

**WAREHAM PLANNING BOARD**  
**MINUTES OF THE WORKSHOP MEETING**

**Multi-Service Center**  
**54 Marion Road, Wareham, MA 02571**  
**Monday, August 1, 2022**

The following record pertains a meeting held by the Wareham Planning Board at 6:00PM local time. A video recording of this meeting is available for viewing. The record for the proceedings includes the videotape of the meeting, the resolutions passed, and any document presented during the course of the meeting.

**I. CALL TO ORDER**

Carl Schulz opened the meeting and proceeded to call the roll.

PRESENT MEMBERS: Carl Schulz  
Jane Gleason  
Mike Baptiste  
Sherry Quirk, Associate Member  
Sam Corbitt

ALSO PRESENT: Charles Rowley, Consulting Engineer  
Monique Baldwin, Assistant Town Planner  
Kenneth Buckland, Director of Planning and Community Development

ABSENT: Michael King

**II. OTHER BUSINESS**

**1. Art. Workshop and Discussion: Stormwater By-Laws & MS4 – Discussion of Content and Proposed Changes.**

K. Buckland summarized the requirements of the Municipal Separate Storm Sewer System (MS4) program.<sup>1</sup> The Permit pertained the urbanized area of Wareham and focused on the discharge from storm drainpipes and water quality standards set forth by the Environmental Protection Agency's (EPA) Clean Water Act.<sup>2</sup> The program is part of the National Pollutant Discharge Elimination System (NPDES) Permit granted to the State by the EPA.

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<sup>1</sup> An MS4 is a "conveyance or system of conveyances that is: owned by a state, city, town, village, or other public entity that discharges to waters of the U.S., designed or used to collect or convey stormwater (e.g., storm drains, pipes, ditches), not a combined sewer, and not part of a sewage treatment plant, or publicly owned treatment works (POTW)." See: EPA, Stormwater Discharges from Municipal Sources.

<sup>2</sup> 33 U.S.C. §1251 et seq. (1972).

K. Buckland stated that all catch basins and storm basins within the town had been mapped, with the inclusion of their discharge points. 4,400 catch basins were accounted for, including those approved by the Planning Board under the purview of HOAs. The basins must be cleaned every two years per EPA requirements.

K. Buckland then provided an overview of the six components of the MS4 program and how the town had been meeting them.

- 1) For Public Education and Outreach, the Building Department, Town Court, and Planning Office provides informational brochures.
- 2) For Public Participation, public meetings are held yearly to educate and involve the public in the program.
- 3) For Illicit Discharge Detection and Elimination, a new program was developed to catch illegal or inappropriate flows into storm drains.
- 4) Management of Construction Site Runoff.\*
- 5) Management of Post Construction Site Runoff (New Development and Redevelopment).\*
- 6) For Good Housekeeping in Municipal Operations, a contract had been signed with the Massachusetts Maritime Academy, which allowed them to sample discharge from storm events.<sup>3</sup>

*\* Components which pertain to the Planning Board's discussion at this meeting.*

A discussion ensued on proposed amendments to the Stormwater By-Laws.<sup>4</sup> Stormwater management systems were noted in By-Laws relating to construction site impacts. It was noted that other By-Laws would subsequently require amendment to reference Art. 12, to ensure the management of the stormwater and design is appropriate for the project. This would require the amendment of the Subdivision Rules and Regulations and to the Illicit Discharge Elimination (IDDE) By-Law.<sup>5</sup>

K. Buckland then presented several draft amendments to Art. 12, which included the reduction of the area of regulated disturbance to one acre, the addition of design criteria, the addition of construction and post-construction requirements, and the addition of references to applicable section of the Permit. He then expressed concern over the inclusion of the IDDE By-Law's fee requirement and the potential for inspections on private properties.

S. Quirk requested clarification from K. Buckland regarding a provision which noted that the requirements would be implemented in relation to the size of the property. She further questioned if different requirements would be laid out in the regulations or handled on a case-by-case bases, to which K. Buckland indicated both. She inquired K. Buckland's rationale was for categorizing regulations and By-Laws. K. Buckland responded flexibility, as Rules and Regulations can be modified, and requirements can be increased if needed.

S. Quirk questioned what would be subject to Attorney General review, to which K. Buckland responded all zoning or general By-Law is presented to the Attorney General to ensure

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<sup>3</sup> See: Town of Wareham, Stormwater Management Program (SWMP).

<sup>4</sup> By-Laws of the Town of Wareham. (2021, October 25); and Zoning By-Laws. (2022, April 12).

<sup>5</sup> See: Town of Wareham, Rules & Regulations Governing The Subdivision of Land. (2013, March).

consistency with state law. Responding to S. Quirk's concerns regarding a timeline for addressing MS4, K. Buckland noted the EPA's enforcement had visited the town about the MS4 program, although no fines or administrative threats had occurred.

It was noted that while some funding has been applied for, monitoring programs were paid by the town. C. Schulz and J. Gleason recommended a Special Town Meeting.

K. Buckland then reviewed proposed amendments to Art. 12, many of which focused on improving consistency and clarity.

Proposals for Sec. 590 "Solar Energy Generation Facilities," included the addition of stormwater management in discussions of land clearing and grading.

Proposals for Sec. 1213, "Definitions," included the addition of definitions from the stormwater handbook and the addition of the language, "and any subsequent updates thereto..." to cover any modifications.

Proposals for Sec. 1214, "Applicability," included modifications to language.

Proposals for Sec. 1215, "Review and Decision," included the reduction of response to a referral from another Board or Commission from 45 to 30 days, for consistency.

K. Buckland noted that Sec. 1216, "Exemptions," had changed substantially, as many activities included in the existing Art. 12 are not exempt under the MS4 program. A brief discussion ensued between C. Schulz, J. Gleason, and K. Buckland regarding application requirements, to which it was proposed that the information in 1217.1 "Application Requirements," and relevant material onward, would be transferred into a different document in Rules and Regulations.

Within Sec. 1218, "Review Standards," the NOAA Technical Paper 40 (TP40) was used for the method to determine the frequency of a 24-hour storm event.<sup>6</sup> C. Rowley and J. Gleason established that the NOAA Technical Paper 40 (TP40) within the By-Law was not applicable to Wareham. The USDA Stormwater Management Regulations provided more relevant information and that was requested to be referenced in the By-Law instead. J. Gleason suggested alerting the EPA that Wareham was not included in the TP40 and fielding recommendations for other documents to use as the standard.

C. Schulz questioned if the EPA had provided any guidance on what standard they preferred, to which K. Buckland responded that the USPS 12 Standards were discussed. K. Buckland could not confirm if Massachusetts data was current and comprehensive, noting that storms have been increasing in their intensity.

C. Schulz questioned how improved regulations would impact under capacity sewer treatment systems, to which K. Buckland responded that they would result and the removal of combined flows from sewer to storm drains and vice versa. Sewer flows would not be part of the stormwater drainage system.

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<sup>6</sup> Presumed to be: National Oceanic and Atmospheric Administration, Technical Paper 40. (1941, May).

K. Buckland noted that the MS4 Permit required the submission of as-built drawings no later than two years after completion of a project.

A discussion then ensued on amendments to Art. 15. References to stormwater runoff pollution controls were added. J. Gleason requested the removal of "Shall" from Sec. 1541.9, "Natural Features."<sup>7</sup>

K. Buckland suggested the creation of a new By-Law section exclusively on stormwater, to which C. Schulz expressed concern to having multiple Special Permits potentially involved in a project. C. Schulz proposed the inclusion of Special Permit Rules and Regulations and Site Plan Rules and Regulations. J. Gleason and C. Schulz Requested a document with all the updated changes in addition to scheduling a public meeting.

C. Rowley then provided comments. He expressed confusion with the language of Sec. 1214, "Applicability," and 1216.7, "Exemptions." He noted that of the six components of the MS4 Permit, only the requirement pertaining to stormwater was applicable to the responsibilities of the Planning Board. C. Rowley expressed concern over the language pertaining to the application of waivers, and recommended including language in the Subdivision Rules and Regulations stating the Planning Board may waive any particular regulation that is in the best interest of the town; allowing applicants to initiate requests for waivers.

He requested that a 'significant forest community' be defined. C. Rowley suggested clarifying the requirements and expectations for inspections, as in his interpretation of Sec. 235 and 236.36, on Stormwater Management System Design, meeting one of the four issues of criteria would qualify as meeting the required standards. C. Schulz, J. Gleason, C. Rowley agreed this was an opportunity for improvement.

C. Rowley expressed that it may not be beneficial to include them in the process of stormwater management. He noted the Board of Health has pre-existing responsibilities and protocols to manage spill incidences. HOA compliance with regulations was also noted as a concern, as agreements signed by original developers may not include requirements to communicate.

K. Buckland and C. Rowley then discussed the MS4 requirement for as-built plan submissions, with C. Rowley noting it may not be necessary for contractors to generate a brand-new Plan.

J. Gleason questioned if there was communication between the Building Department Inspectional Services and the Planning Office when a project that had gone through Planning Board vetting and approval neared completion so that follow-up could be completed. K. Buckland responded that the Building Commissioner communicates regarding the status and completion requirements.

### **III. BOARD MEMBER COMMENTS**

S. Quirk noted that for the 0 Route 25 solar project, a project reference letter had been submitted by counsel for the developer regarding the right-of-way and requested further information. C.

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<sup>7</sup> Presently categorized as Sec. 1541.8, Zoning By-Laws. (2022, April 12).

Rowley noted that they had submitted another document which granted easement access to various property owners and specified that these property owners could use the easement for purposes expanded upon.

C. Schulz questioned if the Planning Board had received any contact from Wareham Retail Management. M. Baldwin responded that an e-mail was received stating they would submit a Work Plan before the end of the week, but no further had been made since.

#### IV. STAFF REPORT

M. Baldwin summarized the outcome and response to her presentation to the Zoning Board of Appeals.

#### V. AJOURNMENT

**MOTION** – Move to adjourn.

MEMBER	MOTION	SECOND	VOTE
M. King (Chair)			ABSENT
J. Gleason			AYE
C. Schulz		X	AYE
S. Corbitt	X		AYE
S. Quirk			AYE
M. Baptiste			AYE

Seconded and passed without dissent. 5-0-0

The meeting was adjourned at approximately 8:00PM local time.

Approved by Planning Board Clerk: \_\_\_\_\_



Date submitted to Town Clerk: \_\_\_\_\_

WAREHAM TOWN CLERK  
2023 MAY 18 PM1:59