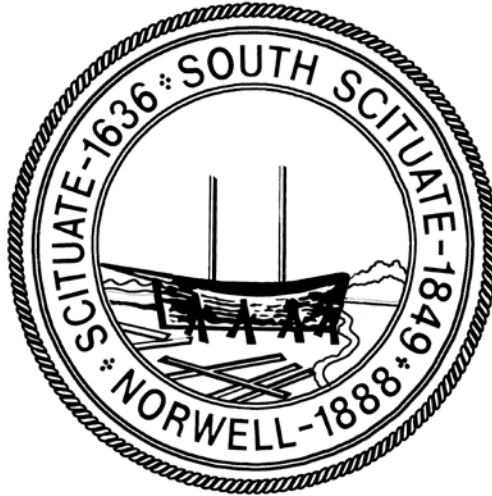


# **TOWN OF NORWELL**



**Transcript of Articles in the Warrant for the**

## **SPECIAL TOWN MEETING**

**And**

## **ANNUAL TOWN MEETING**

**Report of the Advisory Board**

**Monday, May 7, 2012**

**At 7:30 p.m.**

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Please bring this report to the meeting for use in the proceedings at the

**NORWELL MIDDLE SCHOOL  
Henry E. Goldman Gymnasium  
328 Main Street**

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TOWN OF NORWELL

WARRANT

Special Town Meeting and Annual Town Meeting

Monday, May 7, 2012

At 7:30 o'clock in the evening at Norwell Middle School  
Henry E. Goldman Gymnasium

Plymouth, ss

To one of the Constables of the Town of Norwell, in said County of Plymouth, Commonwealth of Massachusetts.

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Norwell, who being qualified to vote in elections and Town affairs, to meet at the Norwell Middle School, Henry E. Goldman Gymnasium, 328 Main Street, in said Norwell, on Monday, the seventh day of May, 2012 at 7:30 p.m.; then and there to act upon the enclosed articles, to wit:

In case all articles in the foregoing Warrant shall not be acted upon at the Meeting called for on Monday, May 7, 2012, to meet in Adjourned Sessions at such time and place as the meeting shall determine.

This building is accessible to the handicapped and designated parking is provided. If requested, at least one week before the meeting, warrants with large print can be available. Anyone requiring a Sign Language Interpreter should call the Town Clerk's office at least two weeks before the Special Town Meeting at 781-659-8072.

Town of Norwell  
Report of the Advisory Board  
April 6, 2012

To the Citizens of Norwell:

Beginning Monday, May 7, 2012, the Town of Norwell will hold its Annual Town Meeting, preceded by a Special Town Meeting. Your attendance is encouraged and appreciated as the Town has fiscal challenges this year that require the Town to make important decisions about the Fiscal Year 2013 and our future.

Town Meeting is when the voters, the legislative branch in Norwell, discuss, debate and determine whether to appropriate monies for various expenditures for the remainder of the current fiscal year as well as Fiscal Year 2013. Your elected and appointed officials will present their recommendations to you to help with this process. The recommendations contained in this Warrant are made by the Advisory Board after hearings with the appropriate town departments and after careful deliberation of all the facts. Our board is a diverse group, whose role is to represent the residents of Norwell. All registered voters are entitled to attend, ask questions, express their opinions, and vote on all matters. The Board of Selectmen, the Community Preservation Committee, and other Town committees, officials, and citizens propose Articles requesting expenditures, transfers, etc. We, the Advisory Board, present our recommendations on each Article; but **ONLY YOU DECIDE WHAT PASSES AND WHAT DOES NOT.**

This Town Meeting Warrant does not include a separate "Proposition 2 ½ Override Article". So, the Advisory Board has prepared 2 budgets, one for if the override passes, and one for if the override fails. Both budgets will be discussed in detail at the Annual Town Meeting on Monday, May 7. Then, the Annual Town Meeting will be recessed. The Townspeople will be asked to approve an Override Ballot Question at an election to be held on Saturday, May 19. Town Meeting will then reconvene on Monday, May 21 to vote on each of the Articles in the Annual Town Meeting Warrant.

We thank the employees and volunteers across all Departments, Boards, and Committees for the information they prepared and the hearings they attended, in some cases on multiple occasions. Through these discussions, and the cooperative spirit with which the departments engaged, we have reached the conclusions and recommendations explained herein.

We look forward to seeing you at Town Meeting on May 7th.

Sincerely,

**The Norwell Advisory Board**

Timothy Greene, Chairman  
Gary Thomas, Vice Chairman  
Mary Ellen Coffey, Clerk  
Peter Shea  
Ralph Gordon

Spencer A. Joseph  
George Jamieson  
Jacky McClean  
Megan Collins

## TOWN OF NORWELL FISCAL YEAR 2013 BUDGET

	<i><b>FY2012 Appropriated</b></i>	<i><b>FY13 Requested</b></i>	<i><b>FY13 Recommended (Requires Override)</b></i>	<i><b>FY13 No Override</b></i>
<b><u>EXPENSES</u></b>				
GENERAL GOVERNMENT	\$ 1,734,419	\$ 1,878,497	\$ 1,874,348	\$ 1,762,418
PUBLIC SAFETY	\$ 4,623,945	\$ 4,843,083	\$ 4,801,285	\$ 4,708,035
PUBLIC WORKS	\$ 1,242,060	\$ 1,374,508	\$ 1,298,642	\$ 1,278,142
SCHOOLS	\$ 19,970,749	\$ 22,378,260	\$ 22,278,260	\$ 20,766,921
HEALTH & WELFARE	\$ 1,047,291	\$ 1,065,882	\$ 1,049,869	\$ 1,022,262
CULTURE & RECREATION	\$ 690,244	\$ 691,657	\$ 691,657	\$ 646,407
FIXED COSTS	\$ 7,824,301	\$ 8,296,248	\$ 8,161,248	\$ 8,011,249
DEBT EXCLUSION	\$ 2,235,145	\$ 2,185,513	\$ 2,185,513	\$ 2,185,513
	<u>\$ 39,368,154</u>	<u>\$ 42,713,648</u>	<u>\$ 42,340,822</u>	<u>\$ 40,380,947</u>
OTHER ARTICLES	\$ 1,509,100			
OVERLAY	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000
CAPITAL	\$ 191,546			
	<u>\$ 2,200,646</u>	<u>\$ 500,000</u>	<u>\$ 500,000</u>	<u>\$ 500,000</u>
<b><i>TOTAL EXPENSES</i></b>	<u>\$ 41,568,800</u>	<u>\$ 43,213,648</u>	<u>\$ 42,840,822</u>	<u>\$ 40,880,947</u>
<b><u>REVENUES &amp; REDUCTIONS</u></b>				
STATE AID	\$ 2,757,202	\$ 2,835,444	\$ 2,835,444	\$ 2,835,444
TOWN REVENUE	\$ 3,000,000	\$ 3,100,000	\$ 3,100,000	\$ 3,100,000
OVERLAY SURPLUS	\$ 338,000	\$ -		
FREE CASH	\$ 913,790			\$ 900,000
STABILIZATION FUND	\$ 200,000	\$ -		
OTHER	\$ 81,256	\$ 14,100	\$ 14,100	\$ 14,100
CPA	\$ 915,100	\$ 53,000	\$ 53,000	\$ 53,000
WATER INDIRECT EXPENSES	\$ 689,432	\$ 426,088	\$ 426,088	\$ 426,088
<b><i>Total other revenue</i></b>	<u>\$ 8,894,780</u>	<u>\$ 6,428,632</u>	<u>\$ 428,632</u>	<u>\$ 7,328,632</u>
<b>LEVY TO BE RAISED</b>	<u><b>\$ 32,674,020</b></u>	<u><b>\$ 36,785,017</b></u>	<u><b>\$ 36,412,190</b></u>	<u><b>\$ 33,552,315</b></u>
<b><u>PROPOSITION 2 1/2 LIMIT</u></b>				
BEGINNING YEAR	\$ 29,556,253	\$ 30,504,197	\$ 30,504,197	\$ 30,504,197
PLUS 2.5 %	\$ 738,910	\$ 762,605	\$ 762,605	\$ 762,605
NEW GROWTH	\$ 209,038	\$ 100,000	\$ 100,000	\$ 100,000
Override	\$ -		\$ 2,859,875	
Total Recap	\$ 30,504,201	\$ 31,366,802	\$ 34,226,677	\$ 31,366,802
DEBT/CAPITAL OVER	\$ 2,235,145	\$ 2,185,513	\$ 2,185,513	\$ 2,185,513
CURRENT YEAR LIMIT	\$ 32,739,346	\$ 33,552,315	\$ 36,412,190	\$ 33,552,315
<b><i>BUDGET OVER/UNDER</i></b>	<u><b>\$ (65,326)</b></u>	<u><b>\$ (3,232,702)</b></u>	<u><b>\$ 0</b></u>	<u><b>\$ 0</b></u>

## TOWN BUDGET

### Glossary of Terms

Appropriation: An authorization to make expenditures and to incur obligations for specific purposes. An appropriation is granted by Town Meeting and is usually limited in time and amount as to when it may be expended. Any part of the general appropriation not spent or encumbered by June 30 automatically reverts to surplus. A specific appropriation is carried forward from year to year until spent for the designated purpose or transferred by Town Meeting vote to another account.

Assessed Valuation: A valuation set upon real or personal property by the Board of Assessors as a basis for levying taxes.

Budget: A plan of financial operation consisting of an estimate of proposed expenditures for a given period and the means of financing them. The budget is voted in the spring at Town Meeting for the fiscal year that begins the following July 1st.

Capital Budget: A plan of proposed capital outlays and the means of financing them for the current year.

Cherry Sheet: An annual statement received from the Massachusetts Department of Revenue detailing estimated receipts for the next fiscal year and the estimated state and county government charges payable. These amounts are used by the assessors in setting the tax rate. The actual receipts and charges may vary from the estimates.

Community Preservation Act (CPA): The Town adopted the Community Preservation Act (CPA) in 2002. This Act allows the town to collect a 3% surcharge on property tax bills (the funds can be matched up to 100% by the state when funds are available), which creates the Community Preservation Fund, to use for Community Preservation purposes. Each year, the town must appropriate, or reserve (but not necessarily spend), 10% of the funds for each of the three Community Preservation purposes: Open Space, Historic Resources, and Community Housing. The remaining 70% of the funds can be appropriated or reserved for any of the three purposes and for Recreation and for administration.

Debt Service: Payment of interest and repayment of principal to holders of the Town's debt instruments.

Fiscal Year: A 12-month period, commencing July 1 and ending June 30, to which the annual budget applies. Fiscal years are often denoted FYXX with the last two numbers representing the calendar year in which it ends, for example FY11 is the fiscal year ended June 30, 2011.

Free Cash: Free cash is the portion of unreserved fund balance available for appropriation. It is not cash but rather is approximately the total of cash and receivables less current liabilities and earmarked reserves reduced also by reserves for uncollected taxes. This is also referred to as "available cash". The amount is certified annually by the Massachusetts Department of Revenue.

General Fund: The major town owned fund which is created with town receipts and which is charged with expenditures payable from revenues.

Grant: A contribution of assets by one governmental unit or other organization to another. Typically, these contributions are made to local governments from the state and federal governments. Grants are usually made for specific purposes.

Line-Item Budget: A format of budgeting that organizes costs by type of expenditure such as expenses, equipment, and salaries.

Overlay: The amount set aside to allow for uncollected property taxes. An amount for overlay is added to the appropriations and other charges. The "Overlay Surplus" is the portion of each year's overlay account no longer required to cover property tax abatements.

Overlay Surplus: The unused amount of the overlay for prior years, which may be transferred, by vote of the Town, to the reserve account or appropriated.

Property Tax Levy: The amount produced by multiplying the assessed valuation of property by the tax rate. The tax rate is expressed "per thousand dollars" of assessed valuation.

Reserve Fund: Money set aside by Town Meeting to be allocated by the Advisory Board for extraordinary or unforeseen expenditures.

Stabilization Fund: A special reserve funded by Town Meeting for future expenditures.

*Terms associated with Proposition 2½:*

Debt or Capital Exclusion: The Town can assess taxes in excess of the levy limit by voting a debt exclusion or capital outlay exclusion. This amount does not become a permanent part of the levy limit base, but does allow the Town to assess taxes for a specific period of time in excess of the limit for payment of debt service costs or for payment of capital expenditures.

Excess Levy Capacity: The difference between the Town's tax levy limit and its actual tax levy for the current year. It is the additional tax levy that could be raised without asking for an override.

New Growth: The amount of property tax revenue that the Town can add to its allowable tax levy as a result of new construction, alterations, subdivisions or change of use which increases the value of a parcel of land by more than certain amounts.

Override: An amount, voted by the Town, which is permanently added to the levy limit. A majority vote of the Selectmen allows an override question to be put on the ballot. Override questions must be presented in dollar terms and must specify the purpose of the override. Overrides require a majority vote of approval by the Town at both Town Meeting and an Election.

Tax Levy Limit: The maximum amount of the tax levy for a period under the restrictions of Proposition 2½. It is calculated as the prior year limit plus new growth plus 2.5% of the prior year levy limit.

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Commonwealth of Massachusetts

**WARRANT FOR SPECIAL TOWN MEETING**

Monday, May 7, 2012

At Seven-Thirty O'clock in the Evening

At the Norwell Middle School, Henry E. Goldman Gymnasium, Main Street

**ARTICLE 1:** To see if the Town will raise and appropriate, or appropriate from available funds a sum of money to meet obligations for union and personal contracts, said sum to be apportioned by the Town Accountant to the applicable line items in Article 2, or act on anything relative thereto.

Requested by the Board of Selectmen

**The Advisory Board will make a recommendation at Town Meeting. The union contracts were not settled when the warrant went to print.**

**ARTICLE 2:** To see if the Town will raise and appropriate, or appropriate from available funds a certain sum of money to be added to line item 1-914-201-5175, Health Insurance, or act on anything relative thereto.

Requested by the Board of Selectmen

**The Advisory Board recommends this article in the amount of \$140,000.**

**ARTICLE 3:** To see if the Town will raise and appropriate, or appropriate from available funds a certain sum of money to be added to line item 1-290-101-5110, Emergency Communications Salaries, or act on anything relative thereto.

Requested by the Chief of Police

**The Advisory Board recommends this article in the amount of \$35,000. These funds are needed to make up for the delay in moving to the regional dispatch center.**

**ARTICLE: 4:** To see if the Town will raise and appropriate, or appropriate from available funds a certain sum of money to be added to line item 1-210-101-5110, Police Salaries, or act on anything relative thereto.

Requested by the Chief of Police

**The Advisory Board will make a recommendation at Town Meeting.**

**ARTICLE 5:** To see if the Town will raise and appropriate, or appropriate from available funds a certain sum of money to be added to line item 1-420-211-5532, Snow Removal and Sanding, or act on anything relative thereto.

Requested by the Highway Surveyor

**The Advisory Board will make a recommendation at Town Meeting.**

**ARTICLE 6:** To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum of money to be added to line item 1-151-201-5302, Legal Services, or act on anything relative thereto.

Requested by the Board of Selectmen

**The Advisory Board will make a recommendation at Town Meeting.**

**ARTICLE: 7:** To see if the Town will raise and appropriate, or appropriate from available funds a certain sum of money to be used to pay the cost of phase 1 of the police station study, or act on anything relative thereto.

Requested by the Board of Selectmen

**The Advisory Board recommends this article in the amount of \$105,750. These funds will come from previous bond appropriations to pay off the cost of phase 1 of the police station study and save the town the cost of issuing new debt.**

**ARTICLE 8:** To see if the Town will vote to transfer \$290,000 (\$270,000 for purchase price and \$20,000 for parking, signage and legal fees) or any other sum for conservation, passive recreation, and historic preservation purposes, pursuant to M.G.L. Chapter 44B from the Community Preservation Fund for the purpose of purchasing a parcel of land approximately 16 +/- acres located at 122 Mt. Blue Street, owned by Hilma A. Forslund, Trustee as described on Assessor's Map 8B, Block, also known as Cuffey's Lane, to be managed and controlled by the Norwell Conservation Commission in conjunction with the Historical Commission in accordance with Chapter 40, Section 8C, or act on anything relative thereto.

Requested by the Community Preservation  
Committee

**The Advisory Board recommends this article 6-2.**

**ARTICLE 9:** To see if the Town will vote to transfer from available funds or otherwise provide a certain sum of money to be added to the Stabilization Fund as established in accordance with the provisions of Massachusetts General Law, Chapter 40, Section 5B, or act on anything relative thereto.

Requested by the Board of Selectmen

**The Advisory Board will make a recommendation at Town Meeting.**

## Index of Articles for the Annual Town Meeting

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Commonwealth of Massachusetts

**WARRANT FOR ANNUAL TOWN MEETING**

Monday, May 7, 2012

At Seven-Thirty o'clock in the Evening

At the Norwell Middle School, Henry E. Goldman Gymnasium, Main Street

**ARTICLE 1:** To see if the Town will accept the reports of its Officers, Boards, Departments, Committees and Commissions, as printed in the 2011 Annual Report, or act on anything relative thereto.

**The Advisory Board recommends this article.**

**ARTICLE 2:** To see if the Town will raise and appropriate, or appropriate from available funds, sums of money to defray the charges, expenses and salary obligations of the Town, including debt and interest, and out of state travel for the ensuing year, to provide for a Reserve Fund and to fix salaries and compensation for all Elected Officers of the Town, or act on anything relative thereto.

**The Advisory Board recommendations are in the "Advisory Board Recommends" Columns. The Advisory Board will make a budget presentation at Town Meeting to provide further details of our rationale and recommendations.**

**This Article authorizes the Town to accept the FY13 Town Budget, which begins on July 1, 2012.**

		FY2012 Appropriation	FY13 Requests	Advisory Board Recommends (requires passage of override)	No Override Budget
	<b>113-TOWN MT. &amp; ELECTION</b>				
2-106	Salaries	\$ 6,500	\$ 14,207	\$ 14,207	\$ 14,207
2-208	Expenses	\$ 10,000	\$ 16,600	\$ 16,600	\$ 16,600
	<b>Total: Town Meeting &amp; Election</b>	\$ 16,500	\$ 30,807	\$ 30,807	\$ 30,807
	<b>114-MODERATOR</b>				
2-104	Moderator's Expenses		\$ -	\$ -	\$ -
	<b>Total: Moderator</b>		\$ -	\$ -	\$ -
	<b>122-SELECTMEN</b>				
2-101	Bd. Members Salaries	\$ -	\$ -	\$ -	
2-102	Town Administrator Salary	\$ 127,500	\$ 131,500	\$ 131,500	\$ 131,500
2-103	Clerical Salaries/ADA	\$ 66,734	\$ 132,906	\$ 132,906	\$ 67,906
2-200	Court Judgements	\$ -	\$ -	\$ -	\$ -
2-201	Selectmen's Expenses	\$ 16,350	\$ 16,350	\$ 16,350	\$ 16,350
2-205	Care Veterans' Graves	\$ 1,200	\$ 1,200	\$ 1,200	\$ 1,200
	<b>Total: Board of Selectmen</b>	\$ 211,784	\$ 281,956	\$ 281,956	\$ 216,956
	<b>131-ADVISORY BOARD</b>				
2-105	Advisory Clerical				
2-206	Advisory Expenses	\$ 500	\$ 500	\$ 500	\$ 500
	<b>Total: Advisory Board</b>	\$ 500	\$ 500	\$ 500	\$ 500
	<b>132-RESERVE FUND</b>				
2-207	Reserve Fund	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000
	<b>135-ACCOUNTING</b>				
	Accountant Salary	\$ 86,000	\$ 86,000	\$ 86,000	\$ 86,000
2-115	Salaries	\$ 66,537	\$ 85,907	\$ 85,907	\$ 69,868
2-202	Expenses	\$ 36,343	\$ 41,343	\$ 41,343	\$ 36,343
	<b>Total: Accounting</b>	\$ 188,880	\$ 213,250	\$ 213,250	\$ 192,211
	<b>141-ASSESSORS</b>				
2-109	Bd. Members' Salaries	\$ -	\$ 4,150	\$ -	\$ -
	Asst. Assessor/App Salary	\$ 66,215	\$ 67,526	\$ 67,526	\$ 67,526
2-110	Clerical Salaries	\$ 44,008	\$ 45,500	\$ 45,500	\$ 45,500
2-211	General Expenses	\$ 10,625	\$ 10,625	\$ 10,625	\$ 10,625
2-212	Reval/App. Expenses	\$ 10,500	\$ 10,500	\$ 10,500	\$ 10,500
	<b>Total: Assessors</b>	\$ 131,348	\$ 138,301	\$ 134,151	\$ 134,151
	<b>145-TREAS./COLLECTOR</b>				
2-111	Treasurer/Collector Salary	\$ 83,500	\$ 83,500	\$ 83,500	\$ 83,500
2-112	Clerical Salaries	\$ 142,297	\$ 149,729	\$ 149,729	\$ 146,229
2-168	Bonding Costs	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000
2-213	General Expenses	\$ 66,963	\$ 66,963	\$ 66,963	\$ 60,463
2-214	Tax Liens Expenses	\$ 8,000	\$ 8,000	\$ 8,000	\$ 8,000
	<b>Total: Treasurer/Collector</b>	\$ 325,760	\$ 333,192	\$ 333,192	\$ 323,192
	<b>151-LEGAL SERVICES</b>				
2-216	Legal Expenses	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000
2-218	Settlements/Claims	\$ -	\$ -	\$ -	\$ -
2-295	Union Negotiations	\$ -	\$ -	\$ -	\$ -
	<b>Total: Legal Services</b>	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000
	<b>152-PERSONNEL BOARD</b>				
2-116	Salary & Wages				
2-219	General Expenses	\$ 500	\$ 500	\$ 500	\$ 500
	<b>Total: Personnel Board</b>	\$ 500	\$ 500	\$ 500	\$ 500
	<b>155-CENTRAL COMPUTER</b>				
2-222	Central Computer Expenses	\$ 110,000	\$ 110,000	\$ 110,000	\$ 104,950

		FY2012 Appropriation	FY13 Requests	Advisory Board Recommends (requires passage of override)	No Override Budget
	<b>161-TOWN CLERK</b>				
2-113	Town Clerk Salary	\$ 65,844	\$ 67,819	\$ 67,819	\$ 67,161
2-114	Clerical Salaries	\$ 50,138	\$ 53,327	\$ 53,327	\$ 53,327
2-215	General Expenses	\$ 5,375	\$ 5,600	\$ 5,600	\$ 5,375
	<b>Total: Town Clerk</b>	<b>\$ 121,357</b>	<b>\$ 126,746</b>	<b>\$ 126,746</b>	<b>\$ 125,863</b>
	<b>163-BD OF REGISTRARS</b>				
2-107	Clerk of Board Salary	\$ 450	\$ 450	\$ 450	\$ 450
2-108	Registrars Clerical	\$ -	\$ -	\$ -	\$ -
2-209	Registrars Expenses	\$ 4,700	\$ 4,700	\$ 4,700	\$ 4,700
	<b>Total: Board of Registrars</b>	<b>\$ 5,150</b>	<b>\$ 5,150</b>	<b>\$ 5,150</b>	<b>\$ 5,150</b>
	<b>171-CONSERVATION COMM.</b>				
2-154	Conservation Clerical	\$ 19,073	\$ 19,700	\$ 19,700	\$ 19,700
2-155	Conservation Agent's Salary	\$ 56,755	\$ 56,479	\$ 56,479	\$ 56,479
2-278	Conservation General Exp.	\$ 7,800	\$ 7,800	\$ 7,800	\$ 7,400
2-280	Conservation Fund	\$ -	\$ -	\$ -	\$ -
	<b>Total: Conservation</b>	<b>\$ 83,628</b>	<b>\$ 83,979</b>	<b>\$ 83,979</b>	<b>\$ 83,579</b>
	<b>175-PLANNING BOARD</b>				
2-120	Town Planner	\$ 60,046	\$ 63,914	\$ 63,914	\$ 63,914
2-121	Planning Bd. Clerical	\$ 19,073	\$ 19,700	\$ 19,700	\$ 19,700
2-224	Planning Bd. General Exp.	\$ 4,590	\$ 4,590	\$ 4,590	\$ 4,590
	<b>Total: Planning Board</b>	<b>\$ 83,709</b>	<b>\$ 88,203</b>	<b>\$ 88,204</b>	<b>\$ 88,204</b>
	<b>176-BOARD OF APPEALS</b>				
2-119	Salary & Wage				
2-223	General Expenses	\$ 1,810	\$ 1,810	\$ 1,810	\$ 1,810
	<b>Total: Board of Appeals</b>	<b>\$ 1,810</b>	<b>\$ 1,810</b>	<b>\$ 1,810</b>	<b>\$ 1,810</b>
	<b>177-DESIGN REVIEW BD.</b>				
2-117	Design Review Clerical	\$ 642	\$ -	\$ -	\$ -
2-220	Design Review General Exp	\$ 245	\$ -	\$ -	\$ -
	<b>Total: Design Review Board</b>	<b>\$ 887</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
	<b>190-COMM. ON DISABILITIES</b>				
2-294	General Expenses	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000
	<b>Total: Comm. On Disabilities</b>	<b>\$ 3,000</b>	<b>\$ 3,000</b>	<b>\$ 3,000</b>	<b>\$ 3,000</b>
	<b>191-CUSHING MEMORIAL</b>				
2-175	Cushing Memorial Payroll	\$ 28,350	\$ 29,745	\$ 29,745	\$ 29,745
2-203	Cushing Memorial Expenses	\$ 31,063	\$ 31,063	\$ 31,063	\$ 31,063
	<b>Total: Cushing Memorial</b>	<b>\$ 59,413</b>	<b>\$ 60,808</b>	<b>\$ 60,808</b>	<b>\$ 60,808</b>
	<b>192-TOWN HALL</b>				
2-123	Custodians' Salaries	\$ 34,271	\$ 34,724	\$ 34,724	\$ 31,266
2-226	Town Hall General Expense	\$ 86,050	\$ 86,050	\$ 86,050	\$ 81,050
	<b>Total: Town Hall</b>	<b>\$ 120,321</b>	<b>\$ 120,774</b>	<b>\$ 120,774</b>	<b>\$ 112,316</b>
	<b>193-P.B.M.C.</b>				
2-169	Clerical Salaries				
2-225	P.B.M.C. Expenses	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000
	<b>Total: P.B.M.C.</b>	<b>\$ 1,000</b>	<b>\$ 1,000</b>	<b>\$ 1,000</b>	<b>\$ 1,000</b>
	<b>194 - Community Preservation</b>				
2-237	Clerical Salaries	\$ 8,000	\$ 8,000	\$ 8,000	\$ 8,000
2-305	Expenses	\$ 35,000	\$ 45,000	\$ 45,000	\$ 45,000
	<b>Total: Community Preservation</b>	<b>\$ 43,000</b>	<b>\$ 53,000</b>	<b>\$ 53,000</b>	<b>\$ 53,000</b>

		FY2012 Appropriation	FY13 Requests	Advisory Board Recommends (requires passage of override)	No Override Budget
	<b>195-TOWN REPORTS</b>				
2-210	Town Reports	\$ 7,500	\$ 7,500	\$ 7,500	\$ 6,000
	<b>199-BEAUTIFICATION Expenses</b>	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000
	<b>Total: Beautification</b>	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000
	<b>210-POLICE DEPARTMENT</b>				
2-125	Police Chief's Salary	\$ 106,100	\$ 106,100	\$ 106,100	\$ 106,100
	Deputy Chief Salary	\$ 88,490	\$ 90,490	\$ 90,490	\$ 90,490
2-126	Police Officers' Pay	\$ 1,616,834	\$ 1,658,879	\$ 1,658,879	\$ 1,642,254
2-128	Police Other Payroll	\$ 57,051	\$ 57,982	\$ 57,983	\$ 55,983
2-169	Clerical	\$ 39,505	\$ 233,643	\$ 233,643	\$ 208,643
2-235	Police General Expense	\$ 161,100	\$ 203,496	\$ 203,496	\$ 185,096
2-236	Police Cruiser Expenses	\$ 82,000	\$ 109,000	\$ 82,000	\$ 82,000
2-237	Other Town Vehicles Gas				
	<b>Total: Police Department</b>	\$ 2,151,080	\$ 2,459,590	\$ 2,432,591	\$ 2,370,566
	<b>220-FIRE DEPARTMENT</b>				
2-129	Fire Chief's Salary	\$ 96,100	\$ 96,100	\$ 96,100	\$ 96,100
2-130	Perm. Firefighters' Payroll	\$ 1,568,767	\$ 1,587,165	\$ 1,572,365	\$ 1,568,767
2-132	Call Fire Payroll		\$ 14,668	\$ 14,668	\$ 14,668
2-169	Fire Department Clerical	\$ 36,210	\$ 38,357	\$ 38,357	\$ 38,357
2-238	Fire Dept. General Expense	\$ 124,773	\$ 138,700	\$ 138,700	\$ 122,773
2-240	Call Fire General Expenses		\$ 15,700	\$ 15,700	\$ 15,700
	<b>Total: Fire Department</b>	\$ 1,825,850	\$ 1,890,690	\$ 1,875,890	\$ 1,856,365
	<b>220-CALL FIRE FIGHTERS</b>				
2-131	Deputy Fire Chief	\$ -	\$ -	\$ -	\$ -
2-132	Call Fire Payroll	\$ 14,668		\$ -	\$ -
2-240	Call Fire General Expenses	\$ 15,700		\$ -	\$ -
	<b>Total: Call Fire</b>	\$ 30,368	\$ -	\$ -	\$ -
	<b>231-AMBULANCE SERVICE</b>				
2-133	Ambulance Payroll				
2-241	Ambulance General Exp.	\$ 48,233	\$ 52,233	\$ 52,233	\$ 52,233
2-242	Unmanned Ambulance Exp.	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500
	<b>Total Ambulance</b>	\$ 49,733	\$ 53,733	\$ 53,733	\$ 53,733
	<b>241-BUILDING INSPECTOR</b>				
2-138	Building/Zoning Clerical	\$ 41,349	\$ 42,083	\$ 42,083	\$ 42,083
2-139	Building/Zoning/ADA Inspector	\$ 63,677	\$ 66,709	\$ 66,709	\$ 66,709
2-140	Inspector Fees	\$ 40,500	\$ 45,500	\$ 45,500	\$ 40,500
2-249	General Expenses	\$ 10,600	\$ 10,900	\$ 10,900	\$ 10,600
	<b>Total: Inspections</b>	\$ 156,126	\$ 165,191	\$ 165,192	\$ 159,892
	<b>244-SEALER WGHTS/MEAS</b>				
2-142	Sealer Wgths/Meas. Salary	\$ 6,262	\$ 6,262	\$ 6,262	\$ 6,262
2-252	General Expenses	\$ 1,515	\$ 1,515	\$ 1,515	\$ 1,515
	<b>Total: Weights &amp; Measures</b>	\$ 7,777	\$ 7,777	\$ 7,777	\$ 7,777
	<b>290-EMERGENCY COMM.</b>				
2-134	Emergency Comm. Payroll	\$ 161,313			
2-243	Emergency Comm. Expense	\$ 23,996			
	Regional dispatch	\$ 200,000	\$ 240,000	\$ 240,000	\$ 240,000
	<b>Total: Emergency Comm.</b>	\$ 385,309	\$ 240,000	\$ 240,000	\$ 240,000



		FY2012 Appropriation	FY13 Requests	Advisory Board Recommends (requires passage of override)	No Override Budget
	<b>291-EMERGENCY MANAGEMENT</b>				
	Salaries	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000
	Expense	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000
2-254	<b>Total Civil Defense</b>	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000
	<b>292-ANIMAL CONTROL</b>				
2-144	Animal Control Payroll	\$ 7,500	\$ 7,500	\$ 7,500	\$ 7,500
2-255	General Expenses	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000
	<b>Total: Animal Control</b>	\$ 8,500	\$ 8,500	\$ 8,500	\$ 8,500
	<b>295-Harbormaster</b>				
2-188	Harbormaster Salary	\$ 5,202	\$ 5,202	\$ 5,202	\$ 5,202
2-200	Harbormaster Expense	\$ 2,000	\$ 3,600	\$ 3,600	\$ 2,000
		\$ 7,202	\$ 8,802	\$ 8,802	\$ 7,202
	<b>301-SCHOOL DEPARTMENT</b>				
2-200	School Budget	\$ 19,845,749	\$ 22,257,749	\$ 22,157,749	\$ 20,646,410
2-198	Transportation				
	<b>Total Norwell School</b>	\$ 19,845,749	\$ 22,257,749	\$ 22,157,749	\$ 20,646,410
	<b>390-SO. SH. REG'L SCHOOL</b>				
2-264	Regional School Assessment	\$ 125,000	\$ 120,511	\$ 120,511	\$ 120,511
	<b>420-HIGHWAY DEPT.</b>				
2-146	Highway Surveyor's Salary	\$ 46,875	\$ 48,096	\$ 48,096	\$ 48,096
2-147	Highway Dept. Payrolls	\$ 264,141	\$ 264,752	\$ 264,752	\$ 264,752
2-149	Highway Department Clerical	\$ 43,911	\$ 44,745	\$ 44,745	\$ 44,745
2-265	Highway Out-of-State Travel	\$ -	\$ -	\$ -	\$ -
2-266	Highway General Expense	\$ 67,986	\$ 67,986	\$ 67,986	\$ 67,986
2-267	Highway Signs & Road Marking	\$ 41,000	\$ 41,000	\$ 41,000	\$ 21,000
2-268	Snow Removal & Sanding	\$ 175,000	\$ 250,866	\$ 175,000	\$ 175,000
2-269	Operation & Maint. of Equip.	\$ 23,200	\$ 23,200	\$ 23,200	\$ 23,200
2-270	Highway Town Gasoline	\$ 115,000	\$ 165,000	\$ 165,000	\$ 165,000
2-271	Highway Water Services	\$ 6,000	\$ 6,000	\$ 6,000	\$ 6,000
	<b>Total: Highway</b>	\$ 783,113	\$ 911,645	\$ 835,779	\$ 815,779
	<b>421-TREE &amp; GROUNDS</b>				
2-135	Tree Director's Salary	\$ 46,875	\$ 48,096	\$ 48,096	\$ 48,096
2-136	Tree Department Payrolls	\$ 250,194	\$ 247,389	\$ 247,389	\$ 247,389
2-244	General Expenses	\$ 87,878	\$ 88,378	\$ 88,378	\$ 87,878
2-245	Tree Insect Control	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000
2-248	Tree Cemetery Care	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000
	<b>Total: Tree &amp; Grounds</b>	\$ 387,947	\$ 386,863	\$ 386,863	\$ 386,363
	<b>424-STREET LIGHTING</b>				
2-272	<b>Total: Street Lights Expense</b>	\$ 71,000	\$ 76,000	\$ 76,000	\$ 76,000
	<b>439-RECYCLING COMMITTEE</b>				
2-173	Other Expenses	\$ 17,000	\$ 17,000	\$ 17,000	\$ 10,000
	<b>Total: Recycling Committee</b>	\$ 17,000	\$ 17,000	\$ 17,000	\$ 10,000
	<b>450-WATER DEPARTMENT</b>				
2-148	Superintendent	\$ 89,201	\$ 90,972	\$ 90,972	\$ 90,972
2-150	Treatment Manager	\$ 57,195	\$ 58,338	\$ 58,338	\$ 58,338
2-151	Water Commissioners' Salary	\$ -	\$ -	\$ -	\$ -
2-152	Water Clerical	\$ 75,047	\$ 82,608	\$ 82,677	\$ 82,677
2-153	Water Payrolls	\$ 261,596	\$ 264,382	\$ 264,381	\$ 264,381
2-274	Water General Expenses	\$ 612,675	\$ 619,175	\$ 619,175	\$ 619,175
2-275	Water Well Cleaning	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000
2-276	Indirect Expenses				
	<b>Total: Water Department</b>	\$ 1,110,714	\$ 1,130,475	\$ 1,130,543	\$ 1,130,543

		FY2012 Appropriation	FY13 Requests	Advisory Board Recommends (requires passage of override)	No Override Budget
	<b>491-TOWN CEMETERY</b>				
	Cemetery Salaries	\$ 4,800	\$ 4,800	\$ 4,800	\$ -
2-288	Washington St. Cem. Expense	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000
	<b>Total: Town Cemetery</b>	\$ 6,800	\$ 6,800	\$ 6,800	\$ 2,000
	<b>512-BOARD OF HEALTH</b>				
2-156	Board Members' Salaries	\$ -	\$ -	\$ -	\$ -
2-157	Health Agent Salary	\$ 71,303	\$ 72,720	\$ 72,720	\$ 72,720
2-158	Health Clerical	\$ 41,349	\$ 58,196	\$ 42,183	\$ 42,183
2-279	Hazardous Waste	\$ 7,500	\$ 7,500	\$ 7,500	\$ 7,500
2-281	General Expenses	\$ 49,600	\$ 49,600	\$ 49,600	\$ 49,600
2-282	Solid Waste Disposal	\$ 626,300	\$ 626,300	\$ 626,300	\$ 606,300
2-283	Health Landfill Maintenance	\$ -	\$ -	\$ -	\$ -
2-285	Recycling	\$ -	\$ -	\$ -	\$ -
	<b>Total: Board of Health</b>	\$ 796,052	\$ 814,316	\$ 798,303	\$ 778,303
	<b>541-COUNCIL ON AGING</b>				
	Director		\$ 84,252	\$ 84,252	\$ 84,252
2-160	Council on Aging Payroll	\$ 192,107	\$ 107,575	\$ 107,575	\$ 107,575
2-284	General Expenses	\$ 21,500	\$ 22,107	\$ 22,107	\$ 21,500
	<b>Total: Council on Aging</b>	\$ 213,607	\$ 213,934	\$ 213,934	\$ 213,327
	<b>543-VETERANS' EXP.</b>				
2-161	Veterans' Agent Salary	\$ 4,245	\$ 4,245	\$ 4,245	\$ 4,245
2-162	Vets. Service Officer's Salary	\$ 3,987	\$ 3,987	\$ 3,987	\$ 3,987
2-285	Veterans' General Expenses	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000
2-286	Veterans' Benefits	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000
2-287	Memorial Day Expenses	\$ 1,400	\$ 1,400	\$ 1,400	\$ 1,400
	<b>Total: Veterans</b>	\$ 20,632	\$ 20,632	\$ 20,632	\$ 20,632
	<b>610-LIBRARY</b>				
2-164	Library Director's Salary	\$ 83,952	\$ 83,952	\$ 83,952	\$ 83,952
2-165	Library Payroll	\$ 275,411	\$ 269,356	\$ 269,356	\$ 230,206
2-177	Old Colony Network	\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000
2-289	Library General Expenses	\$ 141,750	\$ 147,450	\$ 147,450	\$ 141,750
	<b>Total: Library</b>	\$ 531,113	\$ 530,758	\$ 530,758	\$ 485,908
	<b>630-RECREATION DEPT.</b>				
2-166	Recreation Supt. Salary	\$ 71,503	\$ 72,920	\$ 72,920	\$ 72,920
2-167	Recreation Payroll		\$ -	\$ -	\$ -
2-290	Recreation General Expenses	\$ -	\$ -	\$ -	\$ -
	<b>Total: Recreation</b>	\$ 71,503	\$ 72,920	\$ 72,920	\$ 72,920
	<b>691-MASS. HISTORICAL</b>				
2-277	Historical Comm. General Exp.	\$ 4,000	\$ 4,000	\$ 4,000	\$ 4,000
	<b>Total: Mass Historical</b>	\$ 4,000	\$ 4,000	\$ 4,000	\$ 4,000
	<b>710-DEBT RETIREMENT</b>				
2-168	Borrowing Costs				
	Water Bonds				
2-292	Principal - Town	\$ 438,094	\$ 433,662	\$ 433,662	\$ 433,662
2-363	Water	\$ 260,000	\$ 220,000	\$ 220,000	\$ 220,000
		\$ -			
	<b>751- INTEREST ON LONG TERM DEBT</b>				
	Interest - Town	\$ 106,863	\$ 80,178	\$ 80,178	\$ 80,178
2-364	Water	\$ 53,932	\$ 36,088	\$ 36,088	\$ 36,088
	<b>Total: Under Levy Debt Service</b>	\$ 858,889	\$ 769,928	\$ 769,928	\$ 769,928

		FY2012 Appropriation	FY13 Requests	Advisory Board Recommends (requires passage of override)	No Override Budget
	<b>710, 751 - DEBT EXCLUSION</b>				
2-365	Vinal, Cole & High School Interest	\$ 361,288	\$ 340,850	\$ 340,850	\$ 340,850
2-365	Vinal, Cole & High School Principal	\$ 545,000	\$ 545,000	\$ 545,000	\$ 545,000
2-366	Middle School Interest	\$ 463,857	\$ 434,663	\$ 434,663	\$ 434,663
2-365	Middle School Principal	\$ 865,000	\$ 865,000	\$ 865,000	\$ 865,000
	<b>Total: Debt Exclusion</b>	\$ 2,235,145	\$ 2,185,513	\$ 2,185,513	\$ 2,185,513
	<b>911-PENSIONS</b>				
2-227	Plymouth County Ret. Fund	\$ 1,586,376	\$ 1,805,534	\$ 1,805,534	\$ 1,805,534
2-228	Non-Contrib. Pensions	\$ -	\$ -	\$ -	\$ -
	<b>Total: Pensions</b>	\$ 1,586,376	\$ 1,805,534	\$ 1,805,534	\$ 1,805,534
	<b>913-UNEMPLOYMENT COMP.</b>				
2-229	Unemployment Comp.	\$ 75,000	\$ 75,000	\$ 40,000	\$ 90,000
	<b>914, 915, 916-GROUP INSURANCE</b>				
2-230	Group Insurance	\$ 4,916,911	\$ 5,258,662	\$ 5,158,662	\$ 4,958,662
	<b>912, 919, 945-TOWN INSURANCE</b>				
2-231	Town Insurance	\$ 386,925		\$ 386,925	\$ 386,925
2-232	Ins. Advis. Comm. Expense	\$ 200		\$ 200	\$ 200
	<b>Total: Town Insurance</b>	\$ 387,125	\$ 387,125	\$ 387,125	\$ 387,125

**ARTICLE 3:** To see if the Town will appropriate the sums recommended, or any other sum or sums, for Capital Outlay as set forth in the following schedule and determine whether such sums will be provided by taxation or by transfer or by a combination of the foregoing,

or act on anything relative thereto.

Requested by the Capital Budget Committee

<i>Dept #</i>	<i>Department</i>	<i>Item</i>	<i>Budget Request</i>	<i>Capital Budget Recommends</i>	<i>Advisory Board Recommends</i>
103	FIRE	Command Vehicle	\$45,100	\$35,100	\$35,100
		Replace Server/Upgrade System	\$15,000	\$0	\$0
101	POLICE	Station Security	\$102,766	\$102,766	\$102,766
300	HIGHWAY	Dump truck w/ sander & plow	\$187,000	\$0	\$0
		Generator	\$25,000	\$20,000	\$20,000
		4 Electric Spreader Controls	\$34,000	\$0	\$0
109	TREE & GROUND	Paving tree Dept parking lot	\$25,000	\$0	\$0
601	LIBRARY	Replace Windows & Seals	\$28,190	\$0	\$0
		Replace carpeting	\$18,975	\$17,000	\$17,000
65	TOWN HALL	Town Hall Security	\$40,000	\$40,000	\$40,000
200	SCHOOLS	Web Based energy mgmt. system	\$72,000	\$0	\$0
		Security Cameras / High School	\$54,600	\$25,900	\$25,900
		Resurface Play Ground / Cole School	\$34,295	\$21,450	\$21,450
		Ford F250 Pick-up truck w/ plow	\$33,686	\$0	\$0
401	WATER	Pick-up truck	\$24,500	\$21,000	\$21,000
<b>GRAND TOTAL</b>			<b>\$740,112</b>	<b>\$283,216</b>	<b>\$283,216</b>

**The Advisory Board recommends the Capital Budget 7-2 in the amount of \$283,216.**

**This Article authorizes the Town to purchase the capital items on the schedule above in the Advisory Board Recommends Column. The Capital Budget Committee meets and prioritizes all of the capital budget requests before they are presented to the Advisory Board.**

**ARTICLE 4:** To see if the Town will raise and appropriate, or appropriate from available funds a sum of money to meet obligations for union and personal contracts, said sum to be apportioned by the Town Accountant to the applicable line items in Article 2, or act on anything relative thereto.

Requested by the Board of Selectmen

**The Advisory Board will make its recommendation at Town Meeting.**

**ARTICLE 5:** To see if the Town will raise and appropriate, or appropriate from available funds a sum of money to meet obligations for the compensation schedule under the Personnel Plan, said sum to be apportioned by the Town Accountant to the applicable line items in Article 2, or act on anything relative thereto.

Requested by the Personnel Board

**The Advisory Board will make its recommendation at Town Meeting.**

**ARTICLE 6:** To see if the Town will vote to amend the Town Personnel By-Law, Section 8, Fringe Benefits, sub-section j, Insurance, by adding at the end thereof the following new sentence: "Employees hired on or after July 1, 2012 shall pay 40% of the cost of the HMO health plan offered by the Town."

Requested by the Board of Selectmen

**The Advisory Board recommends this article. This would increase the percentage a new employee would pay for the Town's health insurance from the current 20%.**

**ARTICLE 7:** To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum of money to fund the cost of an Investment Grade Energy Audit for all Town buildings with the intent of pursuing an Energy Management Services Contract (ESCO) under MGL Chapter 25A, Section 11i, or act on anything relative thereto.

Requested by the Board of Selectmen

**The Advisory Board recommends this article 8-1 in the amount of \$35,000. This is the first step towards evaluating and making municipal buildings more energy efficient.**

**ARTICLE 8:** To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum of money for the purpose of conducting a town wide assessment of all municipal buildings to determine, including but not limited to, the physical condition of the building and the condition of the major physical systems in said building and to provide the Town with a comprehensive report on each facility including a recommended schedule for capital needs and/or replacement of the facility, or act on anything relative thereto.

Requested by the Board of Selectmen

**The Advisory Board does not recommend this article. The Advisory Board believes that the Town would be better served by doing the energy system study first and doing the facility assessment in the future.**

**ARTICLE 9:** To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide a sum of money for the purchase and installation of integrated, cloud-based financial software for the Town, and in the event of borrowing to authorize the treasurer, with the approval of the Board of Selectmen, to issue any bonds or notes that may be necessary for the purpose, or act on anything relative thereto.

Requested by the Board of Selectmen

**The Advisory Board recommends this article in the amount of \$250,000. This is one of the critical recommendations of the Town's Technology Study.**

**ARTICLE 10:** To see if the Town will vote to amend article 14 of the Annual Town Meeting of May 9, 2011, by adding after the words "for an addition to the existing fire station at 300 Washington Street for use as a police station" the following "or for the renovation and/or addition to the existing police station at 40 River Street", or take any action relative thereto.

Requested by the Board of Selectmen

**The Advisory Board recommends this article. This would allow the funds voted for the design of the proposed new police station on Washington Street to be used on the design of a renovation to the existing station on River Street.**

**ARTICLE 11:** To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum of money for the purpose of funding sick-leave buy-backs and unused vacation, or act on anything relative thereto.

Requested by the Board of Selectmen

**The Advisory Board recommends this article in the amount of \$16,013. This is a contractual obligation that is being phased out over time.**

**ARTICLE 12:** To see if the Town will vote to establish the position of Human Resource Director, said position to be under the direction of the Selectmen/Town Administrator, and to be employed under the provisions of a personal services contract, or act on anything relative thereto.

Requested by the Board of Selectmen

**The Advisory Board recommends this article contingent upon passage of a Proposition 2½ override.**

**ARTICLE 13:** To see if the Town will raise and appropriate, borrow or transfer from available funds, borrow, or otherwise provide a sum of money to purchase technology hardware, equipment, software and/or supplies for the School Department and in the event of borrowing to authorize the Treasurer, with the approval of the Board of Selectmen, to issue any bonds or notes that may be necessary for the purpose, or act on anything relative thereto.

Requested by the School Committee

**The Advisory Board recommends this article 8-1 in the amount of \$301,500. This funds critical infrastructure and technology needs in the school department.**

**ARTICLE 14:** To see if the Town will raise and appropriate, transfer from available funds or otherwise provide a sum of money for the purpose of repairing drainage and infrastructure and paving or re-paving the parking lot known as the "Staff & Visitor Parking Lot" at Norwell High School, or act on anything relative thereto.

Requested by the School Committee

**The Advisory Board recommends this article 6-3 in the amount of \$57,100 contingent upon the passage of a proposition 2 ½ override.**

**ARTICLE 15:** To see if the Town will raise and appropriate, transfer from available funds or otherwise provide a sum of money for the purpose of repairing drainage and infrastructure and paving or re-paving the parking lot known as the "Student Drop Off Lot" at Norwell High School, or act on anything relative thereto.

Requested by the School Committee

**The Advisory Board recommends this article 6-3 in the amount of \$42,000 contingent upon the passage of a proposition 2 ½ override.**

**ARTICLE 16:** To see if the Town will vote to reauthorize the School Parking Fees Revolving Fund, pursuant to the provisions of Massachusetts General Laws Chapter 44, Section 53 E ½, for the fiscal year beginning July 1, 2012, or act on anything relative thereto.

Requested by the School Committee

**The Advisory Board recommends this article. This reauthorizes an existing revolving fund.**

**ARTICLE 17:** To see if the Town will vote to authorize the Norwell School Committee and/or Board of Selectmen to enter into energy supply contracts in excess of three years or act on anything relative thereto.

Requested by the School Committee and  
the Board of Selectmen

**The Advisory Board recommends this article. This would provide the Town and Schools needed flexibility in entering into long range energy supply contracts.**

**ARTICLE 18:** To see if the Town will raise and appropriate, or appropriate from available funds, \$200,000, or any other sum, to be expended under the direction of the Highway Surveyor for resurfacing and related construction/maintenance of Town Ways, or act on anything relative thereto.

Requested by the Highway Surveyor

**The Advisory Board recommends this article in the amount of \$200,000.**

**ARTICLE 19:** To see if the Town will appropriate \$447,054.00 in anticipation of full (100%) reimbursement by the Commonwealth of Massachusetts of Chapter 90, Acts of 2008, one apportionment, for State and Highway purposes under the provisions of General Laws Chapter 90, Section 34, Clause 2(A), work on highways, to be expended under the direction of the Highway Surveyor, or meet the appropriation by taxation, by transfer or by borrowing, or any combination of the foregoing, or act on anything relative thereto.

Requested by the Highway Surveyor

**The Advisory Board recommends this Article.**

**ARTICLE 20:** To see if the Town will raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$400,000 or any other sum to be expended under the direction of the Highway Surveyor for the purpose of replacing the existing salt storage shed located at the Highway Department yard, as recommended by the Salt Abatement Taskforce, or act on anything relative thereto.

Requested by the Highway Surveyor

**The Advisory Board will make a recommendation at Town Meeting. The Town is exploring other possible funding options for this project.**

**ARTICLE 21:** To see if the Town will raise and appropriate, or appropriate from available funds, \$30,000 or any other sum, to be expended under the direction of the Highway Surveyor for the purpose of complying with the EPA's 2012 MS4 (Municipal Separate Stormwater Sewer System) Stormwater General Permit or act on anything relative thereto.

Requested by the Highway Surveyor

**The Advisory Board recommends this article in the amount of \$30,000. These funds are needed to keep the town in compliance with EPA Stormwater regulations.**



**ARTICLE 22:** To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$25,000, or any other sum, to be expended under the direction of the Highway Surveyor for the resurfacing of the Town of Norwell Tree & Grounds Department Yard, or act on anything relative thereto.

Requested by the Highway Surveyor

**The Advisory Board recommends this article contingent on the passing of a Proposition 2½ override.**

**ARTICLE 23:** To see if the Town will raise and appropriate, or appropriate from available funds, \$1,350,000, or any other sum, to be expended under the direction of the Highway Surveyor for the purpose of resurfacing and related construction/maintenance of Main Street from Norwell/Hanover Town Line to the vicinity of Norwell Center, or act on anything relative thereto.

Requested by the Highway Surveyor

**The Advisory Board does not recommend this article.**

**ARTICLE 24:** To see if the Town will vote to raise and appropriate or appropriate from available funds \$150,000 or any other sum to be expended under the direction of the Board of Water Commissioners for the purpose of conducting water system facilities maintenance and upgrades , or act on anything relative thereto.

Requested by the Board of Water Commissioners

**The Advisory Board recommends this article.**

**ARTICLE 25:** To see if the Town will vote to raise and appropriate or appropriate from available funds \$50,000 or any other sum to be expended under the direction of the Board of Water Commissioners for the purpose of conducting hydro-geologic studies, well exploration and associated work, or act on anything relative thereto.

Requested by the Board of Water Commissioners

**The Advisory Board recommends this article.**

**ARTICLE 26:** To see if the Town will vote to transfer the sum of \$38,000, or any other sum, from Overlay Surplus for the purpose of continuing to provide a Senior Real Estate Tax Work Program established pursuant to an agreement with the Council on Aging, Board of Selectmen and the Board of Assessors, or act on anything relative thereto.

Requested by the Board of Assessors

**The Advisory Board recommends this article 8-0-1. This continues a long standing senior real estate work program providing needed tax assistance to seniors.**

**ARTICLE 27:** To see if the Town will vote to amend Zoning By-Law Article IV Special Regulations §4200 Flood Plain, Watershed and Wetlands Protection District by removing strikethrough sections and incorporating underlined sections.

**ZBL §4200. Flood Plain, Watershed and Wetlands Protection District**

4210. Designation. Flood Plain, Watershed and Wetlands Protection District shall include all land designated as such and shown and delineated on a set of maps of the Town of Norwell entitled "Town of Norwell, Wetlands Maps", dated April 5, 1974, by Moore Survey & Mapping Corporation, Shrewsbury, Massachusetts, with amendment adopted 3/9/81 as shown on a plan entitled "Plan of 1981 Amendment to Town of Norwell Wetlands Maps dated January 5, 1981, by Bradford Saivetz & Associates, Inc., Braintree, MA". ~~and the "Flood Insurance Rate and Flood Boundary/Floodway Map", dated July 19, 1982, as part of the Norwell Flood Insurance Study, on file with the Town Clerk, which set of maps is incorporated herein as part of this bylaw.~~ The District includes all special flood hazard areas within the Town of Norwell designated as Zone A and AE, on the Plymouth County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Plymouth County FIRM that are wholly or partially within the Town of Norwell are panel numbers 25023C0092J, 25023C0094J, 25023C0103J, 25023C0104J, 25023C0108J, 25023C0111J, 25023C0112J, 25023C0113J, 25023C0114J, 25023C0116J, 25023C0117J, 25023C0118J, 25023C0119J, 25023C0206J, and 25023C0207J dated July 17, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July 17, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk. In case of a conflict, the more restrictive interpretation shall apply.

Flood plain, Watershed and Wetlands Protection District (the "District"), shall be considered to be superimposed over any other district established by this zoning bylaw. All land in the District is subject to the regulations set forth in this Section 4200. In unnumbered A zones of the Flood Insurance Rate Maps, the Building Inspector shall require the applicant to provide the best available 100 year flood elevation data available from Federal, State, Local, or other source for requiring new structures and substantial improvements to existing structures to meet the elevation and flood proofing standards of the Massachusetts State Building Code.

4215. Existing Regulations. All development in the district including structural and non-structural activities whether permitted by right or by Special Permit must be in compliance with the following: **(Revised 5/5/94 Annual Town Meeting)**

-Sections ~~2402~~ of the Massachusetts State Building Code (780 CMR) which addresses floodplain and coastal high hazard areas

-310 CMR 10.00, Wetlands protection, Department of Environmental Protection

~~-302310~~ CMR 613.00, Inlands Wetlands Restriction, DEP

-Title 5, minimum requirements for the subsurface disposal of sanitary sewage, Department of Environmental Protection.

-All property within the flood plain as delineated on Norwell's Flood Insurance Rate Maps (FIRM) is subject to the provisions of the National Flood Insurance Program (NFIP).

4220. Purpose. The purposes of this section, in addition to the purposes enumerated in Section 1100 of this Zoning bylaw are:

- a) To provide the lands in the Town subject to seasonal and/or periodic flooding, shall not be used for residential or other purposes in such a manner as to endanger the public health, safety and general welfare of inhabitants thereof.
- b) To protect, preserve and maintain the water table and water recharge areas within the Town, so as to preserve the present and potential water supplies for the public health and safety of the inhabitants of the Town of Norwell.
- c) To assure the continuation of the natural flow pattern of the water courses within the Town in order to provide adequate and safe floodwater storage capacity to protect persons and provide against the hazards of floodwater inundation.

4230. Permitted Uses. The following uses are permitted as a matter of right in the districts subject to the provisions of this zoning bylaw applicable to the underlying zoning districts in which said District are located and provided such uses do not permanently and significantly derogate from the purpose of this Section 4200:

- a) Proper operation and maintenance of dams and other water control devices for drainage or flood control.
- b) Temporary alteration of water level for emergency or maintenance.
- c) Appropriate governmental use, including water and sewerage works, pumping stations and river and stream clearance.
- d) Conservation of soil and plants and wildlife management.
- e) Outdoor recreation including play areas, nature study, boating, foot, bicycle and horse paths and bridges, fishing and hunting where otherwise legally permitted but excluding buildings and structures there for.
- f) Uses and interior improvements of buildings or structures lawfully existing prior to adoption of this Section or for which a building permit has been issued prior to adoption of this Section.
- g) Forestry, grazing, farming, nurseries, and truck gardening.
- h) Accessory uses to any of the above permitted uses.

4240. Special Permits.

4241. Schedule of Special Permit Uses. Where otherwise legally permitted by the provisions of this zoning bylaw applicable to the underlying districts in which the District is located, and subject to such special conditions and safeguards as the Board of Appeals deems necessary to fulfill the purpose of this Section, the following uses are permitted by Special Permit granted by the Zoning Board of Appeals in accordance with the provisions of subparagraph 4242:

- a) Foot bridges, plank walks, duck walks, and private boat landings.
- b) Golf courses.
- c) Temporary storage of materials or equipment.
- d) Dams, excavation or changes in water courses to create ponds or pools for swimming, fishing or other recreational or agricultural use, scenic features or for improvements consistent with the purposes of this Section.
- e) Appropriate driveways and roads when alternative means of access are impractical.

f) Repair, rebuilding, modification, enlargement or exterior alteration of existing structures, which will be subject to the substantial improvement provisions of the Massachusetts State Building Code.

4242. Considerations. In hearing an application for a Special Permit hereunder, the Board of Appeals shall consider, in addition to any other factors said Board deems pertinent, the following factors: (Revised 5/5/94 Annual Town Meeting)

a) Geographic location of proposed structures and security of access thereto during flooding.

b) Foundation elevations and security of foundations during flooding.

c) Disposal and containment of sewage during flooding.

d) In Zone ~~A1-30~~ and AE, along watercourses within the Town of Norwell that have a regulatory floodway designated on the ~~Norwell Plymouth County FIRM or Flood Boundary & Floodway Map (250276-0001-0009 to 250276-0008B)~~ encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

e) Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones in order to assure that: 1) such proposals minimize flood damage; 2) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and 3) adequate drainage is provided to reduce exposure to flood hazards.

f) In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

4243. Criteria for Approval. Whenever the Board of Appeals is authorized to issue a Special Permit for a use under this Section, said Board shall assure, that such use shall be consistent with the purposes of this Section, and will,

a) Not produce unsuitable development in marshes, bogs and ponds or along water courses or in areas subject to flooding.

b) Protect and preserve the inland marshes, bogs, ponds and water courses and their adjoining wetlands in order to safeguard the purity of inland and tidal waters for the propagation and protection of marine life and for recreational purposes.

c) Conserve the value of lands and existing buildings.

d) Facilitate the adequate protection of provision of a water supply through preservation and maintenance of the ground water table.

e) Encourage the most appropriate use of the land.

4250. Prohibited Uses. Except as provided in paragraph 4230, no building, wall, dam or other structure shall be created, constructed altered, enlarged or otherwise created or moved in the district for any purpose.

No dumping, filling excavating or transferring of any material which will reduce or impair natural water storage or recharge capacity of any land within the District or interfere with the natural flow patterns of any water course within the District shall be permitted.

4260. Notification of Watercourse Alteration. (Revised 5/5/94 Annual Town Meeting)

Notifying, in a riverine situation, the following of any alteration or relocation of a watercourse:

Adjacent Communities

Bordering Stations (optional)

NFIP State Coordinator

~~Massachusetts Office of Water Resources~~

~~100 Cambridge Street~~

~~Boston, MA 02202~~

Massachusetts Department of Conservation and Recreation

251 Causeway Street, Suite 600-700

Boston, MA 02114-2104

NFIP Program Specialist

~~FEMA Region I, Rm. 462~~

~~J. W. McCormack Post Office and Courthouse~~

~~Boston, MA 02109~~

Federal Emergency Management Agency, Region I

99 High Street, 6th Floor

Boston, MA 02110

4270. Administration.

4271. Whenever an application is made for a building which the Building Inspector believes may involve the use of land in the District, he shall determine by any means at his disposal, whether the parcel identified in the application lies within the District.

4272. In order to expedite this determination, the Building Inspector shall at his request be provided by the applicant a complete topographic plan of the area proposed for use prepared by a Registered Professional Engineer or Registered Land Surveyor showing elevations of the land, contours at one-foot intervals to the same base and scale as that on the "Flood Plain, Watershed and Wetlands Protection District" maps of the Town, and showing all pertinent information including existing brooks, streams, river and areas of ponding, the extent and depth of proposed excavation and/or filling and limits of other proposed construction and/or appurtenant work.

4273. In case of a building permit for an interior improvement to a building or structure, the foregoing overall topographic plan shall not be required, or act on anything relative thereto.

Requested by the Planning Board

**The Advisory Board recommends this article.**

**ARTICLE 28:** To see if the Town will vote to amend Zoning By-Law Article III General Regulations to incorporate a new section 3500 Stormwater Management.

**Section 3500: Stormwater Management**

**3510. PURPOSE**

Regulation of discharges to the municipal separate storm sewer system (MS4) is necessary for the protection of the Town of Norwell's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment. Increased and contaminated stormwater runoff associated with developed land uses and the

accompanying increase in impervious surface are major causes of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater.

A. The harmful impacts of soil erosion and sedimentation are:

1. Impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;
2. Contamination of drinking water supplies;
3. Alteration or destruction of aquatic and wildlife habitat;
4. Flooding; and
5. Overloading or clogging of municipal catch basins and storm drainage systems.

B. The objectives of this Section are:

1. To require practices to control the flow of stormwater from new and redeveloped sites into the Town of Norwell's storm drainage system in order to prevent flooding and erosion;
2. To protect groundwater and surface water from degradation;
3. To promote groundwater recharge;
4. To prevent pollutants from entering the Town of Norwell's municipal separate storm sewer system (MS4) and to minimize discharge of pollutants from the MS4;
5. To ensure adequate long-term operation and maintenance of structural stormwater best management practices so that they work as designed;
6. To comply with state and federal statutes and regulations relating to stormwater discharges; and
7. To establish the Town of Norwell's legal authority to ensure compliance with the provisions of this Section through inspection, monitoring, and enforcement.

### **3515. DEFINITIONS**

**ABUTTER:** The owner(s) of land abutting the activity.

**AGRICULTURE:** The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act and its implementing regulations.

**ALTERATION OF DRAINAGE CHARACTERISTICS:** Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined, discrete discharge, change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

**APPLICANT:** Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government to the extent permitted by law requesting a soil erosion and sediment control permit for proposed Construction Activity.

**AUTHORIZED ENFORCEMENT AGENCY:** The Planning Board (hereafter the Board), its employees or agents designated to enforce this Section.

**BEST MANAGEMENT PRACTICE (BMP):** An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

**CLEARING:** Any activity that removes/structurally alters pre-existing pervious or impervious surfaces at a Site.

**CONSTRUCTION ACTIVITY:** Any activity that causes a change in the position or location of soil, sand, rock, gravel or similar earth material.

**CONSTRUCTION SITE:** The plot of land located within the Town on which the Construction Activity will occur.

**CONSTRUCTION AND WASTE MATERIALS:** Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter and sanitary waste at a construction site that may adversely impact water quality.

**DEVELOPMENT:** The modification of land to accommodate a new use or expansion of use, usually involving construction.

**DISTURBANCE:** Construction Activity including clearing, grubbing, or grading.

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

**GRUBBING:** The act of clearing land surface by digging up roots and stumps.

**EROSION:** The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

**EROSION AND SEDIMENTATION CONTROL PLAN:** A document containing narrative, drawings and details developed by a qualified professional engineer (PE), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related activities.

**ESTIMATED HABITAT OF RARE WILDLIFE AND CERTIFIED VERNAL POOLS:** Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act Regulations (310 CMR 10.00) and the Forest Cutting Practices Act Regulations (304 CMR 11.00).

**IMPERVIOUS SURFACE:** Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and roof tops.

**MASSACHUSETTS ENDANGERED SPECIES ACT:** (G.L. c. 131A) and its implementing regulations at (321 CMR 10.00) which prohibit the “taking” of any rare plant or animal species listed as Endangered, Threatened, or of Special Concern.

**MASSACHUSETTS STORMWATER MANAGEMENT POLICY:** The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 §. 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

**MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS:** The Standards issued by the Massachusetts Department of Environmental Protection (DEP), codified in regulations at 310 CMR 10.05(6)(k)-(q) and further defined and specified in the Massachusetts Stormwater Handbook issued by the DEP. The Standards address stormwater impacts through implementation of performance standards that reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

**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 Norwell.

**NPDES:** National Pollution Discharge Elimination System Construction General Permit issued by the Environment Protection Agency to the Applicant.

**OPERATOR:** The party associated with the Construction Activity that meets either of the following two criteria: (1) The party who has operational control over construction plans and specifications including the ability to make modifications to those plans and specifications or (2) The party who has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a Stormwater Pollution Prevention Plan for the site or other permit conditions.

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

**OUTFALL:** The point at which stormwater flows out from a point source discernible, confined and discrete conveyance into waters of the Commonwealth.

**OUTSTANDING RESOURCE WATERS (ORWs):** Waters designated by Massachusetts Department of Environmental Protection as ORWs. These waters have exceptional sociologic, recreational, ecological and/or aesthetic values and are subject to more stringent requirements under both the Massachusetts Water Quality Standards (314 CMR 4.00) and the Massachusetts Stormwater Management Standards. ORWs include vernal pools certified by the Natural Heritage Program of the Massachusetts Department of Fisheries and Wildlife and



Environmental Law Enforcement, all Class A designated public water supplies with their bordering vegetated wetlands, and other waters specifically designated.

**PERSON:** An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

**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.

**POLLUTANTS:** Include without limitation the following: Dredged spoil, solid waste, incinerator residue, filter back-wash, sewage, garbage, sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rocks, sand, animal or agricultural waste, oil, grease, gasoline or diesel fuel.

**REDEVELOPMENT:** Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.

**PRE-CONSTRUCTION:** All activity in preparation for construction.

**PRIORITY HABITAT OF RARE SPECIES:** Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act and its regulations.

**RUNOFF:** Rainfall, snowmelt, or irrigation water flowing over the ground surface.

**SEDIMENT:** Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

**SEDIMENTATION:** The process or act of deposition of sediment.

**SITE:** Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

**SLOPE:** The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

**SOIL:** Any earth, sand, rock, gravel, or similar material.

**STABILIZATION:** The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

**STORMWATER:** Storm water runoff, snow melt runoff, and surface water runoff and drainage.

**STORMWATER DISCHARGES:** Stormwater that runs off from the construction Site into the MS4 or otherwise into Waters of the U.S.

**STORMWATER MANAGEMENT MEASURES:** Infrastructure improvements that are constructed or installed during Construction Activity to prevent Pollutants from entering Stormwater Discharges or to reduce the quantity of Stormwater Discharges that will occur after Construction Activity has been completed. Examples include but are not limited to: on-site filtration, flow attenuation by vegetation or natural depressions, outfall velocity dissipation devices, retention structures and artificial wetlands, and water quality detention structures.

**STORMWATER PERMIT:** The permit issued by the Awarding Authority to the Applicant which allows Construction Activity to occur as outlined by the Applicant in its application and Stormwater Pollution Prevention Plan.

**STORMWATER POLLUTION PREVENTION PLAN (SWPPP):** That plan required of all Applicants in which they outline the Erosion and Sedimentation BMPs they will use, the BMPs they will use to control wastes generated on the Construction Site, the Stormwater Management Measures they will construct and their plan for long-term maintenance of these measures.

**STRIP:** Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.



TSS: Total Suspended Solids.

VERNAL POOLS: Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species.

WATERCOURSE: A natural or man-made channel through which water flows or a stream of water, including a river, brook, or underground stream.

1. WATERS OF THE US.: These include:
2. All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide;
3. All interstate waters including interstate wetlands;
4. All other waters such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
  - a. That are or could be used by interstate or foreign travelers for recreational or other purposes;
  - b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
  - c. That are used or could be used for industrial purposes by industries in interstate Commerce;
5. All impoundments of waters otherwise defined as waters of the United States under this definition;
6. Tributaries of waters identified in paragraphs 1 through 4 of this definition;
7. The territorial sea; and
8. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs 1 through 6 of this definition.

WETLANDS: Tidal and non-tidal areas characterized by saturated or nearly saturated soils most of the year that are located between terrestrial (land-based) and aquatic (water-based) environments, including freshwater marshes around ponds and channels (rivers and streams), brackish and salt marshes; common names include marshes, swamps and bogs.

### **3520. AUTHORITY**

This Section is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

### **3525. APPLICABILITY**

This Section shall apply to all activities that result in disturbance of one or more acres of land, where all or a portion of that land drains stormwater to the municipal separate storm sewer system. Except as authorized by the Board in a Stormwater Permit or as otherwise provided in this Section, no person shall perform any activity that results in disturbance of an acre or more of land.

Normal maintenance and improvement of land in agricultural or aquacultural use, as defined by the Wetlands Protection Act regulation 310 CMR 10.4, are exempt. In addition, Construction Activities are exempt from needing a Stormwater Permit if stormwater discharge resulting from the project demonstrates compliance with the Massachusetts Stormwater Management Standards, either through a properly issued Order of Conditions, Site Plan Review, Special Permit/Variance or Subdivision Plan approval. In order to receive this exemption, the Order of Conditions, Site Plan Review, Special Permit/Variance or Subdivision Plan approval must relate to the entire footprint of the project.

The Stormwater Permit does not exclude the requirement of filing a Construction General Permit with the Environmental Protection Agency.

### **3530. RESPONSIBILITY FOR ADMINISTRATION**

A. The Board shall administer, implement and enforce this Section. Any powers granted to or duties imposed upon the Board may be delegated in writing by the Board to its employees or agents.

B. Waiver. The Board may waive strict compliance with any requirement of this Section or the rules and regulations promulgated hereunder, where:

1. Such action is allowed by federal, state and local statutes and/or regulations,
2. The project is in the public interest, and
3. The project is not inconsistent with the purpose and intent of this Section.

C. Rules and Regulations. The Board may adopt, and periodically amend rules and regulations to effectuate the purposes of this Section. Failure by the Board to promulgate such rules and regulations shall not have the effect of suspending or invalidating this Section.

### **3535. PERMITS and PROCEDURE**

A. Application Procedure. Applicant must sign and file an Application for a Stormwater Permit on a form provided by the Town. The Application should be submitted to the Board and to be deemed complete must be accompanied by:

1. A Stormwater Permit Application Fee.
2. Identification of the Construction Site by book, page, and plot number in the records of the Assessor's Office.
3. A narrative description of the Construction Activity intended, the proposed use of any improvements to be constructed and the construction timetable.
4. A Site Plan required by subsection 3540.
5. A list of abutters certified by the Assessor's Office including addresses.
6. A Stormwater Pollution Prevention Plan required by subsection 3545.

B. Entry. Filing an application for a permit grants the Board or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.

C. Other Boards. The Board shall notify the Town Clerk of receipt of the application, and shall give one copy of the application package to the Building Department, Conservation Commission and Highway Department for review and comment.

D. Public Hearing. The Board shall hold a public hearing within twenty-one (21) days of the receipt of a complete application and shall take final action within twenty-one (21) days from the time of the close of the hearing unless such time is extended by agreement between the applicant and the Board. Notice of the public hearing shall be given by publication and posting and by first-class mailings to abutters at least fourteen (14) days prior to the hearing. The Board shall make the application available for inspection by the public during business hours at the Town of Norwell's Planning Department Office.

E. Information requests. The applicant shall submit all additional information requested by the Board to issue a decision on the application.

F. Action by the Board.

The Board may:

1. Approve the Stormwater Permit Application and issue a permit if it finds that the proposed plan will protect water resources and meets the objectives and requirements of this Section;
2. Approve the Stormwater Permit Application and issue a permit with conditions, modifications or restrictions that the Board determines are required to ensure that the project will protect water resources and meets the objectives and requirements of this Section;
3. Disapprove the Stormwater Permit Application and deny the permit if it finds that the proposed plan will not protect water resources or fails to meet the objectives and requirements of this Section.

Prior to approval of a Stormwater Permit Application, the Board will ensure that that the Applicant is incorporating Low Impact Design and green infrastructure (e.g., rain gardens, bio-retention areas, water quality swales, etc.) to the maximum extent practicable. This should include elements that avoid clear cutting and minimize the amount of proposed impervious surfaces.

G. Failure of the Board to take final action. Failure of the Board to take final action upon an Application within the time specified above shall be deemed to be approval of said Application. Upon certification by the Town Clerk that the allowed time has passed without the Board's action, the Stormwater Permit shall be issued by the Board.

H. Fee Structure. Each application must be accompanied by the appropriate application fee as established by the Board pursuant to rules and regulations to be adopted by the Board. Applicants shall pay review fees as determined

by the Board sufficient to cover any expenses connected with the public hearing and review of the Stormwater Permit Application before the review process commences. The Board is authorized to retain a Registered Professional Engineer or other professional consultant to advise the Board on any or all aspects of the Application.

I. Project Changes. The permittee, or their agent, must notify the Board in writing of any change or alteration of a land-disturbing activity authorized in a Stormwater Permit before any change or alteration occurs. If the Board determines that the change or alteration is significant, based on the design requirements listed in subsection 3540 and accepted construction practices, the Board may require that an amended Stormwater Permit application be filed and a public hearing held. If any change or alteration from the Stormwater Permit occurs during any land disturbing activities, the Board may require the installation of interim erosion and sedimentation control measures before approving the change or alteration.

### **3540. SITE PLAN**

The Site Plan that is submitted must be stamped by a Professional Civil Engineer (P.E.) registered in Massachusetts and contain at least the following information:

- A. Names, addresses and telephone numbers of the Person(s) or firm(s) preparing the plan.
- B. Title, date, north arrow, scale, legend and locus map.
- C. Zoning, district boundaries and current land use on the Construction Site.
- D. Location and description of natural features including watercourses and water bodies, wetland resource areas and all floodplain information including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map (or as calculated by a professional engineer for areas not assessed on those maps) located on or adjacent to the Construction Site.
- E. A description and delineation of existing Stormwater conveyances and impoundments located on the Construction Site with their point of discharge noted.
- F. Location and description of existing soils and vegetation including tree lines, shrub layer, ground cover and herbaceous vegetation with run-off coefficient of each and identification of trees with a caliper twelve (12) inches or larger.
- G. Habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species located on or adjacent to the Construction Site.
- H. Lines of existing abutting streets showing drainage, driveway locations and curb cuts on and abutting the Construction Site.
- I. Surveyed property lines of the Construction Site showing distances and monument locations, all existing easements, rights-of-way, and other encumbrances, the area of the entire area that is to be disturbed. The plan shall specify the land area and area of upland and wetlands on the Site and easements required for construction/post-construction O&M. As a condition of the issuance of the Certificate of Completion by the Board, all easements required for construction/post-construction O&M should be filed at the Plymouth County Registry of Deeds.
- J. All proposed Site improvements including location of buildings or other structures and impervious surfaces (such as parking lots).
- K. Topographical features including existing and proposed contours at intervals of no greater than two (2) feet with spot elevations provided when needed.
- L. The existing and proposed site hydrology including drainage patterns and finish grades after construction.
- M. Location of the Municipal Separate Stormwater Sewer System with relation to the Construction Site.

N. Identification of Outfalls which are located on the Construction Site.

O. Stormwater Discharge calculations prepared and certified by a Registered Professional Civil Engineer in the Commonwealth of Massachusetts describing the volume and rate of Stormwater that presently discharges from the Construction Site and the estimated volume and rate of post-development conditions.

P. Identification of any existing Stormwater Discharges emanating from the Construction Site and discharging into the Municipal Separate Stormwater Sewer System and receiving waters.

Q. Soil logs at all proposed detention/retention basins demonstrating infiltration rates necessary for Best Management Practice implementation.

### **3545. STORMWATER POLLUTION PREVENTION PLAN REQUIREMENTS**

The Applicant must submit a Stormwater Pollution Prevention Plan (SWPPP) with its Application for a Stormwater Permit. The SWPPP must be stamped by a Professional Civil Engineer (P.E.) registered in Massachusetts and include the following: (1) a plan to control wastes generated by the Construction Activity on the Construction Site, (2) an Erosion and Sedimentation Control Plan, (3) a plan to construct Stormwater Management Measures, and (4) a plan for Operation and Maintenance of Stormwater Management Measures after construction has been completed.

#### **A. PLAN TO CONTROL WASTES**

Applicant must list the construction and waste materials expected to be generated or stored on the Construction Site. These wastes include but are not limited to: discarded building materials, concrete truck washout, chemicals, litter, sanitary waste and material stockpiles. Applicant must also describe in narrative form the Best Management Practices it will utilize to reduce pollutants from these materials including storage practices to minimize exposure of the materials to Stormwater and spill prevention and response plans. If any structural BMPs are proposed, they must be identified and located on the site plan. At a minimum, the Applicant's plan should provide for the following:

1. Areas designated and controlled for equipment storage, maintenance and repair.
2. Convenient locations for waste receptacles and a schedule for regular removal.
3. Wash down areas for vehicles selected to prevent contamination of Stormwater.
4. Covered storage areas for chemicals, paints, solvents, fertilizers and other toxic materials.
5. Adequately maintained sanitary facilities.

#### **B. EROSION AND SEDIMENTATION CONTROL PLAN**

Applicant must describe its plan for properly stabilizing the site before construction begins and the BMPs that it will use during construction to minimize erosion of the soil and sedimentation of the Stormwater. These BMPs should include both stabilization practices such as: seeding, mulching, preserving trees and vegetative buffer strips, contouring and structural practices such as: earth dikes, silt fences, drainage swales, sediment traps, check dams, and subsurface or pipe slope drains. Applicant must locate structural BMPs on the site plan. Applicant must also provide details of construction including the timing, scheduling and sequencing of development including clearing, stripping, rough grading, construction, final grading and Final Site Stabilization. The design requirements of the Erosion and Sedimentation Control Plan are:

1. Minimize total area of disturbance;
2. Sequence activities to minimize simultaneous areas of disturbance;
3. Minimize peak rate of runoff in accordance with the Massachusetts Stormwater Policy;

4. Minimize soil erosion and control sedimentation during construction, provided that prevention of erosion is preferred over sedimentation control;
5. Divert uncontaminated water around disturbed areas;
6. Maximize groundwater recharge;
7. Install and maintain all Erosion and Sediment Control measures in accordance with the manufacturers specifications and good engineering practices;
8. Prevent off-site transport of sediment;
9. Protect and manage on and off-site material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project);
10. Comply with all applicable Federal, State and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control;
11. Prevent significant alteration of habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or Of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species from the proposed activities;
12. Institute interim and permanent stabilization measures, which shall be applied on a disturbed area as soon as practicable but no more than 14 days after construction activity has temporarily or permanently ceased on that portion of the site;
13. Prevent off-site vehicle tracking of sediments by placing stone at all points of ingress and egress to the Site and installing wash-down areas for vehicles as necessary to ensure no off-site vehicle tracking of sediments

#### C. PLAN TO CONSTRUCT STORMWATER MANAGEMENT MEASURES

The application for a Stormwater Permit shall include submittal of a Plan to Construct Stormwater Management Measures to the Board. This Plan shall contain sufficient information for the Board to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the Applicant for reducing adverse impacts from stormwater. The Plan shall be designed to meet the Massachusetts Stormwater Management Standards and DEP Stormwater Management Handbook Volumes I and II, as revised. The Plan shall fully describe the project in drawings and narrative. It shall include:

1. The existing site hydrology with supporting data,
2. A description & delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which stormwater flows,
3. Estimated seasonal high groundwater elevation (November to April) and soil logs for areas to be used for stormwater retention, detention, or infiltration,
4. The existing and proposed vegetation and ground surfaces with runoff coefficients for each,
5. Identification of water bodies that will receive Stormwater Discharges from the Construction Site with the location of drains/outfalls noted on the Site Plan. A brief description of known water quality impacts and whether the water bodies receiving such Stormwater Discharges have:
  - Been assessed and reported in reports submitted by the Massachusetts Department of Environmental Protection to EPA pursuant to Section 305 (b) of the Clean Water Act

- Been listed as a Category 5 Water (Waters Requiring a Total Maximum Daily Load (TMDL)) by DEP under 303(d) of the CWA.
6. A drainage area map showing pre- and post-construction watershed boundaries, drainage area and stormwater flow paths,
  7. A description and drawings of all components of the proposed drainage system including:
    - a. locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization,
    - b. all measures for the detention, retention or infiltration of water,
    - c. all measures for the protection of water quality,
    - d. the structural details for all components of the proposed drainage systems and stormwater management facilities,
    - e. notes on drawings specifying materials to be used and construction specifications,
  8. Proposed improvements including location of buildings or other structures, impervious surfaces, utilities and drainage facilities, if applicable,
  9. Timing, schedules, and sequence of development including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization,
  10. A maintenance schedule for the period of construction,
  11. Any other information requested by the Board.

The Plan shall also meet the Ten Standards of the DEP Massachusetts Stormwater Management Policy. When one or more of the Standards cannot be met, an Applicant may demonstrate that an equivalent level of environmental protection will be provided.

#### D. OPERATIONS AND MAINTENANCE PLAN

An Operation and Maintenance Plan (O&M Plan) is required at the time of application for all projects. The O&M plan shall be designed to ensure compliance with this Section 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 Board shall make the final decision of what maintenance option is appropriate in a given situation. The Board will consider natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this decision. The O&M Plan shall remain on file with the Board and shall be an ongoing requirement. The O&M Plan shall include:

1. The name(s) of the owner(s) for all components of the system
2. Maintenance agreements that specify:
  - a. The names and addresses of the person(s) responsible for operation and maintenance
  - b. The person(s) responsible for financing maintenance and emergency repairs.
  - c. A maintenance schedule for all drainage structures, including swales and ponds.
  - d. A list of easements with the purpose and location of each.
  - e. The signature(s) of the owner(s).
3. Stormwater Management Easement(s).
  - a. Stormwater management easements shall be provided by the property owner(s) as necessary for:
    - (1) access for facility inspections and maintenance,

- (2) preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event.
  - (3) direct maintenance access by heavy equipment to structures requiring regular cleanout.
- b. The purpose of each easement shall be specified in the maintenance agreement signed by the property owner.
- c. Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the Board.
- d. Easements shall be recorded with the Plymouth County Registry of Deeds prior to issuance of a Certificate of Completion by the Board.
- 4. Changes to Operation and Maintenance Plans
  - a. The owner(s) of the stormwater management system must notify the Board of changes in ownership or assignment of financial responsibility.
  - b. The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of this Section by mutual agreement of the Board and the Responsible Parties. Amendments must be in writing and signed by all Responsible Parties. Responsible Parties shall include owner(s), persons with financial responsibility, and persons with operational responsibility.

### **3550 PERMIT TERM**

The Stormwater Permit shall be effective upon the date of issuance and remain in effect until the earlier to occur of: 1) a Certificate of Completion is issued by the Awarding Authority indicating that all Construction Activity has ceased and Final Site Stabilization construction, inspection and approval by a representative of the Awarding Authority has occurred, or 2) the date three years from the date of issuance of the Stormwater Permit has occurred without Applicant starting Construction Activity on the Construction Site.

### **3555. INSPECTION AND SITE SUPERVISION**

A. Pre-construction Meeting. Prior to starting clearing, excavation, construction, or land disturbing activity 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 Board, to review the permitted plans and their implementation.

B. Board Inspection. The Board or its designated agent shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Stormwater Permit as approved. The Permit and associated plans for grading, stripping, excavating, and filling work, bearing the signature of approval of the Board, shall be maintained at the site during the progress of the work. In order to obtain inspections, the permittee shall notify the Board at least two (2) working days before each of the following events:

- 1. Erosion and sediment control measures are in place and stabilized;
- 2. Site Clearing has been substantially completed;
- 3. Rough Grading has been substantially completed;
- 4. Final Grading has been substantially completed;
- 5. Close of the Construction Season; and
- 6. Final Landscaping (permanent stabilization) and project final completion.

C. Permittee Inspections. The permittee or his/her agent shall conduct and document inspections of all control measures) no less than weekly or as specified in the permit, and prior to and following anticipated storm events. The purpose of such inspections will be to determine the overall effectiveness of the control plan, and the need for maintenance or additional control measures. The permittee or his/her agent shall submit monthly reports to the Board or designated agent in a format approved by the Board.

D. Access Permission. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Board its agents, officers, and employees may enter upon privately owned property for the purpose



of performing their duties under this Section and may make or cause to be made such examinations, surveys or sampling as the Board deems reasonably necessary to determine compliance with the permit.

### **3560. SURETY**

The Board may require the permittee to post before the start of Construction Activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by town counsel, and be in an amount deemed sufficient by the Board to ensure that the work will be completed in accordance with the permit. If the project is phased, the Board may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until the Board has received the final report as required by subsection 3565 and issued a certificate of completion.

### **3565. FINAL REPORTS**

Upon completion of the work, the permittee shall submit a report (including certified as-built construction plans) from a Professional Engineer (P.E.), surveyor, certifying that all erosion and sediment control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved Stormwater Permit. Any discrepancies should be noted in the cover letter.

### **3570. ENFORCEMENT**

A. The Board or an authorized agent of the Board shall enforce this Section, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

#### **B. Orders**

1. The Board or an authorized agent of the Board may issue a written order to enforce the provisions of this Section or the regulations thereunder, which may include:
  - a. a requirement to cease and desist from the Construction Activity until there is compliance with the provisions of the land-disturbance permit;
  - b. maintenance, installation or performance of additional erosion and sediment control measures;
  - c. monitoring, analyses, and reporting;
  - d. remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity.
2. If the enforcing person determines that abatement or remediation of erosion and sedimentation is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Norwell may, at its option, undertake such work, and the property owner shall reimburse the Town of Norwell's expenses.
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 Norwell, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Board 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 Board 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, as provided in G.L. c.59, §57, after the thirty-first day following the day on which the costs were due.

C. Any person that violates any provision of this Section may be punished, under G.L. c.40 §21D as a noncriminal offense, by fines of:

1. First offense: \$100
2. Second offense: \$200
3. Additional offenses: \$300

Or under G.L. c.40 §21D by criminal complaint at the appropriate venue. Each day or portion thereof during which a violation continues shall constitute a separate offense.



- D. Appeals. The decisions or orders of the Board shall be final. Further relief shall be to a court of competent jurisdiction.
- E. Remedies Not Exclusive. The remedies listed in this Section are not exclusive of any other remedies available under any applicable federal, state or local law.

#### **3575. CERTIFICATE OF COMPLETION**

The Board will issue a letter certifying completion upon receipt and approval of the final reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this Section.

#### **3580. SEVERABILITY**

If any provision, paragraph, sentence, or clause of this Section shall be held invalid for any reason, all other provisions shall continue in full force and effect. Or act on anything relative thereto.

Requested by the Planning Board

**The Advisory Board recommends this article.**

**ARTICLE 29:** To see if the Town will vote to amend Zoning By-Law Article I Administration and Procedure §1500 Site Plan Review by removing strikethrough sections and incorporating underlined sections.

##### **1500. Site Plan Review.**

**1510. When Required.** No structure shall hereafter be erected or externally enlarged by more than 200 square feet on any lot in any non-residential district, or for any non-residential use in Residential Districts A and B (meaning thereby all districts under the Zoning Bylaws—~~except Residential Districts A and B~~) and no such use hereafter be established or expanded in ground area on any lot in any ~~such~~ district except in conformity with a site plan of such lot and structures proposed to be constructed on such lot bearing endorsement of approval by the Board of Appeals, unless another town board or committee is specifically designated, or act on anything relative thereto.

Requested by the Planning Board

**The Advisory Board DOES NOT recommend this article 6-2. The Advisory Board is concerned with the lack of clarity and an exemption for residential use.**

**ARTICLE 30:** To see if the Town will vote to amend Zoning By-Law Article II District Regulations §2320 Business District A by removing strikethrough sections and incorporating the table shown under “Proposed New Language”:

##### **EXISTING LANGUAGE:**

##### **2320. Business District A.**

##### **2321. Permitted Residential Uses.**

- a) ~~One family detached dwelling and associated outbuildings, with not more than one such dwelling located on any lot.~~
- b) ~~Conversion of a dwelling existing at the time of the passage of this Bylaw to a two or three family dwelling, provided that such conversion does not substantially change the character or size of the structure, and provided~~

further that the lot appurtenant to said dwelling has an area per family unit of at least half that required for a single-family unit.

2322. Permitted Community Service Uses:

- a) Municipal buildings conforming to area and setback requirements and properly landscape screened.
- b) Public utility buildings directly needed to provide services to the townspeople, which conform to area and setback requirements and which are properly landscape screened, but not including business offices, repair garages, or outside storage areas.
- c) Cemetery.
- d) Educational and religious uses exempt from zoning prohibitions by G.L. c. 40A, s. 3.
- e) Other institutional, educational, recreational, philanthropic, or religious building or use, provided that such building or use is not a business undertaking, but not including one, the chief activity of which is a service (1) to delinquent criminal, mentally deficient or mentally deranged persons, or (2) customarily carried on as a business.

2323. Permitted Business Uses:

- a) An office of either a doctor, or a dentist, or a lawyer with not more than (3) members of said profession in occupancy.

2324. Other Permitted Principal Uses:

- a) A private club managed and controlled by the membership, but not including one whose chief activity is a service customarily carried on as a business. However, the foregoing shall not prohibit the customary functions of bona fide country clubs, sportsman clubs, amateur dramatic clubs, social or educational clubs, and the like.
- b) Agricultural pursuits (and buildings necessary to such pursuits) including the sale of products most of which are raised on the premises and the processing of timber or lumber grown on the premises, but not that grown elsewhere, except as otherwise permitted in the Section.

2325. Permitted Accessory Uses:

- a) Customary home occupations such as insurance, or real estate, craft manufacturing, dressmaking, millinery, hair dressing, preparing food for sale, mail order businesses, the taking of not more than four boarders or lodgers at any one time, the like, conducted by a person residing in the premises and provided that such occupations and use are not injurious or offensive to the neighborhood because of the emission of odors, fumes, dust, noise, smoke, vibrations or other causes.
- b) Service businesses provided that (1) the business is conducted by a resident occupant; (2) the business is conducted principally away from the premises; (3) the business is not injurious or offensive to the neighborhood because of the emission of odors, fumes, dust, noise, smoke, vibrations or other causes; and (4) there is no display of goods visible from the street.

2326. Uses Requiring a Special Permit from the Board of Appeals:

- a) Any business, including shops for custom work and service operations, where the product or service is customarily sold on the premises to the consumer. Gasoline and service stations and automobile sales and repair establishments are prohibited.

- b) Any other business similar to but not enumerated in subparagraph 2325 a) and b).

- c) Conversion to add one accessory dwelling unit to a single family dwelling which has been in existence for and not substantially altered within twenty four months or longer at the time of application. Such Special Permit shall be granted only if:

- (1) the accessory unit will be a part of the main dwelling and the habitable floor area of the accessory dwelling unit will not be more than one third that of the main dwelling;
- (2) there will be no more than a 5% increase in the habitable floor area of the main dwelling;
- (3) the owner of the premises will occupy one of the units except for temporary absences and the other unit will be occupied by one or more persons (a) directly related to the owner by blood or marriage, or (b) 60 years of age or more;
- (4) exterior alterations will not change the appearance of the main dwelling as a single family residence;
- (5) the Board of Health documents to the Board of Appeals that sewage disposal will be satisfactorily provided for, and that there is an appropriate reserve area on the site meeting requirements of the Board of Health Rules and Regulations and Title V of the State Environmental Code, and having soils suitable for replacement on-site disposal system.

- d) Operation of a business between the hours of 2:00 a.m. and 5:00 a.m.

— In addition to any applicable conditions specified in this section, the Board of Appeals may impose such additional conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purpose of this by-law, including but not limited to the following:

- a. maximum number of occupants
- b. maximum number of rooms
- c. modification of driveway or parking spaces to provide adequate off-street parking.

— For purposes of this section, an accessory dwelling unit shall mean one or more rooms with kitchen and bathroom facilities not shared with any other dwelling unit and located in a main dwelling originally designed and constructed as a single-family dwelling.

**2327. PROHIBITED USES IN BUSINESS DISTRICT A: (ATM 5/15/2001 – Art. 26)**

The following use shall be prohibited:  
Body Art Establishments (See Article V – Definitions)

**PROPOSED LANGUAGE:**

**2320. Business District A**

The following table classifies uses within the Business District A. (Y) is allowed by-right, (N) is not allowed, and (SP) indicates the use is allowed by Special Permit. (GSF) is gross square feet.

Mixed-use Buildings that contain at least one floor devoted to non-residential uses and at least one devoted to residential uses are allowed as indicated in the use table.

Uses not identified within the table are prohibited.

Type	Use	Permitted
Residential	Single Family	N
	Single Family (above non-residential)	Y
	Two Family	N
	Two Family (above non-residential) <sup>1</sup>	Y
	Multi-Family	N
	Multi-Family (6 units max above non-residential) <sup>1</sup>	SP
	Live/Work Space (above non-residential) (specific use of “work” space may require Special Permit under this section)	Y
	Assisted Living / Nursing Home	SP
Commercial	Convenience Stores	
	0-5,000 gsf	Y
	>5000 gsf	N
	Pharmacies	
	0-5,000 gsf	Y
	>5000 gsf	N
	Cafés	Y
	Art Galleries	Y
	Banks	
	0-5,000 gsf	Y
	>5000 gsf	N
	Grocery Stores	SP
	Doctor, Dentist or Lawyer's Office (not more than three (3) members of said profession in occupancy)	Y
	Private Club <sup>2</sup>	Y
	Business or Professional Offices	SP
	Retail Sales and Services	
	0-5,000 gsf	Y
	5,001-10,000 gsf	SP

	>10,000 gsf (10,000 gsf maximum per floor)	SP
	Personal Services	
	0-5,000 gsf	SP
	>5000 gsf	N
	Restaurants	SP
	Taverns	SP
	Outdoor seating associated with Restaurants or Cafés subject to applicable licensing requirements	SP
	Movie House (maximum of two screens)	SP
	Liquor Stores	
	0-5,000 gsf	SP
	>5000 gsf	N
	Outdoor Markets subject to applicable licensing requirements	SP
	Indoor Recreational Facilities	SP
	Body Art Establishment	N
	Hotel/Inn (10 rooms maximum)	SP
	Motel	N
	Gasoline and Service Stations	N
	Automobile Sales and Repair	N
Community Service	Municipal Buildings	Y
	Public Utility Buildings	SP
	Cemetery	Y
	Protected Uses under M.G.L ch.40A s.3	Y
	Other institutional, educational, recreational, philanthropic or religious use <sup>3</sup>	Y
Accessory	Home Occupations <sup>4</sup>	Y
General Provisions	Drive-up windows associated with any use	N
	Drive-up ATMs associated with any use	N
	Any non-residential use with greater than 10,000 gsf on any individual floor (excludes municipal uses)	N
	Any exclusively residential use with greater than 4,000 gsf on any individual floor	N
	Outdoor Storage (excludes short term retail display)	N
	Operation of a Business between the hours of 2:00 a.m. and 5:00 a.m.	SP

<sup>1</sup> The SPGA may impose such additional conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purpose of this by-law, including but not limited to the maximum number of occupants, maximum number of rooms, modification of driveway or parking spaces to provide adequate off-street parking, etc.

<sup>2</sup> Provided that the club is managed and controlled by the membership and whose chief activity is not a service customarily carried on as a business. Customary functions of bona fide country clubs, sportsman clubs, amateur dramatic clubs, social or educational clubs and the like shall not be prohibited.

<sup>3</sup> Provided that such building or use (1) is not a business undertaking, (2) is not one where the chief activity is to service delinquent, criminal, or mentally deranged persons, or (3) is not customarily carried on as a business.

<sup>4</sup> Provided the use is conducted by a person residing at the premises and the use is not injurious or offensive to the neighborhood because of the emission of odors, fumes, dust, noise, smoke, vibrations or other causes. Customary Home Occupations include insurance, real estate, craft manufacturing, dressmaking, millinery, hair dressing, preparing food for sale, mail order business, service business and inns with not more than four (4) boarders or lodgers at any one time.

or act on anything relative thereto.

Requested by the Planning Board

**The Advisory Board recommends this article 6 – 3.**

**ARTICLE 31:** To see if the Town will vote to amend Zoning By-Law Article IV Special Regulations to incorporate a new section 4150 Town Center Overlay District and associated changes to section 2100 and section 6900.

**2100. Establishment of Districts**

Town Center Overlay District (TCOD) – (Voted ATM XX/XX/XXX)

**4150. Town Center Overlay District (TCOD)**

**1. Purpose and Intent**

The purposes of the Town Center Overlay District (TCOD) are to:

- A. Promote a visually attractive, pedestrian friendly commercial and mixed residential neighborhood that builds on the historic and cultural character of the town center area.
- B. Allow for a mix of new land uses that are appropriate to both the needs of the community and the scale of surrounding residential neighborhoods.
- C. Maintain a consistently high level of design and quality throughout the district.
- D. Encourage adaptive reuse of abandoned, vacant or underutilized buildings or structures where appropriate.
- E. Encourage energy efficiency and high performance environmental design.

**2. Conflict in Standards**

Development in the TCOD shall be governed by the zoning in the underlying zoning district except as otherwise authorized under a TCOD Special Permit. For projects qualifying for a TCOD Special Permit under the standards in this section, certain benefits may be conferred; in the event of any conflicts between the standards in this section if the Bylaw and other sections of the Bylaw, the standards of this section shall prevail.

**3. Authority**

**This section defines the authority for projects seeking to obtain approval under the TCOD regulations of this section only.**

Site Plan Review shall be required for any project located within and seeking to obtain approval under the TCOD regulations, consistent with the requirements of §1510. In those circumstances where Site Plan Review is required, the Planning Board shall act as the Site Plan Approval Granting Authority and Site Plan Review shall be conducted in accordance with the procedure and under the standards set forth under §1500 of the Bylaw.

The Planning Board shall also serve as the Special Permit Granting Authority (SPGA) for any project located within and seeking to obtain approval under the TCOD regulations. The Planning Board shall be authorized to approve, approve with conditions, or deny any application after consideration of the criteria set forth in §1400 of the Bylaw and the requirements in this Section of the Bylaw.

There shall be no use variances permissible in the TCOD and dimensional variances must be approved in advance of any Site Plan Review and the submission of any Special Permit.

The Planning Board is further granted the authority to adopt guidelines as a part of its rules and regulations specific to any design standards within its Planning Board Rules and Regulations.

#### **4. Review Requirements**

##### **A. New Development**

All new development seeking to conform to the more permissive requirements conferred by the TCOD shall prior to the commencement of any work obtain a TCOD Special Permit and receive Site Plan Review approval. Associated signage and parking with a new development shall be subject to the regulations in the TCOD.

##### **B. Alterations to Structures or Uses**

1. Any alteration, reconstruction, extension or structural changes to a structure or use approved under TCOD provisions shall require a new Special Permit and, in accordance with §1510, Site Plan Review approval from the Planning Board.
2. Any alteration, reconstruction, extension or structural changes to a lawfully pre-existing non-conforming structure or use shall be regulated by §1642 of this Bylaw and G.L. c. 40A §6.
3. Any alterations to a façade approved under TCOD provisions shall require a new Special Permit from the Planning Board with findings giving consideration to the Design Guidelines in the Planning Board Rules and Regulations.
4. Normal maintenance and repair of the building or structure; and/or replacement of exterior materials, including roofing materials, shingles or clapboard, provided such materials are replaced with the same type of materials are exempt from the Site Plan Review and Special Permit requirements of this section.

##### **C. Alteration to Signage**

Alterations to signage approved under the TCOD shall require a new Special Permit from the Planning Board, with findings giving consideration to the Design Review Guidelines in the Planning Board Rules and Regulations.

Normal maintenance and repair of existing signs are exempt from these Special Permit requirements and are governed by the signage requirements in ZBL §3300

##### **D. Alteration to Parking**

Alterations to a parking lot, location of parking spaces, surfaces and/or the number of spaces approved under the TCOD shall require a new Special Permit from the Planning Board

Normal maintenance and repair of existing parking lots are exempt from these Special Permit requirements and are governed by the parking requirements in ZBL §3100

#### **5. Submission Requirements**

An applicant requesting a TCOD Special Permit shall submit a TCOD Special Permit application with the required filing fee in accordance with the Planning Board Rules and Regulations and submit the following information as it pertains to individual projects:

##### **A. New Development and Alterations requiring Site Plan Review (greater than 200 square feet)**

1. All submission materials listed in ZBL §1520.
2. Building elevations and perspective renderings from the front, back and two sides shall be submitted that detail the exterior architectural features of the buildings and exterior materials to be used. The Planning Board may request comments on any proposal from the Norwell Historic Commission, Design Review Committee and/or other professional and peer review consultants of its own choosing. In the event that the Planning Board elects to utilize the services of other professional and peer review consultants, the applicant shall be responsible for advance payment of the estimated cost of this review.

3. For any use which requires the delivery of goods or materials, the applicant shall submit a plan for the delivery of goods and materials that includes the access area for the structure, types of delivery trucks to be used, the location and times for unloading, and any potential impacts and mitigation.

4. The applicant shall submit a detailed project narrative detailing how the design standards and guidelines have been addressed with the project.

**B. Alterations previously approved by TCOD Special Permit not requiring Site Plan Review (less than 200 square feet)**

1. Building elevations and perspective renderings from the front, back and two sides shall be submitted that detail the exterior architectural features of the buildings and exterior materials to be used. The Planning Board may request comments on the proposal from the Norwell Historic Commission, Design Review Committee and/or other professional consultants.

2. The applicant shall submit a detailed project narrative detailing how the design standards and guidelines have been addressed with the project.

**C. New Signage**

Proposals that require TCOD Special Permit shall submit a plan showing dimensions, materials and lighting.

**D. Parking**

Any reduction in parking requirements from the underlying zoning district shall require the applicant to submit a proposed parking plan with a detailed explanation and written justification for the reduction.

**E. For any project any additional information requested by the Planning Board shall be provided.**

**6. Procedure**

A. The Planning Board, as SPGA for the TCOD, shall adhere to the procedures for Special Permit set forth in ZBL §1400

B. Applicant shall submit seven (7) sets of the required documents to the Planning Board. The Planning Board shall review and, as appropriate, obtain technical review of the plan at the applicant's sole cost which said cost shall be advanced at the request of the Planning Board.

C. No building permit shall issue until the Planning Board has approved the site plan after Site Plan Review and granted Special Permit approval in accordance with this section of the Bylaw.

**7. Criteria for Approval**

A. The Planning Board, as SPGA for the TCOD, shall follow the Special Permit standards outlined in § 1420 of the Bylaw and Site Plan Review standards under § 1540.

B. The Planning Board may also consider the technical, architectural and aesthetic consistency of the proposed project with the district requirements and the character of the Overlay District, taking into account appropriate scale, massing, location of buildings on lot, roof slopes, street façade, fenestration, exterior building materials, and similar factors relating to the buildings, structures or uses.

**8. Dimensional Requirements**

**A. Lot Area**

As part of a TCOD Special Permit approval for commercial or mixed use development, the Planning Board may approve a reduction in the required lot size in the underlying zoning district to -12,500 square feet with the following requirements:

1. Only the project approved by Special Permit shall be constructed unless modifications are approved by the Planning Board.

2. Any remaining lot shall not be rendered non-conforming or become further nonconforming by any division or subdivision of property and the remainder property shall contain at least 1 acre in size.
3. No lot with less than an acre in size shall be created unless by Special Permit with an approved project.

#### B. Frontage and Width

As part of a TCOD Special Permit approval for commercial or mixed use development, the Planning Board may authorize minimum lot frontage measured at the street line to forty (40) feet with the following requirements:

1. Only the project approved by Special Permit shall be constructed unless modifications are approved by the Planning Board.
2. Any he remaining lot shall not be rendered nonconforming or become further nonconforming by any division or subdivision of property and the remainder property shall contain at least 80 feet of frontage.
3. No lot with less than 80 feet of frontage shall be created unless by Special Permit with an approved project.
4. Lots may be exempt from ZBL §2432 and ZBL §2433 by Special Permit.

#### C. Setbacks

##### 1. Front Setback

- a. Non-residential and Mixed Use: Front yard setbacks shall fall within the range of a minimum of fifteen (15) to a maximum of twenty five (25) feet.
- b. Residential Uses (Exclusive): Front yard setbacks shall comply with the setback requirements in the underlying zoning district.

##### 2. Side Setback

One side yard setback is required at a distance of 12' from the property boundary

##### 3. Rear Setback

- a. Rear yard setback is required at a distance of 20' from the rear lot line.
- b. On any lot in the TCOD that is contiguous with or crosses a residential district boundary line, no structure shall be constructed within 30' of said property boundary and a minimum 15' buffer zone of natural vegetation or landscaping shall be located along the property boundary.

#### D. Height

1. Height Limitations for Non-residential and Mixed Use: Building height for mixed use or non-residential use shall not exceed thirty four (34) feet to the roof peak and no building shall have more than three (3) stories.

Chimneys, poles, spires, elevators, HVAC, towers and other projections may extend above the building and/or structure height limit by a maximum of 10 feet. Projections classified by the SPGA as mechanical equipment must be setback a minimum 10 feet from the building edge and screened from public, street level view.

2. Height Limitations for Residential Uses (Exclusive): Building height limits for proposed development that is exclusively residential shall comply with the restrictions in the underlying zoning districts.

#### E. Building Coverage

As part of a TCOD Special Permit approval buildings and/or structures shall not be erected to exceed 50% of the lot area on which the building is proposed.

#### F. Waivers



The Planning Board may waive any of the underlying dimensional requirements under §8.C if the Planning Board determines that the requirements create an unbuildable condition on any lot. However, under no circumstances shall the front setback be less than fifteen (15) feet. The applicant shall substantiate by clear and convincing evidence such condition to the satisfaction of the Planning Board.

## **9. Design Review**

### **A. Design Standards**

All projects shall meet the following design standards.

#### ***1. Pedestrian Oriented Requirements***

- a. Buildings shall have a principal façade and entry (with operable doors) facing a street. Buildings may have more than one principal façade and/or entry.
- b. Direct pedestrian access from the primary street facing entrance to the sidewalk or street shall be provided.
- c. If no sidewalk exists along the length of the project frontage the applicant shall provide funds equal to the town's cost for the installation of said sidewalk consistent with the length of the lot frontage to the Town of Norwell Pedestrian Improvement Fund for the construction of sidewalks in the Town Center. Cost would be based on town engineering consultant's estimate.

#### ***2. Service Areas and Loading Spaces***

Ground level mechanical equipment, utility and trash enclosures, loading docks and other utilitarian and service elements shall not be located between the building and any abutting street and shall be visually screened from abutting properties and the street. The SPGA may impose restrictions on the hours of delivery so as to minimize any adverse impacts the service and loading aspects of the proposed use may have on the surrounding neighborhood and pedestrian and traffic circulation.

#### ***3. Lighting***

Lighting on any building or structure or otherwise on any land shall be appropriate to the historic and cultural character of the area and shall be designed to enhance safety and security while minimizing glare on abutting properties.

#### ***4. Parking***

- a. Refer to Section 10 for parking requirements.
- b. Parking and loading areas shall be screened from public right-of-way view and located in the rear or side of the lot. No parking is allowed in the front setback area (the area between the building, a line extending from the front most part of the building parallel to the street and the street).

#### ***5. Credit for Provision of Land for Public Infrastructure***

Where land is to be dedicated to the town for public infrastructure (including sidewalks, public pathways, parks, and other public infrastructure), the setbacks may be measured from the original property line (pre-dedication).

#### ***6. Residential Unit Size***

All residential units shall be a maximum 1,500 gsf and a minimum of 700 gsf.

### **B. Design Guidelines**

The Design Guidelines outlined in the Planning Board Rules and Regulations Section 12 should be applied to development within the Town Center Overlay District where appropriate. These guidelines are not intended to inhibit design creativity or discourage innovative architectural design solutions. Rather, they provide general guidelines for building massing, lot layout, and articulation. It is understood that not all projects may be able to comply with all guidelines, but at a minimum, the majority of guidelines in each of the three sections shall be incorporated into the project design.

## **10. Parking**

The base parking standards for the underlying Zoning Districts shall apply to individual uses in the TCOD with the exceptions listed below. As part of a Site Plan Approval or Special Permit process within this overlay district, the applicant may request reductions to minimum requirements or propose alternative methods for meeting the required parking. Applicants may combine a variety of alternative methods to meet required parking standards.

Planning Board is SPGA in the TCOD for all parking relief requested.

A. Number of Spaces: See ZBL §3140

1. *Residential:*

Live/work space shall be considered residential for parking calculations.

2. *Non-Residential:*

Retail sales, services                      1 space per 400gsf

3. *Mixed Use:*

Number of parking spaces shall be calculated separately for each use.

B. Parking Area Design and Location: See ZBL §3150

1. *Location:*

Required parking shall be on the same premises as the activity it serves with the following exceptions:

- a. Parking is located on a separate parcel located within 500 feet of the lot boundary.
- b. Parking is located in a zoning district allowing the activity it serves.
- c. Off-site parking spaces provided by a separate private property owner shall be subject to a legally binding agreement that will be presented to the Planning Board as a condition of the Special Permit. Where an agreement shall expire within a specified timeline, the applicant or current property owner shall continue to provide evidence to the Zoning Enforcement Agent and Planning Board that the agreement has been extended.
- d. For non-residential uses, on-street parking spaces that are located directly abutting the proposed use may be counted towards required parking calculations.
- e. For non-residential uses located within 300 feet of an officially designated municipal parking lot on-site parking may be reduced by 75%.

2. *Shared Off-Site: See §3180*

- a. Parking is located on a separate parcel located within 500 feet of the lot boundary.
- b. Parking may be separated by a state numbered highway.

3. *Shared On-Site: See §3180*

- a. **Non-competing Uses.** In mixed-use developments, applicants may propose a reduction in parking requirements based on an analysis of peak demands for noncompeting uses. Up to 75% of the requirements for the predominant use may be waived by the Planning Board if the applicant can demonstrate that the peak demands for two uses do not overlap.
- b. **Competing Uses.** In mixed-use developments, applicants may propose a reduction in parking requirements where peak demands do overlap. In these cases, the Planning Board may reduce the parking requirements of the predominant use by up to 30%.

4. *Egress and Access: See §3155*

- a. The minimum width of a driveway servicing one-way traffic shall be 12 feet.
- b. The minimum width of a driveway servicing two-way traffic shall be 20 feet and a maximum of 24 feet.

5. *Bicycle Racks:*

- a. A minimum of one bicycle rack is required per non-residential use, this standard can be met with a standard inverted U bike rack.
- b. Internal storage for one bike per residential unit is required.

**Article VI: Description of District**

**6900. Town Center Overlay District (TCOD)**

The Town Center Overlay District (TCOD) shall include that portion of land in the Business District A described in ZBL Section 6300 and the land identified on the Assessor's Map as Block 58, Lot 064 and described in an Order of Taking dated 09/25/1970; Book 3620, Page 746, in the Plymouth County Registry of Deeds.

(The following guidelines are to be incorporated into Planning Board Rules and Regulations)

**SECTION 12.0 TCOD DESIGN GUIDELINES**

Design Guidelines

The Design Guidelines outlined below should be applied to development within the Town Center Overlay District where appropriate. These guidelines are not intended to inhibit design creativity or discourage innovative architectural design solutions. Rather, they provide general guidelines for building massing, lot layout, and articulation. It is understood that not all projects would be able to comply with all guidelines, but at a minimum, the majority of guidelines in each of the three sections shall be incorporated into the project design.

**12.1 Buildings**

- a. All new construction should be LEED certifiable before certificate of occupancy is issued.
- b. Flat facades should be avoided by using recessed or projected entryways, bays, canopies, awnings and other architectural elements at intervals sufficient to provide continuity to pedestrians.
- c. Massing and height should be articulated in a manner compatible with abutting or nearby historic buildings.
- d. Non-residential ground floor street facing facades should include a minimum 50% transparent glass windows. These openings should provide views into the building and not be blocked by interior storage or greater than 25% internally mounted signage.
- e. Building finish materials should be appropriate and consistent with traditional New England architecture and may include, but shall not be limited to wood, cementitious fiber siding, brick or high-quality brick face, stone or high-quality stone-face. Vinyl, unfinished metal or fiberglass as a primary finished surface should not be used.
- f. Blank walls adjacent to streets, alleys or open spaces should not be designed. Where glass windows are not possible or appropriate to the intended use, vertical articulation in the form of raised or recessed surfaces shall be used to break up blank walls.
- g. Dormers are encouraged on pitched gable roofs, dormers should not exceed half the length of the roofline and the outside wall surface should incorporate greater than 50% transparent glass windows.
- h. No building structure should be longer than 120 feet measured along any side of the building which faces the street.
- i. No individual storefront should be wider than 40 feet.

j. Larger buildings with multiple non-residential tenants on the first floor should articulate the façade in a manner that distinguishes the location of these tenants through the use of decorative raised or depressed vertical surfaces, variations in acceptable signage, awnings, marquees, colonnades or arcades. No individual storefront within the building should be wider than 40 feet.

k. Roofs

1. Roofs shall be pitched to center ridge in keeping with the distinguishing architectural characteristics of the town center.

2. Slope or pitched roofs with a minimum of 8:12 slope shall be required except up to 20% of the roof area may be flat or of other design than a sloped or pitched roof.

## **12.2 Signs**

a. Primary signs should be flat against the façade, or mounted projecting from the façade.

b. Signs that project from buildings should have at least ten (10) feet of clearance from the ground level.

c. Permanent free standing signs should not be allowed.

d. Individual signs should not exceed 10 square feet per face.

e. Signs should be externally lit from the front. Back lighting of signs should not be used.

f. Neon, flashing signs, moving signs and roof signs should not be used.

g. Temporary signs with a specific date of expiration, such as sandwich boards, are allowed with advance written approval of the Zoning Enforcement Officer.

h. Signs should be made of attractive materials consistent with the character of the district. Materials may include wood (painted or natural), stone, copper, brass, galvanized steel, painted canvas or paint/engraved on façade surface.

i. Signage on awnings should only be incorporated into the skirt and not on the primary angled surface.

j. Awning design should respect the building scale, design, style color and materials.

## **12.3 Site Design**

a. Low Impact Development techniques identified by the Executive Office of Energy and Environmental Affairs should be incorporated into the design.

b. Parking areas should be located in the rear of buildings (parking is not allowed in the areas between the building and any abutting streets).

c. Pavement and other impervious surfaces should be minimized, use of pervious pavers or pavement is encouraged.

d. Clear pedestrian pathways should be provided between buildings on the same lot and between buildings on adjacent lots to ensure a continuous pedestrian pathway throughout the district.

e. Adequate access for loading and emergency vehicles should be maintained on one side of the building.

f. Adequate natural lighting and air circulation for businesses and residents should be maintained.

g. Front setback areas should be landscaped or provide pedestrian amenities such as a courtyard, benches, outdoor café seating etc., or act on anything relative thereto.

Requested by the Planning Board

**The Advisory Board recommends this article 6 – 3.**

**ARTICLE 32:** To see if the Town will raise and appropriate, or appropriate from available funds \$25,000, or any other sum to be expended under the direction of the Permanent Drainage Study Committee and the Highway Surveyor for engineering, installation and or maintenance of Town drainage, or act on anything relative thereto.

Requested by the Permanent Drainage Study  
Committee

**The Advisory Board recommends this article 8-1 in the amount of \$25,000.**

**ARTICLE 33:** To see if the Town will vote to re-authorize the Stetson Ford House Revolving Fund, pursuant to the provisions of Massachusetts General Laws Chapter 44, Section 53E ½, for the FY2013 fiscal year, or take any other action relative thereto.

Requested by the Community Preservation  
Committee

**The Advisory Board recommends this article. This reauthorizes an existing revolving fund.**

**ARTICLE: 34:** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$64,000 or any other sum from the Community Preservation Fund, for historic preservation purposes for historic preservation of The James Library Victorian Room at 24 West Street. Said funds will be used to restore the floors, walls, update the electrical wiring. This project will be under the jurisdiction of the Historical Commission with final overview by the Community Preservation Committee, or act on anything relative thereto.

Requested by the  
Community Preservation Committee

**The Advisory Board recommends this article 8-0-1 in the amount of \$45,000.**

**ARTICLE 35:** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$1,750 or any other sum from the Community Preservation Fund, for historic preservation purposes, for the completion of a Massachusetts Historical Commission burial ground survey and restore four gravestones at the Jacobs Trail Cemetery located between Wendall I Avenue and Doris Avenue or act on anything relative thereto.

Requested by the  
Community Preservation Committee

**The Advisory Board recommends this article.**

**ARTICLE 36:** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$75,000 or any other sum from the Community Preservation Fund, for historic preservation purposes for the restoration of wood, trim, and paint on the Cushing Center at 673 Main Street for historic preservation. This project will be under the jurisdiction of the Historical Commission with final overview by the Community Preservation Committee, or act on anything relative thereto.

Requested by the  
Community Preservation Committee

**The Advisory Board recommends this article.**

**ARTICLE 37:** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$20,000 or any other sum from the Community Preservation Fund, for open space purposes, for updating of the Town of Norwell's Open Space Plan. This project will be under the jurisdiction of the Conservation Commission with final overview by the Community Preservation Committee, or act on anything relative thereto.

Requested by the  
Community Preservation Committee

**The Advisory Board recommends this article.**

**ARTICLE 38:** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$28,715 or any other sum from the Community Preservation Fund, for recreation purposes, for the purpose of surveying, engineering, and lot delineation for the property located at Assessor's Map 53-35 and 53-50 for the future purpose of recreation for the Town. Said property was purchased for \$250,000 in 2009 for recreational purposes. This project will be under the direction of the Town Administrator with input from the Recreation Department and overview by the Community Preservation Committee, or act on anything relative thereto.

Requested by the  
Community Preservation Committee

**The Advisory Board recommends this article.**

**ARTICLE 39:** To see if the Town will vote, pursuant to Massachusetts General laws, Chapter 44B, to reserve the sum of \$100,000, or another sum, from FY2013 revenues pursuant to Massachusetts General Laws Chapter 44B, for the creation, preservation and support of affordable housing; to reserve the sum of \$100,000 or another sum, from FY2013 revenues, for the acquisition, preservation, rehabilitation and restoration of historic resources; and to reserve the sum of \$100,000 or another sum, From FY 2013 revenues, for the acquisition, creation and preservation of open space, or take any other action relative thereto.

Requested by the  
Community Preservation Committee

**The Advisory recommends this article. This is the required article setting aside funds into the required subsidiary accounts.**

**ARTICLE 40:** To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum of \$14,000 to be expended under the direction of the Recycling Committee for the care and maintenance of the brush pile located at the Recycling Center, or act on anything relative thereto.

Requested by the Recycling Committee

**The Advisory Board recommends this article 7-2 in the amount of \$14,000.**

**ARTICLE 41:** To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum of money for the purpose of computerizing the records of the Norwell Cemetery Committee and for the mapping of the Washington Street and Stetson Meadows cemeteries, or act on anything relative thereto.

Requested by the Cemetery Committee

**The Advisory Board will make a recommendation at Town Meeting. Final estimates were not available when the warrant went to print.**

**ARTICLE 42:** To see if the Town will vote to amend the Town's Affordable Housing Trust By-Law as passed in Article 41 of the Annual Town Meeting of May 15, 2007 by striking said by-law and replacing it with the following:

#### **NORWELL COMMUNITY HOUSING TRUST**

**The Norwell Community Housing Trust shall be constituted under MGL Chapter 44, Section 55C**

**SECTION 1.** (a) There shall be in the Town of Norwell a Norwell Community Housing Trust Fund, (hereinafter referred to as the "Trust"). The purpose of the Trust is to provide for the creation and preservation of affordable housing in the Town of Norwell for low- and moderate-income households.

(b) There shall be a board of trustees which shall include not less than five (5) nor more than seven (7) members appointed by the Board of Selectmen. The board shall consist of one (1) member of the Board of Selectmen and not more than six (6) At Large members with broad representation across the town, nominated to the Selectmen. Such nominated members shall serve at both the pleasure and request of the Board of Selectmen. The initial terms of the trustees shall be staggered as one (1) or two (2) year terms. All terms thereafter shall be for two (2) years.

**SECTION 2.** (a) The powers of the board of trustees shall include the following:

(1) to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the Trust in connection with the provisions of the Norwell Zoning By-Law or other by-law, or any general or special law or any other source, or money from the Community Preservation Act, G.L. Chapter 44B.

(2) to accept and receive municipal, school or other public property, subject to a majority vote of Town Meeting to transfer said property to the Trust, for the purposes of the Trust.

(3) to purchase and retain real or personal property for the purposes of the Trust, including without restriction investments that yield a high rate of income or no income, and to hold all or part of the Trust property un-invested for such purposes and for such time as the board may deem appropriate.

(4) to manage or improve real property.



(5) to sell, lease, exchange, transfer or convey any real property for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertakings relative to Trust property as the board deems advisable, notwithstanding the length of any such lease or contract.

(6) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the board engages for the accomplishment of the purposes of the Trust.

(7) to employ and pay reasonable compensation to advisors and agents, such as accountants, appraisers and lawyers as the board deems necessary.

(8) to apportion receipts and charges between income and principal as the board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation, depletion or otherwise.

(9) to carry property for accounting purposes at other than acquisition date values.

(10) to borrow money on such terms and conditions and from such sources as the trustees deem advisable, to mortgage and pledge trust assets as collateral, subject to review by the Town Finance Director and approval by a majority vote of the Board of Selectmen. (Any debt issued by the Trust shall not be deemed to constitute a debt or liability of the Town of Norwell or a pledge of the faith and credit of the Town, but shall be payable solely from the revenues, funds and/or assets of the Trust. Any debt instrument executed by Trust shall contain on the face thereof a statement to the effect that the Town of Norwell is not obligated to pay the same or the interest thereof except from revenues, funds and/or assets of the Trust and that neither the faith and credit nor the taxing power of the Town of Norwell is pledged to the payment of the principal of or the interest on such debt. The issuance of debt by the Trust shall not directly or indirectly or contingently obligate the Town of Norwell to levy or to pledge any form of taxation whatever therefore or to make any appropriation for their payment.)

(11) to make distributions or divisions of principal in kind.

(12) to defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this Article, to continue to hold the same for such period of time as the board may deem appropriate.

(13) to extend the time for payment of any obligation to the Trust.

(14) to provide grants or loans to assist low- or moderate-income homebuyers to purchase or rehabilitate a dwelling unit in the Town of Norwell.

(15) to convey, through sale, lease or transfer, real property purchased under this act, to any for-profit or non-profit developer or any public agency to provide lower moderate-income housing, subject to an affordable housing restriction under Section 26 or Sections 31-33 of Chapter 184 of the General Laws.

**SECTION 3.** (a) As a means of providing available assets for the Trust, all moneys received by the Town through the following means shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust:

(1) cash payments made by developers to the Town for purposes of creating or preserving affordable housing, under any development agreements or development approvals pursuant to the Norwell Zoning By-Law;

(2) gifts, grants, donations, contributions or other cash payments to the Trust for the purpose of providing low- or moderate-income housing;

(3) general revenues appropriated into the Trust become Trust property, and to be expended these funds need not be further appropriated;

(4) all moneys remaining in the Trust at the end of any fiscal year, whether or not expended by the board of trustees within one year of the date they were appropriated into the Trust, shall remain Trust property;

(5) the Trust is exempt from Chapters 59 and 62 of the General Laws, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the commonwealth or any political subdivision thereof; and

(6) the books and records of the Trust shall be reviewed annually by an independent auditor in accordance with accepted accounting practices.

**SECTION 4.** As used in this act, the term "low or moderate income housing" shall mean "low income housing" or "moderate income housing" as defined in Section 2 of Chapter 44B of the General Laws.

**SECTION 5.** The Town Treasurer shall be the custodian of the fund. Any income or proceeds received from the investment of funds shall be credited to and become part of the fund.



**SECTION 6.** (a) The Trust is a governmental body for purposes of Sections 23A, 23B and 23C of Chapter 39 of the General Laws.

(b) The Trust is a board of the city or town for purposes of G.L. Chapter 30B and Section 15A of Chapter 40; but agreements and conveyances between the Trust and agencies, boards, commissions, authorities, department and public instrumentalities of the Town shall be exempt from G.L. Chapter 30B.

(c) The Trust is a public employer and the members of the board are public employees for purposes of G.L. Chapter 258.

(d) The Trust shall be deemed a municipal agency and trustees as special municipal employees for purposes of G.L. Chapter 268A."

Requested by the Affordable Housing Trust

**The Advisory Board recommends this article.**

**ARTICLE 43:** To see if the Town will vote to amend Article XV of the Town of Norwell Bylaws, Rules and Regulations, by adding a new Section 17, "Storage of Construction Machinery," as follows:

**TOWN OF NORWELL BYLAWS, RULES AND REGULATIONS - ARTICLE XV, SECTION 17,  
STORAGE OF CONSTRUCTION MACHINERY**

**INTENT AND PURPOSE**

This bylaw is proposed for the purpose of maintaining the rural and scenic character of Norwell's neighborhoods, conserve the value of real estate, and lessen the threat of an adverse environmental impact by restricting the length upon which the storage of construction machinery excluding that which is owned by the property owner, used or intended-to-be-used in the construction, maintenance, and demolition of structures, or altering of land may be permitted.

**]SECTION 17. Storage of Construction Machinery.**

(a.) Storage of Construction Machinery. No hoisting, excavating, hauling, pushing, grading, paving, drilling, or pile driving machinery excluding that which is owned by the property owner, intended to be used to construct, maintain or demolish structures or alter land may be stored unused for the primary purpose for which it was intended for a period greater than ten (10) consecutive days at any site, other than for municipal use, upon which said construction, maintenance, and/ or demolition of structures, or altering of land is proposed but for which no certification has been issued by the Inspector of Buildings that such action is in compliance with then-applicable zoning, or without review by him regarding whether all necessary permits have been received from those governmental agencies from which approval is required by federal, state or local law.

(b.) Storage of Construction Machinery – Pending, Delayed & Post Construction. No hoisting, excavating, hauling, pushing, grading, paving, drilling, or pile driving machinery excluding that which is owned by the property owner, used to construct, maintain or demolish structures or alter land may be stored unused for the primary purpose for which it was intended for a period greater than forty-five (45) consecutive days at any site, other than for municipal use, upon which said construction, maintenance, and/ or demolition of structures, or altering of land pursuant to a valid building or demolition permit issued by the Building Inspector is pending, delayed or completed.

The Building Inspector shall enforce this Section 17. Each day of any violation shall be considered a separate offense punishable by a fine of not more than \$50.00. The Board of Selectmen shall have the authority to dispose of said violations in accordance with the procedures and provisions of General Laws, Chapter 40, Section 21D.

Requested by Citizen Petition

**The Advisory Board recommends this article.**

**ARTICLE 44:** To ask the Town of Norwell to vote to raise or appropriate or transfer from available funds, the sum of \$4000 to contract with South Shore Women's Resource Center for domestic violence intervention and prevention services for its residents.

Requested by Citizens Petition

**The Advisory Board does not recommend this article. The Town has funded this in the past and the funds have not been expended.**

**ARTICLE 45:** To see if the Town will vote to prohibit the taking off and landing of private and commercial helicopters in residential areas-medical flights excepted, or act on anything relative thereto.

Requested by Citizens Petition

**The Advisory Board does not recommend this article. Although the Board applauds and supports the efforts made, this is better addressed through the Zoning By-laws.**

**ARTICLE 46:** To see if the Town will vote to change the purpose of the excluded debt service stabilization fund to a Capital Expenditure Stabilization Fund established pursuant to MGL. Ch. 40, section 5B, for the purpose of reserving funds for capital expenditures, or act on anything relative thereto.

Requested by the Board of Selectmen

**The Advisory Board recommends this article.**

**ARTICLE 47:** To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum of money to be deposited into the Town's OPEB Trust Fund to offset future costs of retired employee health insurance, or act on anything relative thereto.

Requested by the Board of Selectmen

**The Advisory Board will make a recommendation at Town Meeting.**

**ARTICLE 48:** To see if the Town will vote to transfer from available funds or otherwise provide a certain sum of money to be added to the Stabilization Fund as established in accordance with the provisions of Massachusetts General Law, Chapter 40, Section 5B, or act on anything relative thereto.

Requested by the Board of Selectmen

**The Advisory Board will make its recommendation at Town Meeting.**

**ARTICLE 49:** To see if the Town will appropriate a sum of money from available funds and authorizes the Assessors to use this sum to decrease the tax rate for FY 2013, or act on anything relative thereto.

Requested by the Board of Selectmen

**The Advisory Board will make its recommendation at Town Meeting.**

**INSTRUCTIONS TO ELECTED OFFICIALS**  
**SALE OF THE FISH RIGHTS**

You are directed to serve this Warrant by posting a copy thereof attested to by you in writing in each of five public places in the Town at least fourteen days before the time for holding and meeting called for in the Warrant. Herefor, fail not and make due return of the Warrant your doings thereon to the Town Clerk of said Town on or before the 25th day of April, 2012.

Given under our hands at Norwell this 9<sup>th</sup> day of April in the year of our Lord, 2012.

**BOARD OF SELECTMEN**

Norwell, Massachusetts

\_\_\_\_\_  
John G. Mariano, Chairman

\_\_\_\_\_  
Gregg McBride, Vice-Chairman

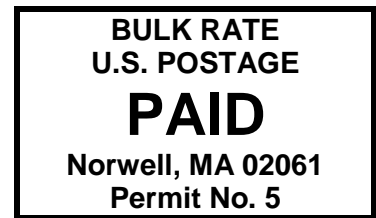
\_\_\_\_\_  
Ellen Allen, Clerk

A TRUE COPY ATTEST:\_\_\_\_\_

Constable \_\_\_\_\_ Date \_\_\_\_\_

## NOTES

Office of the Board of Selectmen  
Town of Norwell  
Norwell, Massachusetts 02061



**RESIDENTIAL POSTAL CUSTOMER  
AND/OR RESIDENT BOX HOLDER  
NORWELL, MA 02061**