

LOW IMPACT DEVELOPMENT (LID) RULES AND REGULATIONS

Westminster Planning Board

Adopted July 21, 2020

1) Purpose

The purpose of these rules and regulations is to protect, maintain and enhance public health and safety and general welfare by requiring careful environmental planning of new development and redevelopment projects to foster climate change resiliency and protect the quality and health of water resources in Town.

2) Authority

Under the authority designated by Chapter 136 of the Westminster General Bylaws (LID Bylaw), The Westminster Planning Board (Planning Board) adopts these rules and regulations requiring the incorporation of LID techniques in new development and redevelopment projects located completely or partly within the Town of Westminster.

3) Amendments

These rules and regulations may be amended by a majority vote of the Planning Board after a public hearing duly advertised once in a paper of general circulation in the Town of Westminster no less than fourteen days prior to the date of the public hearing.

4) Applicability

These rules and regulations apply to all projects meeting applicability criteria of Section 4 of the LID Bylaw (Chapter 136 of the Town's General Bylaws). New development and redevelopment projects must comply with the rules and regulations contained herein unless expressly waived by the Planning Board.

5) Permit Procedures and Requirements

5.1. Process

The Building Inspector shall not issue a building permit without first confirming a LID Permit has been obtained or is otherwise not required. The LID Permit process shall be incorporated into existing permits to ensure efficiency of the Town permitting process for the Town and Applicant. The following Town boards or commissions shall serve as the Permit Granting Authority (PGA) as described below and their respective permits may serve as the LID Permit upon finding the Project has demonstrated compliance with these regulations:

- 5.1.1. Planning Board: Site Plan Approval, Definitive Subdivision Approval, Earth Removal/Placement of Fill Permit or Special Permit Approval issued by the Westminster Planning Board shall serve as the LID Permit, provided the project demonstrates compliance with these rules and regulations and the decision includes a designation as such.
- 5.1.2. Conservation Commission: An Order of Conditions issued by the Westminster Conservation Commission shall serve as the LID Permit, provided the project demonstrates compliance with these rules and regulations and the order includes a condition as such.

- 5.1.3. In cases where the above boards or commissions do not include a clear finding of compliance with these rules and regulations or when none of the above permits are required, the Planning Board shall serve as the LID PGA.

5.2. Application

Those requiring a permit issued per 5.1.3 shall submit a LID permit application to the Planning Board. The Application materials shall include, at a minimum, the following: Completed Application Form, Project Narrative, Project Plans and all application fees. Projects seeking a LID Permit per 5.1.1 and 5.1.2 are expected to provide similar information to demonstrate compliance during the course of review. The PGA can, at its discretion, require additional information be provided as needed to support its determination of compliance.

- 5.2.1. Project Narrative shall explain how the project intends to meet each of the following planning considerations. The Planning Board encourages prospective applicants to meet with the Town's Technical Review Committee to discuss options and may be conducted in conjunction with the preliminary subdivision and site plan planning processes already in place. This task is intended to provide the Town and the Applicant an opportunity to explore a more thoughtful design to preserve the natural features of a site and to shape the final design process.

- a) Open space - Considerations shall be taken to preserve natural features of the site and set aside land as open space for use by residents of the Town. Existing tree coverage shall be maintained to the maximum extent practicable particularly in generation of lots where tree clearing for inclusion of lawn area is typical.
- b) Limit Disturbance – Land disturbance shall be minimized with the use of thoughtful site planning and coordination with other applicable regulations. The applicant shall explore maintaining existing grade to the maximum extent practicable to limit tree clearing, earthwork and to maintain in-situ soil conditions.
- c) Runoff Source Control - LID techniques reduce the need for larger detention basins and appurtenant property due to managing runoff close to its source. Impervious surfaces can be disconnected from the overall drainage plan and mitigated at each lot, effectively reducing the size of downstream infrastructure needed to mitigate peak runoff generated from development. The applicant shall make every effort to promote sheet flow of runoff and extend overall time of concentration prior to discharge.
- d) Recharge/Reuse - Applicants shall maximize recharge at the site. Primary means of stormwater mitigation shall be through use of at-grade recharge Best Management Practices (BMP's) which will provide practical and aesthetic value to a property. Additionally, applicants may also elect to capture and store roof runoff in rain barrels or larger cisterns for use in irrigation.

- e) Impervious Coverage Reduction - The applicant shall explore opportunity with town officials to reduce proposed impervious coverage at the site using reductions in requirements of underlying zoning districts and town standards. Provisions for using shared driveways, reduced setbacks to promote shorter driveways, reduced minimum roadway and sidewalks widths, reduce paved cul-de-sacs. Reduction in impervious coverage will assist in reducing post-development peak runoff, heat island effect and pollutants such as total suspended solids (TSS), hydrocarbons and de-icing chemicals

5.3. Fees

No additional fees are required for permits issued per 5.1.1 or 5.1.2.

For permits issued per 5.1.3, fees shall be established by the Planning Board and may include additional cost for review by the Planning Board's review consultant to confirm compliance with these regulations.

5.4. Provisions for Relief

Relief may only be granted by the Planning Board from any portion of these rules and regulations following a request for relief by the applicant and demonstration that compliance would impose an undue burden or otherwise is inconsistent with the intent of the LID Bylaw.

- 5.4.1. Projects which preserve at least 50% of the project land area, excluding "Areas Subject to Protection" as defined under the Massachusetts Wetlands Act (310 CMR 10.02 (1)), as undisturbed protected open space are exempt from these rules and regulations and do not require a LID Permit.
- 5.4.2. Waivers may be granted from these rules and regulations upon demonstration of a specific hardship and the project has met the requirements to the maximum extent practicable. Waivers may only be considered once clear and convincing evidence supported by technical and financial justification has been provided.

6) Performance Standards

The Performance Standards listed below supersede existing regulations. Projects requiring a LID Permit must demonstrate compliance with the following minimum requirements unless otherwise waived by the Planning Board:

6.1. Site Planning

- 6.1.1. Maintain minimum 50% of site as open space. If this minimum requirement cannot be met, the applicant shall conform to the maximum extent practicable.
- 6.1.2. Lots shall maintain 50% undisturbed area. Lots shall be cleared to include only area necessary to install proposed buildings, infrastructure and minimal area for lawns and LID design features. If this minimum requirement cannot be met in full, the applicant shall conform to the maximum extent practicable.

6.2. Stormwater

- 6.2.1. All projects shall comply with applicable performance standards of the most recent version of the Massachusetts Department of Environmental Protection's (MA DEP) Stormwater Management Standards and Appurtenant Stormwater Handbook (Stormwater Standards).
- 6.2.2. Stormwater runoff shall be calculated using latest Northeast Regional Climate Center (NRCC) extreme precipitation amounts for recurrence intervals (storm events) 2-, 10-, 25-, 50- and 100-year frequencies.
- 6.2.3. Roof runoff shall be routed directly to infiltration BMP's unless otherwise not allowed by Stormwater Standards. If subsurface conditions limit recharge, store roof runoff for use in irrigation to the maximum extent practicable.
- 6.2.4. At-grade BMP's are preferred. No paved surface can be tributary to underground infiltration unless infeasible due to site constraints.
- 6.2.5. Standard pipe and structure runs greater than 300 feet shall not be permitted without interruption by a BMP.
- 6.2.6. Minimum 50% of site paved surface must be routed through vegetated swales to promote treatment, groundwater recharge, runoff velocity reduction and extend overall time of concentration.

6.3. Roadway/Driveway Widths

- 6.3.1. LID rules and regulations supersede existing town regulations/bylaws in cases of establishing minimum roadway widths. The paved width of roads as measured from face of curb or edge of pavement shall conform to the following standards based on anticipated average daily trips (ADT) or as otherwise may be necessary to meet emergency access or provide safe travel in roadway sections where shoulders are constrained, or off-road obstructions exist.

Table 1: Subdivision Roadway Widths

ADT	Roadway Width (Max./Min.)
ADT < 500	22 feet/20 feet*
ADT > 500	24 feet/22 feet

*minimum width based on current NFPA standards.

6.4. Parking

- 6.4.1. Proposed parking shall not exceed the minimum required under zoning by more than 10%.
- 6.4.2. If additional parking is required, additional area may be designated for potential parking expansion beyond that allowed but shall not be constructed until at least 6 months after occupancy has been granted and the project can demonstrate need to the PGA.

- 6.4.3. Minimum stall size shall be determined by principle use and shall have the following minimum size unless designated as ADA/ABB compliant accessible spaces:

Table 2: Standard Parking Space Dimensions

Principle Use	Parking Space Dimensions (feet)	
	Width	Depth
Residential	8	17
Office/Industrial	8.5	18
Retail/Commercial	9	19

6.5. Landscaping

- 6.5.1. Select native/naturalized plant species for proposed landscape design which are adapted to the climate and soil conditions of the area.
- 6.5.2. Provide native street/site trees with minimum spacing for mature canopy coverage to assist in reducing heat island affect created by impervious surfaces.
- 6.5.3. Explore use of internal bio-retention parking islands (no curb, sheet flow to island bio-retention) in parking lots where sheet flow from impervious surfaces can be captured and treated prior to discharging downstream.

6.6. Snow Storage

- 6.6.1. Applicants shall allow for adequate snow storage during winter months. Measures include avoiding clustering of more than two (2) driveways near each other, minimizing the use of barriers such as stone walls and fences in close proximity to roadways, minimizing use of landscaping other than grass near roadways, minimizing the use of curbs where not necessary, etc.
- 6.6.2. All cul-de-sacs shall have an area of pervious, grassed area at the center with no obstructions such that the area may be used for snow storage.

7) Related Permits

Prior to receiving a LID permit, projects disturbing greater than one (1) acre must comply with Chapter 137 of the Westminster General Bylaws (Stormwater Management Bylaw) and accompanying regulations.

8) Maintenance

- 8.1. Stormwater infrastructure shall be privately owned, inspected and maintained per the Operation and Maintenance procedures approved for the project. Inspection and maintenance logs shall be provided to the Town DPW on a yearly basis by final day in June for the Town to use in preparation of its annual report to the US EPA as part of the NPDES MS4 Permit requirements.
- 8.2. LID operation and maintenance duties shall be recorded with the deed for each lot in a subdivision. The applicant may elect to setup a home owner's associated (HOA) or other means to ensure all BMP's are inspected and maintained as required.

- 8.3. Landowner shall provide the PGA an annual report prepared and stamped by a Massachusetts Licensed Professional Civil Engineer documenting and certifying performance of required maintenance and providing an assessment of overall system performance.