TOWN OF WELLESLEY
DEPARTMENT OF PUBLIC WORKS

MUNICIPAL STORMWATER DRAINAGE SYSTEM
RULES AND REGULATIONS

ARTICLE 3100

Purpose: These regulations are intended to protect the public health, safety, welfare and the environment and to insure proper and safe operation of the Town of Wellesley municipal stormwater drainage system by regulating or prohibiting the direct and indirect discharge of stormwater, wastewater, and pollutants into the Town's stormwater collection system.

3101. DEFINITIONS

Applicant: shall mean the owner or owners of the property applying for a permit to construct or maintain a private drain connection.

Best Management Practices (BMP's): shall mean the most effective and practical measures to reduce or prevent pollutants from reaching water bodies and to control the quantity of runoff from a site. BMP's may be structural, such as particle separators or sand filters, and they may be non-structural, such as the establishment of buffer zones around commercial development, or proper storage of chemicals.

Board: shall mean the Town of Wellesley, Board of Public Works.

Check Valve: shall mean a device installed in a private drain connection to prevent discharge from the building, or structure, or flows originating outside the building, or structure, from flowing back into the building, or structure.

Cleanout: shall mean a device or structure designed to provide access to a private drain connection for the purpose of inspecting a discharge, eliminating blockages, or removing deposited or accumulated materials.

Department: shall mean the Town of Wellesley, Department of Public Works.

Dewatering: shall mean groundwater or surface water, which is removed from a site and discharged beyond the limits of the site by means of gravity or pumping.

Director: shall mean the Town of Wellesley, Director of Public Works, or his or her designee. For the purpose of these regulations, the Town Engineer has been so designated.

Groundwater: shall mean a supply of water under the earth's surface contained within or flowing through a geological formation.

House Drain: shall mean that part of the lowest horizontal piping of a drainage system, which receives the discharge of drainage inside the'walls of a building and conveys it to a storm drain. It can also transport drainage from roof, building and yard drains.

Illegal Discharge: any direct or indirect non-stormwater discharge to the stormwater drainage system, except as exempted, allowed or permitted in these rules and regulations.

Illicit Connections: an illicit connection shall be defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including, but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by federal, state, or Town permits.

Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and has not been authorized by federal, state, or Town permits.

Impervious Areas: means any surface from which most water runs off including, but not limited to, paved streets, paved areas such as driveways, parking areas, densely compacted earth, oiled macadam or other treated surfaces, walkways, roofs, patios, decks, and swimming pools.

Industrial Wastes: shall include the liquid or water-carried wastes of any industrial process not clearly included within the definitions of sanitary sewage, stormwater or non-contact cooling water. In general, waste waters carrying any quantity of oils, grease, fats, abrasives, chemicals, wastes from commercial food preserving or canning, from slaughterhouses or meat processing plants, and similar substances, whether dissolved, in suspension, or mechanically carried by water, shall be considered as industrial wastes.

Municipal Stormwater Drainage System: shall mean all drain pipes, culverts, structural controls, manholes, catch basins, inlet and outlet structures, improved channels, manmade detention or retention basins, and other appurtenances that are either on Town owned public ways or under the control of the Town of Wellesley by written agreement recorded at the Norfolk County Registry of Deeds.

National Pollutant Discharge Elimination System (NPDES) StormWater Discharge Permit: shall mean a permit issued by the U.S. EPA (or by a State under authority delegated pursuant to 33 USC ' 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Contact Cooling Water: water used to reduce temperature which does not come in direct contact with any raw material, intermediate product, a waste product or finished product.

Person: shall mean any individual, group of individuals, association, partnership, public or private corporation, company, business organization, trust, agency of the federal government, agency or political subdivision of the Commonwealth of Massachusetts, or any other entity or group thereof, and any officer, employee, or agent of such person, and any group of persons.

Pollutant: shall mean anything, which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes and solvents, oil and other automotive fluids, non-hazardous liquid and solid wastes and yard wastes, refuse, rubbish, garbage, litter, or other discarded or abandoned objects, floatables, pesticides, herbicides, and fertilizers, hazardous substances and wastes, sewage, fecal coliform and pathogens, dissolved and particulate metals, animal wastes, construction debris, and noxious or offensive matter of any kind.

Private Drain: shall mean any drain that is not owned by the Town of Wellesley. Private drains shall include all drain pipes, culverts, structural controls, manhole's, catch basins, inlet and outlet structures, improved channels, BMP's, manmade detention or retention basins, and other appurtenances that are located on private property and are not within an easement held by the Town for drainage purposes. The connection from a private drain that crosses Town property (i.e. crossing under a sidewalk to reach a catch basin on a public street) to connect to the municipal stormwater drainage system is also owned by and shall be the responsibility of the owner of the private drain.

Private Drain Connection Permit: shall mean a permit that allows the applicant to place and maintain a pipe or other conveyance to drain water from private property into the Town's stormwater drainage system.

Private Drain Connection Agreement: shall mean a formal agreement between the Town of Wellesley and the owner or owners of private property granting a revocable license to install and maintain a private drain connection to the Town's Municipal Stormwater Drainage System. It shall be recorded with the title to the private property.

Septage: shall mean the liquid and solid wastes of sanitary sewage origin that are removed from a cesspool, septic tank or similar onsite wastewater disposal system.

Sewage: shall mean household and commercial wastewater that contains human waste. Distinguished from industrial wastewater.

Storm Drain: shall mean a pipe or conduit or conveyance designed to carry stormwater or runoff.

Stormwater Drainage System: shall mean pipes, conduits, pumping stations and

appurtenances, including inlets, catch basins, and manholes used in the collection and transport of stormwater.

Stormwater: shall mean any water resulting from rainfall or other precipitation that runs off surfaces or infiltrates into the ground during or after a storm.

Stormwater Management: shall mean regulatory, structural, administrative, managerial, maintenance, physical and chemical measures or devices that are designed to prevent the discharge of pollutants to stormwater or to prevent flooding.

Temporary Permit: shall mean a permit, which will allows the applicant to discharge water into a catch basin or manhole belonging to the Town's stormwater drainage system. These permits typically relate to construction activities.

Total Suspended Solids (TSS): shall mean matter suspended in stormwater that can be retained on a filter.

Wastewater: shall mean any water or other liquid, other than uncontaminated stormwater, discharged from a private dwelling, facility, commercial or institutional establishment or industrial source. .

3102. USE OF STORM DRAINS

The use of the Municipal Stormwater Drainage System in the Town of Wellesley shall be under the control and jurisdiction of the Board of Public Works.

Except as hereinafter provided, no person shall discharge any water into any public street or any part of the Town's municipal stormwater system without first having obtained a permit for said purpose from the Board of Public Works.

No person shall uncover, excavate, block access to, or make a connection to any pipe, culvert, catch basin, manhole, or other structure under the control of the Town without first having obtained a permit for said purpose from the Board of Public Works.

No person shall discharge any water from construction sites into any public street or any part of the municipal stormwater drainage system without first having obtained a permit for said purpose from the Board of Public Works.

The following discharges are allowed and will not require a Private Drain Connection Permit:

1. Individual residential car washing.
2. Flushing of the Town's water distribution system.
3. Fire fighting.
4. Emergency pumping of uncontaminated water from flooded basements.
5. Emptying of dechlorinated swimming pools. Permanent connections for the purpose of periodic emptying of swimming pools are prohibited. The Department of

Public Works shall be notified at least 48 hours prior to the discharge of dechlorinated swimming pool water to the municipal stormwater drainage system.
6. Irrigation.
7. Dye testing. (Notify DPW of this activity.)
8. Discharges for which a NPDES permit has been obtained.

3103. ILLEGAL DISCHARGES PROHIBITED

No person shall directly or indirectly dump, discharge or cause or allow to be discharged into any catch basin, manhole, pipe, retention or detention pond, earth channel, structural control, infiltration chamber, or any other component of the Town's municipal stormwater drainage system, any solid waste, construction debris, paint or painting product, antifreeze, hazardous waste, oil, gasoline, grease and all other automotive and petroleum products, solvents and degreasers, drain cleaners, commercial and household cleaners. soap, detergent, ammonia, food and food waste, grass or yard waste, leaves, animal feces, dirt, sand, gravel, or other pollutant.

No person shall discharge or put into any portion of the Town's municipal stormwater drainage system, or into any private drain which thereafter discharges into the Town's municipal stormwater drainage system, any wastewater, sanitary sewage, septage, industrial waste, or substance other than such kinds or types of water permitted and allowed above.

No person shall construct or maintain facilities to allow direct infiltration to groundwater any untreated stormwater containing any of the above pollutants except as allowed by the operation of permitted structural BMP's.

3104. ILLICIT CONNECTIONS PROHIBITED

The construction, use, maintenance or continued existence of illicit connections to the municipal stormwater drainage system is prohibited.

This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

A person is considered to be in violation of these rules and regulations if the person connects a line conveying an illegal discharge to the municipal stormwater drainage system, or allows such a connection to continue.

3105. APPLICATION PROCEDURE

A. Application for Permit: Permission to use the municipal stormwater drainage

system shall not be given without a written request being filed and approved by the Department of Public Works, Engineering Division. Written requests for a permit shall be made to the office of the Wellesley Department of Public Works, Engineering Division, 455 Worcester Street, Wellesley Hills, MA 02481. All applications shall be accompanied by a sketch or plan showing details of the proposed connection including but not limited to: location, size of pipe or dimensions of channel, location and dimensions of BMP's if utilized, and any other relevant information.

B. Classes of Permits: There shall be two (2) classes of permits: (a) permanent private drain connection permits for residential and commercial property; and (b) temporary permits for diversion of water, site dewatering, ground water remediation, or other construction related activities. In either case, the owner or his agent shall make application as specified herein. The permit application shall be supplemented by any runoff calculations, plans, specifications, permits obtained from other Town Departments or Boards, or other information considered pertinent in the judgment of the Director.

C. Schedule of Rates: There is no charge for use of the Municipal Stormwater Drainage System. The applicant shall be responsible for all fees associated with obtaining a Street Opening Permit where required, or the filing of a Private Drain Connection Agreement at the Norfolk County Registry of Deeds, or any permit or approval that may be required by other Town Departments or Boards.

D. Availability of Service: The acceptance of an application for a private drain connection will be contingent upon the existence, accessibility, and capacity of a municipal storm drain to serve the property.

E. Compatibility with other permits - New Construction and Reconstruction. Where approvals from other Town permitting authorities will be sought (Site Plan Review, Special Permit, Order of Conditions, etc.), the applicant shall first confer with the Town Engineer as to the feasibility of connecting to the Town's drainage system. A Private Drain Connection Agreement will not be issued until all other permits or approvals have been obtained.

F Stormwater Quantity Considerations:

On-site stormwater management BMP's shall be used to infiltrate, disperse, and retain stormwater runoff on-site to the maximum extent practicable. The requirement for maximum on site infiltration shall be waived where there is a demonstrated and documented threat to public health.

For permanent private drain connection permits, the applicant shall submit runoff calculations substantiating the anticipated volume of discharge. In the case of development or redevelopment projects, discharge quantity shall be limited to preconstruction amounts. If the 10-year storm peak discharge is greater than 0.5

c.f.s., then the effect on the downstream and upstream capacity of the stormwater system shall be investigated. The applicant may be required, at his own expense, to construct improvements to the Town's stormwater system to accommodate his connection.

For temporary permits, the discharge quantity and impacts shall be determined on a case-by-case basis.

Discharges entirely from private drain connections from residential basement sumps or sump pumps shall be exempt from the requirements of this section.

G. Stormwater Quality Considerations:

Treatment of discharge shall be required for private drain connections in the following cases:

1. Commercial or industrial activities.
2. Parking lots.
3. Disturbance of pervious areas of 1.0-acre or more.
4. Creation of 10,000 sq.ft. or more of impervious area.
5. Land uses involving the storage, fueling, or maintenance of vehicles or heavy equipment.
6. All other sites that may have the potential for higher pollutant loadings.

Treatment shall be required for stormwater to be infiltrated on-site as well as stormwater to be discharged to the municipal stormwater drainage system.

Specific BMP's and the following measurable criteria will be required for discharges having the potential to contain the following pollutants with quantities indicating required levels of pollutant reduction:

1. Total suspended solids (must achieve 80% removal, unless monitoring of TSS indicates a concentration consistently less than 20mg/l).
2. Oil & grease (no visible sheen and less than 15 mg/l of total petroleum hydrocarbons (TPH),
3. Nutrients (phosphorous, nitrogen) (must achieve 50% reduction of phosphorous, 35% nitrogen),
4. Pesticides and toxic chemicals (public awareness program),
5. Salts (program to restrict use of road salt),
6. Heavy metals (to the maximum extent possible based on current practice),
7. Floatable materials (to the maximum extent possible), and
8. Bacteria and viruses (achieve 75-90% removal).

Each application for a private drain connection permit shall include a description of the BMP's proposed and calculations indicating the anticipated reduction in pollutants. Applications that fail to demonstrate substantially reduced pollutant

loadings will not be approved for connection to the Town's stormwater drainage system.

If structural BMP's are selected, then a plan for maintenance and inspection shall be included with the application. The Town shall be granted access to inspect BMP's through written agreements or easements. After construction of the BMP, an annual report shall be submitted to the Department of Public Works indicating dates of inspections and maintenance actions taken.

For guidance on the selection of structural and nonstructural BMP's, the applicant should refer to *Stormwater Management, Volume Two: Stormwater Technical Handbook,* published by the Commonwealth of Massachusetts, Department of Environmental Protection, Latest Edition. Proprietary structural BMP's that have been assessed by the Massachusetts Strategic Envirotechnology Partnership (STEP) are also acceptable. The Department of Public Works may approve other BMP's upon submittal of supporting documentation.

The applicant may be required, at his own expense, to implement a monitoring program, which may include flow measurement, sampling, chemical and biological tests, recording of data, and periodic reports to the Town.

Discharges entirely from residential basement sumps, sump pumps, or residential roof drains shall be exempt from the treatment requirements of this section unless found to discharge pollutants. Projects that have been granted an Order of Conditions under M.G.L. Chapter 131, Section 40 shall be considered to be in compliance with the requirements of this section.

H. Private Drain Connection Agreement Upon approval of the application for permit, the applicant may proceed with executing a Private Drain Connection Agreement. The agreement shall be of a standard form approved by the Town and appended herewith (see Appendix A), and will be accompanied by a plan or sketch of the proposed work. The agreement shall be signed and sealed by the owner(s) of the private property and by the Town Engineer. The applicant shall be responsible for the payment of the recording fee. The Town shall record the executed agreement at the Norfolk County Registry of Deeds. By execution of the Private Drain Connection Agreement, the applicant (owner of the property making connection) shall indemnify the Town of Wellesley against and hold it harmless from any and all claims for damage by reason or arising directly or indirectly from the connection of said private drain to said drainage system. No work may begin until the executed agreement and recording fee have been received by the Department of Public Works, Engineering Division,

I. Changes to permitted discharges: The applicant shall not significantly increase the average daily volume or flow rate of discharge or make any other changes to his private drain system that would introduce new pollutants or increase the

discharge of existing pollutants beyond levels already permitted. The applicant shall notify the Town Engineer of any proposed changes and the Town Engineer shall make a determination as to whether additional controls or BMP's are required. Failure to report changes shall be considered a violation of these regulations and shall be cause for revocation of the private drain connection agreement.

J. Inspection Powers of Department and Town Agents: The Director and other duly authorized agents of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of these Regulations. The Director shall have no authority to inquire into any processes--including metallurgical, chemical, oil, refining, ceramic, paper, food processing or preparation, or other industries--beyond that necessary to determine the kind, source, and amount of discharge to the Town's municipal stormwater drainage system.

The Director and other duly authorized agents of the Town shall be permitted to enter all private properties through which the Town holds a duly negotiated;. easement or written agreement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the Town's municipal stormwater drainage system lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the easement pertaining to the private property involved.

3106. CONSTRUCTION METHODS

A. Permanent Drain Connections: The applicant is responsible for procuring the services of a contractor, familiar with work of this nature, to perform the work. The choice of the contractor is subject to the approval of the Department, such approval or disapproval will be based on the contractor's demonstrated ability and capability to perform the work to the satisfaction of the Department.

The entire length of a private drain connection, including that portion lying within the public way shall be considered the property of the applicant, who shall be responsible for its maintenance and replacement.

All costs and expenses incident to the installation of the private drain connection shall be the sole responsibility of the applicant.

In accordance with Town Bylaws, Police Regulations, Article 49.3 Excavation in Streets and Sidewalks, and Article 49.11, Obstructions On Streets and Sidewalks, together with the regulations of the Board of Public Works entitled *"Utility and Work in Public Way, Rules and Specifications Regulating Street Excavations, Obstructions and Driveway Aprons," as* amended, all persons

making excavations or using any portion of any public way are required to obtain a Street Opening Permit from the Director. The Director will not issue this permit until the written application for the private drain connection has been approved by the Engineering Division. All persons working and making excavations in public ways, in accordance with Department regulations, shall notify the Director seventy-two (72) hours before starting work.

All persons making excavations in public or private ways or public or private land shall have first notified DIG SAFE (1-888-DIG-SAFE) in accordance with Mass. General Laws Chap. 82, Sec. 40.

The size, slope, alignment, and materials of construction of a private drain connection, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall conform to the requirements of the building and plumbing code, current specifications and construction standards from the Department, or other applicable rules, regulations and bylaws of the Town.

All persons making excavations will make certain that all material, labor and. equipment necessary to complete the work are at the project site, and that they are in compliance with the *"Town of Wellesley, Department of Public Works, Construction Requirements for the Installation and/or Repair of Underground Facilities and Paving in the Public Way"*, as amended.

The applicant or his contractor shall notify the Engineering Division seventy-two (72) hours in advance of when work is to begin. The connection shall be made under the supervision of the Engineering Division. The contractor shall verify that DIG SAFE has been notified and that all underground utilities have been marked out prior to beginning excavation.

Whenever possible, the private drain connection shall be made to an existing catch basin or manhole. If no catch basin or manhole is available, a residential connection of no greater than 4" diameter may be made directly to a municipal drain pipe. This connection shall discharge by gravity and not under pressure. A means of sampling the discharge at or near the point of connection to the Town's system shall be provided. Discharges under pressure shall terminate at the nearest municipal catch basin or manhole. In all cases of non-residential connections, or residential connections over 4" diameter, a new manhole or catch basin shall be constructed. All connections and required structures shall conform to Town of Wellesley Construction Standards and Specifications. All direct gravity connections from residential basement sumps shall have a check valve at an accessible point on the applicant's property. The Town shall have no responsibility to operate or maintain the check valve.

All excavations for private drain connection installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of

the work shall be restored to its preconstruction condition in a timely manner satisfactory to the Town Engineer, in compliance with the Department of Public Works Construction Requirements for Work in the Public Way, as amended, and as soon as possible after the completion of the installation of the drain connection.

Upon completion of the work, the applicant shall provide to the Engineering Division an as built plan to be shown on the Town Plans and GIS drainage layer map.

B. Temporary Permits for Construction Site Dewatering No untreated discharge of water being pumped at construction sites shall be allowed to enter the Town's municipal stormwater drainage system. Catch basin inserts, filtration bags, or siltation basins shall be used to trap silt. The applicant shall provide a schedule for inspection and maintenance of his filtering devices. Construction site dewatering shall be considered a part of an erosion and sedimentation control plan. A copy of the erosion and sedimentation control plan shall be submitted with the permit application.

Equipment being used for groundwater remediation may discharge directly, into the Town's municipal stormwater drainage system subject to the review and approval of the proposed filtration system by the Town Engineer.

The approval of a permit from the Town shall in no way relieve the applicant from obtaining all required federal and state discharge permits.

3107. PROCEDURE FOR OBTAINING A PRIVATE DRAIN CONNECTION AGREEMENT

A. 1. Residential basement sumps, sump pumps, underground perimeter drains collecting ground water, and drains from roofs not exceeding 3,000 sq. ft.
The applicant shall furnish a plan or sketch indicating the proposed drain location pipe sizes and other pertinent details.

2. All other sources. The applicant shall furnish a site plan and runoff calculations. If appropriate, the applicant shall furnish details of selected BMP's and expected reduction in pollutants, monitoring and maintenance plans, and copies of obtained Town, State or Federal Permits and approvals.

B. The Town Engineer reviews and approves the application.

C. The Engineering Division prepares a Private Drain Connection Agreement to be signed by the owner(s) of record and notarized. The Town Engineer will also sign this agreement to indicate approval of the connection by the Town. The original agreement will be recorded at the Norfolk County Registry of Deeds. The applicant is responsible for the payment of filing fees, see attachment, page 22.

D. A copy of the agreement will be provided to the applicant, the Director of Public Works, and the Engineering Division Municipal Stormwater Drainage Permit file.

E. After the agreement is executed and all applicable permits have been obtained, the work may proceed.

3108. PROCEDURE FOR OBTAINING A TEMPORARY DISCHARGE PERMIT

Temporary permits for diversion of water, site dewatering, ground water remediation, or other construction related activities shall be in the form of a letter of permission from the Town Engineer. The letter shall state the specific requirements applicable to the requested activity and shall be valid for a specified duration.

3109. ENFORCEMENT

Whenever any person is found to have violated or to be violating any provision of these Regulations or a permit or private drain connection agreement issued pursuant to these Regulations, the Director shall provide that person with a notification of the nature of the violation and specify those actions to be taken to remedy the noncompliance. Within thirty (30) days after receipt of the notice, unless a shorter time is specified in the notice, a plan for the satisfactory correction thereof shall be submitted by the violator to the Director. Such notice may require without limitation:

1. The elimination of illicit discharges or connections.
2. The performance of monitoring, analyses, and reporting.
3. That violating discharges, practices, or operations shall cease and desist.
4. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property.
5. Payment of a fine to cover administrative and remediation costs.
6. The implementation of appropriate BMP's.

A. Verbal Notice: For a violation that involves the discharge or imminent threat of discharge of pollutants and which presents or appears to present an immediate danger to the health or welfare of humans, the Director may notify the violator by telephone or visit to take immediate action to discontinue or reduce the discharge to safe levels or, in the case of an imminent threat, to take appropriate action to eliminate the threat within a reasonable amount of time as established by the Director. Such verbal notice shall be followed within five days by a written notice.

B. Written Notice: For any violation other than one requiring immediate action, the Director may notify the violator by letter of the nature of the violation and require him to take action to remedy the noncompliance.

If abatement of a violation and/or restoration of affected property is required, the notice,

shall set forth a deadline within which such remediation or restoration must be completed. If the violator has a private drain connection agreement with the Town and fails to comply with the notice within the time specified in the notice, then the Director may terminate the agreement and order the connection to the Town's municipal stormwater drainage system removed. Said notice shall further advise that, should the violator fail to remediate the violation or remove his connection within the established deadline, then the work will be done by the Town or a contractor designated by the Director of Public Works and any expense incurred by the Town shall become the sole responsibility of the violator.

3110. PROTECTION FROM DAMAGE

No unauthorized person shall maliciously, willfully or negligently break damage, destroy, uncover, deface or tamper with a pipe, structure, appurtenance or equipment which is a part of the municipal stormwater drainage system of the Town. Any person, firm, partnership, association, society, corporation, company or organization of any kind, or their agents or assigns found to be violating this provision shall be subject to prosecution for the destruction of public property.

3111. VIOLATIONS DEEMED A PUBLIC NUISANCE

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of these rules and regulations shall be considered a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense in the manner prescribed above, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

3112. FINES AND PENALTIES

Failure to take immediate action to correct a violation which involves the discharge or imminent threat of discharge of pollutants and which presents or appears to present an immediate danger to the health or welfare of humans, to meet a deadline set by written notice of violation, or to comply with any section of these regulations shall be subject to a fine not exceeding $50.00 for each offense, pursuant to Town Bylaw, Article 52, Bylaw, Rule or Regulation Violations; Non-criminal Disposition. Each day in which violation continues shall constitute a separate offense. For purposes of these regulations, the Director of Public Works shall be the enforcement officer.

When it appears likely the responsible person will perform the required corrective action, the Director may suspend assessment of the fines conditioned upon completion of the corrective action by the ordered deadline

3113. RIGHT TO HEARING

Any person accused of violation these rules or regulations shall be notified of the alleged violation, in writing, via certified mail, return receipt requested, which shall set forth a date and time at which a hearing will be held before the Director or his designee in order to afford the person an opportunity to be heard in regard to the alleged violation, with or without counsel, as the person shall choose.

3114. SEVERABILITY

A. Severability: If any of these Regulations are for any reason declared to be unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions or sections of these Regulations or amendments thereto.

B. Compatibility: No provision of these Regulations shall contravene nor render ineffective any lawfully established federal, state, or Town rule or regulation. In instances where various regulations contain different requirements, the most stringent requirements shall apply.

C. Authority: The Wellesley Board of Public Works has established these Rules and Regulations under the authority of the Massachusetts General Laws, Special Acts of 1907, Chapter 567.

D. Right to Amend Regulations: The Board reserves the right to amend these regulations in any manner and to establish more stringent limitations or requirements as are deemed necessary or appropriate.

EFFECTIVE DATE: February 24, 2005

AMENDED: November 15, 2006

Adopted by vote of the Board of Public Works on February 24, 2005, pursuant to Massachusetts General Laws, Chapter 83, Section 1, Wellesley Town Bylaw Article 29, and the regulations of the Federal Clean Water Act found at 40 CFR 122.34.

TOWN OF WELLESLEY
BOARD OF PUBLIC WORKS

David A. T. Donohue, Chairman

Owen H. Dugan

William E. Charlton

APPROVED AS TO FORM:

Albert S. Robinson
Town Counsel

APPENDIX A.1 - SAMPLE PRIVATE DRAIN CONNECTIO AGREEMENT *(for Recorded Land)*

PRIVATE DRAIN CONNECTION AGREEMENT

THIS DOCUMENT WILL BE PREARED BY THE DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION ONLY

TOWN OF WELLESLEY
DEPARTEMENT OF PUBLIC WORKS

SAMPLE RECORDED

This indenture made this _____ day of_____, 2011 by and between the Town of Wellesley, a municipal corporation located in Norfolk County, Massachusetts, hereinafter called the Town, and_____and _____hereinafter called the Owner and referred to by masculine pronouns, each in consideration of the agreements of the other hereinafter contained, agrees as follows:

1. The Town hereby grants permission to the Owner to install, maintain, and use a private drain connection to the storm sewer or surface water drainage system of the Town located in said way and connect said private drain to said drainage system in a manner approved by the Town Engineer, all upon the further terms and conditions hereinafter provided.

   Location of Private Drain _____

2. The Owner for himself and for his successors in title to said premises covenants and agrees with the Town

   (a) That the foregoing permission granted to him is a revocable license which may be terminated at any time by notice in writing given by the Town Engineer or any other duly authorized officer of the Town to the owner or any part owner of said premises at that time;

   (b) To install and maintain said private drain, and upon termination of said license to remove it or disconnect it from said drainage system, strictly in compliance with any regulations or specifications of the Town, of its Board of Public Works or of any other board which shall become responsible for the maintenance of said drainage system and to the satisfaction of the Town Engineer or any other duly authorized officer of the Town;

   (c) To pay all costs and expense in connection with the construction, maintenance, disconnection and removal of said private drain;

   (d) Not to connect the sanitary sewerage at the Owner's premises to said private drain or said drainage system or permit it to be so connected; and

(e) To be responsible for all damages to the above specified premises and to any person or any personal property upon said premises by reason of or arising directly or indirectly out of the installation, maintenance and use of said private drain connected to said drainage system, not to bring any action of law or suit in equity against the Town because of anything which may happen directly or indirectly by reason of the installation, maintenance and use of said private drain and the connection thereof to said drainage system, and to indemnify the Town against and hold it harmless from any and all damage and claims for damage by reason or arising directly or indirectly from the connection of said private drain to said drainage system.

For title, see deed in Book _____ , Page_____, recorded in Norfolk County Registry of Deeds.

IN WITNESS **WHEREOF,** the Town has caused this indenture to be signed by the Town Engineer, thereunto duly authorized, and the Owner has hereunto set his hand and seal,

TOWN OF WELLESLEY

By

_____

STEPHEN S. FADER, Town Engineer

OWNER

_____

(Owners name)

OWNER

_____

(Owners name)

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss , 2011

On this _____ day of _____ , before me, the undersigned Notary Public, personally appeared STEPHEN S. FADER, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

_____
Notary Public

My Commission Expires_____

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss , 2011

On this _____ day of _____ , before me, the undersigned Notary Public, personally appeared (Owners name), proved to me through satisfactory evidence of identification, which was _____ , to be the person whose name is on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

_____
Notary Public

My Commission Expires _____

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, s , 2011

On this _____ day of_____ , before me, the undersigned Notary Public, personally appeared (Owners name), proved to me through satisfactory evidence of identification, which was _____ , to be the person whose name is on the preceding document, and acknowledged to me that she signed it voluntarily for its stated purpose.

_____
Notary Public

My Commission Expires_____

APPENDIX A.2 - SAMPLE PRIVATE DRAIN CONNECTION AGREEMENT *for Registered Land (Land Court)*

PRIVATE DRAIN CONNECTION AGREEMENT

TOWN OF WELLESLEY
DEPARTMENT OF PUBLIC WORKS

THIS DOCUMENT WILL BE PREPARED BY THE DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION ONLY

SAMPLE RECORDED

This indenture made this _____ day of_____, 2011 by and between the Town of Wellesley, a municipal corporation located in Norfolk County, Massachusetts, hereinafter called the Town, and_____and _____hereinafter called the Owner and referred to by masculine pronouns, each in consideration of the agreements of the other hereinafter contained, agrees as follows:

1. The Town hereby grants permission to the Owner to install, maintain, and use a private drain connection to the storm sewer or surface water drainage system of the Town located in said way and connect said private drain to said drainage system in a manner approved by the Town Engineer, all upon the further terms and conditions hereinafter provided.

   Location of Private Drain _____

2. The Owner for himself and for his successors in title to said premises covenants and agrees with the Town

   (a) That the foregoing permission granted to him is a revocable license which may be terminated at any time by notice in writing given by the Town Engineer or any other duly authorized officer of the Town to the owner or any part owner of said premises at that time;

   (b) To install and maintain said private drain, and upon termination of said license to remove it or disconnect it from said drainage system, strictly in compliance with any regulations or specifications of the Town, of its Board of Public Works or of any other board which shall become responsible for the maintenance of said drainage system and to the satisfaction of the Town Engineer or any other duly authorized officer of the Town;

   (c) To pay all costs and expense in connection with the construction, maintenance, disconnection and removal of said private drain;

   (d) Not to connect the sanitary sewerage at the Owner's premises to said private drain or said drainage system or permit it to be so connected; and

(e) To be responsible for all damages to the above specified premises and to any person or any personal property upon said premises by reason of or arising directly or indirectly out of the installation, maintenance and use of said private drain connected to said drainage system, not to bring any action of law or suit in equity against the Town because of anything which may happen directly or indirectly by reason of the installation, maintenance and use of said private drain and the connection thereof to said drainage system, and to indemnify the Town against and hold it harmless from any and all damage and claims for damage by reason or arising directly or indirectly from the connection of said private drain to said drainage system.

For title, see Certificate of Title No. _____ in Book _____, Page_____, filed with the Norfolk Registry District of the Land Court.

IN WITNESS **WHEREOF,** the Town has caused this indenture to be signed by the Town Engineer, thereunto duly authorized, and the Owner has hereunto set his hand and seal,

TOWN OF WELLESLEY

By _____
STEPHE S. FADER, Town Engineer

OWNER

_____
(Owners name)

OWNER

_____
(Owners name)

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss , 2011

On this _____ day of _____, before me, the undersigned Notary Public, personally appeared STEPHEN S. FADER, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

_____
Notary Public

My Commission Expires_____

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss , 2011

On this _____ day of _____ , before me, the undersigned Notary Public, personally appeared (Owners name), proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

_____
Notary Public

My Commission Expires_____

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss , 2011

On this _____ day of _____ , before me, the undersigned Notary Public, personally appeared (Owners name), proved to me through satisfactory evidence of identification, which was _____ , to be the person whose name is on the preceding document, and acknowledged to me that she signed it voluntarily for its stated purpose.

_____
Notary Public

My Commission Expires_____

Attachment

Norfolk County Registry of Deeds - Filing Fees

There is a $76.00 recording fee for Recorded Land and a $75.00 recording fee for Registered Land (Land Court) for recording the agreement, which is paid by the applicant. If there is a Limited Liability Corporation listed on the property deed, a Certificate of Good Standing for the LLC, issued by the Secretary of State, dated within 60 days of signing the drain connection agreement must be recorded with the agreement. There is a $76.00 recording fee for Recorded Land and no recording fee for Registered Land (Land Court) for the Certificate of Good Standing, which is paid by the applicant. If there is a Trustee's Certificate to authorize signing of the agreement, this must be recorded with the agreement. There is a $76.00 recording fee for Recorded Land and a $75.00 recording fee for Registered Land (Land Court) for the Trustee's Certificate, which is paid by the applicant. The applicant shall make the check for the recording fee payable to the Norfolk County Registry of Deeds. The Engineering Division delivers the check to the Norfolk County Registry of Deeds in Dedham when recording the original executed agreement and any attachments.