

MEMORANDUM

TO: Boylston Stormwater and LID Bylaw Working Group
FROM: Woodard & Curran, Inc.
DATE: March 23, 2006
RE: Summary of Boylston's Existing Bylaws and Regulations for Stormwater and LID

1. INTRODUCTION

Woodard & Curran (W&C), assisted by the Working Group, reviewed the town bylaws and regulations regarding stormwater, water quality and quantity management, and consistency with LID and Better Site Design principles. Each Working Group member reviewed their department or board's Bylaw and regulations and provided direction to the Working Group as to how the Stormwater and LID Bylaw will co-exist with existing regulations or where regulations will need to change.

The following documents were reviewed:

- General By-laws of the Town of Boylston. Special Town Meeting, October 18, 2004.
- Rules & Regulations Governing the Subdivision of Land in Boylston, Massachusetts. Revised September 18, 2002.
- Zoning By-laws. Approved at May 2, 2005 Town Meeting.

This memorandum summarizes the scope of each of these documents and recommendations for implementing stormwater management and encouraging LID and Better Site Design.

2. GENERAL BY-LAWS

Many of the administrative elements needed for managing and enforcing stormwater in Boylston are part of the General Bylaws. The following provisions are part of the General Bylaw and will not need to be duplicated when adding language to address stormwater and LID:

1. Severability;
2. Surety; and
3. Enforcement and Penalties.

The following sections within *Article VI – Protection of Persons and Property* – pertain to stormwater management and may be modified to incorporate the requirements of Phase II and the concepts of LID and Better Site Design:

Section 6 – Earth Removal By-law (Authority – Earth Removal Board)

This bylaw applies to the removal of any earth material, with a number of exemptions including construction of a new single family residential building, septic tank installation, addition to an existing building, etc. The Earth Removal Board may impose conditions on any Permit it grants under this by-law, including type and location of temporary structures, re-establishment of ground

levels and grades, provisions for permanent and temporary drainage, replacement of loam over the area of removal, planting of the area to suitable cover, etc. Stormwater runoff and contaminant transport can be mitigated during Earth removal through implementation of such conditions.

Section 7 – Driveways (Authority – Board of Selectmen or the Planning Board)

One goal of the Driveway by-law is 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.” This by-law is applicable to all driveways constructed, reconstructed or altered. This permit must be issued prior to a Building Permit.

This by-law includes components that could be modified to incorporate better site design (such as minimized impervious cover) and LID techniques (such as permeable pavement). For example, “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.” Driveways that fall under the preview of the Planning Board shall meet the current Planning Board Rules and Regulations for roads.

This by-law includes provisions for the Planning Board to 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.

Section 9 – Erosion and Sediment Control By-law (Authority – Conservation Commission)

This by-law is applicable to most land disturbing activities with the exception of construction of a single-family or a two-family dwelling, customary use of land classified as farm, garden, or nursery, and customary Cemetery operations. This by-law requires an Erosion & Sediment Control Plan approved by the Conservation Commission before the Town grants additional permits, such as Earth Removal, Grading, Conservation, or Building.

The Erosion & Sediment Control By-law appears to be the most logical place in which to incorporate additional stormwater management, such as post-construction stormwater controls and BMP design criteria.

3. SUBDIVISION RULES & REGULATIONS (AUTHORITY – PLANNING BOARD)

These Rules & Regulations apply to all proposed subdivisions within the Town as defined by the Subdivision control Law, MGL Chapter 41. For these projects, the Town has in place many provisions for stormwater management, addressing predominantly quantity control. An Environmental Impact Statement may be required for any subdivision exceeding five lots. This by-law includes language to facilitate interdepartmental review of the proposed project and coordination with other Town permits.

In general, stormwater design criteria are fairly comprehensive and refer to the MA Stormwater Management Policy. Design criteria in section 6.7.0 Stormwater Management should be improved to encourage LID techniques. For example, the current “order of preference by the Planning Board for handling stormwater runoff is as follows” (Section 6.7.2):

1. Detention
2. Retention
3. Infiltration

Conversely, LID encourages infiltration through many small BMPs throughout the proposed site, rather than a large detention or retention area. Likewise, retention and detention areas can become breeding areas for mosquitoes if not designed and maintained properly.

Although many key concepts of Better Site Design have been included in the Rules & Regulations, such as 6.1.4 Preservation of Natural Features, there are a number of opportunities within these Rules & Regulations to further incorporate these concepts, such as minimizing street width, waiving curbing requirements, etc.

4. ZONING BY-LAWS (AUTHORITY – PLANNING BOARD AND BOARD OF APPEALS)

The Boylston Zoning By-laws establish specific design criteria for land use, site setbacks, utilities, etc. for each zoning district. The Zoning Districts with specific stormwater requirements are:

- Watershed Protection District; and
- Wellhead Protection Overlay District.

The Watershed Protection district is a small area with very limited options for development and redevelopment. Limitations on stormwater include prohibition of “construction of blind drains, dry wells, or similar” unless disposing of surface water. All “off-street parking, loading and maneuvering areas” totaling more than 5,000 square feet “shall be constructed of impervious material, and be designed so that all surface water is directed to flow into catch-basins equipped with an oil trap prior to discharge to the groundwater.”

The Wellhead Protection Overlay District is a sizeable area that incorporates other various zoning districts. Limitations on uses that pertain to stormwater management include earth removal and storage or commercial fertilizers and soil conditioners. A Special Permit is required for “land uses that render impervious more than 15 percent or 2,500 square feet of any lot, whichever is greater” with exceptions for some minor activities on single family residential lots. Groundwater recharge shall be provided that does not degrade groundwater quality.

When creating additional language for stormwater management within the General Bylaws, it will be important to refer to the Zoning By-laws and avoid conflicting language.