

# WESTPORT

## *Low Impact Development Amendments*

### *Zoning Articles*

#### Article \_\_

To See if the Town will vote to amend the Westport Zoning By-Laws by replacing the existing Section 11.5.8 Stormwater Management of Article 11 with the following language and/or take any other action relative thereto.

#### **11.5.8. Stormwater Management**

Drainage provisions shall be provided to ensure compliance with all local, state and federal requirements regarding stormwater management **including; Article 19, Low Impact Development and the Board of Health’s Stormwater Quality and Quantity Control Regulations dated April 15, 2009 effective on August 1, 2009 or as amended** and shall be subject to review by the Planning Board’s engineering consultant at the expense of the applicant. Drainage shall be designed so that the rate of run-off shall not be increased, groundwater recharge is maximized, surface and ground water quality is maintained or improved, and neighboring properties will not be adversely affected. The Board may require that existing drainage problems on/or adjacent to the site be mitigated as a condition of approval of the special permit under this section. Drainage facilities **Shall not be** allowed in the required open space areas.

(Note: new language is in Blue)

#### Article \_\_ **To create a Low Impact Development (LID) Bylaw**

To See if the Town will vote to amend the Westport Zoning By-Laws by adding a new article and/or take any other action relative thereto.

#### **20.1 Purpose:**

The purpose of this bylaw is to establish minimum requirements and controls to protect and safeguard the environment, natural resources, general health, safety, and welfare of the public residing in watersheds within the Town's jurisdiction from the adverse impacts of soil erosion, sedimentation, and stormwater runoff.

This section seeks to meet that purpose through the following objectives:

- A. To eliminate or reduce the adverse effects of soil erosion and sedimentation;
- B. To minimize stormwater runoff from any development;
- C. To minimize nonpoint source pollution caused by stormwater runoff from development;
- D. To provide for groundwater recharge where appropriate; and
- E. To ensure controls are in place to respond to objectives in Subsections **20.1 A** and **20.1 B** and that these controls are properly operated and maintained.

## 20.2 Applicability

This bylaw shall apply to all activities that result in a land disturbance activity of 40,000 sq. ft. of land, or that will disturb less than 40,000 sq. ft. of land but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than 40,000 sq. ft. of land. No person shall perform any activity that results in a land disturbance activity of 40,000 sq. ft. or more of land without an approved soil erosion and sediment control plan and stormwater management plan. **Normal maintenance and improvement of land in agricultural or aquaculture use, as defined by the Wetland Protection Act Regulation 310 CMR 10.4, is exempt.** In addition, as authorized in the Phase II Small MS4 General Permit for Massachusetts, stormwater discharges resulting from the above activities that are subject to jurisdiction under the Wetland Protection Act and demonstrate compliance with the Massachusetts Stormwater Management Policy as reflected in an order of conditions issued by the Town of Westport Conservation Commission are deemed to be in compliance with this bylaw.

## 20.3 Statutory Authority

This bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and the regulations of the Federal Clean Water Act found at 40 CFR 122.34.

## 20.4 Responsibility

The Planning Board shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Planning Board may be delegated in writing by the Planning Board to employees or agents. The Planning Board may distribute plans to other boards, commissions, departments, and outside technical and legal consultants and agencies for their review and recommendations.

## 20.5 Design Standards

The applicant shall submit a plan illustrating how the following LID site design standards were utilized to such a degree as was feasible and offering an explanation of the site or financial constraints which limited application of items 1 through 10 below and how items 11 and 12 were considered for implementation:

1. Preservation of the site's natural features and environmentally sensitive areas such as wetlands, existing vegetation, slopes, drainageways, permeable soils, flood plains, woodlands and soils to the greatest extent possible;
2. Minimization of grading and clearing;
3. Clustering of buildings and a reduction in size of building footprints;

4. Use of stormwater management components that provide filtration, treatment and infiltration such as vegetated areas that slow down runoff; maximizing infiltration and reducing contact with paved surfaces;
5. Creation of subwatersheds to treat and micromanage runoff in smaller, decentralized, innovative stormwater management techniques to treat and recharge stormwater close to the source;
6. Lengthen flow paths and maximize sheet flow;
7. Emphasis on simple, nonstructural, innovative, low-cost methods including open drainage systems, recharging of roof runoff, parking areas and/or roadways, to recharge on site as close to the source as possible.
8. A maintenance program including information on regular street and parking lot sweeping shall be provided to the Planning Board for approval;
9. Reduction of impervious surfaces wherever possible through alternative street design, such as omission of curbs and use of narrower streets, the use of porous pavement or permeable pavers, shared driveways and through the use of shared parking areas;
10. Reduction of the heat island effect;
11. Use of vegetation in buffer strips and in rain gardens (small planted depressions that can trap and filter runoff);
12. Techniques integrated into every part of site design to create a hydrologically functional lot or development site, including but not limited to the following:
  - a. Grass swales along roads;
  - b. Rain gardens;
  - c. Buffer areas;
  - d. Use of roof gardens where practicable;
  - e. Use of amended soils that will store, filter and infiltrate runoff;
  - f. Bioretention areas;
  - g. Use of rain barrels and other cisterns to provide additional stormwater storage;
  - h. Use of permeable pavement and/or pavers.

## **20.6 Promulgation of Rules and Regulations**

The Planning Board may promulgate rules and regulations to effectuate the purpose of this bylaw. Failure by the Planning Board to promulgate such rules and regulations shall not have the effect of suspending or invalidating this bylaw.

## **20.7 Inspections: Submission of Final Plans**

1. The Planning Board, or designated agent, shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the owner or person responsible for the implementation of the plan wherein the work fails to comply with the soil erosion and sediment control plan,

or stormwater management plan as described in Planning Board's Rules and Regulations. Plans for grading, removal, stripping, excavating, and filling work approved by the Planning Board and shall be stored on site during the progress of the work. To obtain inspections, the permittee shall notify the Planning Board agent at least two working days before each of the following:

- a. Installation of sediment and erosion control measures.
  - b. Start of construction.
  - c. Completion of site clearing.
  - d. Completion of rough grading.
  - e. Installation of stormwater controls.
  - f. Close of the construction season.
  - g. Completion of final landscaping.
2. The person responsible for the implementation of the plan shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved soil erosion and sediment control plan(s). The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections shall be documented in written form and submitted to the Planning Board Agent at the time interval specified in the approved permit.
3. The Planning Board, or designated agent, shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed as noted above.
4. The applicant shall submit an "as-built" plan for the stormwater controls after the final construction is completed. The plan must show the final design and specifications of all stormwater management systems and must be prepared by a professional engineer.

## **20.8 Project Change**

The permittee, or his or her agent, shall notify the Planning Board in writing of any change or alteration of a land-disturbing activity authorized in either the soil erosion and sediment control plan or the stormwater management plan before any change or alteration occurs. If the Planning Board determines that the change or alteration is significant, based on the design requirements listed in this bylaw and accepted construction practices, the Planning Board may require that an amended soil erosion and sediment control plan and/or stormwater management plan application be filed. If any change or deviation from these plans occurs during a project, the Planning Board may require the installation of interim measures before approving the change.

**20.9 Fees**

The appropriate application fee as established by the Planning Board must accompany each application. Applicants shall pay review fees, as determined by the Planning Board, sufficient to cover any expenses connected with any public hearing, review of the soil erosion and sediment control plan, and site inspection.

**Article \_\_\_\_**

To See if the Town will vote to amend the Westport Zoning By-Laws by adding additional definitions to Article 1 and/or take any other action relative thereto.

**1.1 Definitions**

**AGRICULTURE**

The normal maintenance or improvement of land in agricultural or aquaculture use as defined by the Massachusetts Wetlands Protection Act and its implementing regulations.

**APPLICANT**

A property owner or agent of a property owner who has filed an application.

**BUILDING**

An independent structure having a roof supported by columns or walls, resting on its own foundations and designed for the shelter, housing or enclosure of persons, animals, chattel or property of any kind.

**DETENTION**

The temporary storage of stormwater runoff in a stormwater management facility with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

**DETENTION FACILITY**

A detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.

**DEVELOPER**

A person who undertakes land disturbance activities.

**EASEMENT**

A legal right granted by a landowner to a third party grantee allowing the use of private land for stormwater management purposes.

**HOT SPOT**

A stormwater hotspot is an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater. Infiltration basins should never receive runoff from stormwater hotspots, unless the stormwater has already been fully treated by another stormwater treatment practice. This is due to potential groundwater contamination.

**IMPERVIOUS COVER**

Those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc.).

**INFILTRATION**

The flow of water from the ground surface down into the soil.

**INFILTRATION FACILITY**

Any structure or device designed to infiltrate retained water to the ground. These facilities may be above grade or below grade.

**LAND DISTURBANCE ACTIVITY**

Any activity that changes the volume or peak flow discharge rate of rainfall runoff from the land surface, including: grading, digging, culling, scraping, excavating of soil, placement of fill materials, paving construction, substantial removal of vegetation, any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

**LANDOWNER/OWNER**

The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding propriety rights in the land.

**MUNICIPAL STORM DRAIN SYSTEM or MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**

The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Westport.

**NONPOINT SOURCE POLLUTION**

Pollution from any source other than from any discernible, confined, and discrete conduit or waterway, and shall include, but not be limited to, pollutants from agricultural, mining, construction, subsurface disposal and urban runoff sources.

**RECHARGE**

The replenishment of water to aquifers.

**REDEVELOPMENT**

Any construction, alteration, or improvement exceeding one acre in area where existing land use is high-density commercial, industrial, institutional or multi-family residential.

**RESOURCE AREA**

Any area protected under the Massachusetts Wetlands Protection Act, Massachusetts Rivers Act, or Westport Conservation Commission regulations.

**SOIL EROSION AND SEDIMENT CONTROL PLAN**

A plan required to be submitted as part of this bylaw.

**START OF CONSTRUCTION**

The first land-disturbing activity associated with a development, including but not limited to land preparation such as clearing, grading and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

**STORMWATER MANAGEMENT PLAN**

A plan required to be submitted as part of this bylaw.

**STORMWATER RUNOFF**

Water resulting from precipitation that flows overland.

**STORMWATER TREATMENT PRACTICES**

Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

**WATERCOURSE**

Any body of water, including, but not limited to, lakes, ponds, rivers and streams.

**WATERWAY**

A channel, either natural or man-made, that directs surface runoff to a watercourse or to the public storm drain.

**Article \_\_\_\_**

To See if the Town will vote to amend the Westport Zoning By-Laws by replacing the existing Article 15: Site Plan Approval, Section 4: Performance Standards, number 12 with the following language and/or take any other action relative thereto.

12. Ensure compliance with the provisions of the Board of Health Regulations for Stormwater Quality and Quantity Control Regulations and this Zoning Ordinance including but limited to, [Low Impact Development Regulations](#), stormwater management, parking, loading and signage.

(Note: new language is in Blue)