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ORDER NO. 2021-038-001  
REQUEST OF THE PLANNING & ZONING SUBCOMMITTEE

UPON THE REQUEST OF THE PLANNING & ZONING SUBCOMMITTEE, THE CITY OF FRAMINGHAM,  
THROUGH THE FRAMINGHAM CITY COUNCIL, IT IS SO ORDERED:

That, after an advertised public hearing at a duly posted meeting held on April 6, 2021  
and lengthy discussion thereafter, the City Council votes to approve the revisions to the  
Land Disturbance Storm Water Zoning Ordinance as presented and attached.

FIRST READING

YEAS: Bryant, Cannon, Case, King, Leombruno, Long, Ottaviani, Stefanini, Steiner  
NAYS: Stewart-Morales  
ABSTAIN: None  
ABSENT: Shepard  
PASSED IN COUNCIL: April 6, 2021

SECOND READING

YEAS: Bryant, Cannon, Case, King, Leombruno, Long, Ottaviani, Stefanini, Steiner  
NAYS: Stewart-Morales  
ABSTAIN: None  
ABSENT: Shepard  
PASSED IN COUNCIL: April 27, 2021

A True Record, Attest:

4/29/2021  
\_\_\_\_\_  
Date Approved  
Lisa A. Ferguson, City Clerk  
Emily L. Butler, Assistant City Clerk

5/7/2021  
\_\_\_\_\_  
Date Approved  
Yvonne M. Spicer, Mayor

## Cleaner Version of Track Changes for Stormwater Management Ordinance

### AMENDMENTS TO SECTION I.E DEFINITIONS, 1. TERMS DEFINED:

**Best Management Practice (BMP):** The use of structural, nonstructural, or vegetative measures designed to reduce erosion, control the movement of sedimentation, decrease peak storm material discharge, and/or improve the quality of stormwater runoff as well as maintain natural hydrology as described in the Massachusetts Department of Environmental Protection's Stormwater Management Handbook and any other applicable local regulations. All new development and redevelopment project are subject to optimization of phosphorus removal per Structural BMP specifications Vol. 2, Ch. 2 for the Massachusetts Stormwater Handbook

**Massachusetts Stormwater Management Standards:** The Stormwater Management Standards and accompanying Stormwater Handbook issued by the MassDEP 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, §§ 33-53. 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 Drainage 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 City of Framingham.

**National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit:** A permit issued by United States Environmental Protection Agency or jointly with the Commonwealth of Massachusetts that authorizes and regulates the discharge of pollutants to waters of the United States.

**Land Disturbance and Stormwater Management Regulations (LDSM) ("Regulations"):** Regulations adopted by the Planning Board for guidance for compliance with the National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit and this Ordinance.

### AMENDMENTS TO SECTION V.F. Land Disturbance and Stormwater Management:

#### **F. Land Disturbance and Stormwater Management**

##### **1. Purpose and Intent**

The primary purpose and intent of the revised 2021 revisions is to insure municipal compliance with all requirements of the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) issued by the United States Environmental Protection Agency (EPA), and the Stormwater Management Standards promulgated by the Massachusetts Department of Environmental Protection (MassDEP)

The overall purpose of the Land Disturbance and Stormwater Management (LDSM) Ordinance is to provide a thorough review of construction, development, and/or redevelopment projects that have the potential to adversely impact natural resources, man-made structures, abutting properties and/or the City's infrastructure. Projects subject to the LDSM Ordinance shall be designed so as not to impact water quality, or surface flows; shall protect all properties, storm drainage systems, public roadways, natural water bodies from potential flooding, overloading, and/or clogging resulting from development; and shall not cause any significant alteration to topography or significant clearing of land. Moreover, projects shall be designed so as not to create



adverse conditions during or after construction that would alter and/or destroy aquatic or wildlife habitat, and/or cause environmental degradation.

The LDSM Ordinance shall provide review and oversight of the following, as applicable:

- a. Stormwater Management (Section V.F.3.a)
- b. Topographical Alterations (Section V.F.3.b)
- c. Tree Removal (Section V.F.3.c)
- d. Earth Removal and Fill (Section V.F.3.d)

The intent of the LDSM Ordinance is to ensure that development projects incorporate and utilize Best Management Practices (BMP) and Low Impact Development (LID) techniques to the maximum extent feasible. All development and/or redevelopment projects shall be designed to ensure the following:

- a. Protection of surface and groundwater resources, wetlands, and vernal pools;
- b. Infiltration, recharge, and on-site management of stormwater on-site;
- c. Management of erosion, stormwater runoff, and sedimentation through BMPs and LID techniques;
- d. Minimization of alteration to the natural topography to the maximum extent possible;
- e. Control and proper site management of construction waste such as discarded building material; concrete truck washout; limiting on-site idling, fueling, and maintenance of construction equipment/vehicles; chemicals; litter; and sanitary waste during and post-construction;
- f. Compliance that exceeds the regulations set forth in federal, state, and local statutes and those regulations that relate to stormwater discharge and management and include but are not limited to the following: the Massachusetts Department of Environmental Protection (MassDEP) Stormwater Management Standards. The revised Stormwater Management Standards have been 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); Massachusetts Stormwater Handbook (<http://www.mass.gov/eea/agencies/massdep/water/regulations/massachusetts-stormwater-handbook.html>); as may be amended from time to time; the NPDES Municipal Separate Storm Sewer System (MS4) regulations adopted by the EPA in conjunction with MA DEP; and any additional local regulations set forth by the Engineering Department of Public Works (DPW); and
- g. Protection of local hydrologic conditions, sensitive areas of land and water, natural areas and topographical features, and unique topography, in addition to the protection of wells and wetlands on-site and abutting properties.

## 2. Applicability and Procedure

### a. Land Use Activities Requiring Review

The LDSM Ordinance shall apply to the following construction, development, and/or redevelopment projects:

- i. The disturbance of land area equal to or greater than one acre;
- ii. The disturbance of land as part of a larger common plan of development with a total disturbance area equal to or greater than one acre;
- iii. The clearing of land that results in 50 percent or more of the lot being cleared of trees. Lots with an area of 20,000sf or less shall be exempt from this requirement; and/or
- iv. Construction, development, and/or redevelopment activities that occur within a 30' buffer of Moderate Slopes or on Moderate Slopes as defined in Section IV.E.3.e.