

Chapter 16

Maintenance

This chapter expands on the maintenance requirement of WDB 7.2. It provides detailed definitions of the term “maintenance” as it applies to specific improvements required by this bylaw. It also requires that applications for discretionary permits show how important operational aspects of developments, including snow storage and solid waste disposal, will be handled.

16.1 Basic Requirement – Applicability

16.1.1 What is the basic requirement of this chapter? The basic requirement of this chapter is that required improvements must be properly maintained.

16.1.2 Do the standards adopted here apply to all development? The standards adopted here apply to all developments that include improvements required by this bylaw. The plans submitted with applications for discretionary permits must clearly demonstrate compliance with these standards.

16.1.3 How can the maintenance standards adopted here be enforced? As stated at WDB 7.2.1, failure to maintain required improvements is a violation of this bylaw, subject to the as provided by WDB 7.4-6.

16.2 Community Sewerage Systems. Community sewerage systems are permitted in compliance with WDB 31.10.2.

16.2.1 Are there specific standards for the continuing maintenance of community sewerage systems? Yes. The type maintenance that is needed will depend on the type of system that is installed, but in every case, it must include annual submission of a maintenance contract with a firm that is acceptable to the Administrator by the owner or owners’ association and annual submission of an annual report by the maintainer to the Administrator. This report shall list all preventive maintenance measures taken and all repairs made.

16.2.2 What happens if a community sewerage system is not being maintained? As provided by WDB 16.1.3, failure to maintain a community sewerage system is a violation of this bylaw. Additionally, because failure to maintain a community sewerage system is assumed to pose a threat to public health, the town may - after providing 24 hours’ notice to the owner or owners’ association that it intends to do so - undertake or contract for the necessary maintenance. The town shall cover its expenses by placing a lien on all properties served by the community sewerage system it was compelled to maintain.

16.3 Landscaping, Neighborhood and Urban Parks, and Open Space

16.3.1 Are there specific requirements for the continuing maintenance of landscaping? Yes. Landscaping maintenance includes timely irrigation; the control of invasive species, pests, and weeds; pruning; mowing; the regular removal of litter; the regular removal and composting of dead plants, replacement plantings; trimmings and leaves; and all other activities required to maintain

the approved appearance and function of the landscaped area. More detailed landscaping maintenance standards are adopted in Chapter 23 of this bylaw.

16.3.2 Are there specific requirements for the continuing maintenance of neighborhood and urban parks? Yes. Parks that will remain in private ownership are subject to the landscaping maintenance standard of WDB 16.3.1 and the litter removal standards of WDB 16.4. Other features of parks must be kept in safe, functional working order. Where a public bulletin board is provided, the owner is responsible for the prompt, timely removal of dated items and ensuring that posted items do not become litter.

16.3.3 Are there specific requirements for the continuing maintenance of open spaces? Yes. Open space maintenance includes the regular repair of fences, stiles, private trails, and other structures; the control of listed weeds; litter removal; and wildfire suppression. Mowing may also be required in some cases. These maintenance activities must not diminish the open space values (wetlands, views, etc.) that are being protected. Those who are responsible for the maintenance of open space should also be aware of WDB 29.9.5, which limits the removal of vegetation from watershed protection buffers.

16.4 Litter

16.4.1 Is litter removal required? Yes. Regular removal of litter from landscaped and open space areas, neighborhood and urban parks, parking and loading areas, pedestrian ways, and all other outdoor spaces is required, as is the regular removal of trash from receptacles provided in compliance with WDB 16.4.2.

16.4.2 Can I be required to provide trash receptacles? Yes. The DRB may require the provision of outdoor trash receptacles to serve the users of a development.

16.4.3 Are trash receptacles subject to design review? Yes. Where outdoor trash receptacles will be provided, the applicant must provide specifications and drawings or photographs demonstrating that the proposed outdoor trash receptacles will be consistent with the architectural and landscape design themes of the development.

16.5 Runoff and Erosion Control Measures. Continuing maintenance of runoff and erosion control measures is required by WDB 29.5.11.

16.6 Snow Removal and Storage

16.6.1 Is snow removal required? Yes. The owner or owner's association is responsible for the removal of snow from fire lanes and from roads, sidewalks, trails, and other required improvements that remain in private ownership. EXCEPTIONS: This standard does not require that snow be removed from a facility, like a tennis court, that is not used during the winter, nor does it require that snow be removed from a pedestrian way that is groomed as a ski trail. This standard also does not prohibit a residential owner's association from requiring that individuals remove snow from sidewalks serving their homes.

16.6.2 Is a plan for snow storage required? Yes. Proposed snow storage areas adequate for the use of the proposed development must be clearly shown on the plans accompanying an application for a discretionary permit.

16.6.3 Are there limitations on where snow may be stored? Yes.

16.6.3.1 Impact on Water Quality. Areas proposed for snow storage must drain to an approved stormwater system. The DRB may permit an exception to this standard only where the applicant clearly demonstrates that melt water from a proposed snow storage area that is not served by an approved stormwater system will receive adequate treatment before entering a watercourse or reaching the water table. For the purposes of this sub-section, adequate treatment shall mean that melt water must flow across at least 100 feet of heavily vegetated land or infiltrate through at least four (4) feet of unconsolidated, Type A or Type B (highly to moderately permeable) soil before reaching the water table.

16.6.3.2 Impact on Landscaping. Snow may be stored on landscaped areas, but the plans submitted must demonstrate that the plant materials proposed for snow storage areas comply with the standards of Chapter 18 of this bylaw, specifically including WDB 23.5.3.

16.6.3.3 Impact on Parking Areas. Proposed snow storage areas may not include or obstruct access to required parking spaces. This standard does not apply for the first 48 hours after a snow event, during which time snow may be temporarily stored in parking spaces.

16.6.3.4 Impact on Pedestrian Ways. Snow storage may not obstruct sidewalks or other pedestrian ways.

16.7 Solid Waste

16.7.1 How do I show that I have made adequate provision for solid waste disposal? Solid waste containers, including trash receptacles, compactors, dumpsters, and similar installations must be shown on the plans accompanying an application for a discretionary permit.

16.7.2 Are there standards for the placement and screening of solid waste containers? Yes. Solid waste disposal containers must be accessible to haulers, but must also be fully screened from public view. This may be accomplished by architectural and/or landscape design.

16.7.2.1 Access for Haulers. The plans submitted must clearly demonstrate that proposed solid waste containers will be accessible to haulers. The DRB may require the applicant to provide a letter from the proposed hauler stating that access is adequate.

16.7.2.2 Preferred Location. The preferred way to screen solid waste containers is by placing them in the structure they serve, accessible via loading doors, or to use walls that are an architectural extension of the structure served by the containers.

16.7.2.3 Landscaped Screening. The DRB may permit the placement of solid waste containers away from a structure. Where it does so, the containers shall be fully screened from public view by a fence or wall of at least six (6) feet in height. Additional standards for landscaped screening are adopted in Chapter 23 of this bylaw.

16.7.2.4 Location. Unless placed inside a building, behind a loading door, solid waste containers must not be located on or along a pedestrian way or at a building's principal entrance/s.

16.6.2.5 Exception. The location and screening requirements of WDB 16.7.2.1-4 do not apply to trash receptacles placed on a site for the convenience of employees, shoppers, or the general public in compliance with WDB 16.4.2-3.

16.6.2.6 Litter. As required by WDB 16.4.1, areas surrounding solid waste containers must be kept free of litter.

16.6.2.7 Concrete Pad. Solid waste containers shall be placed on a concrete pad.