

Substitute Motion for Article 7 (revised)

Arlington Town Meeting 2006

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This substitute motion modifies the text of the Board of Selectmen's revised Article 7 submitted May 1, 2006.

There are two repetitions of the text: Repetition one contains the text of the Selectmen's motion with all changes shown in *italics*. Repetition two contains the text as it would go into the bylaws.

Respectfully Submitted

Marc A. Butler, Precinct 19

Repetition one: (Changes are shown in *italics*)

The changes are in italics to make it easier to see exactly what I changed or added.

Article 7 **Bylaw Amendment / Control of Storm water Quality and Quantity**

VOTED: **That a new Article 13 “Storm water Management” be added to Title V Regulations on the use of Private Property to provide as follows:**

Article 13 Storm water Management **Section 1. Purpose**

The bylaw supports the National Pollutant Discharge Elimination System (NPDES) Phase II permit program, and is designed to result in the protection of water resources. The goals of the NPDES program and this bylaw are to reduce the amount of storm water runoff, to improve the quality of storm water runoff that does occur, and to reduce flooding. The purpose of this bylaw is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing a standard of practice which will ensure that soil erosion and sedimentation control measures and storm water runoff control practices are incorporated into the site planning and design process and are implemented and maintained, Such efforts will control the adverse effects of post-development storm water runoff and non-point source pollution associated with new developments and redevelopment.

To accomplish these ends, all land development activities shall maintain the after-development runoff rate so that it will be equal to or less than the pre-development runoff rate. Application of recognized and accepted Best Management Practices for storm water control are encouraged, as well as practices of “low impact development,” such as reduction of impervious cover and preservation of green space and natural areas, to the maximum extent practicable.

Small but important improvements in reducing storm water runoff problems can be achieved by individual homeowners and small project designers. These include, but are not limited to, these examples:

1. Minimum land clearing;
2. Protection and maintenance of vegetative buffers;

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3. Pervious paving systems for driveways and parking areas (such as Ecopavers or plastic grids that hold soil in the voids and can be planted as lawn, but withstand vehicle traffic);
4. Rain barrels attached to downspouts for use in landscape watering;
5. Trench drains and drywells;
6. Raingardens planted with native plants that are “thirsty” – such as blueberries, red-twig dogwood, or pussy willow.

Section 2 Terms and Definitions

Best Management Practices -- The most effective and feasible methods that accomplish the goal; they may be structures or technologies used to manage or treat water (such as leaching catch basins or detention ponds), or behavioral practice (such as use of integrated pest management or low phosphorus fertilizers) which will prevent or reduce the discharge of pollution or the rate of discharge.

Building footprint -- The outline of the total area covered by a building’s perimeter at the ground level.

Rate (of runoff) -- Measured as cubic feet per second (cfs) – the flow of runoff reflected in speed and volume

Runoff -- Rainfall, snowmelt, or irrigation water flowing over the ground surface.

Storm water -- Storm water, snow melt; the flow of water which results from precipitation and which occurs following rainfall or snowmelt.

Section 3. Applicability

This bylaw is applicable to the following development or redevelopment.

- A. All new development resulting in a structure where the building footprint exceeds 1,750 square feet;
- or
- B. Development activity resulting in an increase to the impermeable area of a lot by more than 350 square feet – such as, but not limited to, additions, roads, parking area or driveway, pool, play areas – such as for playing basketball or tennis, accessory structures which are subordinate to and detached from the principle building on a lot.

Section 4 Standards

No application may propose an increase in the rate of surface water runoff. The short-term goal of this program is to prevent increases in storm water runoff; the long-term goal is to decrease the amount of storm water runoff. These goals can be addressed by integrating storm water runoff controls into new development plans; and introducing runoff reduction

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measures, to the extent feasible, at locations where changes are proposed within existing development.

- A. Where new construction results in a structure with total footprint square footage in excess of 1,750 square feet, the total rate of post-construction discharge must be reduced by 30%-50% *from the pre-application level*. A waiver requesting a lesser reduction may be requested from the Engineering Division; see Section 5 BG., below.
- B. In areas subject to flooding as indicated on the Town's Wetland and Flood Plain Map and on the FEMA Flood Insurance Rate Map (as periodically updated and amended), the Engineering Division may require the applicant to reduce the rate of runoff to a level reflective of site constraints, up to 50% of the pre-application level. A waiver may be requested from the Engineering Division; see Section 5, below.
- C. *Where development activity results in an increase of the impermeable area of a lot by more than 350 square feet, the total post construction discharge must be reduced by 30% - 50% for discharge originating within the confines of said lot. Discharge which originates from other land surface must be reduced by 10% - 30%.*

Section 5 Procedure

- A. **Application:** Prior to the issuance of a building permit for any activity subject to this bylaw, a grading and drainage plan shall be submitted to the Engineering Division, consistent with the specifications to be established by the Arlington Department of Public Works. A fee of \$25.00 per hour shall be established to cover the costs of review of the plan. *Said fee not to exceed 10% of the cost of the project for projects otherwise costing up to \$3,000; 5% for projects otherwise costing \$3001 --\$10,000; and 2% for projects otherwise costing over \$10,000.*
- B. **Review:** The Engineering Division will review the application, and within 14 days approve, approve subject to conditions, or approve with modifications, or reject the plan. The applicant may request a waiver when strict adherence to this bylaw can be shown to constitute significant hardship due to unique topologic aspects of the site or due to extraordinary fiscal hardship. A waiver may be granted by the Director of Public Works, after consultation with the Town Engineer. Further relief from the decision of the Director of Public Works may be sought from the Arlington Zoning Board of Appeals, who shall make a de novo determination after a hearing on the merits.
- C. **Prior to project completion** the Town Engineer or his representative shall determine if there has been compliance with the storm water plan; if found to be not in compliance, the applicant will be notified of remaining work to be done; if found to be in compliance, a certificate of completion will be issued.

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Section 6 Responsibility for Administration

- A. The Town of Arlington Engineering Division, subject to approval by the Director of Public Works and Town Manager, shall establish administrative procedures for the review and approval of storm water management plans, and fo long-term follow up which will include provisions to ensure there is an adequate funding mechanism for proper review, inspection and maintenance of storm water facilities implemented as part of this bylaw. Failure to promulgate rules and regulations will not have the effect of suspending or invalidating this bylaw.

- B. The Engineering Department will utilize the policy, criteria, and information, including specifications and standards, of the latest edition of the Massachusetts Department of Environmental Protection's revised Surface Water Discharge Permit Regulations at 314 CMR 3.06(11)(b)5 Storm Water Management Policy for execution of the provisions of this bylaw. This policy includes a list of acceptable storm water treatment practices, including the specific design criteria for each storm water practice. The policy may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience.

Repetition Two (*italics* returned to standard type)

This is how the bylaw would actually be printed.

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