

## SECTION 5.8. DRAINAGE REVIEW

### A. Purpose

This Section is adopted by the Town to provide a pre-construction, construction and post-construction review of the projects which have the potential for detrimental effect caused by storm water drainage discharge onto streets and ways, into the Town's storm water drainage system and into the Charles River, the Town's lakes, ponds and streams; to reduce discharge of pollutants to the maximum extent practicable; to protect water quality; to satisfy the water quality requirements of the Clean Water Act and Massachusetts Water Quality Standards; to maintain compliance with Wellesley's General Permit under the Phase II Regulations of National Pollutant Discharge Elimination System of U.S. EPA; and to be consistent with the Massachusetts Wetlands Protection Act; the Town of Wellesley Wetlands Protection Bylaw (Article 44 of the Town Bylaws); the Town of Wellesley Erosion and Sedimentation Control Regulations and the Municipal Stormwater Drainage System Rules and Regulations adopted by the Board of Public Works; by minimizing land clearing; by minimizing the amount of exposed soil and duration of exposure, by installing, protecting and maintaining vegetative buffers, silt fencing, and BMPs.

### B. Definitions

**Best Management Practices (BMPs)** - 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. These measures may be structural, such as particle separators or sand filters, and they may be non-structural, such as but not limited to, buffer areas around developments or proper methods for storage of chemicals.

**Construction Mitigation Plan** - A plan which details the design, location and type of erosion and sedimentation control measures and other pollution prevention measures to be employed on-site during site work and construction activities, to be prepared in accordance with the Drainage Review Rules and Regulations. The requirements for the Construction Mitigation Plan shall be the requirements of the Massachusetts Stormwater Management Standards regarding erosion and sediment control and the relevant requirements of the USEPA General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in Massachusetts, as implemented by the Drainage Review Rules and Regulations.

**Earth Disturbance** - Any action to alter the existing vegetation and/or underlying soil of a site, such as clearing, grading, site preparation (e.g., excavating, cutting, and filling), soil compaction, and movement and stockpiling of top soils.

**Grading and Drainage Plan** – A plan and associated documentation detailing the stormwater management measures associated with the proposed project, to be prepared in accordance with the Drainage Review Rules and Regulations. It shall be stamped and signed by a Massachusetts Registered Professional Engineer. The stormwater management measures required by the Drainage Review Rules and Regulations shall be those set forth in the Massachusetts Stormwater Management Standards (as applicable according to whether the project constitutes new development or redevelopment), as well as the relevant requirements of the USEPA General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in Massachusetts, as implemented by the Drainage Review Rules and Regulations.

Impervious Cover - Any surface that prevents or significantly impedes the infiltration of water into the underlying soil. This can include but is not limited to: roads, driveways, parking areas and other areas created using non-porous material; buildings, rooftops, structures, artificial turf and compacted gravel or soil.

New Development - Construction activities or land alteration on an area that has not been previously developed to include Impervious Cover.

On-Site Stormwater System - Catch basins, leaching basins, manholes, pipes, retention and/or detention basins, swales, drainage ditches, headwalls, BMPs and other components.

Operation and Maintenance Plan - A plan which includes the details of the regular maintenance of the On-Site Stormwater System including but not necessarily limited to cleaning of dry wells for roof drains and any catch basins, sweeping of paved areas draining into the catch basins, visual inspection of drainage structures for damage or blockage, keeping the area around catch basins located in lawns or other landscaped areas clear of excess leaves, twigs and other debris, and inspection and maintenance of BMPs.

Redevelopment - Construction, land alteration, or improvement of Impervious Cover that does not meet the definition of New Development.

#### C. Applicability

The provisions of this Section shall apply to all New Development or Redevelopment involving Earth Disturbance over an area of one acre or more (or part of a larger plan of development that will involve Earth Disturbance over an area of one acre or more). All such activities shall require the issuance of a Drainage Review Permit as set forth below.

#### D. Drainage Review Rules and Regulations

The Planning Board shall adopt, and may from time to time amend, Drainage Review Rules and Regulations to implement the requirements of this Section. The Town Engineer shall recommend the initial Drainage Review Rules and Regulations to be adopted under this Section and may recommend subsequent amendments. Any deviations from the Town Engineer's recommendations, and any amendments not proposed by the Town Engineer, shall be submitted to the Town Engineer for review and comment before adoption. The adoption or amendment of Drainage Review Rules and Regulations shall be after a public hearing to receive public comments on the proposed or amended Drainage Review Rules and Regulations. The public hearing shall be advertised once in a newspaper of general local circulation, at least 14 days prior to the date of the public hearing.

The standards to be implemented by the Drainage Review Rules and Regulations are: (1) the Massachusetts Stormwater Standards; and (2) the requirements for construction site stormwater runoff control and post-construction stormwater management set forth in the USEPA General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in Massachusetts, including any additional requirements for discharges into impaired waters or waters with an approved Total Maximum Daily Load (TMDL).

## E. Procedure

1. In order to integrate drainage review under this Section with other land use permitting processes required by the Town, Drainage Review Permits applying the standards and requirements set forth in the Drainage Review Rules and Regulations shall be issued (or denied for projects not in compliance with the Drainage Review Rules and Regulations) as follows to projects that are subject to this Section 5.8:

- a) By the Zoning Board of Appeals in combination with the Site Plan Review process under Section 5.6.C.2 for Major Construction Projects and Projects of Significant Impact;
- b) By the Planning Board in combination with the Large House Review process for projects subject to Section 5.9;
- c) By the Planning Board in combination with its permitting processes for projects subject to the Subdivision Regulations;
- d) By the Wetlands Protection Committee in combination with its permitting process for projects subject to the Wetlands Protection Act or the Wellesley Wetlands Protection Bylaw; and
- e) By the Inspector of Buildings and the Town Engineer for any projects not subject to the permitting processes listed in Paragraphs (a)-(d) above, pursuant to Paragraph 2 below.

2. Procedure for Projects Not Subject to Permits Listed in Paragraph 1(a)-(d) above:

Prior to the issuance of a building permit, a Grading and Drainage Plan, Construction Mitigation Plan, and other materials as may be required consistent with the Drainage Review Rules and Regulations shall be submitted to the Inspector of Buildings (unless otherwise specified in the Drainage Review Rules and Regulations), with copies to the Town Engineer, the Wetlands Administrator, and the Planning Director. A reasonable submission fee may be established and from time to time adjusted by the Select Board.

The Inspector of Buildings, Wetlands Administrator, and Planning Director shall within 14 days make such comments or recommendations as deemed appropriate and shall send copies to the Town Engineer. The Town Engineer (or designated representative of the Town Engineer) shall within 28 days issue a Drainage Review Permit (approving, with or without additional conditions, the Grading and Drainage Plan and the Construction Mitigation Plan) or shall deny a Drainage Review Permit for failure to comply with the Drainage Review Rules and Regulations. An Operation and Maintenance plan may be required in instances where the On-Site Stormwater System is deemed by the Town Engineer or designee to warrant same. The Town Engineer or designee shall send copies of the Drainage Review Permit or denial to the Inspector of Buildings and the applicant.

3. For all projects that receive a Drainage Review Permit, the applicant shall notify the Inspector of Buildings and the Town Engineer prior to commencement of earth moving, removal of vegetative cover, or construction (whichever comes first) of the anticipated start date of such site work or construction. Prior to commencement of any such site work or construction, the Town Engineer or a designated representative of the Town Engineer shall inspect the site to determine whether there is compliance with the Construction Mitigation Plan and shall notify the Inspector of Buildings of the inspection results. All site work and construction shall be carried out in

compliance with the Construction Mitigation Plan. The Town Engineer (or designee) or the Inspector of Buildings (or designee) may conduct a site inspection during the course of site work and construction to determine compliance with the Construction Mitigation Plan.

4. For all projects that receive a Drainage Review Permit, prior to a Certificate of Occupancy being issued or final building inspection being made as the case may be for the construction, reconstruction or addition, the permittee shall submit an as-built plan of the site drainage and stormwater management system to the Town Engineer. An inspection shall be made by the Town Engineer or designated representative of the Town Engineer to determine whether there is compliance with the Grading and Drainage Plan, and the Town Engineer or designee shall notify the other members of the review staff of the inspection results. If there is compliance the Inspector of Buildings shall be so notified whereupon a Certificate of Occupancy may be issued, or final building inspection may be made. If found to be not in compliance, the Town Engineer or designee shall notify the applicant of the work remaining to be done. No Certificate of Occupancy shall be issued or final building inspection made until the Town Engineer or designee has determined that the Grading and Drainage Plan has been complied with and a final as-built plan of the site drainage and On-Site Stormwater System, signed and stamped by a Massachusetts Registered Professional Engineer or Professional Land Surveyor, is on file with the Town Engineer.
5. For all projects that receive a Drainage Review Permit, compliance with the approved On-Site Stormwater System Operation and Maintenance plan (if required) shall be an ongoing requirement of this Section. The Town Engineer may require annual submittals and inspections to confirm compliance.

#### F. Appeals

An applicant may appeal the denial of a Drainage Review Permit or conditions imposed in a Drainage Review Permit. In the event of an appeal it shall be made to the Zoning Board of Appeals in accordance with Section 6.2.

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