 The permanent restoration of vegetative cover such as seeding or sodding on all areas shall be accomplished within ten (10) days after final grading operations have been completed. Time extensions beyond the ten (10) days requirement may be requested in writing, and are subject to written approval by the Conservation Commission.~~
- ~~9.12 Excavated soil material shall not be placed within one hundred (100) feet or less of rivers, streams, ponds, or reservoirs in a manner that will cause it to be washed away by high water or runoffs.~~
- ~~9.13 Fording of streams with construction equipment will not be permitted therefore, temporary bridges, culverts, or other structures shall be used whenever stream crossings are necessary. Unless otherwise approved in writing by the Conservation Commission, mechanized equipment shall not be operated in streams except as may be required to construct channel work, and temporary or permanent structures.~~

9.08 WAIVERS

.01 The Conservation Commission may in its discretion and after due consideration decide to waive and exempt strict compliance with any requirement of the Town of Boylston Stormwater Control By-law or the Regulations promulgated hereunder, where it makes a written finding that such action is:

- (a) Allowed by federal, state and local statutes and/or regulations;*
- (b) In the public interest; and*
- (c) Consistent with the purpose and intent of the Town of Boylston Stormwater Control By-law and its Regulations.*

.02 Criteria for granting a waiver shall be defined and included as part of the Regulations promulgated under Section 9.05.02 of this By-law.

9.09 ENFORCEMENT

The Conservation Commission or its authorized agent shall enforce this By-law and resulting regulations, orders, violation notices, and enforcement orders, and may pursue all criminal and civil remedies, including injunctive relief and monetary damages and costs of litigation and attorney fees, for such violations and for abatement and mitigation and compliance actions taken by the Conservation Commission. Further, any action by any person which violates any provision of the Town's Stormwater Control By-law or any application for a permit or a finding or waiver thereunder, shall and does hereby constitute irrevocable authorization by the applicant an any owner or successor in interest to them, for the Conservation Commission or its agents to enter and inspect the premises at any time, and to take action to abate or mitigate any potentially irreparable harm or damage to the public health, safety, environment and general welfare of the Town or the public.

Enforcement shall be further defined and included as part of the Regulations promulgated under Section 9.05.02 of this By-law.

- ~~9.16 The Conservation Commission may require as a condition to approving an Erosion and Sediment Control Plan that the Applicant shall furnish a Performance Bond of cash, certified check, or a Surety Company to the Town as obligee in a penal sum to be fixed by said Commission as it shall deem sufficient to cover the cost of the performance of all labor and materials as shall be required to carry out all the conditions, limitations and safeguards as may be imposed by said Commission in connection with the control of erosion and sediment. No Erosion and Sediment Control Plan will be approved under the provisions of this By-law for a period of more than one (1) year, though Permits may be renewed without Hearings at the discretion of the Commission.~~
- ~~9.17 The Commission may suspend or revoke approval of any Erosion and Sediment Control Plan at the discretion of the Commission, or take any action which shall be necessary to enforce the provisions of this By-law, and the provisions of the General Laws, Chapter _____, Section _____, Paragraph _____. The suspension or revocation of the Erosion and Sediment Control Plan shall not relieve the Applicant of his obligation thereunder except at the discretion of the Commission.~~
- ~~9.20 Per diem non-criminal penalty for Erosion and Sediment Control violations: \$50.~~

9.10 SEVERABILITY

The invalidity of any section, provision, paragraph, sentence, or clause of this By-law shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.