

Overview of Topsfield Stormwater and Erosion Control Bylaw

Why do we need a local stormwater runoff and erosion control bylaw?

Stormwater is the leading cause of nonpoint source pollution that impacts local wetlands and water bodies. Every eight months in the United States, 11 million gallons of run off our streets, driveways and other paved surfaces into our waters- the equivalent of the Exxon Valdez oil spill. More than 60% of our coastal rivers and bays are moderately to severely impacted by nutrient runoff from fertilizers and pet waste (Pew Ocean Commission, 2003). Erosion and silt runoff clogs municipal storm drains, pollutes drinking water sources, damages wetland functions such as water filtration and stormwater storage, and negatively impacts wildlife habitat.

Stormwater is currently regulated under the federal Clean Water Act which applies to *municipal* storm water systems only. It is also regulated under the Massachusetts Wetlands Protection Act (MA Stormwater Policy) and enforced by local conservation commissions in or near jurisdictional wetlands. Outside of wetland areas and buffer zones, stormwater discharges for private development have been generally regulated by a patchwork of local codes and municipal boards.

The Topsfield Stormwater and Erosion Control Bylaw, passed in May, 2005, replace this patchwork with a single set of standards, which will result in environmentally sensitive development throughout Topsfield. The bylaw and regulations will provide developers with more predictability, efficiency and faster permitting reviews due to the consistency of site design standards in all permitting processes. These standards will be reflected in all local regulations such as subdivision, wetland, and site plan review regulations.

How does the Stormwater and Erosion Control Bylaw work?

The new bylaw establishes a Stormwater Authority the Planning Board and requires that projects over certain thresholds obtain a Stormwater Management Permit issued by the Stormwater Authority. The Conservation Commission will continue to make all permitting decisions for projects that are within its jurisdiction. The Planning Board will be responsible for permitting conditions for all non-wetland jurisdictional areas and is responsible for final permitting decisions in all projects involving both wetland and upland jurisdictions.

The bylaw and accompanying regulations specify permit procedures and performance standards, which must meet or exceed the standards set by the Massachusetts Stormwater Policy. Performance standards include water recharge volumes, peak discharge rates and overall water volumes associated with a particular development.

When do I need a Stormwater Management Permit?

For most land uses, you will need a permit when you plan to alter **7500 square feet or more that has slopes of less than 15%. For steeper sloped areas greater than 15%, you will need a permit to alter 4000 square feet or more.** To make the bylaw more flexible for smaller projects still above these thresholds, you can also request that all or some of the application requirements be waived because of the size, character of the project or natural conditions of the site. See Section 6 (B) of the SWEC Regulations for more details.

When don't I need a Stormwater Management permit?

Exemptions include:

- Any activity below the square footage thresholds in the previous section
- Normal maintenance and improvement of agricultural lands as defined by the Wetlands Protection Act
- Any repairs to existing roofs in single or multi-family homes
- Any fence repair or installation that will not alter terrain or drainage patterns
- Utilities construction, except for drainage, that not alter terrain, ground cover, or drainage patterns; emergency repairs to utilities or as approved by the Planning Board
- Repairs to a public way or construction of streets approved by the Planning Board
- The removal of earth products in connection with sand, gravel, or similar enterprise where allowed by zoning
- Any work or projects which gained permit approvals before the effective date of this bylaw
- Redevelopment projects where impervious conditions are reduced by at least 40% from existing conditions or stormwater Best Management Practices are implemented for at least 40% of the sites impervious area if site conditions don't allow for the reduction of impervious areas

Application Checklist and Procedures Checklist for Stormwater Management Permit

1. Requesting a waiver from the Stormwater Management Permit application requirements.

The applicant files 6 copies of a letter, together with supporting information and documentation, signed by the landowner or designated representative with the Town Clerk.

- All waiver requests shall be acted upon by the Planning Board within 45 calendar days from the date of application and shall be in writing. Boards may request an extension of the review period. As per the bylaw, the Conservation Commission will have jurisdiction for waiver requests for projects located entirely within the town's wetland jurisdiction and the Planning Board will have jurisdiction for all other waiver requests. **Section 6 B of the SWEC Regulations**

3. Filing a Stormwater Management Permit Application

The applicant shall file with the Town Clerk, six (6) copies of a completed application package for a Stormwater Management Permit (SMP) **and an electronic application in PDF format** on a CD or DVD disc. The application package shall include:

☒ A completed Application Form with original signatures of all owners

☒ A **list and two sets of labels** of abutters, certified by the Assessor's Office, including those opposite on any public or private way and abutters within 300 feet of the applicant's property line(s). **Envelopes with regular first class stamps** (2 times the number of abutters plus 12 (for six surrounding town's Planning Boards) for abutter notifications of the Public Hearing and the subsequent Decision.

☒ Stormwater Management and Erosion Control Plan, stamped by a Professional Engineer licensed in Massachusetts and project description **which includes all information listed in Section 6 L** of the SWEC Regulations.

☒ Operation and Maintenance Plan which includes all information listed in **Section 6 M** of the SWEC Regulations.

☒ Payment of the application and review fees. The application fee equals \$100 plus .0030 x the total number of square feet of the proposed project. Example: \$100 + 43560 (1 acre) = \$100 + 43560 square feet x 0.0030 = \$130.68 application fee **\$100 + (40,245sf x 0.0030) = \$220.74**

☒ Inspection and Maintenance Agreement which includes all information listed in **Section 6 M** of SWEC Regulations

☐ Surety Bond. The Planning Board may require the applicant to post before the start of land disturbance or construction activity, a surety bond to ensure perpetual maintenance of stormwater and erosion controls.

APPLICATION FORM
STORMWATER AND EROSION CONTROL PERMIT

To: The Topsfield Planning Board, Town Hall, Topsfield, MA 01983

The undersigned hereby applies for a Stormwater and Erosion Control Permit and herewith submits six (6) copies of a completed application package for a Stormwater Management Permit (SMP) and an electronic application in PDF format on a CD or DVD disc for approval.

The applicant certifies to the truth of the following facts as part of his application.

1. Name of Applicant: Kevin Whelan

Address: 63 Perkins Row
Topsfield, Ma 01983

Telephone Number: 978-500-9729

E-mail Address: kevmacw@gmail.com

2. Name of Engineer or Surveyor: Matthew Connors PE (Hancock Associates) c/o James Polakiewicz

Address: 185 Centre Street
Danvers, MA 01923

Telephone Number: 978-777-3050

E-mail Address: jpolakiewicz@hancockassociates.com

3. Transfer of Title Book 593, Certificate Number 95901, Document Number 638352 is recorded in Essex South District Registry.

4. Location of Property for which permit is requested:

Address: 57 Perkins Row
Topsfield, Ma 01983
Zoning District Inner Residential and Agricultural District (IRA)

5. Attach hereto a copy of the deed.

6. The exact names in which title to the property is held and the present addresses of persons named are: (If married, give spouse s name.)

Natalie M. Whelan
63 Perkins Row
Topsfield, Ma 01983

7. A complete list of persons with their addresses known to have mortgages, attachments, encumbrances, or liens of any kind upon the property is as follows:

Natalie M. Whelan
63 Perkins Row
Topsfield, Ma 01983

8. If the property is in the name of a trust, the complete and correct name of the trust, date of the trust declaration, book and page where it is recorded and names and addresses of all trustees are as follows:

N/A

9. If the property is in the name of a corporation, the complete and correct name of the corporation, the name and corporate capacity of all officers authorized to sign deeds and other instruments pertaining to real estate are as follows:

N/A

10. Description of the project for which a Stormwater and Erosion Control Permit is requested. Include total square footage of land to be altered/cleared.

Kevin Whelan proposes to construct a four (4) bedroom residential house on 57 Perkins Row, Topsfield, MA. Associated improvements will include paved driveway, a stormwater management system, and a new septic system. The project area is currently comprised of a developed residential yard with a single-story house. The proposed limit of disturbance is 40,245sf.

Signature of Applicant 

Name of Applicant Kevin Whelan

Date of Submission 3/6/24

Town Clerk Signature _____