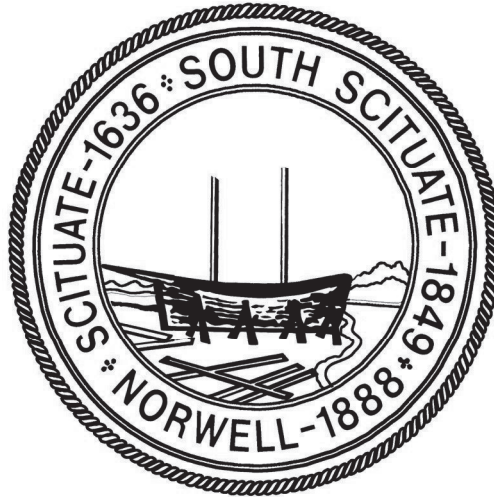


# TOWN OF NORWELL



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

## **SPECIAL TOWN MEETING**

**And**

**Report of the Advisory Board**

**Monday, February 10, 2020**

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

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

Monday, February 10, 2020

At 7:30 o'clock in the evening at Norwell Middle School  
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 tenth day of February, 2020 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, February 10, 2020, 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**  
**February 10, 2020 Special Town Meeting**

To the Citizens of Norwell:

On Monday February 10, 2020 the Town of Norwell will hold a Special Town Meeting. During the Special Town Meeting, the citizens of Norwell will vote on consideration of the funding for a new consolidated headquarters for the Highway Department and Trees and Grounds Department, fund engineering and design for the renovation of Town Hall, acceptance of payments in lieu of taxes to the Town for the new 40 River Street affordable housing, consider amending zoning bylaws addressing signage and marijuana cultivation and other articles. Your attendance is needed to ensure your voice is heard on these important decisions that impact the services and infrastructure of the Town.

The Advisory Board's role is to represent all residents as it evaluates and makes recommendations on each article contained in this Warrant. Your elected and appointed officials will also present their recommendations to assist with this process. The Advisory Board recommendations were made following the hearings with town departments and careful consideration of all materials provided.

We would like to thank the employees and volunteers across all Departments, Boards and Committees for their many efforts. We look forward to seeing you at Town Meeting on February 10, 2020!

Sincerely,

**The Norwell Advisory Board**

Peter Smellie, Chairman	Karen Reynolds, Vice Chair	Harry Solis, Clerk
Mark Cleveland	Kate Steele	Julie Sim
Susan Darnell	Rick Goulding	Jesse McSweeney

## 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 or used 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 used for any lawful purpose.

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. The Town has also established Athletic Fields Stabilization, Capital Stabilization and Special Education Stabilization funds.

*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.

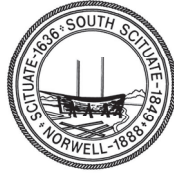
Override: An amount, voted by the Town, which is permanently added to the levy limit. A majority vote of the Selectmen allows an override question to be put on the ballot. Override questions must be presented in dollar terms and must specify the purpose of the override. Overrides require a majority vote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

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.

## Index of Articles for the Special Town Meeting

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# TOWN OF NORWELL



Commonwealth of Massachusetts

## **WARRANT FOR SPECIAL TOWN MEETING**

Monday, February 10, 2020

At Seven-Thirty O'clock in the Evening

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

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**ARTICLE 1:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the payment of bills incurred from prior years or take any other action relative thereto.

Requested by the Finance Director

**The Advisory Board voted unanimously to favorably recommend this article. The article transfers \$4096 from Free Cash and \$142 from Water Surplus to pay bills that were received after the accounts were closed for Fiscal Year 2019.**

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**ARTICLE 2:** 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 #01-912-0201-5172 Workers Compensation/111F or take any other action relative thereto.

Requested by the Finance Director



**The Advisory Board voted unanimously to favorably recommend this article. This line item funds costs related to employees injured in the workplace. The nature and duration of these injuries can vary greatly from one fiscal year to the next.**

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**ARTICLE 3:** 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 of a motor vehicle to be used by the Deputy Fire Chief in the performance of his official duties or take any other action relative thereto.

Requested by the Board of Selectmen

**The Advisory Board recommended this article. The initial plan had been to convert a retired police vehicle for use for the Deputy Fire Chief. However, the cost of converting and equipping the retired vehicle was comparable to the purchase of a new vehicle. The retired police vehicle can be traded in to reduce the cost of future replacement police vehicles**

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**ARTICLE 4:** To see if the Town will vote to amend its Personnel Classification Plan by adding the position of Principal Assessor to the Exempt Classifications (Annual Salary) Schedule or to take any other action relative thereto.

Requested by the Board of Assessors

**The Advisory Board unanimously recommended this article. The current Deputy Assessor performed primarily an administrative function and therefore was a union position. Norwell property values and the accompanying complexity of valuation issues require an enhanced skill set. The Assessor's office also plays a critical role in the financial operations of the Town. The proposed Principal Assessor will be a confidential management position, participating in strategic financial planning.**

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**ARTICLE 5:** To see if the Town will vote to authorize the Board of Selectmen to enter into a Payment in Lieu of Taxes (PILOT) agreement with Herring Brook Hill LLC, a limited liability company and Metro West Collaborative Development, a non-profit corporation, for property they own and operate at 40 River Street or take any other action relative thereto.

Requested by the Community Housing Trust

**The Advisory Board unanimously recommended this article. Herring Brook Hill LLC and Metro West Collaborative Development developed 18 units of affordable housing at the 40 River Street site of the old police station. These entities are non-profit and are not required to pay property taxes. In recognition of the many efforts and substantial contributions the Town has made towards the construction of these units, the owners have agreed to a voluntary payment in lieu of taxes. This agreement is expected to yield approximately \$20,000 in the first year, and will grow by 1.5% annually for the next two decades.**

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**ARTICLE 6:** To see if the Town of Norwell will appropriate a sum of money for designing, constructing and equipping a new consolidated Highway Department and Trees and Grounds headquarters and the payment of costs incidental or related thereto, and to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto.

Requested by the Highway Surveyor

**The Advisory Board unanimously recommended this article. The Highway Barn and Trees and Ground headquarters are aging undersized structures that do not meet the needs of the Town. The proposed \$5.5 million renovation will add to the existing building providing restrooms, a changing area for staff, and adequate garage space to store town vehicles. The project will be financed through a bond issue and will not require a debt exclusion or override. The retirement of principal and interest payments from other completed projects will allow the Town to accommodate this new debt.**

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**ARTICLE 7:** To see if the Town of Norwell will raise and appropriate, transfer from available funds or otherwise provide a sum of money for the costs of designing and engineering renovations to Norwell Town Hall and the payment of costs incidental or

related thereto to be spent under the direction of the Board of Selectmen; or to take any other action relative thereto.

Requested by Board of Selectmen

**The Advisory Board unanimously recommended this article. The requested \$360,000 will provide the design and engineering for renovations to Town Hall. It is anticipated that the plans will be the basis for a request for \$4.6 million project at the May 2021 Annual Town Meeting. This project, like the Highway headquarters will be financed through a bond issue and will not require a debt exclusion or override. The retirement of principal and interest payments from other completed projects will allow the Town to accommodate the new debt.**

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**ARTICLE 8:** To see if the Town of Norwell will vote to raise and appropriate or transfer from available funds a sum of money from the Community Preservation Fund for historic resource purposes pursuant to M.G.L. Chapter 44B, for the restoration, renovation and preservation of the Jacobs Farm House and outbuildings, and further that any expenditures under this Article be approved by the Historical Commission, or take any other action related thereto.

Requested by the Historical Commission and the Community  
**Preservation Committee**

**The Advisory Board unanimously recommended this article. The requested funds are available and will allow for completion of a number of longstanding projects.**

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**ARTICLE 9:** To see if the Town will vote to amend its Zoning Bylaws by deleting Article 14 Signs and inserting the following new section in its place or take any other action relative thereto.

Sections to be removed are indicated by ~~striketrough~~ and new sections proposed to be included in the bylaw are *italicized and underlined*.

Some sections of the code have been retained but relocated and others have been renumbered. These changes are not indicated, but are incorporated into the language below.

## Article 14

### Signs

#### § 201-14.1 Purpose.

- A. A sign is a unique type of accessory structure, which, because of its potential impact on adjacent lots and on adjacent public streets and lands, warrants the regulation contained in this Zoning Bylaw. Signs communicate messages essential for public safety and general welfare, provide information about types of goods and services available at permitted uses, and provide orientation. Therefore, it is hereby found and declared that regulation of signs is necessary to promote the health, safety, and general welfare by:
- (1) lessening hazards to vehicular and pedestrian traffic;
  - (2) preventing unsightly and detrimental development which is a potential blighting influence upon residential, public business, and industrial uses, and detrimental to property value;
  - (3) preventing signs from becoming so excessive in number, size, intensity, brilliance, or impact that they obscure or distract from:
    - (a) public signs essential to the orderly and safe movements of goods and persons in the Town; or,
    - (b) one another to the detriment of all concerned;
  - (4) facilitating easy recognition and immediate legibility of permitted signs; and,
  - (5) integrating and securing certain fundamentals of good and appropriate design complementary to the Town's rural environment.

§ 201-14.2 Authority & Interpretation. This Article is complementary to, and shall not be construed as inconsistent with, or in contravention of, Sections 29 to 33 of Chapter 93 of the General Laws of Massachusetts.

#### § 201-14.4 Enforcement.

- A. Building Inspector/Zoning Enforcement Officer. The Building Inspector/Zoning Enforcement Officer, and their duly authorized agents may, at reasonable times and upon presentation of credentials, issue a written order of repair or removal of any sign and its supporting structure which is erected contrary to this bylaw. In the event the owner of the sign fails to comply with the order, the Building Inspector/Zoning Enforcement Officer and his duly authorized agents may issue a complaint and fine pursuant to § 201-2.3 and/or take enforcement action in accordance with MGL c. 40A, § 7. All expenses incurred by the Building Inspector/Zoning Enforcement Officer relating to the enforcement of this bylaw may be assessable against any person who failed to obey such order and shall be recoverable in court of competent jurisdiction. The Building Inspector/Zoning Enforcement

Officer is further authorized to remove and dispose of signs placed in violation of the Town bylaws on public property and public ways. **[Amended 5-8-2017 ATM, Art. 35]**

B. Permits and fees.

- (1) Except for signs permitted in a residential area, and temporary signs to be placed in a window, no sign shall be erected, enlarged, reworded, redesigned or structurally altered without a sign permit issued by the Building Inspector/Zoning Enforcement Officer.
- (2) The Building Inspector/Zoning Enforcement Officer is authorized to grant a permit for a sign in compliance with this bylaw. After reviewing a sign application, the Building Inspector/Zoning Enforcement Officer may deny such application if he determines that the erection of the sign will be injurious or offensive to the area because of lighting, noise, or obstruction of vision or hazardous to the public good because of color or the creation of visual confusion in the area.
- (3) The Building Inspector/Zoning Enforcement Officer shall make their determination to approve or disapprove an application for a sign permit within 15 days of receiving it. If the Building Inspector/Zoning Enforcement Officer does deny an application, the applicant may appeal the decision to the Board of Appeals. ~~The Building Inspector/Zoning Enforcement Officer shall make his determination to approve or disapprove an application for a sign permit within 15 days of receiving it.~~
- (4) A schedule of fees for the permits for authorized signs may be determined from time to time by the Board of Selectmen.

**§ 201-14.4 Definitions.**

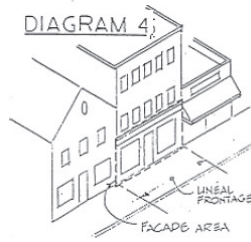
**Business Establishment:** *Any non-residential use consisting of one (1) or more buildings. In a building with more than one (1) non-residential tenant, each tenant is considered a separate business establishment.*

**Clearance:** *A completely open and unobstructed space measured from the ground level to the lowest portion of a hanging sign.*

**Façade:** *See "Lineal Building Frontage."*

**Flag:** *Any fabric or bunting containing colors, patterns, or symbols used as a symbol of an organization.*

**Lineal Building Frontage:** *The length of a building or storefront, which abuts a street or public right-of-way at its first floor or entrance level, as shown in diagram #4; also referred to as a "façade".*



**Projection:** *An extension forward or out from a wall of a building.*

**Sign:** Any privately owned permanent or temporary structure, billboard, device, fixture, illuminated fixture, electric bulb, tube, or similar contrivance, medal, placard, painting, drawing, poster, letter, word, banner, pennant, insignia, trade flag or any other representation used as, or which is in the nature of, an advertisement, attraction, announcement, or direction that is affixed to, supported by, or suspended by a stationary object, building or the ground that uses any color, form, graphic, illumination, symbol, or writing to communicate information which is on a public way, or on private property within public view of a public way, or public property. Specific sign types are further described as follows:

- A. **Accessory Sign:** Any sign that advertises, calls attention to, or indicates the person occupying the premises on which the sign is erected or maintained, or the business transacted thereon, or advertises the property itself or any part thereof as for sale or rent and which contains no other matter.
- B. **Address:** indicates the numeric and street location of a particular property or establishment.
- C. **A-Frame / Sandwich Board:** mobile and structurally separate from a building and supported by itself.
- D. **Awning / Canopy:** fixed or retractable, of any material, which extends over a sidewalk, courtyard, walkway, eating area, driveway, or other area or space, whether that area or space is intended for pedestrians, vehicles, or other purposes.
- E. **Banner:** constructed of fabric or flexible material. For regulatory purposes, banners are considered wall signs.
- F. **Directional:** directs or sets out restrictions for vehicular or pedestrian traffic relative to the use of sidewalks, driveways, and parking areas. A directional sign may be freestanding, wall mounted, or a pavement marker.
- G. **Directory:** wall-mounted and utilized by multiple business establishments occupying a single building with a shared public entrance.
- H. **Free-standing:** structurally separate from a building that is supported by itself, on a stand, or on legs.
- I. **Hanging:** attached to, and projects from, the wall or face of a building, including an arcade or marquee sign.

- J. **Illuminated:** *lit by an external light source directed solely at the sign (i.e., externally illuminated, which may include a reverse lit source mounted within an opaque component of a sign so that no light passes through it) or an internal light source (i.e., internally illuminated, utilizing translucent panels, canvas or other fabric, letters, devices, or other similar components to create an image by allowing light to pass through).*
- K. **Moving:** *moves or is designed to move, in whole or in part, by any means.*
- L. **Off-Premises:** *draws attention to, or communicates information about, a business, service, product, event, attraction, or other enterprise or activity that exists or is conducted, manufactured, sold, offered, maintained, or provided at a location other than on the premises where the sign is located.*
- M. **Pennant / Streamer / Feather Banner:** *Any sign made of lightweight plastic, fabric, or other material, whether or not containing any writing, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.*
- N. **Plaque or Historic Marker:** *identifies a structure or site recognized by the Norwell Historical Commission as being historically and/or architecturally significant.*
- O. **Roof:** *erected or projecting above the lowest point of the eave or the top of a parapet wall of any building, or which is painted or otherwise affixed to a roof.*
- P. **Sandwich Board:** *See "A-Frame."*
- Q. **Standard Informational:** *intended for non-permanent display, such as a real estate, construction, or political sign, which contains no reflecting elements, flags, or projections.*
- R. **Temporary:** *intended for a limited period of display, and by design and/or use is temporary in nature and thus not permanently mounted.*
- S. **Wall:** *painted on or affixed to, but which does not project from, a building wall, including those that consist of three-dimensional letters applied directly to a building surface.*
- T. **Window:** *either affixed to the surface of the glass on the windows of a building, or located in the building interior within three (3) feet of the window and visible from the outside of the building. Window displays of actual products or merchandise for sale or rent on the business premises are not considered window signs.*

#### **Sign—<sub>1</sub> Area of:**

- A. ~~The area of a sign shall be considered to include~~ *The area of a sign shall be considered to include* all lettering, wording, and accompanying designs and symbols together with the background on which they are displayed, any frame around the sign and any "cutouts" or extensions, but ~~shall not include~~ *including* any supporting structure or bracing *if such structure or bracing is incidental to the function of the sign. See 201-14.5(A)(3) below for illustrative purposes in calculating area.*
- B. ~~The area of a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall, or window shall be considered to be that of the smallest quadrangle or triangle which encompasses all of the letters and symbols.~~



C. ~~The area of a sign consisting of a three-dimensional object shall be considered to be the area of the largest vertical cross section of that object.~~

D. ~~In computing the area of a signs, only one side of back-to-back signs shall be counted.~~

**§ 201-14.5 Sign Standards & Requirements.**

A. General Requirements: The following general requirements shall apply to all signs in all Business Districts, except as otherwise noted:

(1) Illumination:

- (a) Timing: Illumination is permitted only between the hours of five (5:00) a.m. and one (1:00) a.m., except that signs may be illuminated during any hours the establishment is open to the public. The US. flag may be illuminated in accordance with Title 4 United States Code ("The Flag Code").
- (b) Style: Illumination shall be external white steady stationary light or interior non-exposed white light only. Exposed sources of illumination, such as neon or gaseous tubes are prohibited, as are signs that cause harmful glare to motorists, pedestrians, or neighboring premises.
- (c) Intensity: All illuminated signs shall be Dark Skies compliant and shall be so shielded, shaded, directed, and maintained at a sufficiently low level of intensity and brightness so that the illumination does not adversely affect neighboring properties or the safe and convenient use of public ways.

(2) Movement: Animated, moving, flashing and revolving signs, beacons, searchlights, pennants, portable signs and balloons shall be prohibited, except for those signs that are sole indicators of time and/or temperature.

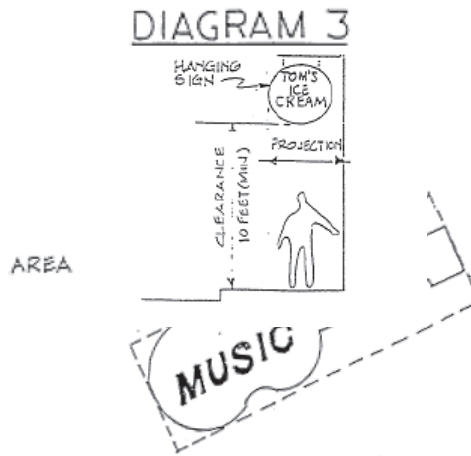
(3) Area Measurement: The area of a sign shall be calculated as follows:

- (a) For two-dimensional double-faced hanging and freestanding signs, the area shall be based on the largest face.
- (b) For two-dimensional signs affixed to, or fabricated from, a mounting background or signboard, the area shall consist of the smallest rectangular area that wholly contains the sign, as shown in Diagram #1.





- (c) For two-dimensional signs consisting of individual letters or symbols affixed directly to a building wall, window, freestanding sign supports, or awning, the area shall consist of the smallest area that encompasses all of the letters and symbols, as shown in Diagram #2. In the case of freestanding signs, the area is exclusive of the sign supports.
- (4) Projection: Hanging signs shall hang at least ten (10) feet high over the sidewalk, and project no more than five (5) feet from a building, as shown in Diagram #3.



- (5) Location & Setback:
- (a) Except for freestanding signs, all signs shall be attached to the portion of the building that corresponds to the portion owned or leased by the sign permit applicant.
- (b) Freestanding: All free-standing signs shall be set back a minimum of ten (10) feet from the edge of the way line on which the building fronts, and at least ~~ten (10)~~ twenty (20) feet from all other property lines.
- (6) Height:
- (a) No part of a freestanding sign or its supporting structure shall exceed ~~twenty-five (25)~~ twenty (20) feet in height.
- (b) Mounting Height: The highest part of wall, window and awning signs shall not exceed twenty (20) feet.
- (7) Color: Color shall be allowed on any sign. ~~No sign shall contain more than three (3) colors. No sign shall contain colored lights, interior or exterior.~~
- (8) Maintenance: All signs in all districts shall be maintained in a safe and neat condition to the satisfaction of the Building Inspector/Zoning Enforcement Officer and in accordance with the State Building Code. Structural damage, missing letters, or other deterioration obscuring content shall be remedied or the sign removed within sixty

(60) days upon written notice received from the Building Inspector/Zoning Enforcement Officer.

- (9) Flags: Nothing in this Bylaw shall prevent the flying of one (1) American flag and/or one (1) state and/or one (1) military service flag; and one (1) other rectangular flag not to exceed twelve (12) square feet which incorporates a trade mark, logotype, or similar device directly related to the business located on the lot; e.g., an "open" flag.

**B. Requirements Based on Sign Type**

- (1) Awning: Awning signs shall be painted on, or attached flat against, the surface of the awning or canopy. Attaching a sign to an awning or canopy in any other manner is prohibited.
- (2) Freestanding: Freestanding signs shall be mounted permanently on the ground, located on the same lot as the principal building, and set back at least ten (10) feet from any property line. Signs shall be situated so as to not impair visibility or restrict the ability to use any public way by impeding minimum sight distance requirements established by the American Association of State Highway Transportation Officials (AASHTO) and as interpreted by the Building Inspector/Zoning Enforcement Officer, or at least four (4) feet, whichever is greater. Freestanding signs shall not be mounted on trees, utility poles, light fixtures, or any other structure that is not built solely to accommodate signs.
- (3) Hanging: Signs hanging over a public way or area accessible to the public shall provide at least ten (10) feet of clearance measured from the ground surface to the bottom of the sign, as shown in Diagram #3, and shall not impair visibility or restrict the ability to use any public way or area accessible to the public.
- (4) Wall: Wall signs shall be mounted parallel to the wall of a building.
- (5) Temporary: Temporary signs shall be permitted in all Business districts in accordance with this section for purposes of promoting any business, or any charitable, civic, or municipal event.
- (a) Before a temporary sign (other than a temporary sign placed in a window) shall be erected or displayed, there shall be a deposit in the sum of \$75.00 for each commercial sign. The deposit shall be refunded upon the timely removal of the sign or signs. In the event of failure to remove the sign within the period prescribed, the Building Inspector/Zoning Enforcement Officer shall apply the deposit towards the cost of removing the sign, and any balance of the deposit shall be forfeited to the Town.
- (b) No temporary sign shall be erected or displayed until an application has been made to, and a permit specifying the date of removal has been issued by, the Building Inspector/Zoning Enforcement Officer.

- (c) The Building Inspector/Zoning Enforcement Officer may deny an application, and may require the removal of a temporary sign after permit, if he determines that the sign will be or is a threat to public safety; ~~or is offensive to the area because of color, material, or construction;~~ or does not comply with 201-14.5(B)(5) (e-k) below.
- (d) The Building Inspector/Zoning Enforcement Officer shall approve or deny an application within seven (7) days of receipt. The denial or approval may be appealed by the applicant or by an aggrieved party to the Board of Appeals.
- (e) A sign authorized by this section shall be erected at ground level and shall be stationary. The sign shall be constructed to withstand strong winds and to the satisfaction of the Building Inspector/Zoning Enforcement Officer as to material, colors, and safety.
- (f) The sign shall be free standing, meaning that it shall not be attached to or supported by any natural or man-made object, nor shall any vehicle, trailer, balloon, kite, ~~boat, pennant,~~ flag, ~~banner,~~ or other contrivance be used as a temporary or permanent means of exhibiting a sign, so as to circumvent or derogate from the intent of this Bylaw.
- (g) No more than one (1) temporary sign shall be permitted on any one (1) lot at one (1) time.
- (h) A temporary sign shall not exceed ~~four (4) feet in either width or height nor a total of ten (10) square feet,~~ except that a sign in a residential district promoting other than charitable, civic, or municipal events shall conform to the residential requirements as set forth in Section 3321-3360(b). If a two-sided sign, the dimension's ~~may~~ shall apply to each side separately.
- (i) No temporary sign shall be permitted for more than thirty (30) consecutive days. No applicant shall be permitted to maintain a temporary sign for more than thirty (30) ~~forty five (45)~~ days in a single calendar year regardless of the number of permits obtained.
- (j) Temporary signs shall be allowed only for specific purposes, not as semi-permanent displays. A "special sale" sign may be permitted (with a permit) for the actual duration of the sale or for two (2) weeks, whichever is less, twice a year. A new business may utilize a temporary sign (with a permit) for a period not to exceed two (2) weeks prior to opening and two (2) weeks after opening. These permits for temporary signs are not renewable, nor shall new permits be granted for essentially the same sign in a slightly different guise.

- (k) The purpose of a temporary sign, for purposes of this Bylaw, is for a special application or need, and not as a means of circumventing the intent of this Bylaw as to number, frequency, or duration of signs allowed on a property.

§ 201-14.26 **Permitted signs by type & District.**

A. Business District A

- (1) One (1) free-standing sign per lot not to exceed ~~twenty-five (25)~~ thirty (30) square feet ~~in area, or eight (8) feet on any one side.~~ The portion of the sign identifying the name and address of the site shall be excluded from the total area calculation, but shall not exceed twenty-five (25) percent of said total area calculation.

The sign may dedicate a portion identifying tenant space as for sale or rent, or available vacancy. This portion of the sign shall be excluded from the total area calculation, but shall not exceed twenty (20) percent of said total area calculation.

Regarding buildings with only one (1) tenant, this sign shall identify that tenant by name. In buildings having multiple tenants, or on lots having more than one (1) building, additional signs may be attached in a ladder fashion to the bottom of the free-standing sign.

~~In such cases of buildings having multiple tenants, the main sign would identify the major tenant or the name of the site as appropriate. The additional signs are to be for the sole purpose of identifying the location of a business to passersby and shall not exceed three (3) square feet in area. The portion of the sign identifying the name and address of the site shall be excluded from the total area calculation, but shall not exceed twenty-five (25) percent of said total area calculation. In no case, regardless of the number of buildings with multiple tenants, shall the total area of the free-standing sign shall not exceed forty (40) square feet.~~

The sign may dedicate a portion of space identifying tenant space as for sale or rent, or available vacancy. This portion of the sign shall be excluded from the total area calculation, but shall not exceed twenty (20) percent of said total area calculation.

- (2) One (1) awning sign per business, not to exceed one-half (½) square foot per linear foot of storefront or building upon which the awning is attached, or eight (8) square feet, whichever is less, with letter height not to exceed fourteen (14) inches.
- (3) One (1) directory sign per shared public entrance to a building occupied by more than one (1) business establishment, not to exceed one (1) square foot per business establishment occupying the building, or six (6) square feet, whichever is less.
- (4) One (1) hanging sign per business, not to exceed eight (8) square feet, with letter height not to exceed fourteen (14) inches.
- (5) One (1) wall sign per building not to exceed ~~fifteen (15)~~ twenty (20) square feet. Any such sign shall be flat against the wall of the building and shall not extend beyond the face of the building.

- (6) Window signs either painted on or attached to the inside of a window provided such signs do not cover more than twenty-five (25) percent of the window glass.

Signs placed in a window to advertise sales or promotions may cover no more than ~~fifty (50%)~~ twenty (20%) percent of the window glass ~~and~~ but may not be posted for longer than thirty (30) days. No window signs shall be illuminated or lighted.

- (7) Accessory signs or devices of similar intent that advertise the property or any part thereof as for sale or rent, or available vacancy shall be incorporated into the allotted signage area for the property or part thereof as advertised as for sale or rent, or available vacancy.

B. Business Districts B & C

- (1) One (1) awning sign per business, not to exceed one-half (½) square foot per linear foot of storefront or building upon which the awning is attached, or eight (8) square feet, whichever is less, with letter height not to exceed fourteen (14) inches.
- (2) One (1) directory sign per shared public entrance to a building occupied by more than one (1) business establishment, not to exceed one (1) square foot per business establishment occupying the building, or six (6) square feet, whichever is less.
- (3) One (1) free-standing sign per lot not to exceed ~~twenty-five (25)~~ fifty (50) square feet in area, ~~or eight (8) feet on any one side.~~ The portion of the sign identifying the name and address of the site shall be excluded from the total area calculation, but shall not exceed twenty-five (25) percent of said total area calculation.

The sign may dedicate a portion of space identifying tenant space as for sale or rent, or available vacancy. This portion of the sign shall be excluded from the total area calculation, but shall not exceed twenty (20) percent of said total area calculation.

Regarding buildings with only one (1) tenant, this sign shall identify that tenant by name. In buildings having multiple tenants, or on lots having more than one (1) building, additional signs may be attached in a ladder fashion to the bottom of the free-standing sign.

In such cases of buildings having multiple tenants, the main sign would identify the major tenant ~~or the name of the site as appropriate.~~ The additional signs are to be for the sole purpose of identifying the location of a business to passersby and shall not exceed three (3) square feet in area. The portion of the sign identifying the name and address of the site shall be excluded from the total area calculation, but shall not exceed twenty-five (25) percent of said total area calculation. ~~In no case, regardless of the number of buildings with multiple tenants, shall the total area of the free-standing sign shall not exceed forty (40) sixty (60) square feet.~~

The sign may dedicate a portion of space identifying tenant space as for sale or rent, or available vacancy. This portion of the sign shall be excluded from the total area calculation, but shall not exceed twenty (20) percent of said total area calculation.

- (4) One (1) freestanding directional sign per lot at the location of the curb cut, not to exceed four (4) square feet and six (6) feet in height.
- (5) One (1) wall sign per building not to exceed ~~fifteen (15) square feet~~ ten (10) percent of the area of the wall or facade upon which the sign is to be located. Any such sign shall be flat against the wall of the building and shall not extend beyond the face of the building.
- (6) Window signs either painted on or attached to the inside of a window provided such signs do not cover more than twenty-five (25) percent of the window glass.

Signs placed in a window to advertise sales or promotions may cover no more than fifty (50%) percent of the window glass and may not be posted for longer than thirty (30) days. No window signs shall be illuminated or lighted.

- (7) Accessory signs or devices of similar intent that advertise the property or any part thereof as for sale or rent, or available vacancy shall be incorporated into the allotted signage area for the property or part thereof as advertised as for sale or rent, or available vacancy.

C. All residential districts.

- (1) All signs shall be permitted subject to the following restrictions:
  - (a) Compliance with illumination standards of 201-14.5(A)(1) (a-c); movement requirements of 201-14.5(A)(2); setback requirements of 201-14.5(A)(5)(b); and, height requirements of 201-14.5(A)(6)(a).
  - (b) ~~One sign displaying the street number and/or name of the occupant of the premises not to exceed three square feet in area. Such sign may include identification of a~~ Signs that identify an accessory or professional office or other accessory use permitted in a residential district shall not exceed twelve square feet in area.
  - (c) Signs pertaining to the lease, sale or use of a lot or buildings ~~provided that such signs do~~ shall not exceed a total of six (6) square feet. These signs ~~must~~ shall be taken down immediately after the sale or lease of the property.
  - (d) ~~One~~ A bulletin or announcement board, identification sign, or entrance marker for ~~designating historical, conservation or similar public uses or for each~~ a public entrance to the premises upon which a church, synagogue or other such institution is located; ~~not to~~ shall not exceed ten (10) square feet ~~in area,~~ provided that there shall be no more than three (3) such signs for each institution.
  - (e) One contractor's sign, not to exceed ten (10) square feet ~~in area~~ (except as otherwise required by law), maintained on the premises while construction is in



progress and containing information relevant to the project. Such sign shall be removed within seven (7) days after the certificate of occupancy is issued or upon completion of construction.

- (f) One (1) sign identifying each public entrance to a subdivision, ~~providing such sign does not to~~ exceed ten (10) square feet.

§ 201-14.3 **Other provisions.**

A. Exempt Signs: The following is exempt from these provisions:

- (1) Any public notice or warning required by applicable federal, state, or local law, regulation, ordinance, or statute.
- (2) Signs created and/or approved by the Norwell Historical Commission, Norwell Conservation Commission, or other such public entity that display information about historic properties, site, areas, or other such public uses.
- (3) Works of art that do not include or convey a commercial message.
- (4) Holiday Decorations.
- (5) Political Signs.

B. Prohibitions: The following are prohibited in all districts:

- (1) Any sign not specifically allowed, or which has not obtained the appropriate approvals required by this Bylaw;
- (2) Illumination, except as described in 201-14.5(A)(1) (a-c) above.
- (3) Flashing signs;
- (4) Pennants / streamers / feather banners;
- (5) Portable signs on wheeled trailers;
- (6) Signs which are attached in any form, shape, or manner to a fire escape;
- (7) Signs on trash receptacles, benches, shelters, and any other similar structures or units.
- ~~(8) Illumination except by the following means:~~
  - ~~(a) Exterior white steady stationary lights of reasonable intensity shielded and~~

~~directed solely at the sign.~~

~~(b) Interior non-exposed white lights of reasonable intensity.~~

~~(9) Lighting between the hours of 1:00 a.m. and 5:00 a.m., unless the establishment is open for business during that time.~~

(10) Exposed gaseous tubes.

(11) Billboards (off-premises signs).

(12) Roof signs and V-shaped signs.

(13) Movement, ~~except those signs which are sole indicators of time and/or temperature as described in 201-14.5(A)(2), above.~~

(14) Signs within a right-of-way, except for hanging signs which project over a right-of-way but otherwise comply with this Section, and those signs belonging to, or approved by, a government, public service agency, or railroad;

(15) Signs which are considered obscene or depict obscene matter, as defined in MGL Chapter 272, Section 31, or which advertise an activity that is illegal under federal, state, or local laws;

(16) Signs in violation of building codes, or containing or exhibiting broken panels, visible rust or rot, damaged support structures, or missing letters. Such signs shall be remedied or the sign removed within sixty (60) days in accordance with 201-14.4(D) below;

(17) Signs identifying abandoned or discontinued businesses. Such signs shall be removed within thirty (30) days following the abandonment or discontinuance;

#### ~~§ 201-14.4 General provisions.~~

~~A. Setback. All freestanding signs shall be set back a minimum of 10 feet from the edge of the way line on which the building fronts, and at least 20 feet from all other property lines.~~

~~B. Color. No sign shall contain more than three colors.~~

~~C. Height. No part of a freestanding sign or its supporting structure shall exceed 20 feet in height.~~

~~D. Maintenance. All signs in all districts shall be maintained in a safe and neat condition to the satisfaction of the Building Inspector/Zoning Enforcement Officer and in accordance with the State Building Code. Structural damage, missing letters or other deterioration obscuring content shall be remedied or the sign removed within 60 days.~~



§ 201-14.5 **Nonconformance of accessory signs.**

Accessory signs legally erected before the adoption of the bylaw which do not conform to the provisions of this bylaw may continue to be maintained without a permit; provided, however, that no such sign shall be permitted if, after the adoption of this bylaw, it is enlarged, reworded (other than in the case of theater or cinema signs or signs with automatically changing messages), redesigned or altered in any substantial way, except to conform to the requirements of this bylaw; and provided further that any such sign which has deteriorated to such an extent that the cost of restoration would exceed 50% of the replacement cost of the sign at the time of the restoration shall not be repaired or rebuilt or altered except to conform to the requirements of the bylaw. Any exemption provided in this section shall terminate with respect to such sign which:

- A. Shall have been abandoned; or
- B. Advertises or calls attention to any products, businesses, or activities which are no longer sold or carried on, whether generally or at the particular premises; or
- C. Shall not have been repaired or properly maintained within 30 days after notice to that effect has been given by the Building Inspector/Zoning Enforcement Officer.

Requested by the Planning Board

**The Advisory Board unanimously recommended this article. The Planning Office and Building Inspector have worked for over a year to refine this proposed revision of the Sign Bylaw. They sought and received input from resident and business owners. The new bylaw is intended to be more understandable and to allow modest amount of additional signage, similar to what is found in neighboring communities. It is anticipated that as a result of a less proscriptive bylaw there will be a higher level of compliance that will prove to enhance Norwell's appearance.**

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**ARTICLE 10:** To see if the Town will vote to amend its Zoning Bylaws by making the following amendments to Article 16 Stormwater Management or take any other action relative thereto.

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## **ARTICLE I – GENERAL PROVISIONS**

### **Section 1. Purpose**

The purpose of this Stormwater Management Bylaw is to protect, maintain, and enhance the public health, safety, general welfare, and environment by regulating illicit connections and discharges to the municipal storm drain system and controlling the adverse effects of construction site stormwater runoff and post-construction runoff throughout Norwell. The United States Environmental Protection Agency has identified land disturbance and polluted stormwater runoff as major sources of water pollution. The regulation of stormwater runoff and of illicit connections and discharges to the municipal storm drain system are necessary to safeguard the public health, safety, welfare, environment, drinking water, and other natural resources of the Town.

A. Stormwater runoff is potentially a major cause of:

- (1) Impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands, groundwater and drinking water supplies;
- (2) Contamination of drinking water supplies;
- (3) Contamination of downstream coastal areas;
- (4) Alteration or destruction of aquatic and wildlife habitat;
- (5) Overloading or clogging of municipal stormwater management systems; and,
- (6) Flooding.

B. The objectives of this Bylaw are to:

- (1) Protect water resources;
- (2) Comply with state and federal statutes and regulations relating to stormwater discharges including total maximum daily load requirements;
- (3) Prevent pollutants from entering the Town's storm drain systems and reduce or eliminate pollutants entering the Town's storm drain systems from existing uses;
- (4) Prohibit illicit connections, unauthorized discharges, and obstructions to the municipal storm drain system;
- (5) Require the removal of all such illicit connections and obstructions;
- (6) Establish minimum construction and post construction stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
- (7) Establish provisions for the long-term responsibility for, and maintenance of, structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are adequately maintained, and pose no threat to public safety; and,
- (8) Establish the legal authority to ensure compliance with the provisions of this Bylaw and to ensure compliance with the provisions of this Bylaw through inspection, monitoring, and enforcement.

## Section 2. Definitions

In this Bylaw, the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed. Words used in the singular include the plural and words used in the plural include the singular. Words used in the present tense include the future. Additional definitions can be found in the Stormwater Management 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 either an Administrative Land Disturbance Review, or Land a Land Disturbance Permit for proposed land-disturbing activity.

**AUTHORIZED ENFORCEMENT AGENCY:** Town of Norwell Conservation Commission, or its authorized agent(s), employee(s), and designee(s).

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

**CERTIFICATE OF COMPLETION (COC):** A document issued by the Conservation Commission after all construction activities have been completed, which states that all conditions of an issued Land Disturbance Permit have been met and that a project has been completed in compliance with the conditions set forth in the SWMP.

**CLEAN WATER ACT:** The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

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

**DISCHARGE OF POLLUTANTS:** The addition from any source, point or non-point, of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States, Commonwealth or Town from any source.

**DISTURBANCE OF LAND:** See LAND-DISTURBING ACTIVITY.

**EROSION:** The wearing away of the land surface by natural or artificial forces such as, but not limited to: wind, water, ice, gravity, excavation, regrading, or vehicle traffic and the subsequent detachment and transportation of soil particles.

**EROSION AND SEDIMENTATION CONTROL PLAN:** A document containing a narrative, drawings, and details developed by a registered professional civil engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff and erosion and sedimentation during pre-construction and construction-related land disturbance activities.

**GROUNDWATER:** Water beneath the surface of the ground including confined or unconfined aquifers.

**ILLICIT CONNECTION:** A surface or subsurface drain or conveyance which allows an illicit discharge into the municipal storm drain system, including but not limited to: sewage, fresh water (that is not composed of clean naturally flowing/occurring stormwater), process wastewater, wash water, and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this Bylaw.

**ILLICIT DISCHARGE:** Direct or indirect discharge to the municipal storm drain system that is not composed entirely of clean naturally flowing/occurring stormwater. “Illicit Discharge” does not include a discharge in compliance with a NPDES stormwater discharge permit or resulting from fire-fighting activities exempted pursuant to Article II(2)(D)(1) of this Bylaw.

**IMPERVIOUS SURFACE:** Any material or structure on, in the surface of, or above the ground that prevents water from infiltrating the underlying soil. “Impervious Surface” includes but is not limited to: roads, paved parking lots and driveways, hard packed gravel roads, gravel driveways and parking lots (or those containing crushed material that becomes impervious on contact with groundwater), patios, sidewalks, structures, and rooftops and similar.

**IMPOUNDMENT:** A stormwater pond created by either constructing an embankment or excavating a pit which retains a permanent pool of water.

**INFILTRATION:** The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.

**LAND-DISTURBING ACTIVITY:** Any action or activity that causes a change in the position, location or arrangement of trees, vegetation, water, soil, sand, rock, gravel, or similar earth material.

**LANDSCAPE:** A piece of land that has been altered from its natural state and contains a variety of mixed plantings (rather than just lawn) or an area of planting in conjunction with the installation of other landscape features -- walks, walls, patios, fountains, etc.

**LAND USE OF HIGHER POTENTIAL POLLUTANT LOAD (LUHPPL):** Land uses or activities with higher potential pollutant loadings, as defined in the Massachusetts Stormwater Management Regulations such as auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots with high intensity use, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances, and marinas.

**LAWN:** A piece of land cleared of trees typically consisting of an area of mowed and/or cultivated grass (sod, seed, hydro seed, etc.) that is cut regularly to keep it short.

**MASSACHUSETTS STORMWATER MANAGEMENT REGULATIONS:** The Regulations 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, (MGL c.131 §40) and the Massachusetts Clean Waters Act, (MGL c.21 §§23-56). The Regulations address stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity and quality of runoff from a site.

**MUNICIPAL STORM DRAIN SYSTEM or MUNICIPAL SEPARATE STORM SEWER**

SYSTEM (MS4): 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 (whether isolated from or connected to other jurisdictional wetland resources), reservoir, and other drainage structure that together comprise any storm drainage system.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT: A permit issued by United States Environmental Protection Agency or jointly with the Commonwealth of Massachusetts that regulates the discharge of pollutants to waters of the United States.

NON-POINT SOURCE: Precipitation, atmospheric deposition, drainage, seepage, or hydrologic modification that picks up pollutants as it moves across the ground.

NONSTORMWATER DISCHARGE: Discharge to the municipal storm drain system not composed entirely of naturally occurring clean stormwater.

OPERATION AND MAINTENANCE PLAN (O&M Plan): A plan setting up the functional, financial, and organizational mechanisms for the ongoing operation, maintenance, repair, and replacement of a stormwater management system to ensure that it continues to function as designed.

OUTFALL: The point at which stormwater flows out from a point source into municipal waters or waters of the Commonwealth.

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

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 conveyance, including but not limited to, any pipe, ditch, channel, tunnel, distributed sheet flow, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

PRE-CONSTRUCTION: All activities performed in preparation for construction.

POLLUTANT: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, whether originating at a point or nonpoint source, that is or may be introduced into any stormwater conveyance, storm sewer, water works or waters of the Commonwealth, or the Town. Pollutants shall include but are not limited to:

- A. Paints, varnishes, and solvents;
- B. Oil and other automotive fluids;
- C. Nonhazardous liquid and solid wastes and yard wastes;
- D. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnance, accumulations, and floatables;
- E. Pesticides, herbicides, and fertilizers;
- F. Hazardous materials and wastes; sewage, fecal coliform and pathogens;
- G. Dissolved and particulate metals;

- H. Animal wastes;
- I. Rock; sand; salt; soils;
- J. Construction wastes and residues; and,
- K. Noxious or offensive matter of any kind.
- L. Invasive species.

**PROCESS WASTEWATER:** Water which, during manufacturing or processing, comes into direct contact with, or results from the production or use of, any material, intermediate product, finished product, or waste product.

**RECHARGE:** The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

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

**RUNOFF:** Rainfall, snowmelt, or irrigation water flowing over the ground surface. Discharge from any point source of water, clean or polluted, into the municipal storm drain or street system or into the waters of the United States, Commonwealth or Town from any source.

**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 AUTHORITY:** Town of Norwell Conservation Commission, or its authorized agent(s), employee(s), and designee(s).

**STORMWATER:** Runoff from precipitation or snow melt and surface water runoff and drainage.

**STORMWATER MANAGEMENT PLAN (SWMP):** A plan required as part of the application for a Land Disturbance Permit.

**TOXIC OR HAZARDOUS MATERIAL OR WASTE:** Any material which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious, or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, general welfare, or to the environment. "Toxic or hazardous materials" include but are not limited to: any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as "toxic" or "hazardous" under the Massachusetts Hazardous Waste Management Act, (MGL c.21C) and the Massachusetts Oil and Hazardous Material Release Prevention and Response Act, (MGL c.21E), and the implementing regulations at 310 CMR 30.000 and 310 CMR 40.000.



**WASTEWATER:** Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing comes into direct contact with, or results from the production or use of, any raw material, intermediate product, finished product, by-product, or waste product.

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

**WATERS OF THE COMMONWEALTH:** All waters within the jurisdiction of the Commonwealth, including, but not limited to: rivers, streams, lakes, ponds, vernal pools, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

**WETLAND RESOURCE AREA:** Areas specified in the Massachusetts Wetlands Protection Act, (MGL. c.131 §40) or Norwell Town Code Chapter 61 – Wetlands Protection. Examples include, but are not limited to: wetlands, banks, and land subject to flooding.

**WETLANDS:** As defined in the Massachusetts Wetlands Protection Act, (MGL. c.131 §40) or Norwell Town Code Chapter 61 – Wetlands Protection. Typically, tidal and non-tidal areas characterized by at least two of the three following: hydric soils, seasonally high ground water during the growing season, and capable of supporting wetland vegetation. Examples include, but are not limited to: freshwater marshes, ponds, water bodies, land under water bodies and waterways, channels, rivers, streams, brackish and salt water marshes, and vernal pools.

### **Section 3. Authority**

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and in accordance with the regulations of the federal Clean Water Act found at 40 CFR 122.34 and the Phase II ruling from the United States Environmental Protection Agency found in the December 8, 1999 Federal Register.

### **Section 4. Administration**

- A. The Conservation Commission, acting as the Stormwater Authority shall administer, implement, and enforce this Bylaw. Any powers granted to or duties imposed upon the Stormwater Authority may be delegated in writing by Stormwater Authority to any authorized agents, employees, or designees.

### **Section 5. Waivers**

- A. Following a public hearing on a waiver request, the Stormwater Authority may waive strict compliance with any requirement of this Bylaw or the Regulations promulgated hereunder, where:
  - (1) such action is allowed by federal, state and local statutes and/or regulations;
  - (2) is in the public interest; and,
  - (3) is not inconsistent with the purpose and intent of this Bylaw.
- B. Any Applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation and documentation supporting the waiver request under Section (5)(A) (1-3) above, and demonstrating that strict application of the Bylaw does not further the purposes or objective of this Bylaw.



- C. If in the Stormwater Authority's opinion, additional time or information is required for review of a waiver request, the Stormwater Authority may continue a hearing to a date, time, and place certain, announced at the meeting. In the event the Applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

## **Section 6. Compliance with EPA General Permit for MS4s in Massachusetts**

This Bylaw is intended to further the objectives of and to act in concert with any existing federal, state or local laws concerning stormwater discharges in the Town of Norwell, including but not limited to the requirements of the United States Environmental Protection Agency's most recent General Permit for MS4s, and nothing in this Bylaw is intended to limit or restrict the authority of any Board, Committee, Commission, or officer of the Town to act in accordance with any federal, state, and local laws within their jurisdiction, and in the event of a conflict, the more stringent requirements shall control.

## **Section 7. Rules & Regulations**

The Stormwater Authority may adopt, and periodically amend, rules, regulations, and/or written guidance relating to the terms, conditions, definitions, enforcement, fees, procedures, and administration of this Bylaw by majority vote after conducting a public hearing to receive comments. Such hearing shall be advertised in a newspaper of general local circulation, once in each of two (2) successive weeks, the first publication being at least fourteen (14) days prior to the hearing date. Failure of the Stormwater Authority to issue such rules & regulations, or a legal declaration of their invalidity by a court, shall not act to suspend or invalidate the effect of this Bylaw.

Such rules, regulations, and/or guidance may include without limitation, provisions for the establishment of one (1) or more categories of administrative review approvals for specific types or sizes of projects. Administrative review applications that meet all the standard requirements may be issued by one (1) or more authorized agents, employees, or designees designated in writing by the Stormwater Authority, without the requirement for a public hearing as detailed in Article III of this Bylaw. Administrative review approval shall comply with all other provisions of this Bylaw.

## **Section 8. Severability**

The provisions of this Bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw.

## **ARTICLE II – DISCHARGES TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**

This Article provides authority to the Town to prohibit illicit discharges, connections and obstructions to the Town (MS4) stormwater management systems. It also provides a basis for regulating and authorizing private connection(s) to the Town MS4.

## **Section 1. Applicability**

Article II of this Bylaw shall apply to all water entering the municipal storm drain system or going, directly or indirectly, into a watercourse, or into the waters of the Commonwealth or the Town of Norwell, that is generated on any developed or undeveloped lands except as explicitly exempted in this Bylaw or where the Stormwater Authority has issued a waiver in accordance with Article I Section 5.

## **Section 2. Prohibited Activities**

- A. Illicit discharges: No person shall dump, discharge, spill, cause or allow to be discharged, any pollutant or non stormwater discharge, including, but not limited to: pumped groundwater, foundation drains, and swimming pool discharges, into the municipal storm drain system, onto an impervious surface directly connected to the municipal storm drain system, or, directly or indirectly, into a watercourse, or into the waters of the Town of Norwell or the Commonwealth.
- B. Illicit connections: No person shall construct, use, allow, maintain, or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation, or custom at the time of connection.
- C. Obstruction of municipal storm drain system: No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written consent from the Stormwater Authority.

## **Section 3. Regulated Activities**

- A. No person shall connect a pipe or other appurtenance to the municipal storm drain system (including but not limited to roads, catch basins, drain pipes, manholes etc.), or otherwise perform any modification, repair, rehabilitation, or replacement work on the storm drain system, without receiving an approved Drainage Connection Permit from the Highway Department. If connections are granted, either the Town or the applicant shall, at the time of connection, add or upgrade to oil/water separators and sumps or other best management practices as required by the Highway Surveyor.
- B. No person shall allow a pipe, swale, or other point source to discharge onto a Public Way pursuant to Norwell Town Code §81.9.

## **Section 4. Exemptions**

The following activities shall be exempt from the requirements and provisions of this Bylaw:

- (1) Discharge or flow resulting from fire-fighting activities.
- (2) The following non stormwater discharges or flows are exempt from the prohibition of non stormwater, provided that the source is not a significant contributor of a pollutant to the municipal storm drain system or, directly or indirectly, into a watercourse, or into the waters of the Commonwealth:
  - (a) Waterline flushing;
  - (b) Natural flow from springs;
  - (c) Natural flow from riparian habitats and wetlands;

- (d) Rising groundwater;
- (e) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater (e.g. sump pump), provided that where a pump intake exists inside a structure, the operator seeks a Drainage Connection Permit from the Highway Surveyor prior to discharge and thereafter discharges in accordance with the requirements of the approved Permit and applicable laws and regulations to be issued by the Stormwater Authority. Connections to the municipal storm drain system shall require a gas trap or equivalent device/method, approved by the Highway surveyor and incorporated into the Drainage Connection Permit, to prevent gasses from migrating into buildings;
- (f) Discharge from street sweeping;
- (g) Dye testing, provided verbal notification is given to the Stormwater Authority prior to the time of the test;
- (h) Non stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency, and the Town of Norwell Conservation Commission provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations;
- (i) Discharge for which advanced written approval has been received from the Stormwater Authority as necessary to protect public health, safety, general welfare, or the environment; and;
- (j) Discharge or flow that results from exigent conditions and occurs during a Public Health Emergency declared by an agency of the federal or state government, or by the Town Administrator, Board of Selectmen, or Board of Health.

## **Section 5. Additional Prohibited Pollutants**

Pet Waste: Dog feces are a major component of stormwater pollution, it shall be the duty of each person who owns, possesses, or controls a dog to remove and properly dispose of any feces left by the dog on any public or private property neither owned nor occupied by said person. It is prohibited to dispose of dog feces in any public or private storm drain, catch basin, wetland, or water body or on any paved or impervious surface. However, this provision shall not be applicable to a person using a service dog or other service animal registered as such. Persons walking dogs must carry with them a device designed to dispose of dog feces including, but not limited to, a plastic bag or “pooper scooper.” For specific requirements and penalties for violations, see Norwell Town Code Chapter 45, Article II – Animal Control Regulations.

## **Section 6. Emergency Suspension of Storm Drainage System Access**

The Stormwater Authority may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, general welfare, or the environment. In the event any person fails to comply with an emergency suspension order, the Stormwater Authority may take all reasonable steps to prevent or minimize harm to the public health, safety, general welfare, or the environment.

## **Section 7. Notification of Spills**

Notwithstanding other requirements of local, state, or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of, or suspects a release of, materials at the facility or operation resulting in or which may result in discharge of pollutants to the municipal storm drain system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire and police departments, the Town Administrator, the Board of Health, Conservation Commission, and the Water Superintendent. In the event of a release of non-hazardous material, the reporting person shall notify the Town Administrator and the Conservation Commission no later than the next business day. The reporting person shall provide to the Town Administrator written confirmation of all telephone, facsimile or in person notifications within three (3) business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or facility operator shall also retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for a least three (3) years.

## **Section 8. Enforcement**

The Stormwater Authority or its authorized agents, employees, or designees shall enforce this Bylaw, and any associated regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations. The Town may enforce this Bylaw or enjoin violations thereof through any lawful process, and the election of one (1) remedy by the Town shall not preclude enforcement through any other lawful means.

- A. Civil relief: If a person violates the provisions of this Bylaw, or any associated rules & regulations, permit, notice, or order issued thereunder, the Stormwater Authority may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations, and/or compelling the person to perform abatement or remediation of the violation.
- B. Orders.
  - (1) The Stormwater Authority or its authorized agents, employees, or designees may issue a written Order to enforce the provisions of this Bylaw or any rules & regulations thereunder, which may include, but are not limited to:
    - (a) Elimination of illicit connections or discharges to the MS4;
    - (b) Performance of monitoring, analyses, and reporting;
    - (c) That unlawful discharges, practices, or operations shall cease and desist;
    - (d) That measures shall be taken to minimize the discharge of pollutants until such time as the illicit connection shall be eliminated; and,
    - (e) Remediation of contamination in connection therewith.
  - (2) Said Orders shall specify a deadline by which the required action shall be completed. The Order shall further advise that, should the violator or property Owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work, that it deems necessary to protect public health, safety, general

welfare, and environment, and all costs incurred by the Town shall be charged to the violator or property Owner, to be recouped through all available means, including the placement of liens on the property.

- (3) Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property Owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property Owner may file a written protest objecting to the amount or basis of costs with the Stormwater Authority 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 Stormwater Authority 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 and shall constitute a lien on the Owner's property title for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in MGL c.59 §57 after the 31<sup>st</sup> day at which the costs first become due.
- C. Criminal penalty: Any person who violates any provision of this Bylaw, regulation, order, or permit issued thereunder may be penalized by indictment or on complaint brought in a court of competent jurisdiction. Except as may be otherwise provided by law and as the court may see fit to impose, the penalty for each violation or offense shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense. If more than one (1), each condition violated shall constitute a separate offense.
- D. Noncriminal disposition: As an alternative to criminal prosecution or civil action, the Town may elect to utilize the noncriminal disposition procedure pursuant to MGL c.40 §21D, in which case the Town Administrator or their authorized agent, shall be the enforcing person. The penalty for each violation shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- E. Right of Entry: To the extent permitted by law, or if authorized by the Owner or other party in control of the property, the Stormwater Authority, its authorized agents, employees, or designees may enter upon private property for the purpose of performing their duties under this Bylaw and regulations and may make or cause to be made such examinations, surveys, or sampling as the Stormwater Authority deems reasonably necessary.
- F. Appeals: The decisions or orders of the Stormwater Authority shall be final. Further relief shall be to a court of competent jurisdiction.
- G. Remedies not exclusive: The remedies listed in this Bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

## **Section 9. Transitional Provisions**

Property Owners with illicit discharges, connections, and/or obstructions to the municipal storm drain system shall have a period of 180 days from the effective date of this Bylaw to comply with its provisions and remove such discharges, connections, and/or obstructions, unless immediate removal is required for the protection of public health, safety, general welfare, and the environment. On petition of the Owner, the Stormwater Authority may extend the time for compliance by regulation or by waiver in accordance with Section 6 of this Bylaw.

## **Section 10. Severability**

The provisions of this Bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw.

Requested by the Planning Board and the Conservation  
Commission

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

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**ARTICLE 11:** To see if the Town will vote to accept the provisions of sections 193 and 194 of Chapter 218 of the Acts of 2016 as contained in M.G.L. Chapter 90 section 17C and 18 that allow for the reduction of speed limits in thickly settled areas from 30 to 25 miles per hour and further allow the establishment of 20 miles per hour safety zones provided the zones comply with the Massachusetts Department of Transportation Procedures for Speed Zoning or take any other action relative thereto.

**The Advisory Board unanimously recommended this article. It will allow the Board of Selectmen to reduce speed limits on town roads that meet the statutory definition of “thickly settled.” These are generally neighborhood roads and side streets. The article will also allow for the Board of Selectmen to identify safety zones that engineering studies identify as being appropriate for a 20 mile per hour limit. Adopting these statutes will provide the Town with additional tools to address traffic issues.**

Requested by the Board of Selectmen

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***Office of the Board of Selectmen***

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