

Office of Planning Board

**TOWN OF NORWELL – COUNTY OF PLYMOUTH**

Planning Department

Norwell Town Offices, Room 112

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**Norwell Planning Board Meeting Minutes  
1/8/2020**

The meeting was called to order at 7:53 P.M. with Chair Brendan Sullivan presiding. Also present were Town Planner Kenneth Kirkland and Board Members Brian Greenberg and Scott Fitzgerald. Unable to attend were Vice-Chair Jamie Crystal-Lowry and Brad Washburn. The meeting was held in the Planning Dept. Office.

**CALL TO ORDER/AGENDA**

*After a motion was duly made and seconded, it was unanimously voted to approve the Agenda as submitted/amended.*

**APPROVAL OF MINUTES**

**BILLS**

**ZONING BYLAW AMENDMENT**

***Continued Public Hearing***

**MS4 Stormwater Bylaw Revision – Proposed Zoning Bylaw Amendment**

*Proposal to amend Norwell Town Code, Chapter 201 – Zoning, Article 16 – Stormwater Management, by replacing Article 16 with new Article 16 language in compliance with federal US-EPA MS4 requirements.*

Members of the MS4 revision task force present, including Town Planner Kirkland, Conservation Agent Nancy Hemingway, Highway Surveyor Glenn Ferguson, NSRWA Executive Director Samantha Woods, Selectman Bruce Graham, contractor Steve Bjorklund, and Melissa Recos, BETA Group.

Mr. Kirkland briefly noted in opening that the latest revisions had taken into account feedback received from the PB and Conservation Commission. Ms. Recos added that the purpose of the rewrite was to address stormwater pollution issues, as the existing regulations did not meet current EPA requirements, as well as discharges into Town roads and drainage systems. The bylaw proposes two (2) levels of land disturbance review: projects on lots sloping downward towards Town rights-of-way, roads, or stormwater systems with 500 to 25,000 sq. ft. of land disturbance or 500 to 5,000 sq. ft. increase in impervious surface would be subject to an Administrative Land Disturbance Review with the goal of a one (1) week turnaround. Commercial/industrial

development projects, projects with higher potential pollutant loads (LUHPPL), or those with greater than 25,000 sq. ft. land disturbance, or 5000 sq. ft. increase in impervious surface would require more formal permitting through the Land Disturbance Permit.

Ms. Recos noted that the goal of the revisions was to funnel most projects involving single-family homes to the administrative review rather than permit level. Projects with less than 500 sq. ft. of land disturbance and impervious surface increase would be exempted from all review, as would any project requiring permits in which stormwater management would be addressed. Mr. Kirkland added that Article III, Section C specifically sets forth that the intent of the regulations is not to require engineered drawings at the administrative permit level, and noted that they had increased the review threshold for impervious surface increase from 0 to 500 sq. ft. and the permitting threshold from 15,000 sq. ft. to 25,000 sq. ft. of land disturbance.

In response to a query from Chair Sullivan, Ms. Hemingway indicated that the Conservation Commission had voted to recommend that it be the MS4 permitting authority, but it was ultimately up to the PB to make the decision. Mr. Kirkland felt that the Conservation Agent would ultimately be able to handle most such reviews in a similar manner to building permit signoffs.

All parties made further revisions to Article III, Section 1.D, concerning activity subject to the proposed Land Disturbance Permit, to ensure that large projects can't be segmented in order to avoid the formal permit threshold, as well as note that land Owners creating multiple ANR lots along an existing Town road may be required subject to stormwater review.

Also discussed was whether to add percolation tests to the exemptions in Article III, Section 1.B. Ms. Hemingway stated that very few such tests would trigger any sort of review, but Mr. Greenberg expressed concern that a future agent may interpret the Bylaw in such a manner as to require a review for such tests. After further discussion, the conducting of "temporary regulatory site tests in such a way so as to permanently alter, create a nuisance, or release treated or untreated surface flow from the site" was added to the exemptions under Section 1.B.

Chair Sullivan commented that the draft Bylaw looked to be a good starting point, and was relatively lenient compared to the equivalent Scituate and Cohasset regulations. Member Greenberg felt the Norwell regulations would generate more reviews than those in neighboring Towns but the process as proposed was more lenient.

Town Planner Kirkland noted that, in addition to the draft Bylaw prepared by the working group, a baseline MS4 Bylaw update designed to be minimally compliant with EPA requirements had been prepared in case the former does not pass at the February Special Town Meeting. The working group will consult with Town Counsel Galvin or Town Moderator Hughes regarding the timing of presenting the proposals, as well as repeal of the existing Stormwater Bylaw.

*Motion by Mr. Sullivan to approve the Town of Norwell Stormwater Management Bylaw as written. Duly seconded and unanimously voted.*

**MISCELLANEOUS**

**COMMITTEE LIAISON REPORTS**

**TOWN PLANNER'S REPORT**

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**NEXT MEETING**

January 22, 2020 – Town Hall, Room 112, 7 pm

**ADJOURNMENT**

*There being no further business, motion was made by Mr. Greenberg to adjourn at 9:29 P.M.  
Duly seconded and unanimously voted.*

I certify that the above minutes were reviewed and approved by a majority vote of the Planning Board on January 22, 2020.

  
\_\_\_\_\_  
Scott Fitzgerald, Clerk, of Brian Greenberg, Alternate Clerk

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