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**Town of Wrentham**  
**Stormwater Management Regulations**  
**Implementing Town of Wrentham, Massachusetts Stormwater**  
**Management Bylaw**

Adopted: June 7, 2023

Wrentham Planning Board

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## **Section 1. Purpose**

The purpose of these Stormwater Regulations (Regulations) is to protect, maintain, and enhance public health, safety, general welfare, and the environment by establishing minimum requirements and procedures to control the adverse effects of increased runoff, decreased groundwater recharge, erosion and sedimentation, and nonpoint source pollution associated with new development and redevelopment of land, pursuant to the Town of Wrentham Stormwater Management Bylaw (Bylaw).

Development of land includes loss of vegetative cover to create impervious surfaces, regrading, and other land use changes; permanently altering the hydrologic system of local watersheds by decreasing transpiration and infiltration; reducing groundwater recharge, which replenishes the Town's drinking water supplies and streamflow; and increasing stormwater runoff rates and volumes, causing an increase in flooding, stream channel erosion, and sediment transport and deposition, and water quality degradation. This additional runoff contributes to increased nonpoint source pollution and degradation of receiving waters.

Stormwater management systems that are properly designed utilizing Low Impact Development (LID) and green infrastructure techniques and appropriate best management practices can better simulate the natural hydrologic condition and reduce adverse impacts.

During the construction process, soil is often exposed for periods of time and most vulnerable to erosion by wind and water. The eroded soil endangers water resources by reducing water quality and causing the siltation of valuable wetland resources including swamps, streams, rivers, lakes and aquatic habitat for fish and other desirable species.

The impacts of construction and post-development stormwater runoff quantity and quality can adversely affect public safety, public and private property, surface water drinking water supplies, groundwater resources including drinking water supplies, recreation, aquatic habitats, fish and other aquatic life, property values, and other uses of lands and waters.

These Regulations have been developed to provide requirements for controlling construction site stormwater runoff and managing post-construction stormwater runoff. It is in the public interest to regulate construction and post-construction stormwater runoff discharges to control and minimize increases in stormwater runoff rates and volumes, soil erosion and sedimentation, stream channel erosion, and nonpoint source pollution associated with construction site and post-development stormwater runoff.

## **Section 2. Definitions**

**ABUTTER:** The owner(s) of land adjacent to regulated activity.

**ALTERATION OF DRAINAGE CHARACTERISTICS:** Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined or discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

**APPLICANT:** Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government, to the extent permitted by law, requesting a Stormwater Permit, Limited Stormwater Approval, or Recharge Approval.

**AS-BUILT DRAWING:** Drawings that completely record and document applicable aspects and features of conditions of a project following construction using Stormwater Management Plans derived from a Stormwater Permit or in accordance with conditions in the Limited Stormwater Approval or Stormwater Recharge Approval.

**BEST MANAGEMENT PRACTICE (BMP):** Schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to Waters of the Commonwealth. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

**THE BOARD:** Town of Wrentham Planning Board, the Town of Wrentham Select Board, or their authorized agent(s).

**CERTIFICATE OF COMPLETION (COC):** A document issued by the Stormwater Authority after all construction activities have been completed, which states that all conditions of an issued Stormwater Permit have been met and that a project has been completed in compliance with the conditions set forth in the permit.

**CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC):** A certified specialist in soil erosion and sediment control. This certification program, sponsored by the Soil and Water Conservation Society in cooperation with the American Society of Agronomy, provides the public with evidence of professional qualifications.

**CLEAN WATER ACT:** The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

**CLEARING:** Any activity that removes the vegetative surface cover and exposes soil to the potential influence of stormwater.

**COMMON PLAN OF DEVELOPMENT:** A "larger common plan of development or sale" is a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

**CRITICAL AREAS:**

- A. A Critical Area as identified in the Massachusetts Stormwater Handbook, as amended;  
or
- B. Disturbed areas 2,000 square feet or greater within the boundary of any of the Town's Zone 1 or Zone 2 wellhead protection areas; or
- C. Disturbed areas containing slope lengths exceeding 25 feet on slopes greater than 15%.

**CONSTRUCTION AND WASTE MATERIALS:** Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter, and sanitary waste at a construction site that may adversely impact water quality.

**DISCHARGE OF POLLUTANTS:** The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into Waters of the Commonwealth from any source.

**DISTURBED AREA:** An area where the natural vegetation has been removed, or is proposed to be removed, in connection with a development resulting in exposing the underlying soil or covering up of vegetation. In addition, it includes moving soil, asphalt, rock, sand, and gravel.

**DRAINAGE EASEMENT:** A legal right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes.

**EROSION:** A condition in which the earth's surface, including soil or rock fragment, is detached and moved away by the action of water, wind, ice, gravity, or other means.

**EROSION AND SEDIMENT CONTROL PLAN:** A document containing narrative, drawings and details developed by a Massachusetts Registered Professional Engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes BMPs, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbing activities.

**EROSION CONTROL:** The prevention or reduction of the movement of soil particles or rock fragments due to stormwater runoff.

**ESTIMATED HABITAT OF RARE WILDLIFE AND CERTIFIED VERNAL POOLS:** Habitats delineated for state-protected rare wildlife and certified vernal pools under the Wetlands Protection Act Regulations (310 CMR 10.00) and the Forest Cutting Practices Act Regulations (304 CMR 11.00).

**GRADING:** Changing the level or shape of the ground surface.

**GROUNDWATER:** Water beneath the surface of the ground.

**GRUBBING:** The act of clearing the land surface by digging up roots and stumps.

**HAZARDOUS MATERIAL:** Any material which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious, or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as "toxic" or "hazardous" under MGL c. 21C and c. 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

**ILLCIT DISCHARGE:** Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in § 8 of the Town Wrentham Bylaw Governing Discharges to the Municipal Storm Drain.

**IMPERVIOUS SURFACE:** 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 nonporous material; buildings, rooftops, structures and compacted gravel or soil.

**IMPOUNDMENT:** A stormwater pond created by either constructing an embankment or

excavating a pit which retains a permanent pool of water.

**INFILTRATION:** The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.

**LAND DISTURBING ACTIVITY:** Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material; results in an increased amount of runoff or pollutants; measurably changes the ability of a ground surface to absorb waters; involves clearing, grading, or excavating, including grubbing; or results in an alteration of drainage characteristics.

**LAND USE WITH HIGHER POTENTIAL POLLUTANT LOAD (LUHPPL):** Land uses such as auto salvage yards, auto fueling facilities, exterior fleet storage yards, vehicle service and equipment cleaning areas, commercial parking lots with high intensity use, road salt storage areas, outdoor storage and loading areas of hazardous substances, confined disposal facilities and disposal sites, marinas, boat yards or other uses as identified by the Massachusetts Stormwater Handbook, as amended.

**LIMITED STORMWATER APPROVAL:** Review and approval by the Stormwater Authority of a land disturbing activity subject to the Stormwater Management Bylaw and Regulations that does not require a Stormwater Permit because of its size and/or scope.

**LOT:** An individual tract of land as shown on the current Assessor's Map for which an individual tax assessment is made. For the purposes of these regulations, a lot also refers to an area of a leasehold on a larger parcel of land, as defined in the lease agreement and shown by approximation on the Assessor's Map.

**LOW IMPACT DEVELOPMENT or LID:** site planning and design strategies that use or mimic natural processes that result in the infiltration, evapotranspiration, or use of stormwater in order to protect water quality and associated aquatic habitat. LID employs principles such as preserving and restoring natural landscape features and minimizing effective imperviousness to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. LID practices include but are not limited to non-structural site planning and design techniques and structural measures such as bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements.

**MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS:** The performance standards as further defined by the Massachusetts Stormwater Handbook, issued by the Department of Environmental Protection, and as amended, that coordinate the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 §. 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56 to prevent or reduce pollutants from reaching water bodies and control the quantity of runoff from a site.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM:** The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structures that together comprise the storm drainage system owned or operated by the Town of Wrentham.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)**

**STORMWATER DISCHARGE PERMIT:** A permit issued by the EPA that authorizes the discharge of pollutants to Waters of the United States.

**NEW DEVELOPMENT:** any construction activities or land alteration on an area that has not previously been developed to include impervious cover.

**NONPOINT SOURCE POLLUTION:** Pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and man-made pollutants finally depositing them into a water resource area.

**NOTICE OF INTENT:** The written notice filed by any person intending to remove, fill, dredge or alter an Area Subject to Protection under M.G.L. c. 131 § 40.

**OPERATION AND MAINTENANCE PLAN:** A plan setting up the functional, financial, and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

**ORDER OF CONDITIONS:** The document issued by a conservation commission containing conditions which regulate or prohibit an activity in Area(s) Subject to Protection under M.G.L. c. 131 § 40.

**OUTFALL:** The point at which separate storm sewer system discharges to either a Waters of the Commonwealth or to another MS4.

**OWNER:** A person with a legal or equitable interest in property.

**PERSON:** An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

**POINT SOURCE:** Any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged.

**PRE-CONSTRUCTION:** All activity in preparation for construction.

**POLLUTANT:** Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, construction wastes and residues including discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes and industrial, municipal, and agricultural waste discharged into water.

**PRIORITY HABITAT OF RARE SPECIES:** Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act (M.G.L. c. 131A) and its regulations.

**RECHARGE:** The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

**REDEVELOPMENT:** Development, rehabilitation, expansion, demolition, construction, land alteration, or phased projects that disturb the ground surface, including impervious surfaces, on previously developed sites.

**RUNOFF:** Rainfall, snowmelt, or irrigation water flowing over the ground surface.

**SEDIMENT:** Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

**SEDIMENTATION:** The process or act of deposition of sediment.

**SITE:** The area extent of construction activities, including but not limited to the creation of new impervious cover and improvement of existing impervious cover.

**SLOPE:** The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

**SOIL:** Any earth, sand, rock, gravel, or similar material.

**STABILIZED:** The reduction in the soil erosion rate which results in an erosion rate typical of undisturbed soils. Soils which are disturbed will be considered stabilized when covered with a healthy, mature growth of grass or other vegetative cover. As a temporary measure only, disturbed soils will be considered stabilized if covered with a sufficient covering of hay or straw mulch, applied in an amount of at least two tons per acre, sufficient to prevent erosion on an interim basis.

**STABILIZATION:** The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

**STORMWATER AUTHORITY:** The Town of Wrentham Planning Board, or their authorized agent(s) shall be in charge of enforcing the requirements of the Bylaw and these Regulations as they affect water bodies or wetland issues. The Town of Wrentham DPW and its employees or appointed agents shall be in charge of enforcing the requirements of the Bylaw and these Regulations as they affect the municipal storm drain system and recharge systems.

**STORMWATER:** Stormwater runoff, snow melt runoff, and surface runoff and drainage.

**STORMWATER MANAGEMENT PLAN:** A document containing narrative, drawings, details and reporting requirements developed by a Massachusetts Registered PE, which describes structural and non-structural best management practices designed to control the discharge of pollutants from impervious surfaces and onsite activities as well as the volume and peak rate of surface runoff from a site on an ongoing basis after construction has been completed.

**STORMWATER PERMIT:** A permit issued by the Stormwater Authority for land disturbing activities subject to the Stormwater Management

Bylaw and Regulations and prior to commencement of land disturbing activity.

**STORMWATER RECHARGE APPROVAL:** Review and approval by the Stormwater Authority for addition of impervious area subject to the Stormwater Management

Bylaw and Regulations and prior to commencement of land disturbing activity.

**STORMWATER RUNOFF:** Water from precipitation which is not absorbed, evaporated, or otherwise stored within the contributing drainage area.

**STRIP:** Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

**TIME PERIODS:** All time periods of ten days or less specified in the Town of Wrentham Stormwater



Management Bylaw and Regulations shall be computed using business days only. In the case of a permit or approval, such period shall commence on the first day after the date of issuance and shall end at the close of business on the tenth business day thereafter. All other time periods specified in Stormwater Management Bylaw and Regulations shall be computed on the basis of calendar days, unless the last day falls on a Saturday, Sunday, or legal holiday, in which case the last day shall be the next business day following.

**TOTAL MAXIMUM DAILY LOAD or TMDL:** Section 303(d) of the Clean Water Act authorizes the EPA to assist states, territories, and authorized tribes in listing impaired waters and developing Total Maximum Daily Loads (TMDLs) for these waterbodies. A TMDL establishes the maximum amount of a pollutant that a water body can accept and still meet water quality standards for protecting public health and maintaining the designated beneficial uses of those waters for drinking, swimming, recreation, and fishing. A TMDL includes Waste Load Allocations for point source discharges, Load Allocations for nonpoint sources and/or natural background and must include a margin of safety and account for seasonal variations.

**TOTAL SUSPENDED SOLIDS or TSS:** Undissolved organic or inorganic particles in water.

**VERNAL POOLS:** Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species.

**WATERCOURSE:** A natural or man-made channel through which water flows or a stream of water, including a river, brook, or underground (i.e., buried or culverted) stream.

**WATERS OF THE COMMONWEALTH:** All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater and Waters of the United States as defined under the Federal Clean Water Act (33 U.S.C. § 1251, et seq.) as hereafter amended.

**WETLAND RESOURCE AREA:** Areas specified in the Massachusetts Wetlands Protection Act G.L. c. 131, § 40 and in the Town of Wrentham Non-Zoning Wetlands Protection Bylaw and Regulations, as amended.

**WETLANDS:** Tidal and non-tidal areas characterized by saturated or nearly saturated soils most of the year that are located between terrestrial (land-based) and aquatic (water-based) environments, including freshwater marshes around ponds and channels (rivers and streams), brackish and salt marshes; common names include marshes, swamps, and bogs.

### **Section 3. Authority and Administration**

- A. These Stormwater Management Regulations have been adopted by the Stormwater Authority in accordance with the Town of Wrentham Stormwater Management Bylaw. The Stormwater Authority shall administer, implement, and enforce these Regulations. Any powers granted to or duties imposed upon the Stormwater Authority may be delegated in writing by the Stormwater Authority to its employees or agents.
- B. The Stormwater Authority may periodically amend these Regulations pursuant to Article I § 6 of the Stormwater Management Bylaw.
- C. Nothing in these Regulations is intended to replace or be in derogation of the

requirements of any other Town of Wrentham bylaw.

#### **Section 4. Waivers**

- A. The Stormwater Authority, or its authorized agent, may waive strict compliance with any requirement of the Town of Wrentham Stormwater Management Bylaw or these Regulations, where such action is:
  - (1) allowed by federal, state, and local statutes and/or regulations and the MS4 General Permit; and
  - (2) in the public interest; and
  - (3) not inconsistent with the purpose and intent of the Bylaw or these Regulations.
- B. The Stormwater Authority, or their agent may waive all, or some, of the requirements for a Stormwater Permit, Limited Stormwater Approval, or Stormwater Recharge Approval applications, if it determines that some, or all, of the requirements are unnecessary because of the size or character of the development project or because of the natural conditions at the site.
- C. Any person seeking a waiver must submit a written waiver request. Such a request shall be accompanied by supporting technical information and documentation to demonstrate that, because of minimal environmental impact, some, or all, of the requirements are unnecessary.
- D. The submittal must include sufficient information in order for the Stormwater Authority to rule on the request. The Stormwater Authority reserves the right to require additional data if in its sole discretion insufficient information exists to make a determination.
- E. Applicants are encouraged to request a pre-submittal meeting with the Stormwater Authority to discuss the nature of the hardship and submittal requirements.
- F. The decision of the Stormwater Authority to grant or deny a waiver shall be in writing and shall set forth the reasons for the grant or denial. All rulings are final.
- G. The Stormwater Authority recognizes that stormwater recharge in the manner described in these Regulations may not be possible in certain circumstances due to site specifics and constraints. The applicant may pursue a waiver from the stormwater recharge requirements under the following scenarios:
  - (1) Small Lot Size: lot size prohibits installation of a recharge system;
  - (2) Topography: surface discharge cannot be contained on the project proponent's property;
  - (3) Subsurface Characteristics: subsurface characteristics, including but not limited to insufficient infiltration capacity, insufficient vertical separation to seasonal high groundwater, prevalence of bedrock, or presence of subsurface contamination, are not conducive to stormwater recharge.

- H. For stormwater recharge waiver requests under the Small Lot Size and Topography categories, it is at the Stormwater Authority's sole discretion to issue a partial or full waiver of the recharge requirements.
  - (1) A partial waiver could consist of:
    - (a) Focus on a specific impervious surface such as roof, but not driveway, or vice versa;
    - (b) Release from equivalent qualifying pervious area requirements, or;
    - (c) Similar forms of relief.
- I. For stormwater recharge waiver requests under the Subsurface Characteristics category, the Stormwater Authority has adopted Massachusetts DEP requirements outlined in the Massachusetts Stormwater Handbook and Stormwater Management Standards for Group C and D soils, bedrock, groundwater contamination, etc. If the applicant's site exhibits some or all of the DEP hardship criteria, DPW may issue a waiver or allow relief for recharge to the maximum extent practicable, as applicable, at its sole discretion.

**Section 5. Limited Stormwater Approval: Procedures and Standards**

- A. Limited Stormwater Approval Required. Limited Stormwater Approval must be obtained prior to the commencement of projects involving:
  - (1) Land disturbing activity between 5,000 square feet and one acre (43,560 square feet) of land; or
  - (2) Stockpiling more than 100 cubic yards of excavate or fill.
- B. Application. A completed application for a Limited Stormwater Approval shall be filed with the Stormwater Authority. The Limited Stormwater Approval application package shall include:
  - (1) A completed Application Form with original signatures of all property owners.
  - (2) A brief narrative describing the proposed work, anticipated construction start and end dates, measures to mitigate any stormwater impacts, and anticipated long-term operation and maintenance requirements.
  - (3) A site plan, which shall include:
    - (a) Property lines (including easements, if applicable);
    - (b) Proposed work and land disturbance area; and
    - (c) Notes specifying basic operation and maintenance provisions including, but not limited to inspection and maintenance schedule for all stormwater BMPs, infiltration/recharge systems, and stormwater management facilities.
  - (4) The Limited Stormwater Approval application shall include non-structural LID site planning and design strategies and structural LID stormwater

management measures, unless infeasible, to reduce the discharge of stormwater from development sites.

- (5) Submittal of application materials to the DPW at least 10 days prior to commencement of construction, including but not limited to site clearing or stockpiling activities.
- (6) Payment of the application fee. Each application must be accompanied by the appropriate application fee as established by the Stormwater Authority. Applicants shall also pay review fees as determined by the Stormwater Authority sufficient to cover any expenses connected with the review of the Limited Stormwater Approval application before the review process commences. The Stormwater Authority is authorized to retain a registered PE or other professional consultant to advise the Stormwater Authority on any or all aspects of the application. Additional fee information is provided in Section 12.

C. Performance Standards

- (1) To the extent that the project will discharge, directly or indirectly, to a water body subject to one or more pollutant-specific Total Maximum Daily Loads (TMDLs), implement structural and non-structural stormwater BMPs that are consistent with each such TMDL.
- (2) To the extent the project will discharge directly or indirectly to an impaired water body not subject to a TMDL, implement structural and non-structural stormwater BMPs optimized to remove the pollutant or pollutants responsible for the impairment.
- (3) Avoid disturbance of areas susceptible to erosion and sediment loss.
- (4) Use Low Impact Development (LID) techniques where adequate soil, groundwater, and topographic conditions allow. These may include but not be limited to reduction in impervious surfaces, disconnection of impervious surfaces, bioretention (rain gardens), and infiltration systems.
- (5) Construction materials (paints, glue, thinners, etc.) shall be managed so as not to pollute stormwater. Containers/materials shall be stored and disposed of properly.
- (6) The erosion and sediment control measures shall be inspected by the DPW, Conservation Commission, or its agent prior to disturbing the site. The applicant shall be responsible for maintaining and removing these measures at project completion.

- D. Consent to Entry onto Property. An applicant consents to entry of the Stormwater Authority or its authorized agents in or on the site while the application is under review to verify the information in the application, and at any time after an approval is issued to inspect for compliance with the approval conditions. The erosion control system shall be inspected by the Stormwater Authority prior to disturbing the site.

- E. Information requests. The applicant shall submit all additional information requested by the Stormwater Authority to issue a decision on the application. This may include providing an engineered plan prepared and stamped by a Massachusetts Registered PE or a CPESC evaluating existing drainage systems as required.
- F. Concurrent Review: Limited Stormwater Approval application may be filed with the Stormwater Recharge Approval application for concurrent review by the Stormwater Authority.
  - (1) All application requirements and fees specified in these Regulations shall apply.
- G. Action by the Stormwater Authority. Within 35 days, the Stormwater Authority may:
  - (1) Approve the Limited Stormwater Approval Application if it finds that the proposed plan meets the performance standards set forth herein;
  - (2) Approve the Limited Stormwater Approval Application with conditions, modifications, or restrictions that the Stormwater Authority determines are required to meet the performance standards set forth herein; or
  - (3) Require as-built drawings and/or an Operation and Maintenance Plan consistent with requirements of the Stormwater Permit at the discretion of the Stormwater Authority; or
  - (4) Require submission of a Stormwater Permit Application if the project will disturb land beyond Limited Stormwater Approval thresholds or, in the opinion of the Stormwater Authority, requires more extensive review.
- H. The DPW may require implementation of other stormwater management measures upon application review or review of site conditions.
- I. Modifications. The Applicant, or their agent, must notify the Stormwater Authority in writing of any modification to a land-disturbing activity authorized in a Limited Stormwater Approval prior to implementation. If the Stormwater Authority determines that the modification is significant based on the design requirements listed in Section 8(E) and accepted construction practices, or is subject to the applicability standards of Section 6, the Stormwater Authority may require a Stormwater Permit application be filed. If any change or alteration from the Limited Stormwater Approval occurs during any land disturbing activities, the Stormwater Authority may require the installation of interim erosion and sediment control measures before approving the change or alteration.

## **Section 6. Stormwater Permit: Procedures and Standards**

- A. Stormwater Permit Approval Required. A Stormwater Permit must be obtained prior to the commencement of projects involving:
  - (1) Land disturbing activity greater than one acre (43,560 square feet) of land;  
or

- (2) Any activity that disturbs less than one acre if that project is part of a larger common plan development that eventually will disturb one acre (43,560 square feet); or
  - (3) The construction, extension, or alteration of any structure requiring:
    - i. A Special Permit and/or site plan approval under the Wrentham Zoning Bylaw;
    - ii. A special permit under Article 5 (Watershed Protection), Article 14 (Earth Removal), Article 15 (Aquifer Protection), or Article 16 (Floodplain District, of the Wrentham Zoning Bylaw; or
    - iii. Approval of a Definitive Plan under the Subdivision Control Law.
  - (4) Development which causes alteration of drainage characteristics
- B. Application. A completed application for a Stormwater Permit shall be filed with the Town of Wrentham Planning Board, Conservation Commission, and DPW. Two hard copies shall be submitted (1 copy – Planning Board; 1 copy - DPW). An electronic version shall also be submitted to the Planning Board, Conservation Commission, and DPW.
- The Stormwater Permit application package shall include:
- (1) A completed application form with original signatures of all property owners;
  - (2) A list of abutters within 300 feet of the property, certified by the Wrentham Assessors Office and the abutter notification. Abutters within 300 feet of the property shall be notified of the project by certified mail or certificates of mailing a minimum of 7 days prior to the Public Meeting. Notification shall include the name of the applicant, project address, proposed activity, date and time of the public hearing, contact information, and a brief description of why a Stormwater Permit is required. Proof of abutter notification shall be required at the public hearing.
  - (3) Each plan listed below shall be included in a complete application:
    - (a) Stormwater Management Plan;
    - (b) Erosion and Sediment Control Plan; and
    - (c) Operation and Maintenance Plan.
  - (4) Payment of the application fee specified in Section 12 .
- C. Concurrent Review: Stormwater Permit application may be filed with the Stormwater Recharge Approval application for concurrent review by the Stormwater Authority.
- (1) All application requirements and fees specified in these Regulations shall apply.
- D. Information Requests. The applicant shall submit all additional information requested by the Stormwater Authority to issue a decision on the application.

- E. Determination of Completeness: The Stormwater Authority shall make a determination as to the completeness of the application and adequacy of the materials submitted. No review shall take place until the application is determined complete.
- F. Fees. Each application must be accompanied by the appropriate application fee as established by the Stormwater Authority. Applicants shall also pay review fees as determined by the Stormwater Authority sufficient to cover any expenses connected with the public hearing and review of the Stormwater Permit application before the review process commences. The Stormwater Authority is authorized to retain a registered PE or other professional consultant to advise the Stormwater Authority on any or all aspects of the application. Additional fee information is provided in Section 12 of these Regulations.
- G. Entry. Filing an application for a permit grants the Stormwater Authority or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.
- H. Boards. The Stormwater Authority shall notify the Town Clerk of receipt of the application and shall provide a copy of the application package to the other Town boards upon request.
- I. Public Hearing. The Stormwater Authority or its designee shall hold a public hearing within 65 days from the receipt of a complete application and may continue the hearing as necessary for complete review. The Stormwater Authority shall take final action within one hundred and forty (140) days from the time of the submission of all required information unless such time is extended by agreement between the applicant and Stormwater Authority. Notice of the public hearing shall be by publication by the Applicant in a newspaper circulated within the Town of Wrentham, and by abutter notification by certified mail or certificates of mailing a minimum of fourteen (14) days prior to the hearing. The Stormwater Authority shall make the application available for inspection by the public during business hours.

Where a use is permitted upon the issuance of a Special Permit, the Stormwater procedure shall be incorporated into the procedure used for dealing with applications for Special Permits, §390-9

- J. Action by the Stormwater Authority. The Stormwater Authority may:
  - (1) Approve the Stormwater Permit Application and issue a permit if it finds that the performance standards and requirements set forth herein have been met;
  - (2) Approve the Stormwater Permit Application and issue a permit with conditions, modifications, or restrictions that the Stormwater Authority determines are required to ensure that the performance standards and requirements set forth herein are met;

- (3) Disapprove the Stormwater Permit application and deny the permit if it finds that the performance standards and requirements set forth herein have not been met; or
  - (4) Disapprove the Stormwater Permit Application “without prejudice” where an applicant fails to provide requested additional information or review fees that in the Stormwater Authority’s opinion are needed to adequately describe or review the proposed project.
- K. The Stormwater Permit shall include the use of LID site planning and design strategies, unless infeasible, in order to reduce the discharge of stormwater from development sites.
- L. The Stormwater Permit shall include measures to ensure adequate long-term operation and maintenance of stormwater management design features and BMPs. The Stormwater Authority may impose requirements including (without limitation) the following:
  - (1) A requirement that funds for future operation and maintenance be set aside in a dedicated fund or escrow account;
  - (2) A permanent permit condition requiring compliance with an Operation and Maintenance Plan;
  - (3) A permanent permit condition requiring that the property owner submit an annual report or certification regarding operation and maintenance;
  - (4) A requirement to record the Operation and Maintenance Plan with the Worcester Registry of Deeds (or notice thereof);
  - (5) A requirement that a legal instrument be put in place establishing the entity(ies) responsible for the operation and maintenance of a stormwater BMP serving more than one lot; and
  - (6) A requirement that an easement be recorded allowing the Town to access a stormwater BMP to remedy any operational failure or maintenance problem.
- M. Final Approval. Final approval, if granted, shall be endorsed on the Stormwater Permit by the signature of the Wrentham Planning Board or its agent. To obtain a Stormwater Permit Approval, the applicant must show that site design, construction site stormwater runoff control, and post-construction stormwater management will meet the standards set by the Stormwater Authority in its regulations, rules and/or guidance, which shall be at least as stringent as the relevant requirements of the MS4 General Permit and may also address relevant environmental considerations including (without limitation) protection of aquifers and sensitive water bodies, climate resilience, and prevention of flooding.
- N. If disapproved, the Stormwater Authority will give the applicant a list of the plan's deficiencies and will describe the procedural steps required to submit an alternative plan.



- O. The Stormwater Authority is authorized to retain a Massachusetts Registered PE or other professional consultant to advise the Stormwater Authority on any or all aspects of the application and/or the project's compliance with conditions of a Review or Permit. The Stormwater Authority may require the applicant to pay reasonable costs to be incurred by the Stormwater Authority for the employment of outside consultants pursuant to Stormwater Authority regulations as authorized by G.L. c. 44, § 53G.
- P. Project Changes. The permittee, or their agent, must notify the Stormwater Authority in writing of any change or alteration of a land-disturbing activity authorized in a Stormwater Permit before any change or alteration occurs. If the Stormwater Authority determines that the change or alteration is significant, based on the design requirements listed in Section 8(E) and accepted construction practices, the Stormwater Authority may require that an amended Stormwater Permit application be filed and a public hearing held. If any change or alteration from the Stormwater Permit occurs during any land disturbing activities, the Stormwater Authority may require the installation of interim erosion and sediment control measures before approving the change or alteration.
- Q. As-Built Drawings. Applicants shall submit as-built drawings upon project completion, no later than two (2) years after completion of construction. The as-built drawings must depict all on-site controls, both structural and non-structural, designed to manage stormwater associated with the completed site. As-builts shall include the following:
  - (1) As-built conditions including depth and orientation;
  - (2) A scale matching the design plans;
  - (3) Position of piping and elevations;
  - (4) Measurements from fixed points, monuments, or structures to cleanouts or observations ports, manholes, pipes entering and exiting water quality units and/or subsurface systems;
  - (5) Stamped by a Massachusetts Registered PE or Registered Land Surveyor

### **Section 7. Stormwater Management Plan**

- A. The application for a Stormwater Permit shall include a Stormwater Management Plan. The Stormwater Management Plan shall contain sufficient information for the Stormwater Authority to evaluate the environmental impact, effectiveness, and acceptability of the site planning process and the measures proposed by the applicant to reduce adverse impacts from stormwater runoff during construction, and post-construction in the long-term. The Stormwater Management Plan shall be designed to meet the Massachusetts Stormwater Management Standards, and the Massachusetts Stormwater Handbook, as amended.
- B. The plans, documents, and calculations submitted must be stamped by a Massachusetts Registered PE or a CPESC.

- C. The applicant shall complete and sign the Stormwater Permit application and submit the required materials to the Stormwater Authority, DPW, and Conservation Commission.
- D. The Stormwater Management Plan shall fully describe the project in narrative, drawings, and calculations. It shall at a minimum include:
  - (1) Contact Information. The name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the property or properties affected including, but not limited to;
    - (a) Owner of the project;
    - (b) Operator of the project;
    - (c) Emergency contact;
    - (d) Person responsible for routine inspections of BMPs;
    - (e) Person responsible for maintaining the BMPs;
    - (f) Person responsible for documenting changes to the Stormwater Management Plan;
    - (g) Person responsible for communicating changes in the Stormwater Management Plan to the people working on the site.
  - (2) Narrative describing:
    - (a) Site location, topography, wetlands and water bodies, and existing land use;
    - (b) Project purpose;
    - (b) Methodologies and assumptions;
    - (c) Existing and proposed uses and conditions;
    - (d) Project impacts and mitigation techniques including:
      - i. Summary of proposed land area to be cleared, existing and proposed impervious area, area to be disturbed in square feet and acres, work within wetland resource areas and the 100-foot Buffer Zone, aquifer protection zones, earthwork within 4 feet of seasonal high groundwater elevations, and other sensitive environmental areas;
      - ii. Identification of potential pollutant sources such as paint, pesticides, oil, or other toxic chemicals, etc.
      - iii. Non-structural LID site planning and design techniques considered for the project and an explanation as to why they were included or excluded from the project;

- iv. List each structural stormwater BMP, its purpose, its construction sequence and installation timing as they apply to the site and the project;
  - v. Design calculations for all temporary and permanent stormwater management and erosion and sediment control BMPs.
  - vi. Identification of the watershed basin that the project is located in and the immediate downgradient waterbody(s) that stormwater runoff from the project site discharges to, EPA's watershed and waterbody assessment and TMDL and/or impairment status of the watershed and waterbody(s), and how the non-structural LID site planning and design techniques and structural stormwater BMPs included in the project address the pollutant(s) of concern;
- (e) Phases as related to soil disturbance.
- i. Tabulated sequence of construction.
  - ii. The construction schedule.
  - iii. The earth movement schedule.
- (f) Maintenance/inspection procedures
- i. Proposed schedule for the inspection and maintenance of all BMPs.
  - ii. Proposed inspection forms to be filled out by the person responsible for routine inspections of BMPs.
- (e) Summary of pre- and post-development peak rates and volumes of stormwater runoff demonstrating no adverse impacts to down-gradient properties, stormwater management systems, infrastructure, and wetland resources; and
- (f) Summary of how project meets stormwater management criteria.
- (3) Site Map Requirements
- (a) A locus map showing the parcel in relation to the surrounding properties;
  - (b) Existing conditions and proposed design plans showing:
    - i. Easements and/or legal rights of other persons within the property lines;
    - ii. All structures, buildings, roads and other paved areas;
    - iii. Utilities including size, material, and invert data;
    - iv. Regulated wetland resource areas within proximity of the site;

- v. Topographic contours at two-foot intervals;
  - vi. The property lines;
  - vii. Critical area boundaries at the site;
  - viii. Vegetation; and
  - ix. A construction details sheet showing notes specifying materials to be used and construction specifications;
- (p) Stormwater management design plan(s) and details showing:
- i. Location, size, material, inverts data and details for all existing and proposed stormwater management system components including structures, pipes, swales, detention, retention, and infiltration/recharge systems, and any other non-structural LID site planning and design techniques or structural stormwater BMPs;
  - ii. Profiles of drainage trunk lines; and
  - iii. Drainage easements;
- (q) Separate Pre- and Post- Condition Watershed Plans indicating:
- i. Structures, pavements, surface vegetation, and other ground cover materials;
  - ii. Topography sufficient to delineate watershed areas, with a minimum of two (2) foot contours;
  - iii. Point(s) of analysis;
  - iv. Watershed areas including upgradient areas that contribute stormwater flow onto the project site, labeled to be easily identified in calculations. Total pre- and post- watershed areas should be equivalent;
  - v. Breakdown summary of soil conditions on the site by NRCS Hydrologic Soil Group rating and soil classifications from soil samples collected, if available;
  - vi. Location of soil sampling, test pits, and/or soil borings; and
  - vii. Flow paths for time of concentration (Tc) calculations.
- (4) Calculations
- (a) Hydrologic calculations to determine pre- and post- peak rates and volumes of stormwater runoff for 2, 10, 25 and 100-year, 24-hour storm events. Design storm rainfall amount and rainfall distribution shall be consistent with the design storm requirements in the Massachusetts Stormwater Handbook, as amended;
  - (b) Groundwater recharge calculations and BMP drawdown time (time to empty);

- (c) Water quality calculations including (if applicable):
      - i. Total Suspended Solids (TSS) and Total Phosphorus (TP) removal calculations for each watershed and point of analysis;
      - ii. Specific treatment for pollutant causing impairment of downgradient waterbody identified by U.S. Environmental Protection Agency and Massachusetts Department of Environmental Protection.
    - (d) Hydraulic calculations to size drainage pipes, swales, culverts, and other drainage system components; and
    - (e) Supplemental calculations for sizing non-structural LID site planning and design techniques and structural stormwater BMPs and addressing impairments to water bodies.
  - (5) Soil mapping and soil testing data;
  - (6) Massachusetts Department of Environmental Protection Checklist for Stormwater Report completed, stamped, and signed by Massachusetts Registered PE to certify that the Stormwater Management Plan is in accordance with the criteria established in the Massachusetts Stormwater Management Standards, the Massachusetts Stormwater Handbook, as amended, the Town of Wrentham Stormwater Management bylaw, and these Regulations; and
  - (7) Any other information requested by the Stormwater Authority.
- E. General Performance Standards for All Sites:
  - (1) LID site planning and design strategies must be utilized to the maximum extent feasible.
  - (2) The selection, design, and construction of all pre-treatment, treatment and infiltration BMPs shall be in accordance with the Massachusetts Stormwater Handbook, as amended, and shall be consistent with all elements of the Massachusetts Stormwater Management Standards including but not limited to those regarding new stormwater conveyances, peak runoff rates, recharge, land uses with higher potential pollutant loads, discharges to Zone II or interim wellhead protection areas, sediment and erosion control, and illicit discharges.
  - (3) For areas discharging to the Charles River and its tributaries, implement BMPs for phosphorous removal in compliance with the Charles River Nutrient TMDL Requirements of the MS4 General Permit.
- F. Performance Standards for New Development
  - (1) Stormwater management systems on new development shall be designed to meet an average annual pollutant removal equivalent to 90% of the average annual load of Total Suspended Solids (TSS) related to the total post-construction impervious area on the site AND 60% of the average

annual load of Total Phosphorus (TP) related to the total post-construction impervious area on the site. Average annual pollutant removal requirements shall be achieved through the use of LID site planning and design techniques and/or structural stormwater BMPs that are designed to meet the pollutant removal percentages above based on LID credits and BMP performance calculation methods provided in the Massachusetts Stormwater Handbook, as amended.

G. Performance Standards for Redevelopment Sites

- (1) Stormwater management systems on redevelopment sites shall be designed to meet an average annual pollutant removal equivalent to 80% of the average annual post-construction load of Total Suspended Solids (TSS) related to the total post-construction impervious area on the site AND 50% of the average annual load of Total Phosphorus (TP) related to the total post-construction impervious area on the site. Average annual pollutant removal requirements shall be achieved through the use of LID site planning and design techniques and/or structural stormwater BMPs that are designed to meet the pollutant removal percentages above based on LID credits and BMP performance calculation methods provided in the Massachusetts Stormwater Handbook, as amended. Off-site mitigation may be allowed to meet the above standards consistent with the performance standards in Section 7(H), at the discretion of the Stormwater Authority.

H. Performance Standards for Redevelopment Projects Offsite Mitigation

- (1) For Redevelopment projects where the Applicant proposes to utilize off-site mitigation to meet the average annual pollutant removal requirements of 7(G)(1), the Applicant will describe in writing why it is not technically feasible to meet the average annual pollutant removal requirements on-site, including which on-site BMPs were considered and why they were deemed not feasible.
- (2) Off-site mitigation shall be located within **Wrentham** and the same tributary to the maximum extent feasible. Under no circumstances will off-site mitigation be located outside the same USGS HUC12.
- (3) Off-site mitigation is not allowed for sites that discharge to Outstanding Resource Waters, Special Resource Waters, bathing beaches, and cold-water fisheries, as defined in the Massachusetts Stormwater Management Handbook, as amended, or sites that are Land Uses with Higher Potential Pollutant Loads (LUHPPLs).
- (4) The off-site mitigation project shall be designed and constructed in a manner consistent with the requirements of the Town Stormwater Management Bylaw and related regulations.
- (5) The Stormwater Authority shall, at its discretion, identify priority areas within the watershed in which offsite mitigation may be completed.

- (6) Off-site mitigation provided at a site not owned by [Town], requires a separate Stormwater Permit covering the off-site mitigation project, the terms and conditions of which, including ongoing operations and maintenance requirements, shall run with the land where the off-site mitigation is located.
- (7) Construction of the off-site mitigation project shall commence within 12 months of Stormwater Permit issuance and be completed within 12 months of commencement.

G. Stormwater Management Design Standards

- (1) Projects must be designed to manage stormwater runoff from the project site in accordance with Massachusetts Stormwater Management Standards, the MS4 General Permit, Town of Wrentham Planning requirements, including those for subdivisions, recognized engineering methodologies and these Regulations with an emphasis on including LID site planning and design techniques in the design.
- (2) Projects must manage surface runoff so that no proposed flows are conducted over public ways, nor over land not owned or controlled by the Applicant unless a drainage easement in proper form is obtained permitting such discharge.
- (3) Projects must use LID practices where adequate soil, groundwater and topographic conditions allow. These may include but are not limited to non-structural site planning and design techniques such as reduction in impervious surfaces and structural measures such as disconnection of impervious surfaces, bioretention facilities, rain gardens, rain barrels, permeable pavements, and infiltration systems.

The use of one or more non-structural LID site planning and design techniques by the applicant may allow for a reduction in the recharge/treatment volume required by these Regulations. The applicant may, if approved by the Stormwater Authority, take credit for the use of non-structural LID site planning and design techniques to reduce some of the requirements specified in these Regulations. The site planning and design practices that qualify for these credits and procedures for applying and calculating credits are identified in the Massachusetts Stormwater Handbook, as amended.

- (4) Stormwater management systems shall be designed to avoid disturbance of areas susceptible to erosion and sediment loss, avoiding, to the greatest extent practicable: the damaging of large forest stands; building on steep slopes (15% or greater); and disturbing land in wetland buffer zones and floodplains.
- (5) Projects must use NRCS rainfall-runoff (TR-55 and TR-20) methodologies to calculate peak rate and volume of runoff from pre-development to post-development conditions.

- (6) Watershed area for hydrologic analysis and BMP sizing calculations must include at a minimum the site area and all upgradient areas from which stormwater runoff flows onto the site.
- (7) For purposes of computing runoff, all pervious lands in the site are assumed prior to development to be in “good hydrologic condition” regardless of the conditions existing at the time of the computation.
- (8) Length of sheet flow used for times of concentration is to be no more than 50 feet.
- (9) Utilize 24-hour design storm rainfall amounts and rainfall distribution consistent with the design storm requirements in the Massachusetts Stormwater Handbook, as amended.
- (10) New proposed stormwater quantity control BMPs and other drainage system components (pipes, swales, culverts, manholes, catch basins, etc.) shall also be evaluated and designed in accordance with the Resilient Massachusetts Action Team (RMAT) Climate Resilience Design Standards and Guidelines, as amended, to account for projected increases in precipitation intensity and frequency over the duration of the useful life of the systems.
- (11) Soils tests shall be conducted by a Massachusetts Registered PE or Massachusetts Soil Evaluator, performed at the location of all proposed structural stormwater BMPs, to identify soil descriptions, depth to estimated seasonal high groundwater, depth to bedrock, and soil texture.
- (12) The design infiltration rate shall be determined from the on-site soil texture and Rawls rates as published in the Massachusetts Stormwater Handbook, as amended, or saturated hydraulic conductivity tests.
- (13) Size drainage pipes to accommodate the 25-year storm event and maintain flow velocities between 2.5 and 10 feet per second, and provide calculations using the Mannings Equation.
- (14) Size drainage swales to accommodate the 25-year storm event and flow velocities below 4 feet per second.
- (15) Size culverts to accommodate the 50-year storm event. Design stream crossing culverts in accordance with the latest addition of the Massachusetts Stream Crossing Handbook.
- (16) Size stormwater basins to accommodate the 100-year storm event with a minimum of one foot of freeboard.
- (17) All drainage structures are to be able to accommodate HS-20 loading.
- (18) All drainpipes are to be reinforced concrete pipe and have a minimum diameter of 12 inches.
- (19) Outfalls are to be designed to prevent erosion of soils, and pipes 24 inches or larger are to be fitted with grates or bars to prevent ingress.



- (20) Drainage easements are to provide sufficient access for maintenance and repairs of system components and be at least 20 feet wide.
- (21) Minimize permanently dewatering soils by:
  - (a) Limiting grading within 4 feet of seasonal high groundwater elevation (SHGWE);
  - (b) Raising roadways to keep roadway section above SHGWE; and
  - (c) Setting bottom floor elevation of building(s) a minimum of 2 feet above SHGWE.
- (22) All measures in the plan shall meet, at a minimum, the BMPs as set forth in the Massachusetts Stormwater Handbook, as amended.
- (23) Whenever practical, natural vegetation shall be retained, protected and/or supplemented. The stripping of vegetation shall be done in a manner that minimizes soil erosion.
- (24) Erosion and sediment control measures shall be implemented in accordance with the Erosion and Sediment Control Plan and the performance standards in Section 8 of these Regulations.
- (25) Loss of annual recharge to groundwater should be minimized through the use of LID site planning and design techniques and infiltration measures as set forth in Section 11 of these Regulations and in accordance with the recharge requirements of the Massachusetts Stormwater Management Standards.
- (26) Measures shall be taken to control the post-development peak rate of runoff so that it does not exceed predevelopment runoff for the two-year, ten-year and one-hundred-year twenty-four-hour storm event as specified in the design criteria of the Massachusetts Stormwater Handbook. The drainage design may, at the discretion of the Stormwater Authority, incorporate the use of LID site planning and design techniques and open space to minimize the change in volume of runoff in post-development.
- (27) Priority shall be given to preserving natural drainage systems, including perennial and intermittent streams, wetlands, soils, and drainage ditches for conveyance of runoff entering and leaving the site.
- (28) When one or more of the Standards cannot be met, an applicant may demonstrate that an equivalent level of environmental protection will be provided.

## **Section 8. Erosion and Sediment Control Plan**

- A. The Erosion and Sediment Control Plan shall be designed to ensure compliance with these Regulations, the MS4 General Permit, and if applicable, the NPDES General Permit for Storm Water Discharges from Construction Activities, as amended (Construction General Permit). In addition, the plan shall ensure that the

Massachusetts Surface Water Quality Standards (314 CMR 4.00) are met in all seasons.

- B. If a project requires a Stormwater Pollution Prevention Plan (SWPPP) per the Construction General Permit, then the applicant is required to submit a complete copy of the SWPPP and the signed Notice of Intent. If the SWPPP meets the requirements of the Construction General Permit, it will be considered equivalent to the Erosion and Sediment Control Plan described in this section.
- C. The Erosion and Sediment Control Plan shall remain on file with the Stormwater Authority. Refer to the Massachusetts Erosion and Sediment Control Guidelines for Urban & Suburban Areas, as amended, for detailed guidance.
- D. Erosion and Sediment Control Plan Content. The Plan shall contain the following information:
  - (1) Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan;
  - (2) Title, date, north arrow, names of abutters, scale, legend, and locus map;
  - (3) Location and description of natural features including:
    - (a) Watercourses and water bodies, wetland resource areas and all floodplain information, including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map, or as calculated by a Massachusetts Registered PE for areas not assessed on these maps;
    - (b) Existing vegetation including tree lines, canopy layer, shrub layer, and ground cover, and trees with a caliper ten (10) inches or larger, noting specimen trees and forest communities; and
    - (c) Habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species within five hundred (500) feet of any construction activity.
  - (4) Lines of existing abutting streets showing drainage and driveway locations and curb cuts;
  - (5) Existing soils, volume, and nature of imported soil materials;
  - (6) Topographical features including existing and proposed contours at intervals no greater than two (2) feet with spot elevations provided when needed;
  - (7) Surveyed property lines showing distances and monument locations, all existing and proposed easements, rights-of-way, and other encumbrances, the size of the entire parcel, and the delineation and number of square feet of the land area to be disturbed;

- (8) Drainage patterns and approximate slopes anticipated after major grading activities (Construction Phase Grading Plans);
  - (9) Location and details of erosion and sediment control measures with a narrative of the construction sequence/phasing of the project, including both operation and maintenance for structural and non-structural measures, interim grading, and material stockpiling areas;
  - (10) Path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable. When determining whether the requirements have been met, the Stormwater Authority shall consider all stormwater management practices available and capable of being implemented after taking into consideration costs, existing technology, proposed use, and logistics in light of overall project purposes. Project purposes shall be defined generally (*e.g.*, single family home or expansion of a commercial development);
  - (11) Stormwater runoff calculations in accordance with the Massachusetts Stormwater Handbook and Stormwater Management Standards, as amended;
  - (12) Location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures;
  - (13) A description of construction and waste materials expected to be stored on-site. The Plan shall include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
  - (14) A description of provisions for phasing the project where one acre of area or greater is to be altered or disturbed;
  - (15) Plans must be stamped and certified by a qualified Massachusetts Registered PE or a CPESC; and
  - (16) Such other information as is required by the Stormwater Authority.
- E. Erosion Controls Design Standards. The Sediment and Erosion Control Plan shall be developed to comply with the construction site runoff control provisions of the MS4 General Permit and the Construction General Permit, as applicable, and shall meet the following standards:
- (1) Minimize total area of disturbance;
  - (2) Sequence activities to minimize simultaneous areas of disturbance;
  - (3) Minimize peak rate of runoff in accordance with the Massachusetts Stormwater Management Standards;
  - (4) Minimize soil erosion and control sedimentation during construction;
  - (5) Divert uncontaminated water around disturbed areas;

- (6) Maximize groundwater recharge;
- (7) Ensure installation and maintenance of all Erosion and Sediment Control measures in accordance with the Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas, as amended, manufacturers specifications, and good engineering practices;
- (8) Prevent off-site transport of sediment;
- (9) Protect and manage on and off-site material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project);
- (10) Comply with applicable Federal, State and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control;
- (11) Protect natural resources and prevent significant alteration of habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or Of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species from the proposed activities;
- (12) Institute interim and permanent stabilization measures, which shall be instituted on a disturbed area as soon as practicable but no more than 14 days after construction activity has temporarily or permanently ceased on that portion of the site;
- (13) Properly manage on-site construction and waste materials, including truck washing and cement concrete washout facilities;
- (14) Prevent off-site vehicle tracking of sediments; and
- (15) Incorporate appropriate post-construction stormwater BMPs designed to comply with the Massachusetts Stormwater Handbook, as amended, the MS4 General Permit, and these Regulations.
- (16) All temporary erosion and sediment control measures shall be removed after final site stabilization. Stabilization measures such as hydroseeding or application of salt hay/mulch or soil netting shall be applied immediately upon removal of temporary erosion measures and inspected weekly until stabilization is complete. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized within thirty days unless adverse weather conditions delay stabilization.

## **Section 9. Operation and Maintenance Plan**

- A. An Operation and Maintenance Plan is required at the time of application for all projects that include structural and non-structural stormwater BMPs. The Operation and Maintenance Plan shall be designed to ensure compliance with the Stormwater Permit, the Massachusetts Surface Water Quality Standards, 314

CMR 4.00, and these Regulations for the life of the system. The Operation and Maintenance Plan shall remain on file with the Stormwater Authority and adherence to the Operation and Maintenance Plan shall be an ongoing requirement that continues beyond the issuance of the Certificate of Completion. The Applicant shall provide copies of the Operation and Maintenance Plan to all persons responsible for maintenance and repairs. The Stormwater Authority shall make the final decision of what maintenance option is appropriate in a given situation. The Stormwater Authority will consider natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this decision. The Operation and Maintenance Plan shall remain on file with the Stormwater Authority, or its agent and adherence to the plan shall be an ongoing requirement.

B. The Operation and Maintenance Plan shall include:

- (1) The name(s) of the owner(s) for all components of the system;
- (2) A map showing the location of the systems and facilities including all structural and nonstructural stormwater BMPs, catch basins, manholes/access lids, pipes, and other stormwater devices. The plan showing such systems and facilities to be privately maintained, including associated easements, shall be recorded with the Norfolk County Registry of Deeds prior to issuance of a Certificate of Completion by the Stormwater Authority pursuant to Section 15.
- (3) Maintenance Agreement shall be recorded with the Worcester Registry of Deeds and include the following:
  - (a) The names and addresses of the person(s) responsible for operation and maintenance;
  - (b) The person(s) financially responsible for maintenance and emergency repairs;
  - (c) An Inspection and Maintenance Schedule for all stormwater management facilities including routine and non-routine maintenance tasks to be performed. Where applicable, this schedule shall refer to the Maintenance Criteria provided in the Massachusetts Stormwater Handbook, as amended, or the EPA National Menu of Stormwater BMPs or equivalent;
  - (d) Instructions for routine and long-term operation and maintenance shall have sufficient detail for responsible parties to perform necessary maintenance activities and prevent actions that may adversely affect the performance of each structural and/or nonstructural stormwater BMP.
  - (e) A list of easements with the purpose and location of each; and
  - (f) The signature(s) of the owner(s) and all persons responsible for operation and maintenance, financing, and emergency repairs, as

defined in the Maintenance Agreement, if maintenance is to be performed by an entity other than the owner.

- (4) Stormwater Management Easement(s)
  - (a) Stormwater Management easements shall be provided by the property owner(s) as necessary for:
    - i. Access for facility inspections and maintenance;
    - ii. Preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event; and
    - iii. Direct maintenance access by heavy equipment to structures requiring maintenance.
  - (b) The purpose of each easement shall be specified in the Maintenance Agreement signed by the property owner.
  - (c) Stormwater Management easements are required for all areas used for permanent stormwater control, unless a waiver is granted by the Stormwater Authority pursuant to the Waivers section of these Regulations.
  - (d) Easements shall be recorded with the Norfolk County Registry of Deeds prior to issuance of a Certificate of Completion by the Stormwater Authority pursuant to Section 15.
- (5) Changes to Operation and Maintenance Plans
  - (a) The owner(s) of record of the Stormwater Management system must notify the Stormwater Authority of changes in ownership, assignment of Operation and Maintenance responsibilities, or assignment of financial responsibility within 30 days of the change in ownership. The owner of record shall be responsible for Operation and Maintenance activities until a copy of the updated Operation and Maintenance Plan has been furnished to the Stormwater Authority signed by the new owner or any new responsible person.
  - (b) The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of the Bylaw by mutual agreement of the Stormwater Authority and the Responsible Parties. Amendments must be in writing and signed by all Responsible Parties. Responsible Parties shall include owner(s), persons with financial responsibility, and persons with operational and/or maintenance responsibility.
- (6) Enforcement. To ensure adequate long-term operation and maintenance of stormwater management practices, applicants are required to implement one or more of the following procedures, as directed by the Stormwater Authority:

- (a) Filing by the applicant of an annual Operation and Maintenance Report with the Stormwater Authority on a form specified by the Stormwater Authority, accompanied by an annual filing fee established by the Stormwater Authority for administration and enforcement of the Operation and Maintenance plan.
- (b) Establishment by the applicant of a dedicated fund or escrow account in the form of a Bond, Insurance Policy, or similar instrumentality, to be maintained for a number of years and for an amount specified by the Stormwater Authority. Such fund or account may be used by the applicant to perform its operation and maintenance responsibilities or, if the Stormwater Authority finds that the applicant has failed to comply with the Plan, by the Stormwater Authority to perform or cause to be performed the required operation and maintenance tasks;
- (c) Payment by the applicant to the Stormwater Authority of an amount specified by that Authority in compensation for its acceptance of ownership of all privately-constructed BMPs;
- (d) A maintenance contract between the applicant and the Stormwater Authority in an amount specified by the Stormwater Authority whereby the Stormwater Authority will perform or cause to be performed the required operation and maintenance tasks;
- (e) Submission by the applicant of an annual certification documenting the work that has been done over the last 12 months to properly operate and maintain the stormwater control measures. The certification shall be signed by the person(s) or authorized agent of the person(s) named in the permit as being responsible for ongoing operation and management.

#### **Section 10. Inspection and Site Supervision for Stormwater Permit Applicants**

- A. Pre-construction Meeting. Prior to starting the clearing, excavation, construction, redevelopment or land disturbing activity, the applicant, the applicant's technical representative, the general contractor, or any other person with authority to make changes to the project, may be required to meet with the Stormwater Authority, to review the approved plans and their proposed implementation. The need for a pre-construction meeting shall be determined by the Stormwater Authority based on the project scope.
- B. Construction may not commence until the applicant has submitted EPA's approval of the Construction General Permit Notice of Intent to the Stormwater Authority, if applicable, and the final SWPPP is posted at the site.
- C. Stormwater Authority Inspections. The Stormwater Authority or its designated agent shall make inspections as herein required and shall either approve that portion of the work completed or shall notify the applicant wherein the work fails

to comply with the Erosion and Sediment Control Plan or the Stormwater Management Plan as approved.

- (1) Inspections will be conducted by a “qualified person” from the Stormwater Authority, or a third party hired to conduct such inspections. A “qualified person” is a person knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possesses the appropriate skills and training to assess conditions at the construction site that could impact stormwater quality, and the appropriate skills and training to assess the effectiveness of any stormwater controls selected and installed to meet the requirements of these regulations. The Stormwater Authority shall notify the landowner before such inspections and shall attempt to arrange for inspections at reasonable times for the landowner. The application for permit and acceptance of the permit shall be deemed to be consent for such inspections.
  - (a) If the landowner denies the Stormwater Authority, or its agent access to the property in order to inspect the site, the agent shall seek to obtain an administrative search warrant from the appropriate court.
  - (b) The Stormwater Authority may appoint an inspector, at the owner’s expense, to perform inspections during construction. This inspector shall have the authority to shut down the project if, in the inspector’s opinion, the owner is not complying with the conditions of the permit during the period of construction.
- (2) The approved Erosion and Sediment Control Plan and associated plans for grading, stripping, excavating, and filling work, bearing the signature of approval of the Stormwater Authority, shall be maintained at the site during the progress of the work.
- (3) The applicant shall notify the Stormwater Authority to request an inspection at least two (2) working days before each of the following milestones:
  - (a) Erosion and sediment control measures are in place and stabilized;
  - (b) Site Clearing has been substantially completed;
  - (c) Rough Grading has been substantially completed;
  - (d) Final Grading has been substantially completed;
  - (e) Close of the Construction Season; and,
  - (f) Final Landscaping (permanent stabilization) and project final completion.

C. The Stormwater Authority may require a fee for routine inspections or use of an outside consultant. It shall be the duty of the owner of the site to pay the fee. The Commission shall establish a fee schedule which will adequately and reasonably



reflect the actual cost of performing inspections for various types of water quality measures and for compliance with the conditions of the permit.

- D. Applicant Inspections. The applicant or his/her agent shall conduct and document inspections of all control measures no less than weekly or as specified in the permit, and prior to and following anticipated storm events. The purpose of such inspections will be to determine the overall effectiveness of the Erosion and Sediment Control Plan, and the need for maintenance or additional control measures as well as verifying compliance with the Stormwater Management Plan. The applicant or his/her agent shall submit reports to the Stormwater Authority or designated agent every two weeks, after rainfall events greater than or equal to 0.25” of precipitation, or as the Stormwater Authority sees necessary, in a format approved by the Stormwater Authority. The contractor is to keep a record of all amendments to the Stormwater Management Plan and inform the Stormwater Authority of such changes.

### **Section 11. Stormwater Recharge Approval: Procedures and Standards**

- A. Stormwater Recharge Approval Required. Stormwater Recharge Approval must be obtained prior to the commencement of land disturbing activity for projects resulting in the addition of 600 square feet or more of new impervious surface, regardless of the amount of land disturbing activity that do not already require a stormwater permit. If the project requires a stormwater permit it will be considered to be in compliance with this section, assuming all requirements of the stormwater permit are met. Repaving of existing impervious surfaces is not considered new impervious surface.
  - (1) Types of projects involving the addition of impervious surfaces include but are not limited to projects that create new roof, parking areas, driveways and walkways, and combinations thereof as listed in Table 11-1 below.

**TABLE 11-1**

Examples of pervious surfaces, and impervious surfaces.

<b>Pervious (uncompacted)</b>	<b>Impervious</b>
<ul style="list-style-type: none"><li>• Lawn/Vegetated Cover</li><li>• Soil</li><li>• Sand</li><li>• Pervious concrete, asphalt, pavers</li><li>• Stone bedding</li></ul>	<ul style="list-style-type: none"><li>• Roof</li><li>• Densely compacted soil or aggregate including gravel driveways, roads, and parking lots (compacted by vehicle traffic)</li><li>• Concrete or asphalt walkways, sidewalks, driveways, and parking areas</li><li>• Permanent structures</li><li>• Cobbles</li></ul>

- (2) It is not permissible to divide the project into smaller pieces to circumvent thresholds. The Town maintains comprehensive files and will impose recharge requirements retroactively if multiple smaller projects for the same address are submitted over time.
- (3) Recovery of pervious area (i.e., conversion of existing impervious area to pervious area) and impervious offsets are permitted. Refer below for submittal requirements for proposed recovery.
- (4) The Stormwater Recharge Approval application shall include the use of LID site planning and design strategies, unless infeasible, in order to reduce the discharge of stormwater from development sites.
- (5) The recharge requirements and approval process for projects subject to Section 11 of these Regulations depend on the post-development land use of the project site.
  - (a) *Commercial/Industrial Projects*: these types of projects typically follow a separate approval process governed by existing Town Bylaws and/or Regulations. The DPW's input on stormwater recharge systems, water quality treatment and/or detention/retention basins will be provided to the Town Planner or Community Development Director, as part of the existing approval process.
  - (b) *Multi-Family Residential Projects*: if not part of a subdivision, the DPW will apply the same stormwater recharge requirements for Single Family Residential projects described below (some exceptions apply). Based on the complexity and the extent of potential impacts, additional requirements could be imposed at the sole discretion of the DPW.
  - (c) *Single Family Residential Projects*: different requirements will apply depending on the extent and type of impervious surface. The Wrentham DPW input on stormwater recharge requirements for residential subdivisions involving single or multi-family homes

will be provided per the latest version of the Town's Subdivision Rules and Regulations. Refer below for recharge requirements.

B. Application. A completed application for a Stormwater Recharge Approval shall be filed with Wrentham DPW. The application requirements are intended to cover situations that do not exceed thresholds for Planning Board, Building and/or Site Plan Review. If such thresholds are exceeded, the site plans that are required as part of those programs shall be expanded as necessary to include any more comprehensive requirements than listed below. A Stormwater Recharge Approval application may be filed concurrently with applications for Limited Stormwater Approval or Stormwater Permit. All application requirements and fees specified in these Regulations shall apply.

- (1) In all situations, the Stormwater Recharge Approval application shall include:
  - (a) Contact Information: The name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the property or properties affected including, but not limited to:
    - i. owner of the project;
    - ii. operator of the project;
    - iii. emergency contact;
    - iv. person responsible for routine inspections of BMPs;
    - v. person responsible for maintaining the BMPs;
  - (b) Narrative describing:
    - i. Purpose;
    - ii. Methodologies and assumptions;
    - iii. Existing and proposed uses and conditions;
    - iv. Total Area (square feet) of new impervious surface and new impervious surface area by category (ex., roof, driveway, parking, etc.);
    - v. Proposed recharge methods;
    - vi. Recharge system design consistent with the provisions of this section of these Regulations as well as design criteria and calculation methods contained in the Massachusetts Stormwater Handbook, as amended.
  - (c) Payment of the application fee (Refer to Section 12 for fees).
- (2) For a 600 to 2,000 square foot increase in parking, driveway, or walkway impervious area that does not trip site plan review thresholds, the submittal shall also include, but not be limited to:

- (a) If equivalent pervious area is not available for recharge, stormwater treatment BMPs sized for the required recharge volume and designed by a Massachusetts Registered PE with experience preparing such systems;
  - (b) Site Plan showing:
    - i. North arrow and date;
    - ii. Rough property lines (including easements, if applicable);
    - iii. Approximate locations of all existing and proposed:
      - a. Structures (including, but not limited to buildings, sheds, septic systems, wells, and recharge systems)
      - b. Utilities
      - c. Impervious and pervious surfaces
      - d. Vegetation
      - e. Downspouts and discharge locations
      - f. Labels of area (square feet) of proposed impervious surfaces in each category (e.g., roof, driveway, parking, etc.);
    - iv. Drainage patterns for all existing and proposed impervious surfaces;
    - v. Notes specifying basic operation and maintenance provisions including, but not limited to, inspection and maintenance schedule for all stormwater BMPs, recharge systems, and other stormwater management facilities.
- (3) For additional roof and/or parking, driveway and walkway impervious area greater than 2,000 square feet, the submittal shall include, but not be limited to:
- (a) If roof is 600 square feet or more and/or equivalent qualifying pervious area is not available for recharge, stormwater treatment BMPs sized for the required recharge volume and designed by a Massachusetts Registered PE with experience preparing such systems.
  - (b) A Site Plan at a scale of 1"=20' stamped by a Massachusetts Registered PE, including:
    - i. Locus;
    - ii. North arrow, scale and date;
    - iii. Property lines (including easements, if applicable);
    - iv. All existing and proposed:

- a. Structures (including, but not limited to buildings, sheds, septic systems, wells, and recharge systems)
- b. Utilities
- c. Impervious and pervious surfaces
- d. Vegetation
- e. Downspouts and discharge locations
- f. Labels of area (square feet) of proposed impervious surfaces in each category (e.g., roof, driveway, parking, etc.);
- v. Drainage patterns for all existing and proposed impervious surfaces; show downspouts and discharge locations;
- vi. Topographic contours at two-foot intervals;
- vii. Wetland resource areas;
- viii. Soils information from the Natural Resources Conservation Services soil survey and/or available subsurface soil boring/test pit data;
- ix. Type of subsurface recharge system, including:
  - a. Manufacturer and model
  - b. Number of units
  - c. Total system capacity
- x. Construction details showing recharge system installation and related applicable items.
- xi. Notes specifying basic operation and maintenance provisions including, but not limited to inspection and maintenance schedule for all stormwater BMPs, recharge systems, and other stormwater management facilities.

C. Performance Standards

- (1) For projects including the addition of 600 square feet or more of new impervious surface, stormwater infiltration must be included in the project design to recharge groundwater.
- (2) Recharge systems shall be designed to infiltrate runoff in accordance with the Massachusetts Stormwater Handbook recharge standard, as hereafter amended.
- (3) Some installations, including all those which also require a Stormwater Permit, will require an as-built drawing showing post construction conditions. Statements indicating herein that an as-built is not required may not apply if Planning Board, Site Plan Review or Building reviews are required.

- (4) If a project proponent can recover pervious area (i.e., conversion of existing impervious area to pervious area), this can offset some or all of the proposed additional new impervious area. Examples include, but are not limited to:
  - (a) Removal of existing driveway, walkway, or parking areas
  - (b) Demolition of structures
  - (c) Removal of patios
- (5) If an applicant wishes to propose recovery, a submittal to DPW is required that shows the proposed areas (pervious and impervious) and the respective square footages. DPW will review the submittal and make a determination at its sole discretion. DPW review, depending on site specifics, could result in requirements for additional measures to reclaim the pre-development infiltration capability of the proposed recovery areas.
- (6) The extent of stormwater recharge required for *Single Family Residential Projects* is outlined below and shown on the Recharge System Threshold Flow Chart in Attachment 1. For projects adding new impervious surface equal to or greater than 600 square feet, recharge requirements are determined by the type of impervious surface added:
  - (a) Roof: if all new additional impervious surface is roof, a subsurface stormwater recharge system is required (dry well, infiltrating/leaching catch basin, infiltration chamber, etc.). The applicant may also propose a rain garden/bioretention system, infiltration basin, infiltration trench, or similar surface infiltration practice. In any case, the applicant shall have the system designed by a Massachusetts Registered Professional Engineer (PE) who has experience with such systems. The system shall be designed in accordance with the Massachusetts Stormwater Handbook, as amended. Soils tests shall be conducted by a Massachusetts Registered PE or Massachusetts Soil Evaluator, performed at the location of all proposed recharge systems to identify soil descriptions, depth to estimated seasonal high groundwater, depth to bedrock, and soil texture.
    - i. Soil tests are not required for single family homes; however, the applicant shall understand and accept the risk that the Stormwater Authority's inspector could observe soil conditions during installation that require re-engineering and field changes for final approvals (occupancy, as-builts, etc.).
    - ii. The system shall be shown on a plan containing sufficient detail, as determined by the Stormwater Authority. An as-built prepared by a Massachusetts Registered PE or Registered Land Surveyors is required.
  - (b) Driveway, walkway, and/or parking: for these areas, qualifying

pervious area must be available that matches the area of new additional impervious surface. If all new additional impervious surface is driveway, walkway, or parking, and an equivalent amount of qualifying pervious area exists, stormwater runoff may be discharged to the qualifying pervious area, provided all of the runoff is contained on the property and does not cause any surface ponding and/or flooding. To confirm qualifying pervious area, DPW-Engineering will consult the Massachusetts Stormwater Handbook, as amended. If equivalent qualifying pervious area is unavailable, stormwater treatment or infiltration BMPs sized for the required recharge volume will be required such as, but not limited to, infiltration trenches, rain gardens/bioretention systems, and/or bio-swales.

- i. Additional requirements may apply at the sole discretion of DPW and/or per these Regulations. The applicant shall have the system designed by a Massachusetts Registered PE who has experience with such systems.
  - ii. The system shall be shown on a plan containing sufficient detail, as determined by the Stormwater Authority. An as-built prepared by a Massachusetts Registered PE or Registered Land Surveyor is required if infiltration trenches, rain gardens, bioswales, or other structural stormwater BMPs are installed.
- (c) Roof and driveway, walkway, and/or parking: if the applicant's project includes both new roof and new driveway, walkway, and/or parking, stormwater recharge shall be addressed in the following manner
- i. Driveway, walkway, and/or parking: in accordance with Section 11(C)(6)(b) of these Regulations for the area of driveway, walkway, and/or parking added, even if this portion of the overall additional impervious area is less than 600 square feet;
  - ii. For additional roof area less than 600 square feet: discharge to qualifying pervious area if feasible, at the sole discretion of DPW. Runoff must be fully contained on site. An as-built is not required;
  - iii. For additional roof area equal to or greater than 600 square feet: in accordance with Section 11(C)(6)(a) of these Regulations.
- (7) If new impervious surfaces are proposed to drain to existing stormwater recharge systems, calculations showing the existing system has the capacity to accept additional runoff. Calculations shall be consistent with design calculation and system sizing methods in the Massachusetts Stormwater Handbook, as amended.

- (8) If an as-built drawing is required, it shall include specifications in the Stormwater Permit Procedures section of these Regulations.
- D. Consent to Entry onto Property. An applicant consents to entry of the Stormwater Authority or its authorized agents in or on the site while the application is under review to verify the information in the application, and at any time after an approval is issued to inspect for compliance with the approval conditions. The erosion control system shall be inspected by the Stormwater Authority prior to disturbing the site.
- E. Information Requests. The applicant shall submit all additional information requested by the DPW to issue a decision on the application.
- F. Action by the Stormwater Authority. The Stormwater Authority, or its agent, may:
  - (1) Approve the Stormwater Recharge Approval Application if it finds that the proposed plan meets the recharge requirements set forth in these Regulations;
  - (2) Approve the Stormwater Recharge Approval Application with conditions, modifications or restrictions that the Stormwater Authority determines are required to meet the performance standards set forth herein
- G. Project Changes. The Applicant, or their agent, must notify the Stormwater Authority in writing of any change or alteration of a land-disturbing activity authorized in a Stormwater Recharge Approval before any change or alteration occurs. If the DPW determines that the change or alteration is significant, the DPW may require additional information be filed. If any change or alteration from the Stormwater Recharge Approval occurs during any land disturbing activities, the DPW may require the installation of interim erosion and sediment control measures before approving the change or alteration.

**Section 12. Fees**

- A. Application fees shall be as noted on the Planning Board Fee Schedule.
- B. Consultant Fees
  - (1) Purpose. As provided by G.L. Ch. 44 §53G and the Town of Wrentham, the Stormwater Authority may impose reasonable fees for the employment of outside consultants, engaged by the Stormwater Authority, for specific expert services to assist the Stormwater Authority in its review of applications for Limited Stormwater Approval, Stormwater Permits, Stormwater Recharge Approval, and oversight of permit compliance.
  - (2) Special Account. Funds received pursuant to these rules shall be deposited with the municipal treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Stormwater Authority without further appropriation as provided in G.L. Ch. 44 §53G. Expenditures from this account shall be made only in connection with a specific project or projects for which a



consultant fee has been collected from the applicant. Expenditures of accrued interest may also be made for these purposes.

- (3) Consultant Services. Specific consultant services may include but are not limited to technical or legal review of the permit application and associated information, on-site monitoring during construction, or other services related to the project deemed necessary by the Stormwater Authority. The consultant shall be chosen by, and report only to, the Stormwater Authority or its staff.
- (4) Notice. The Stormwater Authority shall give written notice to the applicant of the selection of an outside consultant. Such notice shall state the identity of the consultant, the amount of the fee to be charged to the applicant, and a request for payment of said fee in its entirety. Such notice shall be deemed to have been given on the date it is mailed or delivered. No such costs or expenses shall be incurred by the applicant if the application or request is withdrawn within five days of the date notice is given.
- (5) Payment of Fee. The fee must be received prior to the initiation of consulting services. The Stormwater Authority may request additional consultant fees if necessary, review requires a larger expenditure than originally anticipated or new information requires additional consultant services. Failure by the applicant to pay the consultant fee specified by the Commission within ten (10) business days of the request for payment, or refusal of payment, shall be cause for the Stormwater Authority to deny the application based on lack of sufficient information to evaluate whether the project meets applicable performance standards. An appeal stops the clock on the above deadline; the countdown resumes on the first business day after the appeal is either denied or upheld.
- (6) Appeals. The applicant may appeal the selection of the outside consultant to the Board of Selectmen, who may only disqualify the outside consultant selected on the grounds that the consultant has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue or a related field. Such an appeal must be in writing and received by the Board of Selectmen and a copy received by the Stormwater Authority, so as to be received within ten (10) days of the date consultant fees were requested by the Stormwater Authority. The required time limits for action upon the application shall be extended by the duration of the administrative appeal.
- (7) Return of Unspent Fees. When the Stormwater Authority's review of a permit application and oversight of the permitted project is complete, any balance in the special account attributable to that project shall be returned within 30 days. The excess amount, including interest, shall be repaid to the applicant or the applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor

in interest shall provide the Stormwater Authority with appropriate documentation. A final report of said account shall be made available to the applicant or applicant's successor in interest.

### **Section 13. Surety**

The Stormwater Authority may require the permittee to post before the start of land disturbing activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the security shall be approved by Town Counsel and the Stormwater Authority, and shall be in an amount deemed sufficient by the Stormwater Authority to ensure that the work will be completed in accordance with the permit or approval.

If the project is phased, the Stormwater Authority may release part of the security as each phase is completed in compliance with the approval or permit, but the security may not be fully released until the Stormwater Authority has received the final report as required by Section 15 and issued a Certificate of Completion pursuant to Section 15. If the permittee defaults on any obligations imposed by the Limited Stormwater Approval, Stormwater Permit, or Stormwater Recharge Approval the Stormwater Authority may (after notification of the permittee) inform the holder of the security (and the municipal treasurer if the treasurer is not holding the funds) of the default, in which event the Town shall be entitled to the security funds.

### **Section 14. Final Report**

Upon completion of the work, but no later than two (2) years after completion of construction projects, the holder of a Limited Stormwater Approval, Stormwater Permit, and/or Stormwater Recharge Approval shall submit a final report certifying that all erosion and sediment control measures, and approved changes and modifications, have been completed in accordance with the conditions of the approved permit. Any discrepancies with the authorized permit plans/approvals shall be noted in the cover letter of the final report.

If required, the as-built drawings must depict all on site controls, both structural and non-structural, designed to manage the stormwater associated with the completed site (post-construction stormwater management). Refer to Sections 5, 6, and 11 of these Regulations for the determination if as-built drawings are required for the respective approval or permit.

### **Section 15. Certificate of Completion for Projects Requiring Stormwater Permits**

The Stormwater Authority shall issue a letter certifying completion upon receipt and approval of the final report and as-built drawings, as required, and/or upon otherwise determining that all work has been conducted in conformance with these Regulations and the Stormwater Limited Approval, Stormwater Permit, and/or Stormwater Recharge Approval conditions.