

TOWN OF WELLESLEY
WELLESLEY, MASSACHUSETTS 02481

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DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

Subject: Comments on Proposed Wetlands Bylaw Regulations

Dear Committee Members:

Thank you for the opportunity to provide feedback on the draft proposed changes to the Wetlands Bylaw Regulations. The work of the Department of Public Works (DPW) intersects on a daily basis with the jurisdiction of the Wetland Protection Committee through the management of public infrastructure and active environmental stewardship. To forward our shared interests in these areas, we offer the following comments on the proposed changes:

Climate Standards

Section 2.11 – Climate Change Resilience proposes that applicants integrate considerations of adaption planning into projects in order to promote climate change resilience. To show compliance the applicant must submit a narrative demonstrating compliance with several mitigation categories with their application.

While some of the mitigation categories are quantitative and can be easily assessed (e.g., 1.5:1 compensatory flood storage replacement, 1:1 or higher tree replacement/plantings), others are more open-ended, general questions (e.g., “describe project considerations and measures to avoid, minimize, and mitigate for extreme heat effects”). Our concern is that the non-quantitative requirements will be difficult to evaluate and administer. The potential outcomes could be a weakened regulation that cannot be enforced to it’s true intention and/or unintentionally inconsistent comments from reviewers.

We would suggest that all climate resilience requirements are backed by a reference specification, standard, or detailed description of expected outcomes. An example of this type of evaluation is the Envision sustainability framework. This program is designed for much larger types of civil works projects and would present a burden for the size of projects that are in Town, but does serve as a good example of providing quantitative rubrics for measuring sustainability goals: <https://sustainableinfrastructure.org/wp-content/uploads/EnvisionV3.9.7.2018.pdf>

Consistency with State and Federal Stormwater Regulations

As you are aware, there are a myriad of federal, state, and local regulations that dictate the when, where, and how stormwater systems are installed and maintained. Navigating the different regulations, which do not always align, can be a difficult endeavor for permittees as well as reviewers.

It is noted that many of the proposed changes to the regulations reflect the Wetlands Resilience 1.0 Draft Regulations recently put forward by the Massachusetts Department of Environmental Protection (MassDEP). Based on comments made by MassDEP, the Resilience 1.0 regulations are not expected to be formally promulgated until late 2024 at the earliest.

In order to facilitate review of stormwater designs, we would recommend that similar changes to the Town's regulations be held off until technical requirements can be lined up with the final MassDEP document. This will ensure that the two documents do not have conflicting requirements as well as provide a larger and detailed document from which to draw guidance during reviews.

Response to Changes in Environmental Conditions

As stated in the Town's Climate Action Plan:

"Like most Massachusetts communities, Wellesley is already experiencing the impacts of climate change, including extreme heat, drought, and an increase in the frequency and severity of intense storms."

DPW has a firsthand look at these changes when responding to issues including storm damage and prevention, water quality protection, and ministration of open space. In many instances management of these assets requires work in areas that fall under the jurisdiction of the WPC, such as addressing diseased or damaged trees, fixing erosion and sediment control problems, or construction on capital projects that protect both the public and environment's health and safety.

The WPC has always been a strong partner in these endeavors. Clarification and flexibility on actions addressing changing environmental conditions will strengthen the Town's ability to respond in a timely and balanced manner. Please consider incorporating a mechanism for streamlining maintenance activities in response to climate response. This will provide DPW with additional guidance on the WPC's expectations and reduce administrative tasks.

Sincerely,

A handwritten signature in blue ink, appearing to read "David J. Hickey, Jr.", is written over a horizontal line.

David J. Hickey, Jr., P.E.
Town Engineer