

MINUTES OF THE LAND USE COMMITTEE MEETING 2-6-2023

The meeting was called for 7 pm on Zoom. Present were Dedun Ingram, chair; Rohit Bhayana, Kathy Flaxman, Sybil Freedman, Eric Murtagh, Joe Rubin, Stuart Sessions, David Valenstein; and Rich Brancato, Council liaison (by phone).

Minutes of the January 9, 2023 meeting: Eric moved to accept as circulated. Seconded, passed.

Stormwater regulation review

The committee decided to ask the Town Council for funds to bring in a consultant to advise us on issues and potential changes to the Town's stormwater regulations. We think that a consultant could provide us with some additional insights into possible changes that would make the Town regulations regarding drainage plans more compatible with the county regulations, thus reducing burdens on homeowners, without compromising the Town's goals. The consultant should have extensive experience in preparing drainage plans to meet both the Town's and the County's requirements. A few possible areas for the consultant's advice could include: (1) Switch to volumetric measures that mesh better with the County's? (2) Thoughts regarding soil infiltration testing vs. soil typing? (3) Changes to administrative requirements, including distance requirements. We will need to write a short draft scope of work and estimate a ballpark cost. At the Town Council's February meeting, Rich will mention that we are considering this and that we will provide a scope-of-work by their March 8 meeting. Meanwhile Rich will talk to Todd (Town Manager).

Stormwater reports from Town's water engineer

Stuart has reviewed about a third of the approximately 125 reports from the Town water engineer's requested visits to properties in the Town. Generally, these visits are to assess the drainage conditions on the requesting resident's property and to provide advice regarding any problems/issues that the resident perceives, or the engineer identifies. Stuart's observations from the reports he has reviewed thus far include:

- The majority involve at least some problem with neighbor-to-neighbor flow – either problematic flow from an upstream property or flow to a downslope property that causes problems. For less than half of the properties with drainage problems the issue involves managing only the precipitation that falls directly on the property.
- For perhaps 10-20% of the properties there is a claim that some current or past construction activity contributes in part to the run-on or run-off problem .
- Many properties have issues where downspouts go to underground pipes with unknown discharge points.
- In about 10% of cases there is “chain flow” across multiple properties. In such cases the Water Engineer has difficulty doing an overall assessment while visiting only one of the properties in the chain. In these “chain flow” situations, could the Town perhaps somehow encourage consultation among neighbors?
- The water engineers seem to recommend Rainscapes-type projects infrequently. This is perhaps because (as related to Stuart previously by Peter Noursi, one of the engineers) they perceive most of the issues they are asked to look at involve inadequate drainage. For a drainage problem, the solution typically involves moving precipitation or other water flows away from structures and off the property or into the ground quickly. Rainscapes, in contrast, as the County intends it, is a stormwater management program where the aim is to retain water on the property and reduce runoff that carries pollutants to streams and the Bay.) We should ask the

water engineers and Dave Walton about the efficacy of Rainscapes projects in ameliorating drainage issues and their use perhaps toward achieving both stormwater management and drainage goals.

- Some properties have issues that we may find it useful to look into further:
 - Some have problems despite having a drainage plan. Why? Is this due to poor maintenance or due to an Inadequate plan or for some other reason?
 - A couple of properties are cited as receiving harmful stormwater flows from an upslope property that is under a drainage plan. Shouldn't a drainage plan prevent this from occurring?
 - Some properties have problems with water flow either from or to public, as opposed to private, properties. Dave Walton is typically aware of such situations, but we should note all of these for him just in case.
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The committee discussed whether it is worth the effort to continue to analyze all of these reports. After discussion, it was decided that we should continue the effort but focus on some particular topics and the reports that bear on these topics:

- The role of construction activities in contributing to run-on or run-off problems;
- How often properties with drainage plans nevertheless have drainage problems and why these problems might occur despite the drainage plans;
- How often properties downslope of a drainage plan property experience problematic run-on from the drainage plan property and why this might be occurring.

Stuart will send everyone a set of reports and a revised matrix for collecting information.

The reviews will focus on properties receiving stormwater from upslope and whether there is a stormwater system on the upslope property. What might help mitigate the problems on the downslope property – a Rainscape on the upslope and/or downslope property? Maintenance on the upslope system? It will be helpful if we can determine the inspection history for any stormwater management systems for identified properties. To assist in focusing this investigation, we will try to identify the properties with a water engineer report that have either a Town or County drainage plan, and also the properties immediately upslope of the water engineer properties that have drainage plans. We will likely need assistance from Dave Walton in doing this.

New business:

The Committee discussed the use of tall walls at the edges of properties to level a slope so the owner can then build on the raised surface. and the impacts on adjacent neighbors. There's a house under construction currently where there is a 6-foot rear retaining wall and the Town Council will be considering this week a variance for a rear yard wall on a different property. The height of a retaining wall is limited within two feet of the property line, but if the wall is more than two feet from the line it can be 6.5 feet tall and also have a fence on top. A series of walls could also be built. Some thought this undesirable because of the impact on adjacent neighbors.

It was noted that the LUC tried to address this years ago but got no traction except for the 2-foot setback.

Next meeting: Monday, March 6. Members agreed to meet in person in the Town Hall. Food will be provided and to accommodate eating, the meeting will convene at 6:30 pm.

The meeting adjourned at 8:15 pm