

MEMORANDUM

Date: January 19, 2021

To South Hadley Planning Board

From Scott Turner, PE, Environmental Partners

CC Anne Capra, Conservation Administrator/Planner, Town of South Hadley

Subject South Hadley Stormwater Bylaw

This memorandum is about the Planning Board comments on Environmental Partners revisions to the South Hadley Stormwater Bylaw received on January 7, 2021. Below are the Planning Board's comments and are responses to those comments.

200-1 C (5) states "Provide for the recharge of groundwater..." Should the word "protect" be added or is this implicit in the existing language?

EP Response: *In our opinion, this item is about quantity of water and not quality. Stormwater quality is addressed in Section 200-1 C (2) which talks about 'discharge of pollutants.' However, this sentence can be recrafted, if desired, to include language about protecting groundwater. Such as "Provide for the protection and recharge of groundwater aquifers and maintain the base flow of streams;*

200-4 Comments SDT3, SDT4 – I know it is premature to discuss at this point but my inclination is to not set the threshold any lower than one acre.

Question as to whether the 1 acre of disturbance threshold should change - based on the discussion at the meeting, I am comfortable with whatever you and Richard feel is most appropriate. I don't know much about the benefits/drawbacks to changing it and definitely don't want this to become some administrative nightmare without much value added...

EP Response: *As discussed at the Planning Board meeting on 12/15, the lower the threshold, the greater the number of permits will need to be processed. We do not know the typical size of projects that typically require approvals in South Hadley. If most projects are less than one acre, a threshold of one acre would be too high. It may be worthwhile for Planning staff to research sizes or projects filed in the last few years to understand the typical size of projects filed in South Hadley.*

200-5 Exemptions B. states:

"Any logging which is consistent with a timber management plan approved under the Forest Cutting Practices Act by the authorized state agency"

- Given how the state doesn't always have the most up-to-date standards to adequately protect communities, I'd like to know your, Richard's and the consultant's opinions of this Act in terms of achieving the goal of responsible timber cutting. Has it been updated recently? Does it do what it needs to in terms of protecting land from being clear cut without negative stormwater consequences? Should anything else be added to ensure this standard is met?

EP Response: *This section is included in the draft that was submitted to EP. It is unclear how many Forest Management Act applications are currently submitted to DCR and the South Hadley Conservation Commission, if any. This regulation applies to timber harvesting on public and private land and any commercial timber cutting or wood products greater than 25,000 board feet of 50 cords at any one time. This is not a permitting process than we are typically involved with. There is a possibility that a clearing project could be substantial. Therefore, it probably makes sense to remove this exemption.*

200-5, C (Commented SDT5). I would keep the text of this section and combine it with sub section G so that it reads something like "New Residential uses or additions or modifications to existing residential uses disturbing less than one acre". I think deleting subsection C entirely and leaving subsection G as is will be too vague.

EP Response: *There is no harm in leaving both 200-5 and 200-G. In our opinion, they state essentially the same thing.*

200-5, I – The meaning of this subsection is not clear to me.

EP Response: *This sentence states that if a project has been previously approved under another process, such as Site Plan Review, Special Permit, or Notice of Intent before this Bylaw was approved, they do not have to file for a Stormwater Permit.*

200-5, L – I agree with comments made during the previous meeting that it would be helpful to have a definition of what constitutes "uncontaminated groundwater or uncontaminated pumped groundwater". I don't know if there is an industry-standard accepted definition. If so, perhaps it could be added to the definitions section.

EP Response: *The term uncontaminated groundwater or uncontaminated pumped groundwater is specifically stated in section 1.4 of the MS4 permit as an exemption. There are not specific definitions of either of these terms in either the MS4 permit or Clean Water Act. 40 CFR S 25.2005 defines infiltration as "water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow."*

200-6 C LID - While we briefly discussed this at the PB meeting, I'm still unclear on whether the language to encourage these features can/should be strengthened or not. As the consultant noted, the state law uses the word "must" but is there anything else that can be further added or done to ensure this happens?

EP Response: *In our opinion, this sentence requires applicants to use Low Impact Development Best Management Practices. If I were developing plans for this project, I would interpret this sentence to mean that LID practices are required. Another option may be "Applicants are required to implement Low Impact Development Best Management practices in their site designs."*

200-10, A – This text is a bit vague to me since the planning board procedures for reviewing special permits, site plan review and definitive subdivision plans are all slightly different. I think I understand what this is trying to say but perhaps there is a better way to say it?

EP Response: *Typically, Towns have developed Bylaws and Regulations. The Regulations typically have more details regarding the submissions of projects and the administration of approving those applications. South Hadley does not have Regulations at this time. Revised language may include: "The review and approval of stormwater management permits shall occur concurrently with the review and approval of projects seeking other permits such as site plan review, special permit of definitive subdivision plans."*

200-13, A, (4) – Does the TV inspection reference using a camera to scope the pipes post burial? In my opinion, a pre-burial inspection should be sufficient. Unless there has been a lot of issues with stormwater pipes being damaged during the burial process, in which case I could be convinced.

EP Response: *We interpret this language to mean that a camera will be used to inspect stormwater pipes after the pipes have buried or backfilled. Our comment refers to the fact that this is not a typical requirement in most municipalities. If the pipe installed is concrete, it is unlikely there will be any defects. Occasionally, when a PVC or HDPE pipe is installed, it may deflect.*

200-16, M – Perhaps it would be helpful to be more specific about what the written description of the site hydrology should include?

EP Response: *This sentence could be revised to include the following: "A written description of the existing site hydrology including drainage subcatchment areas, flow paths, soil types, curve numbers, and peak flows for each subcatchment area."*

200-19, B – I'm not sure I understand comment SDT8. It seems to me that the intent is clearly to take steps to avoid increasing new site runoff over the existing site runoff. The added text at the end seems to be suggesting that a net reduction of runoff is being required. I agree that a net reduction of run-off seems to be too steep a requirement.

EP Response: *Stormwater runoff is measured using two different parameters, peak rate of runoff and total volume of runoff. Reducing the peak rate of runoff between the existing and proposed conditions is a requirement of Standard 2 of the Massachusetts Stormwater Management Standards. Reducing total volume of runoff between the existing and proposed condition is a much more difficult standard to meet if the site does have soils suitable for infiltration. Some municipalities require a reduction in peak rate and total volume of stormwater. The comment questions whether the Board wants to require a reduction in total volume of stormwater runoff.*

200-20, A, (3) I know that some project sites are only feasible with the use of drywells (particularly in redevelopment) so I agree with the addition of text allowing them with pretreatment.

EP Response: *Acknowledged.*

200-25, 200-28 – clarify enforcement authority and who issues and lifts stop-work orders.

EP Response: *Agreed. Different municipalities have different parties responsible for enforcing these bylaws and issuing stop work orders. We can write into the Bylaw who is responsible for enforcement. That position needs to be provided by the Planning Board.*

We look forward to discussing these comments with the Planning Board on January 25, 2021.

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