

IPSWICH STORMWATER ADVISORY COMMITTEE

Meeting Summary: May 11, 2009

The Stormwater Advisory Committee met in the Town Manager's conference room at 4 PM on Monday, May 11, 2009 with the following appointed members in attendance: Wayne Castonguay (Shellfish Subcommittee), Josh Ellsworth (I RWA) Jim Foley (Selectmen), Glenn Gibbs (Planning Director), Bob Gravino (DPW Director), and David Standley (Conservation Commission). Rick Clark (DPW Operations Manager) and Ellie Baker of Horsley Witten Group, Consultants to DPW for storm water management were also present. It was noted that Janice Skelton had previously advised of her inability to attend the meeting, Jim Sperber had been taken ill and had gone home, and attempts to notify George Tougas of the meeting had been unsuccessful. Foley provided background on the committee appointment process by the Board of Selectmen.

The first order of business was organization of the Committee. Jim Foley, seconded by Bob Gravino, nominated David Standley as Chair. There were no other nominations and Mr. Standley was elected.

Copies of the Ipswich Stormwater Management Bylaw, Chapter XIX of the General Bylaws, and of the Horsley and Witten scope of work were distributed. The responsibility of the Committee is to assist the Consultant in the development of drafts of regulations and fees, pursuant to Sections 5 "Applicability" and 7 "Administration" of the Bylaw. These drafts must be presented to the Board of Selectmen serving as the "Permitting Authority" under the Bylaw for consideration, public review and hearing, and adoption. The Bylaw provides that regulations and fees shall be adopted by July 1, 2009, and persons proposing work subject to the Bylaw shall not perform such work after that date. However, the efforts to draft those regulations in time for the Permitting Authority to inform the public, hold hearings and adopt regulations prior to that date have not proceeded apace. Therefore Selectboard Chair Miles and Selectmen Foley determined it was necessary to defer the effective date established by Sections 5 and 7 from July 1 two September 1, 2009. Until that date, persons applying for permits will be informed of the "grace period", and will be exempt from the provisions of the bylaw except insofar as it applies to "illicit connections and discharges" to the storm drain system.

The Board of Selectmen acting as the "Permitting Authority" and pursuant to Sections 3 and 7 has delegated to the Office of Code Enforcement for the administration and implementation of the program and regulations to be established pursuant to section 5 A. and to the Department of Public Works for the for the administration and implementation of the program and regulations to be adopted pursuant to Section 5 B.

There was discussion of the scope of the Bylaw and of the nature and number of projects that were likely to be subject to it. The Bylaw does not apply to land alteration projects that would otherwise require Stormwater Management Permits under Section 5 A. (noting the limits of applicability set forth in that Subsection) but would be located within the geographic and subject matter jurisdictions of the Conservation Commission and/or would require Site Plan Review, Definitive Subdivision or Special Permit Approval from the Planning Board (Bylaw Subsections 6.A. a) and b)). Those two entities will adopt

policies, procedures, and regulations as appropriate to fully reflect the intent and limitations of the Bylaw and regulations adopted thereunder. The working assumption of the Committee is, therefore, that the large majority of projects requiring Stormwater Management Permits will be development or redevelopment activities on residential lots. The attention of the Committee was called to Subsection 7 E. "Project Categories" which instructs the Permitting Authority to consider regulatory and fee structures that recognize the potentially significant variations in project sizes and environmental impacts.

The selection of the "applicability threshold" for land disturbance/stormwater management permits established by Section 5A (10,000 ft.² or half the lot area of land disturbance, whichever is less) was challenged, on the basis that most residential projects in the densely-developed areas would involve smaller areas of land alteration and therefore would not require a permit. Concern was expressed that the cumulative impact of these projects on storm water quality could be considerable, and an example was cited (Gloucester) where the permit threshold is 500 ft.². While the committee generally agreed with the concern the political process leading to the adoption of the bylaw and the necessity for compromises was represented as the rationale for the adopted threshold.

A strong desire for simplicity in the permitting process and readily understandable requirements was expressed. The attention of the committee and the consultant was directed to Section 7E. Baker noted a strong push by EPA for promotion of LID solutions to storm water management problems.

The exemption from the provisions of the Bylaw for land disturbance projects located within the geographic jurisdiction of the Conservation Commission and the project-type jurisdiction of the Planning Board was recognized and discussed. Those bodies will adopt policies, procedures and regulations necessary to carry out the intent of the Bylaw within their jurisdictions.

The need for public education and participation in the regulatory process was briefly discussed with a number of suggestions offered for effecting that objective.

It was decided that for the development of draft regulations and fee structures the Consultant initially would work directly with the Office of Code Enforcement and with the Department of Public Works for their spheres of responsibility. The Committee would be kept informed of progress, issues and preliminary determinations through e-mail, with opportunity to comment thereon; and would meet bi-weekly on Mondays beginning on June 1 and continuing through August. Meetings unless otherwise noted would be at 5 PM in the Town Manager's conference room.

Materials distributed at the meeting were copies of the Bylaw, the consultant's scope of work and schedule, and information materials relating to the likely requirements of the next round of EPA Phase I I permit and to the establishment of a "storm water utility".

Therefore, the next meeting is scheduled for Monday, June 1 at 5 PM in the manager's conference room

David Standley