

ARTICLE 35 AMEND ZONING BYLAW-DISTANCE FROM BASEMENT, SLAB, OR CRAWL SPACE AND GROUND WATER

MOTION: That the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, be amended by adding a new Section 4.5 as follows, and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Lexington:

4.5.1 PURPOSE.

The purposes of this section are to preserve and protect groundwater; to maintain and enhance the public safety, environment, health, and general welfare by establishing minimum requirements; and to establish procedures to control the adverse effects of building basement floors nearer than two (2) feet from the Estimated Seasonal High Groundwater Table (ESHGWT), including basement flooding, pumping and discharge of groundwater to neighboring properties, discharging groundwater to the public way, and illicit connections to the Town's sewer and stormwater connections.

4.5.2 DEFINITIONS.

Estimated Seasonal High Groundwater Table (ESHGWT): The estimated highest level to a zone of saturation in the soil in most years under normal wet season, as determined by a registered professional engineer, a qualified soil scientist or licensed soil evaluator.

4.5.3 APPLICABILITY.

The requirement of this Section 4.5 shall apply to:

1. A new dwelling; or
2. Additions to an existing dwelling that increases a building footprint by more than 1,000 square feet.

4.5.4 CONDITIONS AND REQUIREMENTS.

The vertical distance between the finished basement floor of any dwelling house shall not be less than two (2) feet above the ESHGWT; provided that, the vertical distance may be less than two (2) feet above the ESHGWT if all of the following conditions are met:

1. Detailed engineering plans, certified by a Registered Professional Engineer showing a foundation and perimeter drain management system and roof stormwater management system(s) that will mitigate and control groundwater discharge and stormwater runoff, are provided;
2. The provided foundation and perimeter drain discharge management system and roof stormwater management system plans have been reviewed by the Building, Conservation, Health and Engineering Departments and comments adequately addressed;
3. Roof drains and downspouts connect to a stormwater management system designed by a Registered Professional Engineer; and
4. The applicant has agreed to pay the fee for consulting services to perform engineering review pursuant to the provisions of MGL Chapter 44, Section 53G.

4.5.5 RELATIONSHIP TO OTHER LAWS.

Nothing in this section shall be construed to restrict, amend, repeal, or otherwise limit the application or enforcement of the remainder of this Bylaw or any other law or regulation.

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