

Selectman Present: Karen Quigley, Chairman
Edwin G. Carr
Frederick Koed
Paul Carlson
Leland H. Jenkins

Others Present: William R. Griffin, Town Manager
Jennifer Oram, Selectmen’s Clerk

Chairman Karen Quigley called the meeting to order at 7:00PM.

Town Manager’s Report

Town Manager, William Griffin, asked the Board to re-sign the document for water legislation as the State House has misplaced it.

Selectmen’s Comment Period

Chairman Quigley addressed an anonymous letter written to the Board about Sandy Beach. Chairman Quigley stated that the beach is run by a private association and any letters should go to them.

State Primary Warrant

Selectman Leland Jenkins moved to sign the warrant for the State Primary. Selectman Carr seconded the motion and the vote was unanimous (5-0).

Cable Studio Update- Selectman Paul Carlson, speaking as a member of the Cable Advisory Committee, had provided the Board with the Cohasset Cable Television Studio Use Agreement between the Town and the schools. Putting the cable access up at the schools will be great for the Town and a great opportunity for the students. The Board then discussed the studio hours and access due to school operating hours. Selectman Carlson stated they will be before the School Committee in late August where they hope to finalize the agreement. Once that is done, they can start looking at equipment and hopefully get things up and running soon. The Board thanked Selectman Carlson for the update.

Pole Hearing – 32 Elm Court – Chairman Quigley read the public hearing notice aloud. Mr. Tom Cichocki of National Grid addressed the Board. Mr. Cichocki explained that the plan proposes to move the existing pole down 13’ to allow for a driveway to be installed. Selectman Jenkins stated he would like the Department of Public Works to look at the site. Selectman Edwin Carr said that the abutters on the plan that were notified look to be incorrect. **Selectman Carr asked to continue the hearing until these questions could be addressed. Selectman Koed seconded the motion and the vote was unanimous (5-0).**

Candidate Interview – ZBA Associate Member – Mr. David McMorris of 89 Doane Street addressed the Board. Mr. McMorris reviewed his background for the Board. He stated that he is an Attorney and feels he has a lot of experience writing decisions which he thinks would be helpful to the Board of Appeals. **After a brief discussion, Selectman Carr moved to approve Mr. McMorris’ appointment as an Associate Member of the Zoning Board of Appeals. Selectman Jenkins seconded the motion and the vote was unanimous (5-0).**

Water Audit Proposal Review Team Members – The Board received two resumes from residents interested in serving on this review team. Mr. Lawrence Aherne of 188 Lamberts Lane and Mr. Pascal Marat of 103 Aaron River Road, both candidates addressed the Board and reviewed their extensive backgrounds. Selectman Carr stated that he felt both of their backgrounds brought fresh perspectives to the team. Chairman Quigley stated she appreciated new people stepping forward to serve the community. **Selectman Carr moved to appoint Mr. Lawrence Aherne and Mr. Pascal Marat to the Water Audit Proposal Review Team. Selectman Koed seconded the motion and the vote was unanimous (5-0).**

Conservation Commission - Stormwater Management Bylaw Update – Chairman of the Conservation Commission, David Farrag, as well as Conservation Commission members, Sarah Charron, Edward Graham, and Norfolk Ram Engineer John McAllister addressed the Board. Mr. Farrag reviewed the history of the Commission's involvement in drainage in town, starting with such entities as the Drainage Committee, and culvert projects such as the Border Street Culvert etc. Mr. Farrag stated that when it came time to do the Little Harbor Sewer project, they insisted that drainage improvements be made while the streets were open for construction. Funds were appropriated at Town Meeting and today many drainage improvements can be seen all over town, he cited a success at the Jerusalem Road Drive area. He said the main objective of Conservation is to protect Cohasset's water supply. Another area they can do this through is rain gardens and other BMP's located around town paid for by grants with the help of the Norfolk Ram Group. In 2008 the Stormwater Bylaw went into effect. The Conservation Commission, with the help of their Stormwater Agent, Norfolk Ram Group, reviews all applications for construction that triggers the guidelines set forth in the bylaw. Mr. Farrag reviewed how this process has been going since its implementation and what the purpose is of these permits. He stated that people can still build what they want and that they should not be afraid of the Bylaw; it allows for proper engineering to slow down and recharge Stormwater properly. The Board thanked everyone for their time and for the update.

Stormwater Flooding Discussion – Chairman Quigley asked the Board to discuss what the Town's legal obligation regarding stormwater flooding presently is and to discuss if the Board wishes to adopt a policy to address this issue. The Board was provided an advisory opinion on this topic from Town Counsel's office dated July 23, 2010. Chairman Quigley stated that the opinion is extensive, but essentially states that the Town is not legally responsible to install new drainage systems [to address stormwater flooding] but is responsible to maintain what is built and what the Town owns; that unless the Town actively participates in causing stormwater runoff it is not responsible; and that the Town is not responsible for stormwater flooding on private property. Selectman Carlson stated that he was not really comfortable saying that the Town is not responsible for maintaining the storm drains and the rain gardens. Mr. Griffin stated that there is a regular program, not for legal liability, but for cleaning out the drains. The Town will most likely have to hire someone to clean out the additional rain gardens/BMPs. He added that the units required to do this are costly and that managers are looking to possibly look into a regional maintenance plan. Mr. Griffin explained that the rain gardens have to be cleaned a minimum of twice a year; right now he negotiated maintenance to be included for the first three (3) years, but eventually the maintenance will have to be added to the Town budget. Selectman Carlson asked to address the nuisance issue as cited in paragraph four of the opinion. He said if Boards are approving projects that have caused a nuisance, would the Town not be liable? Chairman Quigley stated that according to Town Counsel if the permits were legally issued the Town has no liability and that she spoke with Building Commissioner, Robert Egan, and that he explains to people that issues such as this would actually be a civil matter. Selectman Koed said that he can see issues with certain developments

in the past but that he does not feel the Town would liable for issues that happened in the past. As for today, he feels there is so much oversight and the law allows a person to develop their property. Chairman Quigley then reviewed what the Town has done proactively in regard to Stormwater, including: the James Brook drainage project, enacting the Stormwater Management Bylaw, appropriated one million dollars to fund a stormwater drainage project in the Little Harbor/Atlantic Avenue sewer district, received several grants to build stormwater BMPs and others. She stated that she feels the Town has worked hard to be proactive in the area of stormwater with much success. She added that there have been some unintended consequences with projects that inadvertently exacerbated flooding in Jacobs Meadow, but they have thought about these issues going forward. Chairman Quigley then asked if the Board would like to adopt a policy. She would not like to take on any further responsibility over that required by MA General Law. Selectman Koed stated that he would like to look at upstream retention as that would improve certain areas in Town. Selectman Carr asked that with the Stormwater Bylaw in place, what gaps are left that this would not cover? Chairman Quigley clarified that she was trying to see if the Board wants the Town to be responsible for all stormwater issues. This is not the direction she would suggest as she thinks they should follow the law. If the Board moves forward with the Flood Control Master Plan what are the consequences? Selectman Koed stated that over the years, the Town has done incremental improvements. If there are icing and public safety issues caused by stormwater run off, then those should be fixed. Selectman Carlson said that if they were to review the Flood Control Master Plan, they would see issues that would need to be done for public safety and other projects that, due to lack of funding, the Town would have to do without. Mr. Griffin said that going back in to the plan and looking and prioritizing what they would like to do and what they may have to put off until funding is available could be quite helpful. The Board agreed. Chairman Carlson suggested they have Engineer Daniel Coughlin (Coughlin Environmental Drafted the plan) come in to discuss various aspects of it.

Water Planning Group (WPG) Membership – Chairman of the WPG, Paul Carlson, asked the Board to consider increasing the citizen membership of the group from two to three citizens and decreasing the Advisory Committee membership from two to one. WPG Member, Patrick Waters, is no longer serving on the Advisory Committee, but wishes to continue to serve and these changes would allow him to do so. **Selectman Carr moved to approve the changes in membership of the WPG. Selectman Jenkins seconded the motion and the vote was unanimous (5-0).**

Selectman Jenkins moved to adjourn the meeting. Selectman Carlson seconded the motion and the vote was unanimous (5-0). Meeting adjourned at 9:15PM.

Respectfully submitted,
Karen Quigley
Chairman