

TOWN OF HAMPDEN

MASSACHUSETTS

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Stormwater Committee
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Gary Weiner, Chair
Mark Langone
John Matthews
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Andrew Netherwood
Dena Grochmal
Karl Sternberg

Stormwater Committee Regular Meeting Minutes July 11, 2019

Approved on 2/20/20

Board Members Present: Gary Weiner, Chair; Dena Grochmal, John Plaster, Andrew Netherwood, Karl Sternberg, John Matthews

Guest: Tracy Adamski from Tighe & Bond

Gary Weiner called the meeting to order at 5:05 PM and announced the meeting was being recorded.

The committee reviewed the minutes from January 17, 2019. No corrections or additions were made. John Matthews made a motion to approve the minutes. Andrew 2nd. All in favor 6-0.

T&B has submitted an invoice to the Highway Department and the Board of Selectmen for services completed in Year 1. This includes the completion of the IDDE plan, the stormwater management plan and GIS services. There is \$8,000 left over from the original proposed budget. Tracy explained that she believes funds are left over because of the efficiency in which T&B have completed the list of necessary projects. The remaining money will now go back to the Town's general funds.

The major order of business for the committee is the need to review stormwater regulations. Should there be a town meeting in the fall, the committee needs to be ready to put any changes in policy in the town warrant. T&B has gone through the existing regulations and has suggestions for changes. The Stormwater Committee doesn't have a strong listing of permitting requirements that will be put in place nor do they have a person or designated agent to enforce this. The committee asked Tracy what other communities are doing to enforce stormwater management. She said it varies depending on the town. Wilbraham has the DPW while other communities have existing volunteer boards such as conservation and planning that review developments. Some towns coordinate with boards and building commissioners while others hire someone to solely handle stormwater. An example of this would be Northampton, and other bigger communities.

A question was raised if Planning reviews stormwater concerns according to what's on file right now. At a minimum they are required to look at it from Planning and DEP standards. The current stormwater bylaw greatly mimics DEP standards. This then lead back to the fact that regardless of standards, there is still no one to oversee stormwater projects or enforce stormwater practices.

There is an overlap between what EPS requires to be in the bylaw and what the Planning Board and Conservation are looking at. A peer review is an option and if it done often it can encompass Conservation, Planning and Stormwater. The committee can also create a checklist

for smaller projects. According to the standards set in Wilbraham, any project that disturbs over an acre is considered a major project, while anything under an acre is a minor project. Tracy said that under EPS, Hampden is only required to look at construction sites that are disturbing over an acre of land.

In regard to permitting, the Committee needs to be very specific with the details of what constitutes a small permitting project. In Wilbraham, minor project permits are \$300. Larger permits are \$300 plus \$100 for every additional acre.

The Committee also needs to focus on creating a bylaw that will make sense to the public. Tracy said that the town has a bylaw that has listed certain provisions to handle stormwater concerns however, the permit itself doesn't need to be in the bylaw. She recommended having a "best practices" guideline.

Gary asked John if he saw any changes in the planning subdivision regulations. He said yes, but that they might not make changes based on the new stormwater regulations.

Karl brought up a point that the town is going to raise questions about the permitting process, and they need to be prepared to have a clear definition towards small and larger projects. What is and what isn't considered construction? This is where public stormwater education needs to be a priority.

Tracy remarked that the committee seemed set on using an acre as a guideline for minor and major projects. She also said that some communities use square feet as a guideline.

Stormwater permits need to include the fact that residents are responsible for clean up if the project creates a stormwater issue. This topic brought up the committee's main issue of who is going to enforce that permits are being followed. The BOS has the authority to create a "designated agent" to check on storm water issues. John says the Committee needs to create a checklist of what people need to look for. A consultant can also put together a checklist.

The suggestion was made that the Board of Selectmen can have someone who already works for the town to become a stormwater enforcer. It would most likely be Highway or the Building Inspector. The committee needs to make a recommendation to the BOS about this as well as make a list of additional work that needs to be addressed. Whether they hire an outside consultant or someone who already works for the town, the BOS makes the decision.

The committee is considering making a "basic construction info" flyer as it pertains to stormwater as a public educational piece.

To amend the bylaw, Tracy recommended starting with what's already listed. T&B can offer advice and refine some of the language and the EPA has some language and definitions as well. The definition of various construction projects basically comes down to what activities affect the soil. T&B can draft a stormwater permit, performance standards and handout of best management practices as well as checklist for whoever is doing the inspection. They can also create a "no fee" permit, which is a form that is just letting the town know what projects are underway.

T&B hasn't received a contract yet from the BOS. Do changes to the bylaw have to go to a public hearing? This is a question that needs to be asked.

Next meeting scheduled for August 1. Gary made a motion to adjourn at 6:28pm, Dena 2nd. All in favor 6-0.

Submitted by Kristen Gumlaw