

# Town of Weston



# Stormwater & Erosion Control Regulations\*

Approved November 28, 2011  
Revised March 14, 2012

\* Approved by the Stormwater Permitting Authority (SWPA) in accordance with Article XXVII – Stormwater and Erosion Control By-Law, Section VI.C.

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## 1.0 PURPOSE

The purpose of these Stormwater and Erosion Control (Regulations) is to protect, maintain and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of soil erosion and sedimentation, construction site runoff, increased post-development stormwater runoff, decreased groundwater recharge, and nonpoint source pollution associated with new development, redevelopment and other land alterations, as more specifically addressed in the Stormwater and Erosion Control By-Law (By-Law) of the Town of Weston.

## 2.0 DEFINITIONS

The definitions contained herein apply to issuance of a Stormwater Management Permit (SMP) established by the Town of Weston Stormwater and Erosion Control By-Law and implemented through these Regulations. Terms not defined in this section shall be construed according to their customary and usual meaning unless the context indicates a special or technical meaning.

All definitions are provided in the Appendix A of the Regulations.

## 3.0 AUTHORITY

- A. The Rules and Regulations contained herein have been adopted by the Stormwater Permitting Authority (SWPA) in accordance with the Stormwater and Erosion Control By-Law.
- B. Nothing in the Stormwater and Erosion Control By-Law or these Regulations is intended to replace the requirements of the Town of Weston Zoning By-Law, the Town of Weston General By-Law, any other By-Law that may be adopted by the Town of Weston, or any Rules and Regulations adopted there under. Any activity subject to the provisions of the above-cited By-Laws or Rules and Regulations must comply with the specifications of each.
- C. These Stormwater and Erosion Control Regulations may be periodically amended by the SWPA in accordance with the procedures outlined in Section VI.C of the Town of Weston Stormwater and Erosion Control By-Law.
- D. The SWPA may review and recommend revisions to the fee schedule periodically as it sees fit.
- E. Waivers. The SWPA may waive strict compliance with any of the requirements of this By-Law or the rules and regulations promulgated hereunder, if it determines that some of the application requirements are unnecessary because of the size or character of the development project or because of the natural conditions at the site and where such action is:
  - 1. Allowed by federal, state and local statutes and/or,
  - 2. In the public interest, and
  - 3. Not inconsistent with the purpose and intent of the Town of Weston Stormwater Management By-Law.

Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of these Regulations does not further the purposes or objectives of the By-Law and these Regulations.

#### **4.0 APPLICABILITY**

These Regulations apply to all activities subject to the Applicability Section of the Stormwater and Erosion Control By-Law. Projects and/or activities not specifically under the currently regulated jurisdiction of any of the Town of Weston boards, commissions or departments but still within the jurisdiction of the Town of Weston Stormwater and Erosion Control By-Law must obtain a Stormwater Management Permit from the SWPA in accordance with the permit procedures and requirements defined in Sections 5.0 through 7.0 of these Regulations.

No work may commence without written approval of the SWPA or its designee, confirming that the project or activity is in compliance with the Design Standards of these Regulations.

#### **5.0 APPLICATION PROCEDURES FOR STORMWATER MANAGEMENT PERMITS**

##### **A. Permit Required**

1. Projects that exceed the thresholds for a SMP shall require a Stormwater Management Permit in accordance with Section IV. of the By-Law.
2. Permit issuance is required prior to any site altering activity.

##### **B. Fees**

1. The SWPA shall obtain with each submission an application fee to be collected at the time of application according to the Fee Schedule as approved by the Board of Selectmen.

##### **C. Filing Application**

1. Applications for a Stormwater Management Permit (SMP) shall include the materials as specified in this section and must meet the Design Standards as specified in these Regulations. The applicant shall file with the SWPA one (1) original completed application package for a Stormwater Management Permit (SMP); two (2) paper copies of the the plans and one (1) electronic copy of the application package in PDF format.

Additional copies may be requested by the SWPA. The applicant may be a representative of the Owner; the Owner must sign the application. The SMP Application submission requirements for Minor Permits and Major Permits shall be as follows:

2. Minor Permit Submission Requirements
  - a. A completed Stormwater Management Permit Application Form with original signatures of all owners.
  - b. Project Narrative that includes a description of the proposed project and description of how and where stormwater will be controlled and erosion and sediment controls to be implemented.
  - c. Payment of the application and review fees.
  - d. Stormwater Management Site Plan may be prepared by drafting or hand sketching and show at a minimum the entirety of the parcel and location of physical features.
    - i. General Information
      1. The original drawing of the Plan; one set of drawings at a legible scale and a drawing size of not more than 24"x36", and one electronic copy.
      2. Name and address of record owner and if applicable the name and address of the engineer or surveyor.
      3. Address of property, Assessor Map and Parcel ID.
    - ii. Existing Conditions Plan.
      1. The site's existing topography with contours at 2 foot intervals for work area.
      2. Locations of bodies of water, including wetlands.
      3. Location of existing septic systems and private wells if infiltration systems are proposed.
      4. Locations of existing buildings, driveways, walls, etc.
    - iii. Proposed Conditions Plan.
      1. Proposed grading plan for work area.
      2. Proposed improvements including location of buildings or other structures, impervious surfaces, utilities, and easements, if applicable.
      3. Proposed drainage facilities, if applicable (plan view and details).
      4. Areas of soil disturbance and areas that will not be disturbed.
      5. Locations of soil testing including test pits, groundwater determinations, and percolation tests with the soil logs and percolation testing results, and/or other soil testing procedures.
    - iv. Erosion and Sediment Control Plan.
      1. Locations of all structural and nonstructural erosion and sediment control measures and BMPs.
      2. Locations where stabilization practices are expected to occur.
      3. Locations for storage of materials, waste, vehicles, equipment, soil, snow and other potential pollutants.
      4. Areas where final stabilization has been accomplished and no further construction-phase permit requirements apply.

- e. Any other information requested by the SWPA.
3. Major Permit Submission Requirements
- a. A completed Stormwater Management Permit Application Form with original signatures of all owners, including indication whether a public hearing is requested.
  - b. Project Narrative that includes a description of the proposed project and description of how and where stormwater will be controlled and erosion and sediment controls to be implemented.
  - c. Payment of applicable application and review fees.
  - d. Stormwater Management Site Plan prepared as follows:
    - i. General Information
      - 1. The original drawing of the Plan; dark lines on white background; one set of drawings at a scale of not less than 1"=30' and a drawing size of not more than 24"x36", and one electronic copy. Coordinate system shall be 1983 North American Datum, Massachusetts State Plane, feet, and North American Vertical Datum (NAVD) of 1988.
      - 2. Name and address of record owner and engineer or surveyor.
      - 3. Address of property, Assessor Map and Parcel ID.
      - 4. A locus map.
    - ii. Existing Conditions Plan
      - 1. The existing zoning, and land use at the site and abutting properties.
      - 2. The location(s) of existing easements.
      - 3. The location of existing utilities.
      - 4. The site's existing topography with contours at 2 foot intervals.
      - 5. Locations of bodies of water, including wetlands.
      - 6. Location of existing septic systems and private wells if infiltration systems are proposed.
    - iii. Proposed Conditions Plan
      - 1. Proposed grading.
      - 2. Proposed improvements including location of buildings or other structures, utilities, easements if applicable, and impervious surfaces.
      - 3. Proposed drainage facilities, if applicable (plan view and details).
      - 4. Areas of soil disturbance and areas that will not be disturbed.
      - 5. Locations of soil testing including test pits, groundwater determinations, and percolation tests with the soil logs and percolation testing results, and/or other soil testing procedures.
      - 6. Notes indicating the required inspection for the site and the stormwater drainage facilities.
    - iv. Erosion and Sediment Control Plan

1. Locations of all structural and nonstructural erosion and sediment control measures and BMPs.
  2. Locations where stabilization practices are expected to occur.
  3. Locations for storage of materials, waste, vehicles, equipment, soil, snow and other potential pollutants.
  4. Locations where stormwater discharges to surface water (include all roads, drains and other structures that could carry stormwater to a wetland or other water body, on or offsite).
  5. Areas where final stabilization has been accomplished and no further construction-phase permit requirements apply.
  6. Erosion control notes applicable to the project.
- v. A description & delineation of existing stormwater conveyances, impoundments, wetlands, drinking water resource areas, swimming beaches or other critical environmental resource areas on or adjacent to the site or into which stormwater flows.
  - vi. A delineation of FEMA Special Flood Hazard areas, if applicable.
  - vii. Estimated seasonal high groundwater elevation in areas to be used for stormwater retention, detention, or infiltration.
  - viii. The existing and proposed vegetation and ground surfaces with runoff coefficients for each.
  - ix. Drawings of all components of the proposed stormwater management system including:
    1. Locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization.
    2. All measures for the detention, retention or infiltration of water.
    3. All measures for the protection of water quality.
    4. The structural details for all components of the proposed drainage systems and stormwater management facilities.
    5. Notes on drawings specifying materials to be used, and construction specifications.
  - x. Soils Information from test pits performed at the location of proposed stormwater management facilities, including but not limited to soil descriptions, depth to seasonal high groundwater, depth to bedrock, and percolation rates. Soils information will be based on site test pits logged by a Massachusetts Registered Soil Evaluator.
  - xi. Landscaping plan describing the woody and herbaceous vegetative stabilization and management techniques to be used within and adjacent to the stormwater practice.
  - xii. Stamp and signature of a Professional Engineer (PE) licensed in the Commonwealth of Massachusetts to certify that the Stormwater Management Plan is in accordance with the criteria established in the Stormwater

Regulations; a stamp and signature of a Professional Land Surveyor (PLS) is acceptable if no drainage facilities are proposed and they have the experience and capability to prepare the required Site Plan and to provide the required existing and proposed grading, and erosion control provisions.

e. Stormwater Management Plan Report

A Stormwater Management Plan Report shall be prepared in conformance with the Design Standards contained in Section 7.A and contain the following elements:

- i. The existing site hydrology.
- ii. A drainage area map showing pre and post construction watershed boundaries, drainage area and stormwater time of concentration (Tc) flow paths, including municipal drainage system flows.
- iii. Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in this Regulation. Such calculations shall include:
  1. Description of the design storm frequency, intensity and duration.
  2. Time of concentration;
  3. Soil Runoff Curve Number (CN) based on land use and soil hydrologic group.
  4. Peak runoff rates and total runoff volumes for each watershed area.
  5. Information on construction measures used to maintain the infiltration capacity of the soil where any kind of infiltration is proposed.
  6. Infiltration rates, where applicable.
  7. Culvert capacities.
  8. Flow velocities.
  9. Data on the increase in rate and volume of runoff for the specified design storms.
  10. Documentation of sources for all computation methods and field test results.
- iv. Post-Development downstream analysis if deemed necessary by the SWPA.

f. Erosion and Sediment Control Report

An Erosion and Sediment Control Report shall be prepared in conformance with the Design Standards contained in Section 7.B and contain the following:

- i. Estimates of the total area expected to be disturbed by excavation, grading, or other construction activities, including dedicated off-site borrow and fill areas.
- ii. All pollution control measures (structural and non-structural BMPs) that will be implemented as part of the construction activity to control pollutants in storm water discharges. Appropriate control measures must be identified for



- each major construction activity and the operator responsible for the implementation of each control measure must also be identified.
- iii. The intended sequence and timing of activities that disturb soils at the site and the general sequence during the construction process in which the erosion and sediment control measures will be implemented.
  - iv. Structural practices to divert flows from exposed soils, retain/detain flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site. Placement of structural practices in floodplains must be avoided to the degree practicable.
  - v. Interim and permanent stabilization practices for the site, including a schedule of when the practices will be implemented. Site plans should ensure that existing vegetation is preserved where possible and that disturbed portions of the site are stabilized. Use of impervious surfaces for stabilization should be avoided.
  - vi. Construction and waste materials expected to be stored on-site with updates as appropriate, including descriptions of controls, and storage practices to minimize exposure of the materials to stormwater, and spill prevention and response practices.
  - vii. Measures to minimize, to the extent practicable, off-site vehicle tracking of sediments onto paved surfaces and the generation of dust.
  - viii. Measures to prevent the discharge of solid materials, including building materials, to waters of the United States, except as authorized by a permit issued under Section 404 of the CWA.
  - ix. Pollutant sources from areas other than construction and a description of controls and measures that will be implemented at those sites to minimize pollutant discharges.
  - x. Proposed dewatering operations including proposed locations of discharge.
  - xi. An Operation and Maintenance Schedule for structural and non-structural measures, interim grading, and material stockpiling areas.
- g. Operation and Maintenance Plan
- i. The O&M Plan shall be designed to ensure compliance with the Permit, the By-Law and these Regulations and that the Massachusetts Surface Water Quality Standards, 314, CMR 4.00 are met in all seasons and throughout the life of the system. The O&M Plan shall be a stand-alone document, and shall remain on file with the SWPA and shall be an ongoing requirement. To ensure that all BMPs continue to function as designed a final O&M Plan shall be submitted prior to issuance of a Certificate of Completion and reflect any modifications made during the permitting process and the site specific conditions.
  - ii. The Operation and Maintenance Plan shall include, at a minimum:
    - 1. The name(s) of the owner(s) for all components of the system.
    - 2. The signature(s) of the owner(s).

3. The names and addresses of the person(s) responsible for operation and maintenance; if responsibility is contracted to a third party, a copy of the maintenance agreement(s) must be provided.
  4. A plan or map showing the location of the systems and facilities including easements, catch basins, manholes/access lids, main, and stormwater devices.
  5. An Inspection and Maintenance Schedule for all stormwater management facilities including routine and non-routine maintenance tasks to be performed.
  6. A list of easements with the purpose and location of each. Easements shall be recorded with the Middlesex South District Registry of Deeds prior to issuance of a Certificate of Completion by the SWPA.
  7. Provisions for the SWPA or its designee to enter the property at reasonable times and in a reasonable manner for the purpose of inspection.
  8. Any other information required by the SWPA.
- iii. O&M Plan shall apply to the entire project site, not just the disturbance area.
  - iv. At a minimum, inspections shall occur during the first year of operation and in accordance with the operation and maintenance plan in the approved stormwater management permit.
  - v. The owner of the property shall maintain a log of all operation and maintenance activities, including without limitation, inspections, repairs, replacement and disposal (for disposal, the log shall indicate the type of material and the disposal location). This log shall be made available to the MassDEP and the SWPA upon request.
  - vi. Inspection reports shall be submitted to and maintained by the SWPA for all stormwater management systems. Inspection reports for stormwater management systems shall include:
    1. The date of inspection.
    2. Name of inspector.
    3. The condition of each BMP, including components such as:
      - a. Pretreatment devices.
      - b. Vegetation or filter media.
      - c. Fences or other safety devices.
      - d. Spillways, valves, or other control structures.
      - e. Embankments, slopes, and safety benches.
      - f. Reservoir or treatment areas.
      - g. Inlet and outlet channels and structures.
      - h. Underground drainage.

- i. Sediment and debris accumulation in storage and forebay areas (including catch basins).
  - j. Any nonstructural practices.
  - k. Any other item that could affect the proper function of the stormwater management system.
4. Description of the need for maintenance.
- vii. Changes to Operation and Maintenance Plans: The owner(s) of the stormwater management system must notify the SWPA of changes in ownership or assignment of financial responsibility.
  - viii. The SWPA may require recordation of the O&M Plan depending on the complexity of the systems installed.
- h. Any other information required by the SWPA.

## **6.0 ADMINISTRATION**

### **A. Administration of Rules and Regulations**

The SWPA shall administer, implement and enforce these Regulations. The SWPA may designate in writing any authorized Town employee, board or agent for the purposes of reviewing stormwater submittals and issuing stormwater permits. Any Town employee, board or agent so designated by the SWPA shall be defined as the "Reviewing Agent."

When a Reviewing Agent is designated by the SWPA, as outlined above, the Applicant shall submit all Stormwater Management Permit application submittals in compliance with these Regulations to the Reviewing Agent.

The Reviewing Agent will review the submittal for compliance with the requirements and standards of Section 5 through 7.0 of these Regulations. If the proposed project complies with these Regulations, the Reviewing Agent shall grant a Stormwater Management Permit, in addition to any other approval or permit it may grant.

The Reviewing Agent shall notify the SWPA of all Stormwater Management Permits it approves. Both the SWPA and the Reviewing Agent shall have authority to enforce the Stormwater and Erosion Control By-Law and these Regulations.

### **B. Entry**

Filing an application for a permit grants the SWPA, its Reviewing Agent, or designee as specified in these Regulations, permission to enter the site throughout the term of the permit to verify the information in the application and to inspect for compliance with the resulting permit.

### **C. SWPA Approval Process**

1. Action by SWPA

- a. Determination of Completeness: The SWPA shall review the application submission and issue a determination stating whether the application is complete within 5 business days.
  - b. Incomplete Applications: If the SWPA determines the application is incomplete, including insufficient information to describe the site, the work, or the effect of the work on water quality and runoff volume, the SWPA may require the submission of additional information and/or disapprove the application and deny the Permit.
  - c. Complete Applications. Each application for a Stormwater Management Permit that is determined to be a complete application shall be reviewed by the SWPA for compliance with the Stormwater By-Law. The application shall be acted upon within thirty (30) days of the date of filing of a complete application with the SWPA, unless such application has been withdrawn from consideration. The SWPA may:
    - i. Approve the Permit Application upon finding that the proposed plan will protect water resources and meets the objectives and requirements of this By-Law;
    - ii. Approve the Permit Application with conditions, modifications or restrictions that are required to ensure that the project will protect water resources and meets the objectives and requirements of this By-Law; or
    - iii. Deny the Permit Application due to non-compliance with Design Standards.
  - d. Applications not in compliance with Design Standards.
    - i. For applications where the SWPA has determined that the Design Standards are not met, the Applicant may appeal the determination and request a public hearing with the SWPA to consider the application or resubmit the application demonstrating compliance.
    - ii. For applications where the Design Standards cannot be met due to site conditions or the applicant wishes to propose an alternative design not consistent with the Design Standards, the applicant may immediately request a public hearing with the SWPA.
2. Public Hearing Process
- a. A public hearing is required for all Minor and Major Stormwater Management Permits (SMP) where design standards cannot be met. Minor Permits and Major Permits that meet design standards shall not require a public hearing.
  - b. Applicants requesting a Public Hearing shall submit an Application for Stormwater Management Permit (SMP) Public Hearing with the SWPA. Applications for a public hearing shall include the materials as specified in Section 5.0 and include a statement on how compliance with the Design Standards as specified in Section 7.0 cannot be met or alternatively a statement of determination of noncompliance prepared by the SWPA. The applicant shall file with the SWPA, one (1) original completed application package for a Stormwater Management Permit (SMP); two (2) paper copies of the plans and one (1) electronic copy of the application package in PDF format.
  - c. Public hearings shall be published in a newspaper of general circulation for two (2) consecutive weeks. The first publication date shall be published not less than fourteen (14) days before the day of the hearing. A copy of the hearing notice shall

be posted in the Office of the Town Clerk for a period of not less than fourteen (14) days before the date of the hearing. Copies of the notice shall be mailed, postage prepaid, to the applicant, property owner (if different) and to direct abutters and owners of land directly opposite on a public or private way as they appear on the most recent Assessor's list.

- d. The SWPA may take any of the following actions following the close of the public hearing for an application for a Stormwater Management Permit
  - i. Approve the Permit Application upon finding that the proposed plan will protect water resources and meets the objectives and requirements of this By-Law;
  - ii. Approve the Permit Application with conditions, modifications or restrictions that are required to ensure that the project will protect water resources and meets the objectives and requirements of this By-Law; or
  - iii. Disapprove the Permit Application if the proposed plan will not protect water resources or fails to meet the objectives and requirements of this By-Law.

#### **D. Deadline for Action**

Failure of the SWPA to take final action upon an application within 30 calendar days of receipt of a complete application shall be deemed to be approval of said application, unless extension of said deadline date is mutually agreed upon in writing by the SWPA and the applicant. Upon certification by the Town Clerk that the allowed time has passed without SWPA action, the SWPA must issue a Stormwater Management Permit. For applications requiring a public hearing, the public hearing shall be held within 45 days of the Date of Submission of the Application for SMP Public Hearing. The SWPA shall file a decision within 60 days of the receipt of the Application for Public Hearing.

#### **E. Plan Changes**

The Applicant must notify the SWPA in writing of any drainage change or alteration in the system authorized in a Stormwater Management Permit before any change or alteration is made. If the SWPA determines that the change or alteration is significant, based on the Stormwater Management Standards in Section 7.0 of these Regulations and accepted construction practices, the SWPA may require that an amended application be filed.

#### **F. Appeals of Actions of the SWPA**

A decision of the SWPA shall be final. Further relief of a decision by the SWPA made under these Regulations shall be reviewable in a court of competent jurisdiction of an action filed within sixty (60) days) thereof, in accordance with M.G.L. Ch 249. § 4. An appeal of an action by a board, commission or department that has current regulatory authority for a project and/or activity shall be conducted under the applicable appeal provisions of said board, commission and/or department of the Town of Weston. Such an appeal shall result in revocation of the written approval as described in these Regulations, until such time as the appeal process of the applicable board, commission and/or department has been resolved.

## **G. Project Delay**

Should a land-disturbing activity associated with an approved plan in accordance with this Section not begin within 12 months following permit issuance, the SWPA may evaluate the existing stormwater management plan to determine whether the plan still satisfies local program requirements and to verify that all design factors are still valid. If the SWPA finds the previously filed plan to be inadequate, a modified plan shall be submitted and approved prior to the commencement of land-disturbing activities. If the project associated with an approved Stormwater Management Permit granted under the By-Law has not been substantially completed within three (3) years of permit issuance, a new permit or a permit extension will be required by the SWPA.

## **H. Project Completion**

For all Permits, as determined by Section IV.C.1 and 2. of the By-Law, at the completion of the project the Applicant shall request a Certificate of Completion from the SWPA pursuant to the requirements of Section 9 of these Regulations. The SWPA will issue a letter certifying completion upon review and approval of the final inspection reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with the By-Law.

## **7.0 DESIGN STANDARDS**

### **A. Stormwater Management Design and Performance Criteria**

1. At a minimum all projects subject to a Stormwater Management Permit (SMP) shall comply with the performance standards of the most recent version of Massachusetts Stormwater Standards and accompanying Stormwater Management Handbook, as well as the criteria contained herein. The following criteria shall be used in the submittal of an application for a Stormwater Management Permit under the Town of Weston By-Laws:
  - a. The design of the project shall, to the maximum extent feasible, employ environmentally sensitive site design as outlined in the DEP handbook and shall attempt to reproduce natural hydrologic conditions with respect to ground and surface waters.
  - b. Consideration of Low Impact Development practices is required and implementation of such practices is encouraged and preferred, to the maximum extent practicable and where it provides a substantially equivalent alternative. Guidance on these practices is provided in Appendix B of these Regulations and the MA Stormwater Management Handbook.
  - c. The water quality volume for sizing of BMPs shall be based on 1-inch of runoff from the tributary area.
  - d. Stormwater Management systems designed to accept runoff from impervious areas, e.g., infiltration devices for roof and driveway runoff, shall be sited in acceptable areas on the property and shall be evaluated on the basis of the following criteria.

- e. Projects are to be designed such that the peak rates of stormwater runoff and volumes in the post development conditions are less than in the pre-development conditions (See #2 below).
2. Design for mitigation of peak stormwater runoff rates:
    - a. A hydrologic analysis using TR-55/TR-20 methodology or other acceptable analysis method shall be performed on the entire project site and include any off site areas that drain to or through the project site.
      - i. The analyses shall be conducted for the 1 inch, and the 2, 10, 25 and 100-year design storms under pre-development and post-development conditions. The 24-hour rainfall amounts for the 2, 10, 25 and 100 year storms are to be based on the Northeast Regional Climate Center "Atlas of Precipitation Extremes for the Northeastern United States and Southeastern Canada." For Weston, the 24 hr. rainfall amounts are as follows (rounded to the nearest one-tenth of an inch):
        1. 2 yr. - 24 hr. event = 3.2 inches
        2. 10 yr. - 24 hr. event = 4.7 inches
        3. 25 yr. - 24 hr. event = 6.0 inches
        4. 100 yr.- 24 hr. event = 8.5 inches
        5. 1-inch - 24 hr. event = 1.0 inches
      - ii. The analysis is to be performed on a pre-development and post development sub-watershed basis with designated control points at each location where runoff leaves the site.
      - iii. The same land area shall be used in the analysis to facilitate comparison of pre- development and post development conditions.
      - iv. The total volume of discharge as well as peak rate of runoff shall be evaluated at each control point. The analysis must demonstrate that the design achieves a net reduction of volume and peak flow rate in all design storms when comparing existing with proposed conditions.
    - b. Stormwater infiltration systems may be needed to provide stormwater storage to mitigate peak stormwater runoff and volume in the proposed conditions to be less than the peak runoff in the existing conditions.
      - i. Infiltration systems must be located 2 feet above high ground water and be constructed in an area surrounded by existing pervious material to ensure drainage from the proposed drainage structures.
      - ii. High ground water and depth of pervious material must be established on the site by a Licensed Soil Evaluator prior to the construction of any drainage structures which discharges through infiltration.

- iii. Systems must be designed so that inspection and maintenance can be readily performed.

### 3. Roadway Reconstruction Standards

All public/private roadway projects must provide a net improvement to stormwater conditions, either in the area of disturbance or to other areas on the site. The SWPA may require improvements to areas outside of disturbance activity where known problems exist and reasonable solutions are available. Such opportunities might include:

- a. Reduce impervious surfaces
- b. Implement source controls of potential stormwater pollutants on the entire site
- c. Reroute drainage to maximize treatment efficiencies
- d. Update/Prepare Operation and Maintenance plans and procedures for the roadway.

## **B. Erosion and Sediment Control Design and Performance Criteria**

Approval of an Erosion and Sediment Control Plan by the SWPA is required prior to any site altering activity. The plan shall be designed to ensure compliance with the Permit, these Regulations, and if applicable, the NPDES General Permit for Storm Water Discharges from Construction Activities. In addition, the plan shall ensure that the Massachusetts Surface Water Quality Standards (314 CMR 4.00) are met in all seasons. The applicant shall submit such material as is necessary to show that the proposed development will comply with the design requirements.

1. If a project requires a Stormwater Pollution Prevention Plan (SWPPP) per the NPDES General Permit for Storm Water Discharges from Construction Activities (applicable to construction sites that disturb one or more acres of land), then the Applicant is required to submit a complete copy of the SWPPP (including the signed Notice of Intent and approval letter) as part of its application for a SMP. If the SWPPP meets the requirements of the NPDES General Permit, it will be considered equivalent to the Erosion and Sediment Control Plan described in this Section.
2. The Erosion and Sediment Control Plan shall be designed to meet the following criteria and guidelines.
  - a. Minimize total area of disturbance and minimize unnecessary clearing and grading from all construction sites. Clearing and grading shall only be performed within areas needed to build the project, including structures, utilities, roads, recreational amenities, post-construction stormwater management facilities, and related infrastructure.
  - b. Erosion and Sediment Control measures used shall be chosen based on the goal of minimizing site disturbance from installation of such measures, such as the use of filter mits where appropriate.

## **8.0 INSPECTIONS**

### **A. Construction Commencement**

1. Pre-Construction Meeting



The SWPA may require a pre-construction meeting prior to starting clearing, excavation, construction or land disturbing activity by the Applicant. The Applicant's technical representative, the general contractor or any other person with authority to make changes to the project, shall meet with the SWPA or its representative to review construction sequencing and the permitted plans and their implementation.

2. Notice of Construction Commencement

The applicant must notify the SWPA two (3) days prior to the commencement of construction. In addition, the applicant must notify the SWPA two (3) days prior to construction of critical components of any stormwater management facility.

3. A copy of the approved and signed plans and permits for a SMP shall be kept on the construction site at all times.
4. The SWPA or its designee shall be granted the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. The SWPA, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this Regulation and may make or cause to be made such examinations, surveys, or sampling as the SWPA deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.

**B. Construction Inspections**

The SWPA may require the submission of periodic inspections and reporting by the Applicant as dictated by site conditions.

1. The SWPA may inspect the project site at the following stages, at a minimum:
  - a. Initial Site Inspection of erosion and sedimentation controls prior to any land disturbance to assess overall effectiveness and functioning to protect resources
  - b. Stormwater Management System Excavation Inspection: An inspection will be made of the excavation of the stormwater management system to insure depth to ground water and presence of approved soil type.
  - c. Stormwater Management System Inspection: An inspection will be made of the completed stormwater management system, prior to backfilling of any underground drainage or stormwater conveyance structures.
  - d. Final Inspection
    - i. After the stormwater management system has been constructed, all applicants are required to submit actual "as built" plans for any stormwater management facilities or practices after final construction is completed. As-built plans must be submitted both in hard copy and electronically as either AutoCAD drawings or PDF documents.
    - ii. The SWPA shall inspect the system to confirm its "as-built" features. . If the inspector finds the system to be adequate he/she shall so report to the SWPA which will issue a Certificate of Completion.

- e. Notes indicating the required inspections are to be added to the Site Plan(s).

## 9.0 CERTIFICATE OF COMPLETION

- A. Prior to the issuance of a Certificate of Completion, the SWPA may require the applicant to submit the following material to the SWPA demonstrating that the completed project is in accordance with the approved plans and specifications:
  - 1. As-built plan. For projects designed by a registered professional engineer, the SWPA may require the as-built plan to be prepared and stamped by the design engineer.
  - 2. Documentation on compliance with all permit conditions
  - 3. All Inspection reports as required during construction have been submitted, if applicable
  - 4. Final Operation & Maintenance Plan, if applicable
  - 5. Maintenance contracts in place, if applicable
  - 6. Stormwater Management Permit has been recorded at Registry of Deeds, if applicable
- B. Upon receipt and approval of the final inspection and reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this Regulation, the SWPA shall issue a letter certifying completion in conformance with this Regulation.

## 10.0 ENFORCEMENT

Enforcement powers of the SWPA are granted in the Stormwater and Erosion Control By-Law, Section VIII.

- A. The SWPA shall enforce the By-Law, Regulations, orders, violation notices, and enforcement orders, and may pursue all civil, criminal and non-criminal remedies for such violations.
- B. **Notices and Orders**
  - 1. The SWPA may issue a written notice of violation or enforcement order to enforce the provisions of the By-Law or the Regulations thereunder, which may include requirements to:
    - a. Cease and desist from construction or land disturbing activity until there is compliance with the By-Law and the Stormwater Management Permit.
    - b. Repair, maintain; or replace the stormwater management system or portions thereof in accordance with the operation and maintenance plan.
    - c. Perform monitoring, analyses, and reporting.

- d. Fix adverse impact resulting directly or indirectly from malfunction of the stormwater management system.
  2. If the SWPA determines that abatement or remediation of adverse impacts is required, the order may set forth a deadline by which such abatement or remediation must be completed. Said order may further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Weston may, at its option, undertake such work, and the property owner shall reimburse the Town of Weston for expenses incurred.
  3. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the Town of Weston including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the SWPA within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the SWPA affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57, after the thirty-first day at which the costs first become due.
- C.** Any person who violates any provision of the Town of Weston Stormwater Management By-Law, or Regulations, order or permit issued there under, may be ordered to correct the violation and/or shall be punished by a fine of not more than \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

**D. Non-Criminal Disposition**

As an alternative to criminal prosecution or civil action, the Town of Weston may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D. The following shall be the fines applicable to the listed offenses:

|                                  |         |
|----------------------------------|---------|
| First violation:                 | Warning |
| Second violation:                | \$100   |
| Third violation:                 | \$200   |
| Fourth and subsequent violation: | \$300   |

Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

**F. Remedies Not Exclusive**

The remedies listed in the By-Law and these Regulations are not exclusive of any other remedies available under any applicable federal, state or local law.

## **11.0 SEVERABILITY**

The invalidity of any section, provision, paragraph, sentence, or clause of these Regulations shall not invalidate any other section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

**Town of Weston  
Stormwater Regulations  
APPENDICES**

**APPENDIX A: DEFINITIONS**

**ALTER:** Any activity that will measurably change the ability of a ground surface area to absorb water, will change existing surface drainage patterns, or will increase or decrease the rate or volume of flow from a site.

**APPLICANT:** A property owner or agent of a property owner who has filed an application for a Stormwater Management Permit.

**BEST MANAGEMENT PRACTICE (BMP):** Structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment. "Structural" BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. "Nonstructural" BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

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

**CONVEYANCE:** Any structure or device, including pipes, drains, culverts, curb breaks, paved swales or man-made swales of all types designed or utilized to move or direct stormwater runoff or existing water flow.

**DEVELOPER:** A person who undertakes or proposes to undertake land disturbance activities.

**DEVELOPMENT:** Any construction that disturbs or alters a parcel of land.

**DISTURBANCE OF LAND:** Any action causing removal of vegetation or a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material.

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

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

**EROSION CONTROL PLAN:** A plan that shows the location and construction detail(s) of the erosion and sediment reduction controls to be utilized for a construction site.

**EXEMPT USE:** Any use subject to the provisions of M.G.L. chapter 40A, section 3.

**FLOOD CONTROL:** The prevention or reduction of flooding and flood damage.

**FLOODING:** A local and temporary inundation or a rise in the surface of a body of water, such that it covers land not usually under water.

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

**GROUNDWATER:** All water beneath any land surface including water in the soil and bedrock beneath water bodies.

**HOTSPOT:** Land uses or activities with higher potential pollutant loadings, such as auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots with high intensity use, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances, or marinas.

**IMPERVIOUS SURFACE:** Any material or structure on, above or below the ground that prevents water from infiltrating through the underlying soil. Impervious surface is defined to include, without limitation: paved surfaces (parking lots, sidewalks, driveways), roof tops, swimming pools, patios, and paved, gravel and compacted dirt surfaced roads.

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

**LOW IMPACT DEVELOPMENT (LID):** An ecosystem-based approach to land development and stormwater management that ensures that each development site is designed to protect, or restore, the natural hydrology of the site.

**MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS:** The latest version as may be amended from time to time of the Stormwater Management Standards and accompanying Stormwater Handbook issued by the Department of Environmental Protection pursuant to authority under the Wetlands Protection Act, M.G.L. c. 131, § 40, and the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26-53. The Stormwater Management Standards are incorporated in the Wetlands Protection Act Regulations, 310 CMR 10.05(6)(k) and the Water Quality Certification Regulations, 314 CMR 9.06(6)(a).

**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 structure that together comprise the storm drainage system owned or operated by the Town of Weston.

**NEW DEVELOPMENT:** Any construction or land disturbance of a parcel of land that is currently in a natural vegetated state and does not contain alteration by man-made activities.

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

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

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

**PERSON:** Any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to Town By-Laws, administrative agency, public or quasi-public corporation or body, the Town of Weston, and any other legal entity, its legal representatives, agents, or assigns.

**PERVIOUS MATERIAL:** Soil Types that are listed as Class I, II and III soils as defined in 310 CMR 15.243 and 15.244 based upon the general soil classification used by the U.S. Department of Agriculture and depicted in the Soil Textural Triangle

**PRE-DEVELOPMENT:** The conditions that exist prior to the proposed disturbance activity. When phased development or plan approval is part of the site plan development i.e. (preliminary grading, roads and utilities, etc.), the first plan submission is considered to establish pre-development existing site conditions.

**POINT SOURCE:** Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

**POST-DEVELOPMENT:** The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity in accordance with approved plans on a specific site or tract of land. Post-development refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.

**RECHARGE:** The replenishment of underground water reserves.

**REDEVELOPMENT:** Any construction, alteration, improvement, repaving, or resurfacing on a previously-developed site.

**RESOURCE AREA:** Any area protected under including without limitation: the Massachusetts Wetlands Protection Act, Massachusetts Rivers Act, or Town of Weston Wetlands Protection By-Law.

**REVIEWING AGENT:** Any Town employee, board or agent delegated in writing by the Stormwater Permitting Authority to administer, implement and enforce the Stormwater By-Law.

**RUNOFF:** Rainfall or snowmelt water flowing over the ground surface or other source resulting in transport of other pollutants.

**SEDIMENTATION:** A process of depositing material that has been suspended and transported in water.

**SLOPE:** The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance (e.g. a 4:1 slope). It can also be expressed as a percentage of the vertical rise divided by the horizontal distance (e.g. a twenty-five (25) percent slope).

**SITE:** The parcel of land being developed.

**STORMWATER MANAGEMENT:** The use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates. Stormwater Management includes the use of Low-Impact Development (LID) management practices.

**STORMWATER MANAGEMENT PERMIT (SMP):** A permit issued by the Stormwater Permitting Authority, after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater runoff.

**STOP WORK ORDER:** An order issued which requires that all construction activity on a site be stopped.

**TSS:** Total Suspended Solids.

**WATER QUALITY VOLUME (WQv):** The storage needed to capture a specified average annual stormwater runoff volume. Numerically (WQv) will vary as a function of drainage area or impervious area.



## **APPENDIX B: LOW IMPACT DEVELOPMENT PRACTICES**

Low Impact Development (LID) strategies use careful site design and decentralized stormwater management to reduce the environmental footprint of new growth and redevelopment. This approach improves water quality, minimizes the need for expensive pipe and pond stormwater systems, and creates more attractive developments. The following are LID strategies and various benefits of implementation.

1. Bioretention cells, commonly known as rain gardens, are relatively small-scale, landscaped depressions containing plants and a soil mixture that absorbs and filters runoff.

Management Objectives:

- Provide quality treatment.
- Remove suspended solids, metals, nutrients.
- Increase groundwater recharge through infiltration.
- Reduce peak discharge rates and total runoff volume.

2. Permeable and porous pavements allow water to soak through the paved surface into the ground beneath. Permeable pavement encompasses a variety of mediums including: porous concrete and asphalt, plastic grid systems and interlocking paving bricks.

Management Objectives:

- Reduce stormwater runoff volume from paved surfaces.
- Reduce peak discharge through infiltration.
- Reduce pollutant transport through direct infiltration.
- Improve site landscaping benefits (grass pavers).

3. Grass swales are broad, open channels sown with erosion resistant and flood tolerant grasses. This has been used alongside roadways for years.

Management Objectives:

- Provide water quality treatment; remove suspended solids; heavy metals, trash.
- Reduce peak discharge rate and total runoff volume.
- Infiltrate water into the ground.
- Provide a location for snow storage.

4. Infiltration Trenches and Dry Wells Dry wells are standard stormwater management structures that store water in the void space between crushed stone or gravel; the water slowly percolates downward into the subsoil.

Management Objectives:

- Remove suspended solids, heavy metals trash, oil, and grease.
- Reduce peak discharge rate and total runoff volume.
- Provide modest infiltration and recharge.

- Provide snow storage areas.
5. Grass Filter Strips are low-angle vegetated slopes designed to treat sheet flow runoff from adjacent impervious areas.

Management Objectives:

- Remove suspended solids, heavy metals, trash, oil and grease.
  - Reduce peak discharge rate and total runoff volume.
  - Provide modest infiltration and recharge.
  - Provide snow storage areas.
6. Roadway and Parking Lot Design:

Management Objectives:

- Reduce total impervious surface.
  - Reduce road/parking construction costs.
  - Provide safe access and adequate parking.
  - Minimize disturbance to natural site hydrology.
  - Create opportunities for stormwater treatment and infiltration.
  - Improve site appearance.
7. Cisterns and rain barrels harvest and store rainwater collected from roofs.

Management Objectives:

- Storing and diverting runoff.
  - Reduce flooding and erosion caused by stormwater runoff.
  - They contain no salts or sediment which provides "soft" chemical-free water for garden or lawn irrigation, reducing water bills and conserving municipal water supplies.
8. Other LID Implementations

- Shared Driveways.
- Green Roofs.
- Eliminating curbs and gutters, or minimizing in new construction.
- Roughening surfaces.
- Creating long flow paths over landscaped areas.
- Installing smaller culverts, pipes, and inlets.
- Creating terraces and check dams.
- Infiltration, Filtration
  - Rain gardens.
  - Disconnected downspouts (not on hills).
  - Filter Mitts.

9. Maintenance of Paved Surfaces

- No coal-tar pavement sealants.
- No sodium de-icers.

#### 10. Low Impact Landscaping

- Native, drought tolerant species.
- Turf area conversion (shrubs, etc.).
- Encouraging longer grass length
- Planting wildflower meadows rather than turf along medians.

### **Conservation Development**

Like LID, Conservation Development tries to mitigate the effects of urbanization, but it places additional emphasis on protecting aquatic habitat and other natural resources. Conservation Development subdivisions are characterized by compact clustered lots surrounding a common open space. Conservation Development's goal is to disturb as little land area as possible while simultaneously allowing for the maximum number of residences permitted under zoning laws.

Prior to new construction, conservation developers evaluate natural topography, natural drainage patterns, soils and vegetation. They deploy stormwater best management practices to help prevent flooding and protect natural hydrology. By maintaining natural hydrological processes, Conservation Development creates conditions that slow, absorb, and filter stormwater runoff onsite.

Because future development threatens valuable natural features, Conservation Development provides specific provisions for long-term and permanent resource protection. Conservation easements, transfer of development rights, and other "in perpetuity" mechanisms ensure that protective measures are more than just temporary.

### **Better Site Design**

The goals of Better Site Design are to reduce impervious cover, preserve natural lands, and capture stormwater onsite. To meet these goals, designers employ a variety of methods. To reduce impervious cover, they narrow streets and sidewalks, minimize cul-de-sacs, tighten parking spaces, and reduce the size of driveways and housing lots.

To reduce stormwater runoff, designers preserve natural lands, using them as buffer zones along streams, wetlands and steep slopes. They employ landscaping techniques that flatten slopes and preserve native vegetation and clusters of trees. They create bio-retention areas - open channels, filter strips and vegetated swales - to increase stormwater infiltration, helping to protect streams, lakes, and wetlands.

### **Water Reuse/Water Conservation**

In order to conserve potable water supplies and maximize recharge, it may be appropriate on some sites to store and reuse clean runoff (e.g. from roofs) for reuse on the site for irrigation or other greywater purposes. This can be accomplished through the use of cisterns and rain barrels. Where appropriate, a water budget may be required to be prepared to determine applicability.