

## Memorandum

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To: Jeff A. Chelgren, Nahant Town Administrator

From: Daniel G. Skrip, Nahant Town Counsel

Re: Storm Water By-law revisions

Date: March 6, 2017

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In August 2015, the AG struck down three sections of our Storm Water By-laws: Section 9(B)(3); Section 9(C); and Section 9(D). Below are the original versions (with the disapproved areas in **bold**), and then the versions with my suggested revisions (with the disapproved areas still in **bold**, but my revisions in **bold underline**).

### Section 9(B)(3), Special Assessment - original version

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the [city or town], including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Planning Board within thirty (30) days of receipt of the notification of the costs incurred. **If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Planning Board affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs.** Interest shall begin to accrue on any unpaid costs at the statutory rate, as provided in G.L. Ch. 59, § 57, after the thirty-first day following the day on which the costs were due.

### Section 9(B)(3), Special Assessment – suggested revisions (omissions not noted)

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the [city or town], including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Planning Board within thirty (30) days of receipt of the notification of the costs incurred. **If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Planning Board affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a municipal charges lien against the property owner pursuant to G.L. Ch. 40, § 58 for the amount of said costs.** Interest shall begin to accrue on any unpaid costs at the statutory rate, as provided in G.L. Ch. 59, § 57, after the thirty-first day following the day on which the costs were due.

