



FAQS ABOUT RECENTLY ADOPTED  
AND PROPOSED TOWN CODE ON  
STORMWATER MANAGEMENT

TOWN OF SOMERSET STORMWATER STUDY COMMITTEE  
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# **FAQs About Recently Adopted and Proposed Town Code on Stormwater Management**

## **Town of Somerset Stormwater Study Committee**

Somerset has recently added new language to its Building Code that overlays on County regulations and requires that new homes install permeable driveways and store on-site rooftop runoff from a 2.6 in. rain.

In the report that the Stormwater Study Committee has delivered to the Town Council and Mayor, it recommends that the Town adopt additional regulations that: 1) require runoff storage from all impervious surface *additions* of 150 square feet or more, and 2) installation of permeable driveways in cases of full replacement of a driveway when the slope of the underlying soil is less than 5 percent and towards the street and the soil passes a perc test. (These site conditions qualify the household installing the permeable driveway financial support up to \$7,500.)

These FAQs are offered to Town residents by the Committee to provide further explanation of how its recommendations might affect residents if adopted by the Town Council.

### **1. How do the Town's recently adopted and proposed stormwater standards compare to the County's?**

The standards that the Town has recently adopted for new home construction align with the County's; the Town has adopted them because it believes that it can administer the standard more rigorously than the County has since 2013.

The standards that the Committee recommends that the Town adopt for driveway replacement and renovations that increase impervious surface by 150 square feet or more – requiring storage of runoff – have no analog at the County level. There *is* a County regulation requiring “drainage plans” when renovations increase rooftops by 400 square feet or more, but the plans do not require runoff storage, merely that runoff to neighbors does not increase.

### **2. How many existing Somerset houses currently wouldn't meet the recently adopted standard for new homes?**

The standard for new homes requires that rooftop runoff from a one-year rainfall event (about 2.6 inches) be stored on-site and that new homes have a permeable driveway.

About 40 homes in Somerset (fewer than 10 percent of homes) are required to store rooftop runoff, although for about half, some share of required storage requirements have been waived the County. These homes were built after 2010. That means that 90 percent of Somerset homes do not store any runoff from rooftops unless they have installed rain barrels or rain gardens and have done so by choice.

More than 80 percent of homes do not have a permeable driveway.

**3. If the Town adopts the Committee’s recommended code changes on renovations and I build an addition over the 150 square foot trigger, how much stormwater runoff do I need to manage?**

You’ll be required to manage the runoff only from the impervious surface being added to what is currently on your lot.

There will need to be interpretations by the Town Council and Town Attorney about what triggers the requirement.

*These additions of impervious surface would presumably trigger the storage requirement:*

- a. Installation of a new 15 ft. by 10 ft. patio.
- b. Installation of a single staircase comprising 150 square feet or more of impervious surface.
- c. Addition to the ground floor footprint of a house totaling 150 square feet or more of impervious surface.

*These renovations probably would NOT trigger the storage requirement:*

- a. Installation of a new 15 ft. by 10 ft. deck with gaps between boards and a porous surface underneath.
- b. Installation of a new 15 ft. by 10 ft. patio composed of permeable pavement or pavers.
- c. Any small structure (such as a child’s playhouse or garden shed) with a roof area of less than 150 sq. feet.
- d. Addition to the second floor of a house if the ground floor footprint of the house is not changed.
- e. A path comprising 50 flagstones, each 3 square feet in area, that are spaced and have porous surface between them.
- f. Replacement of a driveway in the exact footprint of the former impervious driveway.

**4. Why did the Committee recommend that 150 square feet of impervious surface be the trigger for the requirement that runoff from renovations be stored?**

The Committee wanted to exempt addition of small impervious surfaces – such as a garden shed or a few steps – but address runoff that could prove to be a significant nuisance. (For example, a 150 square foot patio will generate 243 gallons of water, about the amount of water in a 4ft x 4ft x 2ft wading pool. This amount of runoff could flood a basement.)

**5. Under the proposed new code for renovations, can I replace or repair my existing impervious driveway with a new impervious driveway?**

If you are replacing the entire driveway and site conditions are favorable for a permeable driveway in terms of soil, slope and the direction of slope, you must install a permeable driveway. If you are simply repairing your driveway, you can continue to have it continue as an impervious surface.

**6. Could I offset the requirement for a permeable driveway for a new home with a storage option elsewhere on my property?**

In the case of new home construction, the requirement is that driveways be permeable and does not make the choice of a permeable driveway for storage one choice among many. The merit for any application for a waiver from the requirement will be evaluated by the Town Council.

**7. If someone knocks down a house and builds another with the SAME square footage of impermeable surface, will they need to adhere to the new standards?**

In the case of new homes, the area of impervious surface relative to the original home is not the trigger for application of the standard. If the construction disturbs 5,000 square feet of soil or more, by County regulations, the plan for the new home will require a Sediment Control Permit and will also have to meet the Town's Code for stormwater management.

**8. If someone knocks down a house and builds another with a LARGER impermeable surface, will they need to adhere to the new standards or would they just need to account for the increase in stormwater runoff relative to the old house?**

In the case of new homes, the area of impervious surface relative to the original home is not the trigger for application of the standard. If the construction disturbs 5,000 square feet of soil or more, by County regulations, the plan for the new home will require a Sediment Control Permit for the entire property and will also have to meet the Town's Code for stormwater management.

**9. Is the Town prohibiting in-ground swimming pools?**

No; there is no blanket prohibition of in-ground swimming pools, but considerations of storage of runoff are relevant in different ways in the case of new home construction and in the case of renovations.

In new home construction, if an in-ground swimming pool and surround can be installed without the need for any variance from the Town's requirements for storage of rooftop runoff, it can be installed.

For existing homes, if the runoff from the impervious surface represented by both the pool itself and any surround can be stored on-site, the pool can be installed.

**10. Why don't smaller lots have less stringent requirements for storage from renovations since they have fewer options for on-site storage of runoff?**

If the size of a lot creates challenges to storage, the Town Council may consider granting a variance. However, unless infiltration rates on large expanses of natural surface are sufficient to absorb a considerable amount of runoff, the volume and potential nuisance caused by runoff from impervious surfaces of the same size does not differ materially based on the size of lots and it does not make sense to regulate differently on the basis of size.

**11. Will application of the new standards by the Town have any Town budget implications? Will the new standards increase my taxes?**

The Town Council will strive to have any costs to the Town for administering the new standards borne by applicants for building permits.

The Committee is recommending that the costs for variances include a substantial fee based on the volume of runoff that is not stored. If adopted, these fees could also help place the burden of administrative costs on the applicant.