

GENERAL BYLAW ARTICLES**Article X: Amend General Bylaws to Add New Chapter IX Stormwater Management by Drainage, Erosion and Sediment Control**

To see if the Town will vote to amend the General Bylaws of the Town of Truro by adding new Chapter IX Stormwater Management by Drainage, Erosion and Sediment Control and enumerating the subsequent Chapters of the Bylaw accordingly by adding new language as follows (new language shown **bold underline**):

CHAPTER IX STORMWATER MANAGEMENT by DRAINAGE, EROSION AND SEDIMENT CONTROL

§ 1. Purpose

The purpose of this bylaw is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements to control the adverse effects of stormwater runoff and erosion. Through proper management of stormwater, sediment and erosion controls this bylaw safeguards the public health, safety, environment and general welfare of the public. This bylaw serves to protect surface water and groundwater resources, promote groundwater recharge and prevent flooding.

§ 2. Applicability

The requirements of this bylaw shall apply to existing development, new development, and redevelopment projects to minimize adverse impacts of erosion and stormwater runoff, off-site and downstream, which would be borne by abutters, townspeople, the general public and wetland resource areas.

The Select Board may delegate from time-to-time certain duties described in this bylaw to designees who will act on its behalf for the purposes of enforcement. The Select Board may also enact regulations to carry out the intent and the purpose of this bylaw, including establishing an approval process for any activities subject to this bylaw, setting fees, and designating a Town board or officials to administer and enforce this bylaw.

§ 3. Definitions

New Development: development resulting from the conversion of previously undeveloped land or agricultural land uses.

Nutrient Pollution Sensitive: Nutrient pollution is the process where too many nutrients, mainly nitrogen and phosphorus, are added to bodies of water and can act like fertilizer, causing excessive growth of algae. This process is also known as eutrophication. Excessive amounts of nutrients can lead to more serious problems such as low levels of oxygen dissolved in the water. Severe algal growth blocks light that is needed for plants, such as seagrasses, to grow. When the algae and seagrass die, they decay. In the process of decay, the oxygen in the water is used up and this leads to low levels of dissolved oxygen in the water. This, in turn can kill fish, crabs, oysters, and other aquatic animals.

Recharge: hydrologic process where water moves downward through the soil from surface water to groundwater.

Redevelopment: the action or process of developing something again, or differently.

Runoff: the draining away of water (or substances carried in it) from the surface of an area of land, a building or structure such as a driveway.

Storm, 50-year: refers to a storm that has a 2% chance of occurring on any given year and will produce 6.60 inches of rain in a certain area within a 24-hour period.

Stormwater: surface water that collects in abnormal quantity resulting from heavy falls of rain or snow.

§ 4. Drainage requirements

a. Runoff. All runoff from impervious surfaces of a lot shall be recharged on that lot. Runoff shall be diverted towards areas covered with vegetation for surface infiltration.

b. Stormwater. All stormwater drainage shall be contained on the development site and away from wetland resources. All stormwater shall be treated on site unless there is a public benefit to connecting to another drainage system or allowing stormwater to flow off site. Commercial development shall be required to handle calculated flows from a 50-year storm.

c. Drains. In no instance shall roof drains, subsurface drains, or overflow drains of any kind be directed to the public road layout.

§ 5. Erosion and sediment control requirements

a. Erosion. Erosion control provisions shall be designed and executed to prevent erosion or excessive uncontrolled surface water runoff from draining onto any public way, both during and after construction. No grading or clearing of land shall begin until all required erosion control measures are in place and fully constructed. Permanent erosion control measures including but not limited to re-vegetation, retention basins and siltation barriers may be required to ensure stormwater will not discharge onto the public way.

b. Sediment control. The Town may require measures to reduce tracking of sediment from construction vehicles onto the public way. The contractor is required to clean up any sediment inadvertently discharged, through tracking or other means, into the public way or drainage systems. In no case shall sediment be allowed to discharge onto a public way or into public drainage infrastructure.

§ 6. Nutrient Pollution Sensitive Areas

For nutrient pollution sensitive areas, please refer to the Best Management Practices within the Massachusetts Stormwater Handbook, Wetlands regulations, 310 CMR 10.00, and the Water Quality Regulations, 314 CMR 9.00, relating to stormwater.

§ 7. Fines and penalties

Violation of this bylaw shall be punishable by a fine as established in Appendix A. Each day a violation exists shall be deemed a separate offense, unless substantial progress or unforeseen delays are demonstrated by the owner/applicant. Pursuant to MGL c. 1 §1.1.4 such fines may be enforced either through a criminal complaint or through the non-criminal disposition process pursuant to MGL c. 40, §21D,

and further to amend the General Bylaws by inserting, in Appendix A, the following terms in a new row corresponding to the above Section 7, Stormwater management by drainage, erosion and sediment control Bylaw:

<u>Chapter & Section</u>	<u>Subject</u>	<u>Fine \$</u>	<u>Enforcing Authority</u>
<u>x-x-8</u>	<u>Stormwater mgt</u>	<u>\$300 day/vltn</u>	<u>Bldg Com., H&Cons Agent, DPW Dir</u>

Requested by the Health & Conservation Agent and Town Planner

Explanation: The proposed Stormwater Management by Drainage, Erosion and Sediment Control bylaw will promote the stewardship of our groundwater resources, by introducing the citizenry of Truro to the importance of controlling stormwater on their own property. The bylaw requires property owners to meet the performance standards for stormwater by keeping rainfall from washing from their roofs and driveways onto private or public ways.

Board of Health Recommendation			
Select Board Recommendation			