

ARTICLE THIRTY-FIRST:

AMEND CHAPTER LI, STORM WATER AND EROSION CONTROL BYLAW

To see if the Town will vote to amend certain sections of the Town Code, Chapter LI, Stormwater Management And Erosion Control By-law as follows, with the provisions to be deleted shown in strikethrough and the provisions to be added shown in bold italics:

In section 51-2 DEFINITIONS:

Insert the following new definition for Poorly Drained Soils:

“POORLY DRAINED SOILS: Poorly drained soils shall have the meaning as contained in the list of definitions set forth in the glossary under the heading of “drainage class” in the Soil Survey of Essex County, Massachusetts - Northern Part prepared by the US Department of Agriculture, Soil Conservation Service – Donald Fuller, editor, first printed 1981 and following editions. Poorly drained soils shall include all such soils listed as “moderately poorly drained, poorly drained, and very poorly drained” as well as soils that contain a fragipan layer in the section entitled Soil Series and Morphology beginning on page 75 and ending on page 101 of the Soil Survey of Essex County, Massachusetts-Northern Part”; and

Amend the definition of HOTSPOT as follows:

“Land uses or activities with higher potential pollutant loadings, ~~such as~~ ***inclusive of***”; and

Amend the definition of REDEVELOPMENT as follows:

“REDEVELOPMENT: Any construction, alteration, or improvement ***of land that exceeding land disturbance of 7500 square feet, where the existing land*** has been subject to previous development.”; and

Amend the ordering of definitions as follows:

Move the definition POST-DEVELOPMENT after PRE-DEVELOPMENT.

In section 51-3 AUTHORITY:

Insert the following at the end of the section:

“and as amended at the May 1, 2012 Annual Town Meeting.”

In section 51-5 APPLICABILITY:

Replace the title “~~APPLICABILITY~~” with the new title, “***STORMWATER MANAGEMENT PERMIT REQUIREMENT***”; and

Replace 51-5a in its entirety as follows:

“a. Applicability

No person shall alter land within the Town of Topsfield including without limitations any new development or redevelopment, or other activity that will alter the drainage characteristics of a parcel of land without obtaining a Stormwater Management Permit, unless exempt pursuant to Section 51-5(b) of this Bylaw. In addition, any alteration or redevelopment of a hotspot, or conversion of land to a hotspot, shall require a Stormwater Management Permit and shall not be subject to the exemptions set forth in Section 51-5(b) of the Bylaw.”

Amend 51-5b as follows:

“b. Exemptions

~~No person shall alter land within the Town of Topsfield without having obtained a Storm water Management Permit (SMP) for the property with the following exceptions:~~

The following activities shall be exempt from the requirement to obtain a Stormwater Management Permit. The exemptions in b.1 and 2 below shall not be applied to projects entirely or in any part on poorly drained soils, or for projects consisting of the installation of any drain system designed to transport stormwater or groundwater beyond the boundaries of the property on which it is located. ”

Amend 51-5 b.1 as follows:

~~“1. Any activity that will alter an area less than of 7500 square feet or less of land where the existing or proposed slopes are less than 15 %; or less than 25% of contiguous property on existing or proposed slopes less than 15%, whichever is less. This exception may not be applied for contiguous properties held in common ownership at the time of adoption of this Bylaw that may have been previously subdivided and/or attributed to multiple separate owners.”~~

Amend 51-5 b.2 as follows:

~~“2. Any activity that will alter an area of 4000 square feet or less of land where the existing or proposed slopes are between 15% and 25%, inclusive; steeper than 15%. This exception may not be applied for contiguous properties held in common ownership at the time of adoption of this Bylaw that may have been previously subdivided and/or attributed to multiple separate owners.”~~

Delete 51-5 b.11. in its entirety:

~~“11. Redevelopment projects are presumed to meet the specified stormwater management requirements described in the Stormwater Regulations of the Town of Topsfield if the total impervious cover is reduced by 40 % from existing conditions. Where site conditions prevent the reduction in impervious cover, stormwater management practices shall be implemented to provide stormwater controls for at least 40 % of the site’s impervious area. When a combination of impervious area reduction and stormwater management practice implementation is used for redevelopment projects, the combination of impervious area reduction and the area controlled by a stormwater management practice shall equal or exceed 40 %.”~~

Amend section 51-7 ENFORCEMENT as follows:

“The *Stormwater Coordinator*, Planning Board or an ...” [remainder of section not changed].

And in the title of and throughout the Bylaw, amend the words “Storm Water” to read “Stormwater” [one word],

or take any other action relative thereto.

Recommended that the Town vote to amend the Storm Water And Erosion Control Bylaw as set forth above.

These amendments to the Stormwater and Erosion Control Bylaw result from the collaboration of the Town boards, commissions and departments represented on the Stormwater Management Committee that includes the Planning Board, the Conservation Commission, the Board of Health, the Highway Department, the Water Department, and the Inspectional Services Department. The amendments add definitions and clarify portions of the bylaw that have been confusing. In addition, they integrate certain existing rules, regulations and procedures of various boards into a single bylaw.

ARTICLE THIRTY-SECOND:

AMEND ARTICLE VI, FLOOD PLAIN DISTRICT

To see if the Town will vote to amend the Topsfield Zoning Bylaw by deleting Article VI, Flood Plain District in its entirety and replacing it with a new Article VI, Floodplain District as set forth in Attachment B to this warrant, entitled “Article VI, Floodplain District”, or take any other action relative thereto.

Recommended that the Town vote to amend the Topsfield Zoning Bylaw by deleting Article VI, Flood Plain District in its entirety and replacing with a new Article VI, Floodplain District as set forth in Attachment B to this warrant, entitled “Article VI, Floodplain District”.

This amendment reformats the current Flood Plain District bylaw by the addition of categories designating purpose, description and uses in the district. Further, it amends the date of the Topsfield Flood Insurance Study referenced in Section 6.02 of this Zoning Bylaw to July 2, 2012 which is the new, official date of the latest federal flood elevation determination for the Town of Topsfield as approved by the Federal Emergency Management Agency and as shown on the Flood Insurance Rate Map (FIRM) panels and incorporated herein. Other required revisions have also been incorporated within Article VI as a condition of continued eligibility in the National Flood Insurance Program (NFIP). Lastly, it changes the words, “Flood Plain” to the single word, “Floodplain” throughout the article.