

ARTICLE 80 - TO AMEND THE TOWN OF WAREHAM'S GENERAL BY-LAWS BY ADDING A WATER QUALITY PROTECTION BY-LAWS

To see if the Town will vote to amend the general By-laws of the Town of Wareham by inserting at DIVISION VI, ARTICLE III the following:

A. NITROGEN NET ZERO FOR NEW CONSTRUCTION

1.0 Purpose and Intent

The purpose of this bylaw is to protect the public health and welfare of its citizens, and to minimize quantifiable impacts to drinking, fresh and coastal water quality and natural resources by establishing a standard for new construction, as defined below, as "Nitrogen Net Zero".

2.0 Performance Standards and Applicability

Nitrogen Net Zero will eliminate nitrogen loading from existing sources in Wareham by an amount equal to the amount of nitrogen loading generated by the new construction through the use of nitrogen offsets.

2.1 The Board of Health shall not issue a permit to any residential construction equal to or greater than ten (10) homes/units, totaling 3,300 GPD (Gallons per Day) or more, unless the standard of Nitrogen Net Zero has been met.

2.2 The Board of Health shall not issue a permit to any commercial construction whose waste water discharge is equal to or greater than 3,300 GPD (Gallons per Day) unless the standard of Nitrogen Net Zero has been met.

3.0 Offsets

Developers or homeowners can achieve the Nitrogen Net Zero requirement by permanently reducing an equivalent amount of nitrogen from another source(s) in the same watershed within Wareham by:

3.1 Any method approved by the Board of Health that is proven to permanently eliminate a comparable volume of nitrogen.

4.0 Exemptions

The following are exempt from this By-law:

4.1 New construction of residential properties less than ten (10) homes or units.

4.2 New construction of commercial properties whose waste water discharge is less than 3,300 GPD.

4.3 Existing homes and commercial properties are exempt from the Nitrogen Net Zero standard.

4.4 Existing homes and commercial properties requiring septic upgrades are exempt from the Nitrogen Net Zero standard.

5.0. Regulations

After public notice and public hearing, the Board of Health shall promulgate rules and regulations to effectuate the purposes of this bylaw, effective when voted and filed with the town clerk. Failure by the Board to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this bylaw. At a minimum, these regulations shall reiterate the terms defined in this bylaw, define additional terms that are not inconsistent with the bylaw, and impose filing and consultant fees.

6.0 Severability

In case any section, paragraph or part of this by-law is for any reason declared invalid or unconstitutional by any court, every other section, paragraph or part shall continue in full force and effect.