

Norwell Planning Board Meeting Minutes  
Saturday, October 22, 2005  
Special Workshop Session

The meeting was called to order at 10:00 a.m. Present were Board Members Richard Parnell Barry, Bruce W. Graham, James M. Ianiri, Karen A. Joseph and Sally I. Turner and Planner Ilana Quirk.

**DISCUSSION. Draft Agenda. 10:00 a.m.**

Member Ianiri moved and Member Barry seconded that the Board approve the draft agenda. The motion was approved 5-0.

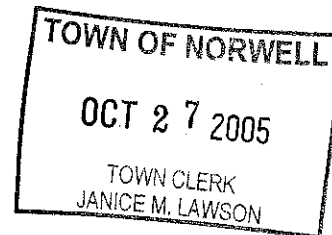
**DISCUSSION. Minutes. 10:02 a.m.**

October 12, 2005 Minutes.

Member Ianiri moved and Member Barry seconded that the Board vote to approve the October 5, 2005 minutes. The motion was approved 5-0.

**DISCUSSION. Bills. 10:05 a.m.**

Corporate Express.	\$ 38.90
Coler & Colantonio, Inc.	
Barrel Lane:	\$ 475.50
Cedar Point:	\$ 130.00
Cowings Lane:	\$4,251.25
Forest Ridge:	\$1,312.50
Holly Berry:	\$1,786.22
Joshua's Landing:	\$1,686.64
1 Longwater Circle:	\$ 132.08
Pinson Lane:	\$ 65.24
Trunnel Estates:	\$ 91.50
Trunnel Mullaney Mod.:	\$ 66.50
Turner's Way:	\$ 212.50
Wildcat Hills:	\$ 260.08



Member Turner noted that there was a typo in the agenda and that Turner's Lane should read Turner's Way.

Member Ianiri moved and Joseph seconded that the Board vote to pay the bills presented and sign the vouchers. The motion was approved 4-0, with Member Turner abstaining.

**DISCUSSION. Staffing Issues. 10:15 a.m.**

The Board members discussed the clerical staff absence, due to sick leave, for the past five weeks and was informed that it the absence will continue for at least another month and that it may continue for an indeterminate period thereafter.

The Board discussed its priorities for the Planner and the Board's frustration with the Planner being left with no assistance with clerical matters. The Planner expressed great frustration with the lack of assistance, especially since Conservation is without assistance also and members of the public constantly seek assistance from the Planner for conservation matters.

Member Graham reported that he discussed the issue with the Board of Selectmen at the Selectmen's October 19, 2005 meeting. The Selectmen indicated that they wish Planning and Conservation to be open for 40 hours per week. Member Graham noted that this cannot occur unless the Selectmen provide the necessary staffing, as both the Conservation Agent and Planner have duties that take them outside of the office at times and force the office to be closed.

The Planning Board discussed the fact that the Board of Selectmen have not been willing to hire a temporary replacement for the absent staff person. The Selectmen have cited budget constraints. The Planning Board members noted that without clerical staff it is not possible to observe the posted Town Hall hours.

The Planner urged the Board to work with the Board of Selectmen to seek and find a resolution of the issue as soon as possible. It has persisted for a long time and, while she has been willing to perform the clerical duties on a temporary and short-term basis, the situation is no longer short-term.

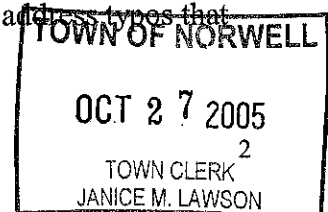
Member Graham stated that he e-mailed the Town Administrator on Friday, October 21, 2005 and requested a meeting with him and the Chairman of the Board of Selectmen and the Planner as soon as possible.

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**DISCUSSION. Bills. 10:50 a.m.**

Member Barry indicated to Chairman Graham that he wanted the Board to be aware that there is a mistake in the agenda, regarding one of the bills. The Planner noted that the bill vouchers are accurate and that is what was voted by the Board members. (The bill for Pinson Lane was noted in the agenda as being for \$66.50; however, the actual bill and the voucher prepared and voted and signed by the Board were for \$65.24. So, the voucher voted and signed accurately reflected the actual bill.)

The Planner expressed, as she has many times before, her extreme frustration with the constant concern by two Board members with the issue of typos in the agenda and in the minutes. As has been requested many times, the way for a member to address typos that



are observed is for the member to prepare in advance of the meeting by reviewing the materials before they are voted on and to provide the information in advance. Given the staffing levels in the Planning Office, the Planner is performing two jobs, not one. The constant complaints about typos relate to a secretarial function that the Planner is not supposed to be providing in the first place. The repeated and formal complaints during meetings by members about typographical errors is a problem and the Planner requests again that it stop and that the proper procedure for addressing such issue be followed.

Member Graham noted that the Board has discussed this issue a number of times and reminded the members that the procedure to be followed is that typos should be addressed outside of meetings. Member Ianiri agreed that this should be the procedure and that there is no need to waste meeting time over typos.

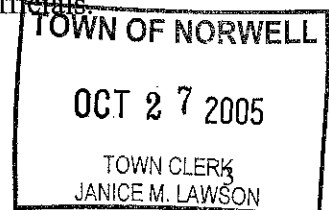
**DISCUSSION. Stormwater Workshop. 11:00 a.m.**

The Board reviewed four stormwater documents, prepared by the Planner during August of 2004. The documents were: (1) Proposed changes to Zoning By-law §2423 to clarify what is included in a stormwater management system; (2) Proposed changes to the definitions section of the Zoning By-law to add stormwater related definitions; (3) a draft Municipal Drainage System Discharge Control General By-law; and (4) a draft "Erosion and Sediment Control for Stormwater Management" General By-law.

Member Barry asked why the Planning Board is not working on stormwater regulations. The Planner noted that the by-law must precede the regulations, as there must be an authority charged with overseeing stormwater and then the authority created can promulgate regulations, as deemed appropriate.

Member Barry noted that he has learned that there is a stormwater committee in the Town and asked why that committee has not been contacted to perform this task and noted his concern that the Planning Board could become the stormwater regulatory authority and the Board does not have the time or resources to do that. The Planner noted that there is no suggestion that the Planning Board would be the stormwater regulatory authority. She noted that she discussed the jurisdictional issues with the Board in 2004 and, at the Board's request, she drafted the materials in August of 2004 that are being discussed by the Board today. In doing so, she spoke to the Water Superintendent, members of the Water Board and the Highway Surveyor, during 2004 and since, regarding the Planning Board's intention to move forward to try to develop stormwater by-laws. During 2004 and since, to her knowledge, there has been no movement by those individuals, most of whom appear to be on the stormwater committee to draft the necessary by-laws.

The Board discussed again the fact that stormwater is not directly within its jurisdiction to regulate, outside the subdivision approval process; however, from a planning perspective it makes sense for the Planning Board to develop suggested language for the appropriate board and then pass the language along to the appropriate officials.



The Planner noted that the Planning Board, in April 2004 adopted revised subdivision regulations, which require all subdivision drainage systems to be designed to meet the performance of the DEP Stormwater Management Policy.

Member Barry noted that he is concerned about the 2008 deadline for the Town to conform to the requirements of the Clean Water Act.

The Planner presented the four draft documents to the Board.

#### Zoning By-law §2423 and Definition Additions

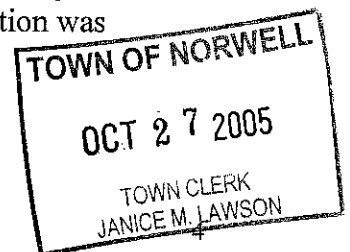
The proposal to amend Zoning By-law §2423 would expand the definition of the stormwater system excluded from the calculation of the minimum one-acre of upland area required. It would expand it by including easements areas. Member Turner noted that this was discussed when the by-law was first proposed and was not included, even though desired at that time, because there was too much opposition.

The members discussed the policy issues behind the one-acre upland minimum and noted that its purpose is to allow sufficient upland so as to allow the siting of a residence, a septic system and a drinking water well and provide the necessary setbacks that are required between each of the three. The Board members noted that stormwater drainage systems are excluded from the upland area because the area where such a system is located is not available to site any portion of a dwelling, septic system or a drinking water well. Since that is the case, the upland area calculation does not include the system. Since the easement areas that support access to and from the system also are not available to site any portion of a dwelling, septic system or drinking water well, Members Graham, Ianiri, Joseph and Turner stated the believe that it would be better to exclude stormwater drainage easement areas from the upland calculation as well.

The members reviewed proposed new definitions that would define the terms stormwater, stormwater runoff, stormwater basin, stormwater management system and town stormwater management system.

The Members discussed the fact that these type of zoning changes are directly within the Planning Board's jurisdiction, but that, rather than proceed directly to advertise a public hearing to propose the language changes to Town Meeting, it would be better to circulate the language to the Selectmen and other Town Boards and officials and seek comment and support first.

Member Ianiri moved and Member Graham seconded that the Board circulate the draft language for Zoning By-law §2423 and the proposed definition changes to the Selectmen and to Town boards and officials for review and comment and provide 30 days for review and schedule a Planning Board meeting to discuss the comments and invite any official who has an issue to discuss the language during December 2005. The motion was approved 5-0.



### Municipal Drainage System Discharge Control By-law

The members reviewed the draft Municipal Drainage System Discharge Control By-law. The proposal is a general by-law provision that, if adopted, would appoint the Board of Selectmen as the responsible entity to oversee, protect and control access to the Town's municipal drainage system. This is a basic requirement of the Clean Water Act. The general by-law includes language to educate anyone who reads the by-law as to the requirements and purposes of the Clean Water Act.

The Planner noted that there are a number of exempted discharges that the Board may wish to consider controlling by leaving them off the list of exempted discharges. The Board discussed the exempted discharges and whether it would be better to start with a shorter list as the by-law is sent forward for discussion. Member Joseph moved and Member Graham moved that items 2, 7, 9, 11-13, 16 and 18 be deleted from the exempted discharges proposed in the draft. The motion was approved 4-1, with Member Barry dissenting.

### Westfield Stormwater Management By-law to Control Erosion

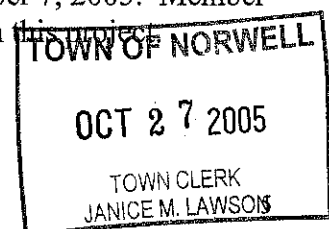
The Planner noted that the Westfield proposal has not been fully revised to be a draft that Norwell could adopt. It would impose erosion and sediment control measures, town-wide, to manage stormwater. While this is a necessary step to comply with the Clean Water Act, the model by-law at issue is for a city and perhaps not as useful for a town as other models. Also, there are funding and staffing resource issues that must be addressed by the Selectmen. The Board discussed recommending to the Selectmen that the Selectmen create a committee to discuss erosion and sedimentation control issues, in order to comply with the Clean Water Act. The committee could consist of one member of the Board of Selectmen, one member of the Planning Board, the Highway Surveyor, the Water Superintendent and one other member chosen by the Selectmen.

Member Graham provided a language he downloaded from the AG's website that could be useful to send to the Selectmen, instead of the Westfield approach.

Member Joseph moved and Member Ianiri seconded that the Planning Board vote to send the amended draft Municipal Drainage System By-law to the Board of Selectmen, with a letter suggesting that the Selectmen review the draft and considering proposing it to Town Meeting and that the Selectmen consider creating a five member subcommittee to make a recommendation to the Selectmen regarding an erosion and sedimentation control by-law that would include cost and staffing estimates to administer and enforce the by-law. The motion was approved 5-0.

### **DISCUSSION. Wildcat Hills Subdivision. Deliberations. 11:45 a.m.**

The Board reviewed the draft decision prepared by staff, dated October 7, 2005. Member Ianiri left the meeting as he has recused himself from participating in this subject.



The Members reviewed and discussed each draft finding of fact and supporting material, set on pages 21 through 47. The Board used a procedure of discussing favorable action on each draft finding and proposed condition, unless a hold was requested by a Member.

Following a lengthy discussion, Member Joseph moved and Member Barry seconded that the Board make favorable findings on each of the draft findings and adopt the proposed conditions set forth with the draft findings, recommended either by staff or the Board's engineering consultant, except for findings proposed under Regulation §§4.13 and 4.20, which shall be held for further discussion. The motion was approved 4-0, with Member Ianiri absent.

The Board agreed to review the proposed findings under Regulation §§4.13 and 4.20 at the next meeting.

The Board reviewed the waiver section of the draft decision, on page 47. Member Joseph moved and Member Turner seconded that the Board vote to confirm that no waivers were requested by the Applicant and that no waivers, express or implied, shall be granted under the decision, if the project is approved.

The Board discussed the draft conditions of approval.

Draft Condition No. 8. Homeowners Association.

The Board discussed the Homeowners Association requirements and determined, preliminarily, that the applicant should be required to include an initial reserve of \$100,000. The Board determined that it needed to discuss further the minimum amount that should be contributed by the homeowners each year.

Draft Condition No. 9. Groundwater Discharge Permit.

The Board discussed adding a requirement the developer shall provide a copy of the Groundwater Discharge Permit to the Planning Board before any clearing begins.

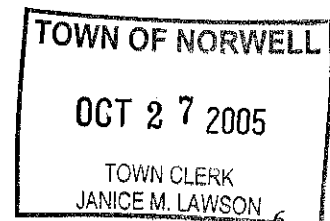
Draft Condition No. 20. Street Signage.

Member Barry noted that he wishes it made clear that the Bayberry Lane sign does not have to be erected prior to the pre-construction meeting and that it can be erected at a later point.

Draft Condition No. 38. Water Main Connection.

The Board discussed adding language to include the requirement that the looped water main connection to Centennial Way shall be made.

Draft Condition 44. Drainage.



The Board noted that it certainly wishes to indicate that it is critical that the project be built as designed and approved and endorsed and that any change shall require a modification.

Draft Condition 44.C. Final Required Grades and Contours.

Member Barry noted that there appears to be a mistaken reference to ¶44B in the last two paragraphs.

Draft Condition 50. Deadline for Completion.

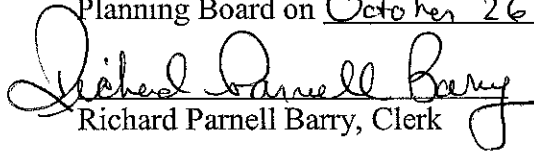
The Board discussed the time limit for completion and agreed that three years would be an appropriate limit.

The Board requested that a revised draft be prepared and circulated to the members for the October 26, 2005 meeting. Member Graham agreed to take the revised draft and prepare color copies of it as it makes it much easier and faster to read the document and move through it efficiently. The Planning Office does not have the capability of making color copies.

**DISCUSSION. Adjournment. 1:40 p.m.**

At approximately 1:40 p.m., Member Ianiri moved and Member Joseph seconded that the Board vote to adjourn. The motion was approved 4-0, with Member Ianiri absent.

I certify that the above minutes were reviewed and approved by majority vote by the Planning Board on October 26, 2005.

  
Richard Parnell Barry, Clerk

TOWN OF NORWELL  
OCT 27 2005  
TOWN CLERK  
JANICE M. LAWSON