



TOWN OF ARLINGTON
DEPARTMENT OF PLANNING and
COMMUNITY DEVELOPMENT

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MEMORANDUM

To: Adam Chapdelaine, Town Manager

From: Emily Sullivan, Environmental Planner & Conservation Agent

CC: Jennifer Raitt, Director, Department of Planning and Community Development
Michael Rademacher, Director, Department of Public Works
Wayne Chouinard, Town Engineer
Bill Copithorne, Assistant Town Engineer

Date: February 18, 2020

RE: Bylaw Amendment/Stormwater Management Warrant Article for 2020 Annual Town Meeting

A Warrant Article to amend Article 15 Stormwater Mitigation of Town Bylaw Title V Regulations Upon the Use of Private Property has been submitted by the Arlington Engineering Division of the Department of Public Works (DPW) and Department of Planning and Community Development (DPCD).

The Engineering Division and DPCD are proposing amendments to the Stormwater Mitigation Bylaw for a number of reasons, but first and foremost in order to maintain compliance with the Environmental Protection Agency's (EPA) new Municipal Separate Storm Sewer System (MS4) permit. The MS4 permit regulates nonpoint source pollution into local bodies of water, particularly through the regulation of stormwater management. The MS4 permit was updated in 2016 to include stricter regulations and became effective on July 1, 2018. The Engineering Division and DPCD are working together to develop policies, procedures, and schedules to meet the requirements of the MS4 permit. One such requirement of the MS4 permit is to update local bylaws and regulations that support better Town-wide stormwater management on public and private property, based on prescribed criteria established by the EPA with guidance from the Massachusetts Department of Environmental Protection (MassDEP).

The Engineering Division and DPCD has provided staff support for the background of this Warrant Article, including research into the requirements of the MS4 permit; research into other municipalities' stormwater bylaws and regulations; and facilitating discussion with the Inspectional Services Department (ISD), the DPW, the Arlington Redevelopment Board (ARB), and the Arlington Conservation Commission (ACC). The Engineering Division and DPCD are also working with the Mystic River Watershed Association (MyRWA) and Horsley Witten, a

stormwater technical consultant hired by MyRWA, to ensure that all proposed amendments comply with the MS4 permit.

A public meeting is scheduled for March 10 from 7:00 p.m. to 9:00 p.m. in the Town Hall's Lyons Hearing Room to discuss this Warrant Article.

Additional consideration relative to this Warrant Article includes:

- **Compliance with the MS4 permit is critical.**
Due to the stricter regulations of the MS4 permit, Arlington has been mandated to assess and amend its local stormwater bylaw, regulations, and policies to remain in compliance with the permit. Noncompliance could result in violation orders or decrees with associated fines.
- **The Town's current permitting processes can be improved and coordinated.**
The Engineering Division currently administers a Stormwater Review Permit promulgated by the Stormwater Mitigation Bylaw. The proposed amendments would formalize the current stormwater permitting process, as well as better establish and integrate into Arlington's current permitting processes, especially those permits issued by ISD, the Zoning Board of Appeals, the ARB, and the ACC.
- **Arlington is a stormwater role model and wants to continue to be a stormwater role model for other communities.**
In Fall 2018, Arlington was selected to be one of two municipalities to work with the EPA and MassDEP to enhance stormwater management through a community support collaborative. The goal of this collaborative was to work with the state and federal stormwater regulatory agencies to improve compliance with the recently updated MS4 permit and reduce the eutrophication and degradation of water quality in the Mystic River. Arlington has a great professional relationship with the EPA and MassDEP stormwater divisions and has been highlighted as a role model community. In Fall 2019, the Engineering Division was featured on an EPA webinar because of the professional relationship and stormwater insight shared with the EPA and MassDEP.

In addition to being a role model for stormwater, Arlington is also a role model community for implementing green infrastructure interventions that support improved stormwater management. In Summer 2019, Arlington was awarded \$135,000 by the Massachusetts Office of Coastal Zone Management (CZM) to install two rain gardens and twenty infiltration trenches in East Arlington. The CZM grant followed two other grants awarded to Arlington to improve stormwater management, an EPA 319 Nonpoint Source Pollution grant and a MassDEP Natural Resource Damages (NRD) grant. The 319 grant was used to construct two rain gardens, also located in East Arlington. The NRD grant was awarded to restore a derelict outfall along the Mystic River and replant the river habitat along river's bank.

- **An amended Stormwater Management bylaw supports Arlington's ongoing resilience efforts.**

Arlington is actively engaged in efforts to improve climate change preparedness and resiliency by reducing known vulnerabilities. In 2018, Arlington was awarded funding to create a Municipal Vulnerability Preparedness (MVP) Plan which included a Community Resilience Building Workshop. This workshop enabled Arlington to better understand its greatest opportunities to improve resilience, including reducing flooding along Mill Brook and addressing heat hazards along Arlington's major corridors. After completion of the plan, Arlington was awarded an MVP Action grant to improve the flood storage capacity at Wellington Park.

Arlington is not only invested in local resilience, but is also an active participant in strengthening regional resilience. Arlington is currently a member of three regional collaborative efforts established for the purpose of improving climate change and natural disaster resilience. These three collaborative efforts include the Metropolitan Area Planning Council Metropolitan Mayors Coalition Climate Preparedness Taskforce, MyRWA's Resilient Mystic Collaborative, and the Charles River Watershed Association's Climate Compact. All three of these collaborative efforts are opportunities for municipalities to share best resilience practices. These three collaborative efforts have prioritized stormwater management as a scalable and effective resilience building tactic because stormwater flooding has become a major vulnerability issue in urbanized areas.