## **PCP Legal Analysis**

Only a small portion of the Town of Walpole is located within the Charles River watershed. The majority of the town sits within the Neponset River Watershed. The Municipal Separate Storm Sewer System (MS4) General Permit (the Permit) requires the town to develop a Phosphorus Control Plan (PCP) designed to reduce the amount of phosphorus in the stormwater discharges from its MS4 to the Charles River and it tributaries. The PCP requirements are detailed in Appendic F of the permit. Phase I includes a legal analysis in year 2 (July 1, 2020). This memorandum meets the requirements to summarize the analysis of the regulations in place and recommendations for change necessary to effectively implement a PCP.

## **Existing Regulations**

The Town has a Stormwater ad Erosion Control Bylaw that requires review by the Conservation Commission of all land disturbance of 40,000 s.f or more or disturbs less than 40,000 s.f. and it part of a large plan of development that will together disturb more than 40,000 s.f. The Bylaw includes the filing of an application for a Land Disturbance Permit (LDP). The application is reviewed by the Conservation Commission, the Town Engineer, Board of Health, Planning Board, Zoning Board, and Building Department. The application requires a Stormwater Management Plan and documents sufficient to review and evaluate the environmental impacts. The plan is requird to be designed to meet the DEP Stormwater Sandards as set forth in the DEP Stormwater Handbook Volumes I and II.

The Stormwater Bylaw Regulation revised in October 27, 2022 requires the Applicant to meet the MS4 requirements detailed *in section 2.3.6 (Stormwater Management in New Development and Redevelopment)*. This is important in the Phosphorus Control Plan particularly for new development sites. All new development sites shall require stormwater management systems be designed to retain the volume of a 1-inch storm multiplied by the post –construction impervious area on the site or the removal of 90 % TSS of the average annual TSS load and 60 % of the average annual Total Phosphorus load.

For redevelopments sites where it is not feasible to attain the first 1-inch of run-off on-site due to physical restraints, the Stormwater Authority can approve a Stormwater Management Plan that includes BMP's that retain at least 0.5 inches of runoff.

Project must use low impact development techniques where adequate soil, groundwater and topographic conditions allow.

The Sormwater Bylaw includes the requirements of a fast track permit to review projects between 5,000 s.f. and 40,000 s.f. to capture the review smaller residential projects. Under the Fast Track Permit the first 1-inch of run-off from post-construction impervious surfaces between 5,000 and 39,999 shall be captured and infiltrated where ever possible. Low Impact Development Techniques shall be used where adequate soils, groundwater and topographic conditions allow.

## **Recommendations:**

• The town may require the Applicant to submit phosphorus load calculations from the proposed development/ redevelopment. The town may consider providing a calculation worksheet to ensure consistency for record keeping.

- Develop a certification plan for the operation and maintenance of stormwater management systems which includes an annual submission requirement. The annual report requirement has already been implemented within the issuance of Order of Conditions by the Conservation Commission.
- Develop a Stormwater Bank or fund that developers and Applicants can contribute to at the Town's discretion if a site is found not to be suitable for the implementation of the infiltration BMP's or where fines are issued for violations of stormwater permits. The funds shall be used for off-site mitigation.