

TOWN OF WEST BROOKFIELD STORMWATER BYLAW

Executive Summary for Annual Town Meeting on May 9, 2006

Land uses in Town affect our streams, lakes and drinking water supplies. Careful planning of new development will protect the quality and health of these important water resources. Therefore, the Town of West Brookfield enacts this Stormwater Bylaw to provide guidance that will prevent harmful impacts from land development activities. This Stormwater Bylaw is not retroactive and does not affect current or approved land development or redevelopment applications.

The purpose of this Bylaw is to protect the public health, safety, and welfare by establishing requirements and procedures to manage stormwater runoff and to prevent water pollution from new development and redevelopment. The Bylaw will meet that purpose through the following objectives:

- Establish regulations for land development activities that preserve the health of water resources;
- Require that the amount and quality of stormwater runoff from new development is equal to or better than pre-development conditions in order to reduce flooding, stream erosion, pollution, property damage, and harm to aquatic life;
- Establish maintenance provisions to ensure that stormwater treatment practices will continue to function as designed and pose no threat to public safety;
- Establish procedures for the Town's review of stormwater management plans, and for the Town's inspection of approved stormwater treatment practices.

AUTHORITY: This Bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution, and pursuant to the regulations of the federal Clean Water Act, and as authorized by the residents of West Brookfield at Town Meeting, dated May 9, 2006.

ADMINISTRATION:

The Stormwater Authority shall administer, implement and enforce this Bylaw. The Stormwater Authority may adopt and amend rules and regulations relating to the procedures and administration of this Bylaw after conducting a public hearing to receive comments on proposed regulations.

The Stormwater Authority shall consist of seven members – one member each of the following Town boards: Planning Board, Conservation Commission, Board of Health, Board of Selectmen, Water Department, Highway Department; and a citizen-at-large.

The Stormwater Authority may adopt and amend rules and regulations relating to the administration of this Bylaw by majority vote after conducting a public hearing to receive comments. The Stormwater Authority will utilize the specifications and standards of the Massachusetts Stormwater Management Handbook for acceptable stormwater treatment practices. This guidance may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and maintenance experience.

The Stormwater Authority may take any of the following actions for an application for a Stormwater Management Permit - Approval, Approval with Conditions, Disapproval, or Disapproval without Prejudice. An appeal of a decision by the Stormwater Authority shall be reviewable in Superior Court.

The regulations authorized by this Bylaw may include a Stormwater Credit System that will allow applicants the option to meet Bylaw requirements through improved site design practices.

APPLICABILITY:

This bylaw applies to all new development and redevelopment, including subdivision applications, site plan review applications, and other activities that will result in an increased amount of stormwater runoff and/or water pollutants flowing from a parcel of land.

Redevelopment projects are presumed to meet the Bylaw requirements if the total impervious cover is reduced by 40% from existing conditions. Where site conditions prevent reduction in impervious cover, stormwater treatment practices shall address at least 40% of the site's impervious area. A combination of impervious area reduction and stormwater treatment practices shall equal or exceed a 40% reduction in total impervious cover from existing conditions.

An alteration, redevelopment, or conversion of land use to a "hotspot" such as auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots, and other potential water quality concerns shall require a Stormwater Management Permit.

EXEMPTIONS: No person shall alter land within the Town of West Brookfield without having obtained a Stormwater Management Permit (SMP) for the property with the following exceptions:

- Any activity that will disturb an area less than 10,000 square feet or less than 25% of a contiguous property, whichever is less.
- Normal maintenance and improvement of land in agricultural use.
- Conversion of land to agricultural use for crops and/or pasture.
- Timber harvesting under an approved Forest Cutting Plan.
- Maintenance of landscaping, gardens or lawn areas associated with a single family dwelling.
- Repair or replacement of an existing roof of a single-family dwelling
- Construction of a single-family dwelling, where "approval is not required" as defined by the Subdivision Control Act.
- Repair or replacement of an existing septic system.
- Construction of a deck, patio, retaining wall, shed, swimming pool, tennis or basketball court associated with a single family dwelling.
- The construction of any fence that will not alter existing terrain or drainage patterns.
- Construction of utilities (gas, water, electric, telephone, etc.) other than drainage, which will not alter terrain, ground cover, or drainage patterns.
- Emergency repairs to any stormwater management facility or practice that poses a threat to public health or safety, or as deemed necessary by the *Stormwater Authority*.
- Any work or projects for which all necessary approvals and permits have been issued before the effective date of this Bylaw.

PROCEDURES

Permit Procedures and Requirements shall be defined and included as part of any rules and regulations adopted by the Stormwater Authority under this Bylaw.

ENFORCEMENT

The Stormwater Authority or an authorized agent of the Stormwater Authority shall enforce this Bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations. Enforcement shall be further defined and included as part of any Stormwater Regulations adopted under this Bylaw. Enforcement may be made by way of noncriminal disposition pursuant to Chapter 1 Section 6 of the Town's Bylaws. The penalty under noncriminal disposition shall be \$50.00 for the first offense and \$100.00 for each subsequent offense.