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Municipality/Organization: Salisbury, Massachusetts

EPA NPDES Permit Number: MA-041220

MA DEP Transmittal Number: X251322

Annual Report Number & Reporting Period: No. 9: May 2011 – April 2012

## NPDES PII Small MS4 General Permit Annual Report

### Part I. General Information

Contact Person: Mr. Donald R. Levesque Title: Director of Public Works

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I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: 

Printed Name: Neil Harrington

Title: Town Manager

Date: April 27, 2012

## Part II. Self-Assessment

The Town of Salisbury has had many budgetary limitations in the past several years. The Department of Public Works continues to have a realistic approach with dealing with stormwater concerns. In addition to state cuts in local aid, the FY11 budget was a 5 percent reduction from FY10. The FY12 budget was an additional 10 percent less than FY11. The final FY13 budget is expected to be further reduced from FY12 levels, as the continued economic difficulties have an adverse effect on Town resources.

However, given these financial difficulties, the Town achieved significant progress on many regulatory changes that ensure future compliance with permit requirements and improved water quality. Refer to Section 3 and the attachment for specific regulatory change details.

2D – Catch basin stenciling was not performed because the Town has standardized on a frame model that includes a casting that indicates that dumping is prohibited. This change was identified as being more cost effective and a better permanent solution than stenciling.

Part III. Summary of Minimum Control Measures

1. Public Education and Outreach

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 9 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 10
1A	Posters	Town Manager	Posting all town buildings	Restocked signs throughout permit year.	Continue to restock signs as necessary.
1B Revised	Local cable	Town Manager	Post message monthly	Conservation Commission hearings have been televised all permit year, as well as public participation events and advance notice of volunteer opportunities.	Will seek out additional local access opportunities, including uploading the Greenscapes NSC stormwater video on local access.
1C	Repair shop brochures	Town Manager	Distribute to impacted businesses, complete brochure	BMP brochures were procured through Greenscapes North Shore Coalition and made available throughout the year.	Maintain available BMP information.
1D Revised	Town Website	Town Manager	Update quarterly	Website has been updated on a quarterly basis.	Continue to update the website on a quarterly basis including the Greenscapes NSC video.
1E Revised	Stormwater Education Video	Public Works Director	Distribute educational materials to appropriate parties.	Maintained Greenscapes North Shore Coalition membership in good standing. Distributed online materials to School Dept. and community at large.	Renew Greenscapes North Shore Coalition membership and continue to distribute information as it becomes available, including Greenscapes NSC.
1F	Public Info Mailer	Public Works Director	Make information available online	Online availability has taken the place of direct mailing and brochure distribution.	Refer to 1E, above.



## 2. Public Involvement and Participation

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 9 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 10
2A	Citizen Advisory Committee	Town Manager	Master Plan refinement	Citizen's Master Plan Committee will be focusing part of efforts on stormwater management. Goal is to establish future town-wide progress.	Ensure stormwater remains a focus of the Master Plan effort.
2B	Waste oil collection	Public Works	Collect once per year	Continued annual collection of waste oil and maintained membership in Essex County waste collection consortium.	Continue annual collection and maintain consortium status.
2C	Paint collection	Public Works	Collect paint	Continued annual collection.	Continue annual collection.
2D Revised	Stenciling	Public Works	25% catch basins	No new stenciling since 450 catch basins stenciled in 2008 (100% of entire Town inventory).	The Town has changed its standard grate to indicate "NO DUMPING FLOWS TO DRAIN" as a more permanent measure than stenciling. If candidate identified, may stencil 25% of CB's in FY13.
2E	Coalition membership	Public Works	Maintain membership	Maintained membership and distributed educational materials provided by coalition.	Funds historically used for coalition membership and materials may be re-purposed to address the requirements of the anticipated renewed permit.
2F	Women in Transition/Trial Court/Middleton Inmates/Beach Betterment Association/Probation Department	Public Works	Seasonal cleanup efforts	Maintained and expended working relationship with organizations and performed cleanup work throughout town. What was once a quarterly activity has become a year-round program to assist the Town weather difficult budget conditions.	Continue to work with organizations and perform regularly-scheduled activities.

2G	Rail Trail Extension	Public Works	Trail Expansion and Public Education	The Town constructed another 3,000 lf of rail trail.	Construction of 3,000 lf rail trail extension to be conducted in summer 2012 (Fredenfels to Merrimack River). Rail trail extension of 15,000 lf from Mudnock to Seabrook town line to be designed in summer 2012. Study of Amesbury/Salisbury rail trail link to be studied in 2012.
Revised					

### 3. Illicit Discharge Detection and Elimination

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 9 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 10
3A	Outfall mapping	Public Works	Map outfalls	Funding could not be secured for outfall inventory.	New permit requirements will be evaluated and progress made to the degree possible within available budget restraints.
3B Revised	Review existing bylaws and regulations	Town Manager	Evaluate and recommend changes	A number of regulatory changes were identified as a result of a 2011 MassBays Research & Planning Grant effort. Refer to the report attachment for details and implementation progress.	Enact regulatory changes as appropriate.
3C Revised	Develop IDDE Plan	Public Works	Develop Plan of action	MVPC sampling program not completed due to manpower and budgeting restraints.	Awaiting new permit requirements before acting.
3D	IDDE By-law modifications	Public Works	Evaluate and recommend changes	A number of regulatory changes were identified as a result of a 2011 MassBays Research & Planning Grant effort. Refer to the report attachment for details and implementation progress.	SEE 3B
3E	Test Outfalls	Public Works	Test Outfall	SEE 3A	SEE 3A
3F	Stream Sampling for Contamination	Public Works	Sample streams for BOD and TSS	SEE 3A	SEE 3A

4. Construction Site Stormwater Runoff Control

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 9 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 10
4A	Review site inspection	Planning	Evaluate existing	Enhanced inspection approach through regulatory changes as a result of a 2011 MassBays Research & Planning Grant effort. Refer to the report attachment for details and implementation progress.	Continued assessment/monitoring of inspection program
4B	Modify Site Inspection Program	Planning	Recommend Modifications	Enhanced inspection approach through regulatory changes as a result of a 2011 MassBays Research & Planning Grant effort. Refer to the report attachment for details and implementation progress.	Continue to assess improvements semi-annually at department head meeting, with particular attention paid to new General Permit requirements.
4C	Review by-laws	Planning	Determine adequacy	Made regulatory changes as a result of a 2011 MassBays Research & Planning Grant effort. Refer to the report attachment for details and implementation progress.	Continue to evaluate and recommend any changes to bylaws, specifically as they pertain to revised stormwater management guidelines.
4D	Modify by-laws	Planning	Recommend Modifications	Made regulatory changes as a result of a 2011 MassBays Research & Planning Grant effort. Refer to the report attachment for details and implementation progress.	See 4C



5. Post-Construction Stormwater Management in New Development and Redevelopment

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 9 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 10
5A Revised	Site Inspectors	Planning	Evaluate existing	Enhanced inspection approach through regulatory changes as a result of a 2011 MassBays Research & Planning Grant effort. Refer to the report attachment for details and implementation progress.	Improve inspection criteria and procedures as necessary.
5B Revised	Modify Site Inspection Policy//Procedures	Planning	Implement Modifications	Enhanced inspection approach through regulatory changes as a result of a 2011 MassBays Research & Planning Grant effort. Refer to the report attachment for details and implementation progress.	Assess improvements semi-annually at department head meeting.
5C Revised	Review by-laws	Planning	Evaluate existing	Enhanced inspection approach through regulatory changes as a result of a 2011 MassBays Research & Planning Grant effort. Refer to the report attachment for details and implementation progress.	Continue to evaluate and recommend any changes.
5D Revised	Modify by-laws for Post Construction Site Runoff	Planning	Implement Modifications	Enhanced inspection approach through regulatory changes as a result of a 2011 MassBays Research & Planning Grant effort. Refer to the report attachment for details and implementation progress.	Continue to evaluate need for future changes.
5E Revised	By-law changes	Planning	Proposed Modifications	Enhanced inspection approach through regulatory changes as a result of a 2011 MassBays Research & Planning Grant effort. Refer to the report attachment for details and implementation progress.	Continue to seek potential revisions.



6. Pollution Prevention and Good Housekeeping in Municipal Operations

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 9 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 10
6A	Street sweeping	Public Works	Majority of town	Continue to run current program of sweeping, concentrating on environmentally sensitive areas.	Continue current program.
6B	Catch basin cleaning	Public Works	Majority of town	Annual cleaning completed.	Continue current program.
6C	Public Facility site inspections and BMP practice review	Public Works Director	Perform Inspections at each Public Facility	Performed annual inspections.	Continue current program.
6D	Training	Town Manager	Train Municipal employee	Educational videos and information have been implemented into training.	Continue to provide annual training with appropriate educational information and videos as appropriate.
6E	Public Facility follow-up	Public Works Director	Perform follow-up inspections	Annual inspections are continued and any follow up is performed.	Continue annual inspections.
6F	Improved runoff containment	Public Works	Reduce runoff potential from salt storage areas	Maintain salt shed BMPs.	Continue current program.
6G	Infrastructure Management	Public Works	Resolve problematic stormwater system areas	Phase 1 of Gardner Street construction is underway and will be completed in 2012. Lion's Way & Spring Street improvements were constructed in 2011. Folly Mill Road construction of 5,000 lf of improvements Design complete for Lincoln Avenue improvements.	Year 10 work to include: - 72 Ferry Rd. drainage work - Gardner St. Phase 2 design will be completed and construction planned. - Tide gate to be installed on Town Creek to mitigate storm surges.
Revised					

7. BMPs for Meeting Total Maximum Daily Load (TMDL) Waste Load Allocations (WLA) Not Applicable

BMP ID #	BMP Description	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 8 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 9
Revised					
Revised					
Revised					
Revised					
Revised					
Revised					

7a. Additions


7b. WLA Assessment

**Part IV. Summary of Information Collected and Analyzed**

Salisbury Beach area did not have any beach closures during the 2011 recreational summer season, based on water quality monitoring performed by the Salisbury Board of Health and the Massachusetts Division of Marine Fisheries.



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## NPDES Phase II Small MS4 General Permit Annual Report

### Attachment

As described in Part III Sections 3 through 5, the Town of Salisbury secured a MassBays Research & Planning Grant in 2011. Using this funding, the Town performed a thorough review of stormwater regulations and how they compared to the requirements of the 2003 permit.

Once areas of concern or non-compliance were identified, the Town evaluated methods for addressing the issue. These regulations fall under the purview of the Zoning Board of Appeals, Planning Board, or Town Meeting voters. The following sections describe how the Town intends to address each scenario.

#### *Zoning Bylaws*

A number of changes to the Town's Zoning Bylaw have been identified. Zoning Bylaw changes require approval of a warrant article at Town Meeting.

The following changes will be part of a May 2012 Town Meeting warrant article. Should they be approved, the bylaw will be made effective, retroactive to April 2012.

1. Identified Non-Compliance or Concern: Article XVIII of the Zoning Bylaws (Site Plan Review) does not specifically include all development or redevelopment projects disturbing greater than one acre under Site Plan Review and could lead to non-compliance with the 2003 EPA stormwater permit.

Recommended Action: Revise Article XVIII of the Zoning Bylaws (Site Plan Review) as follows:

- a. Add the following additional requirement to §300-111, Item (2)(Minor Permits) of the Zoning Bylaws:

*“(d) Any activity disturbing an acre or more.”*

2. Identified Non-Compliance or Concern: Article XVIII, §300-111, Item B(3) of the Zoning Bylaws (Repaving) exempts all repaving of an existing paved area (any size) from Site Plan Review. Since this item

would exempt reconstruction and replacement of areas greater than one acre from stormwater management, it is not in compliance with the 2003 EPA stormwater permit.

Recommended Action: Revise §300-111 of the Zoning Bylaws as follows:

a. Add the following additional requirement to Section B(2)(Minor Projects):

*“(e) Reconstruction/reclamation/replacement (not overlay) of an existing paved area of an acre or more.”*

b. Revise Item B(3)(Repaving) to read as follows:

*“Repaving (overlay) of an existing paved area of any size is exempt from site plan review.”*

### ***Planning Board Rules and Regulations***

Recommended changes to the Town’s Planning Board Rules and Regulations have also been identified. These changes can be voted upon by the Planning Board as part of their annual regulatory review process.

The following changes were voted and approved on April 25, 2012. They will become effective in May 2012.

1. Identified Non-Compliance or Concern: Requirements for sediment and erosion control are provided for properties under the jurisdiction of the Wetlands Protection Act. There are also local requirements located throughout the existing Salisbury Administrative Code; however, there appears to be no means by which compliance is assured.

Recommended Action: To address this issue, define specific inspection milestones for projects governed by the Planning Board to ensure that proper erosion and sediment control measures are installed prior to construction, maintained in effective working order throughout the duration of construction, and removed after stabilization has been restored. Since inspection is already being funded under current Review Fees, Weston & Sampson recommends the following reorganization and additions to Article II of the Planning Board Rules & Regulations (Planning Board Fees):

a. Under Section B (Project Review Fees), delete the following phrase at the end of the first paragraph:

*“...monitoring or inspecting a project or site for compliance with the Board’s decisions or regulations, and inspecting a project during construction or implementation.”*

b. Under Section B (Project Review Fees), delete Item 5. Inspection Phase in its entirety.

c. Add a new Section C entitled “Project Inspection Fees” to include the following:

*“Section C. Project Inspection Fees*

*Applicability: In addition to Application and Review fees, in accordance with Massachusetts General Law Chapter 44, Section 53G, the Planning Board shall impose a Project Inspection Fee on those applications which require, in the judgment of the Planning Board, inspection by an outside consultant due to size, scale or complexity of a proposed project, the project’s potential impacts, or because the Town lacks the necessary expertise to perform the inspection work related*



to the permit or approval. In hiring the outside consultants, the Board may engage specialists, engineers, lawyers, designers, or other appropriate professionals able to assist the Board and to ensure compliance with all relevant laws, by-laws and regulations. Such assistance may include, but shall not be limited to, monitoring or inspecting a project or site for compliance with the Board's decisions or regulations, and inspecting a project during construction or implementation.

*Schedule of Project Inspection Fees:* The following schedule of stormwater inspections applies to the types of inspections ordered by the Planning Board and set forth below.

#### *Schedule of Project Inspection*

<i>Type of Inspection</i>	<i>Project Milestone/Frequency</i>
<i>Pre-construction</i>	<i>Prior to the start of construction.</i>
<i>Construction</i>	<i>Monthly throughout construction or until site restoration is complete.</i>
<i>Project completion</i>	<i>After construction and site restoration is complete.</i>
<i>Post-stabilization</i>	<i>One year from date of Certificate of Completion.</i>

#### *Notes:*

- 1. The above schedule of inspections supersedes all previous schedules as they may have appeared in the Salisbury Zoning By-laws, the Rules and Regulations for the Subdivision of Land, and any listings that may have been compiled from time to time for the benefit of applications.*

*Waivers:* The Planning Board may waive or reduce Inspection schedule if, in the opinion of the Board, unusual circumstances exist regarding the inspections.

*Hiatus:* Should construction or implementation of a project be delayed or otherwise shut down for a period of greater than three months for seasonal or non-seasonal reasons, the Applicant may submit a written request to the Planning Department for a project hiatus during which inspections may be suspended, providing that the site is properly stabilized by the Applicant prior to the hiatus. The Planning Department shall determine on a project-specific basis, and present to the Applicant in writing, the proposed reduction in inspections.

*Refunds:* Any unused balance of the project inspection fees will be returned to the applicant after the Planning Board grants a Certificate of Completion and/or the work is completed."

2. Identified Non-Compliance or Concern: Article XVIII of the Zoning Bylaws (Site Plan Review) defines what projects require major and minor permits. The bylaw further states that both are subject to submission of runoff calculations and site plan approval from the Planning Board, which provide reviewing authority. However, current procedure for receipt of Minor Permit applications does not include submission of review fees, therefore, there is potential for non-compliance with the stormwater permit.

Recommended Action: Modify the Schedule of Project Review Fees in Section II.B. of the Planning Board Rules & Regulations to automatically trigger review fees for Minor Projects proposing to disturb greater than an acre. Revision of the Planning Board Rules & Regulations to match the recently revised Site Plan Review article has not yet been completed. In conjunction with these revisions, the Town should revise the tabulated Schedule of Project Review Fees to ensure it triggers appropriate review of stormwater controls on Minor Projects disturbing an acre or more.



3. Identified Non-Compliance or Concern: The Town is not currently requiring structural best management practices to be installed by a Drain Layer licensed in Salisbury. This could lead to substandard construction and violations of the Clean Water Act and stormwater permit.

Recommended Action: Add language to both the Planning Board Rules & Regulations, and Conservation Commission Special Conditions to require construction of structural best management practices to be performed by licensed drain layers.

4. Potential Non-Compliance: The draft EPA stormwater permit requires that the Town add the following post-construction run-off control language to existing regulatory mechanisms:

- For new development of one or more acres, the Town shall require compliance with Standards 3-6 of the Massachusetts Stormwater Management Standards regardless of the proximity of the site to wetland resources.
- For redevelopment of one or more acres, the Town shall require compliance with Standard 7 of the Massachusetts Stormwater Management Standards regardless of the proximity of the site to wetland resources.
- For projects exempt from the Massachusetts Stormwater Management Standards, the Town regulatory mechanisms may apply the Standards to the Maximum Extent Practicable.

Recommended Action: Revise III.C.5 of the Planning Board Rules & Regulations (Drainage) to specifically include the required references to the Massachusetts Stormwater Management Standards as follows:

- a. Revise Section III.C.5 to read as follows:

*"...Drainage system shall have an emergency overflow for event above and beyond the one hundred (100) year storm event. Regardless of their proximity to wetland resource areas, new developments of one or more acres shall comply with Standards 3-6 of the Massachusetts Stormwater Management Standards, and redevelopments of one or more shall comply with Standard 7. Additionally, all drainage system will be designed in accordance with..."*

## ***General Bylaws***

The final category of changes includes those that require approval at Town Meeting. These will be presented as a warrant article in May 2012. Upon approval, they would become effective on July 1, 2012.

1. Identified Non-Compliance or Concern: Chapter 209 of the Salisbury General Bylaws (Sewers) contains a prohibition against the discharge of polluted waters to any **natural outlet** within Salisbury or any area under the Town's jurisdiction, the Water Resources Commission, or the Commonwealth; however, it does not contain a prohibition against these discharges to the MS4. In addition, the prohibition is listed under a section referencing "sewers in new developments" and, thus, does not extend to existing sewers and developments.

Recommended Action: Compliance with the permit can be achieved by revising Chapter 209, §209-6 through Town Meeting (Prohibited discharges; sewers in new developments) as follows:

- a. Revise the title of §209-6 by deleting “; sewers in new developments” such that the title of this section reads “*Prohibited discharges.*”
- b. Revise §209-6, Item A to add the phrase “*municipal storm sewer or*” such that the Item reads as follows:

*“a. It shall be unlawful to discharge to any municipal storm sewer or natural outlet within the Town of Salisbury, or in any area under the jurisdiction of said Town, and the Water Resources Commission, Commonwealth of Massachusetts, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this bylaw.”*

2. Identified Non-Compliance or Concern: Chapter 77 of the General Bylaws (Earth Filling) requires that the “area to be filled shall have all vegetation removed, such as trees, brush, tree stumps and any accumulated rubbish, junk and debris, including building products and material.” The intent of this statement should not be to clear-cut the fill site, but to ensure that the site is cleared of stockpiled/dumped materials.

Recommended Action: Revise Chapter 77, §77-6 (Standards for Filling) to clarify actual intent of this section as follows:

- a. Delete Item B (Site Preparation) in its entirety and replace with the following:

*“B. Site preparation. The area to be filled shall be cleared of stockpiled or otherwise disposed of organic and inorganic materials, such as fallen trees and brush, tree stumps, rubbish, junk, building/construction/demolition materials, and any other accumulated debris. The area shall also have topsoil removed prior to filling. The area to be filled corresponds to the horizontal limits of the fill activity as represented on a plan view drawing.”*