

Stormwater Management & Erosion Control Bylaw FAQ

Why a local stormwater bylaw?

Stormwater is currently regulated under the Federal Clean Water Act (National Pollution Discharge Elimination System) which applies to municipal stormwater systems and construction areas over an acre; and under the Massachusetts Wetlands Protection Act (MA Stormwater Policy), enforced by local conservation commissions in and near jurisdictional wetlands.

Under the Federal Clean Water Act, Phase II requirements, the Town of Walpole was issued a NPDES PII Small MS4 General Permit. As a part of this permit the Town is required to implement and enforce a program to reduce pollutants in stormwater runoff to their municipal waterways from construction activities that result in land disturbance of greater or equal to one acre by May 1, 2008. The program includes adopting a regulatory mechanism and procedures to: require post construction run-off controls, implementation of best management practices to control erosion and sedimentation, controls for other wastes on applicable construction sites, method to review potential water quality impacts of projects, establish procedures for public review, and have procedures for site inspection and enforcement. The Stormwater Management and Erosion Control Bylaw meet the Phase II requirements.

How does a stormwater management & erosion control bylaw work?

The stormwater management and erosion control bylaw establishes the Walpole Conservation Commission as the permitting authority and requires that all projects over a certain threshold obtain a stormwater management and erosion control permit from the Conservation Commission.

The bylaw and accompanying regulations specify permit procedures and performance standards for obtaining a Land Disturbance Permit or a Fast Track Permit. Land Disturbance Permits will require a formal application, plans and a public hearing. The Fast Track Permit will only require review by the Conservation Agent when filing for a building permit.

Performance standards for the Land Disturbance Permit include recharge volumes (putting water back into the ground), peak discharge rates (making sure post-construction run-off of water from a site is the same as pre-construction run-off), water quality volumes (water that comes off of sites during and after construction is clean), and best management practices for low impact development.

Why does the Bylaw regulate activity 40,000 s.f. or more rather than 43,560 s.f. (one acre)?

To minimize clearing of large tracts of land without erosion controls and stormwater management practices during and after construction. The largest zoning district in the Town is the Rural district-R which allows lot sizes of 40,000 s.f in size as a minimum. Under the requirements of the Bylaw if a developer clears a lot from lot-line to lot line all 40,000 s.f then a Land Disturbance Permit would be required. If the developer left a portion of the site undisturbed and the clearing is less than 40,000 s.f. no land disturbance permit would be required. If the Bylaw used the 43,6560 s.f threshold then lots within the rural district could be cleared from lot-line to-lot line with no public review.

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What are some of the benefits of the stormwater management & erosion control bylaw?

Prevention of flooding; increased infiltration of clean water into the Town's aquifer; prevention of sedimentation and erosion to the Town's ponds, streams, rivers and other waterbodies; cleaner waterways; control of waste on construction sites and along waterbodies; and encourage phasing of projects with less clear cutting.

What is subject to a Permit?

The following items and activities shall specifically require a **Land Disturbance Permit**:

1. Land disturbance of greater than 40,000 square feet, associated with construction or reconstruction of structures.
2. Development or redevelopment involving multiple separate activities in discontinuous locations or on different schedules if the activities are part of a larger common plan of development that all together disturbs 40,000 square feet or more of land,
3. Paving or other change in surface material over an area of 40,000 square feet or more causing a significant reduction of permeability or increase in runoff,
4. Construction of a new drainage system or alteration of an existing drainage system or conveyance serving a drainage area of more than 40,000 square feet,
5. Any other activity altering the surface of an area exceeding 40,000 square feet that will, or may, result in increased stormwater runoff flowing from the property into a public way or the municipal storm drain system, OR
6. Construction or reconstruction of structures where more than 40,000 square feet of roof drainage is altered.

FAST Track Permit:

Projects that do not require a Land Disturbance Permit, normally require a Building Permit under the Zoning Bylaw and its revisions, and meet applicability of this Bylaw pursuant to Section 4A will require a Fast Track Permit. Projects will be reviewed for a Fast Track Permit by the Conservation Agent when applying for a building permit. Requirements shall be defined and included as part of the Rules and Regulations. Requirements will include erosion controls, stormwater infiltration, clean construction practices (managing trash etc.), phasing if necessary and other best management practices that encourage low impact development.

What is Exempt (Does NOT require a Permit) from the Bylaw ?

- (1) Normal maintenance and/or replacement of existing driveways and /or patios;
- (2) Expansion of a residential driveway and/or patio in such that no more than 15% or 2,500 s.f., which ever is greater, of the building lot is rendered impervious;
- (3) Normal maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling provided such maintenance does not include the addition of more than 400 cubic yards of soil material, or alteration of drainage patterns;
- (4) Repair or replacement of septic systems with erosion controls shown on the plan approved by the Board of Health for the protection of public health;
- (5) The construction of fencing that will not alter existing terrain or drainage patterns;

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- (6) Activity in accordance with the terms of an existing Order of Conditions or Determination of Applicability issued by the Commission pursuant to M.G.L Ch. 131, Section 40, or the Walpole Wetlands Protection Bylaw;
- (7) The removal of earth products undertaken in connection with an agricultural use if the removal is necessary for or directly related to planting, cultivating or harvesting or the raising or care of animals;
- (8) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04 and MGL Chapter 40A Section 3;
- (9) The maintenance, reconstruction or resurfacing of any public way; and the installation of drainage structures or utilities within or associated with public ways that have been approved by the appropriate authorities provided that written notice be filed with the Conservation Commission fourteen days (14) prior to commencement of activity; or
- (10) Normal maintenance of Town owned public land, ways and appurtenances.