

**Norwell Board of Selectmen  
2/10/21  
Open Session – Remote meeting**

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**Present:** Ellen Allen, Alison Demong, Jason Brown, Bruce Graham, Joe Rull, Peter Morin,

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**Open Session**

The meeting was opened by Chair Ellen Allen at 7:04pm. She announced that all votes will be roll call votes as the meeting participants are using remote access software. The meeting is being recorded and the audio file will be available on the Town website. Ms. Allen noted that this meeting will be conducted pursuant to the Executive Order dated March 12, 2020 suspending certain provisions of the Open Meeting Law, Gen. L. c. 30A §20 et seq. and 940 CMR 29.01 et seq.

**Approval of Agenda**

*Motion; made by Jason Brown, seconded by Bruce Graham, to approve the agenda as written. Unanimously voted by roll call vote*

**BOS Reports**

Ms. Allen announced the deadlines for filing papers with the Town Clerk to run for Town election. Further information is available on the website and also in the Town Clerk's office.

Ms. Demong announced that the All Are Welcome committee is hosting a series of events celebrating diversity from 2/8/21 to 5/30/21. For further information visit the committee's webpage.

**Town Administrator Report - None**

**Citizen Comments**

Mary Lou O'Leary voiced her concerns about the state's plan set by the governor to vaccinate teachers, by specifically prioritizing them within their phase. Mr. Brown asked the BOS to draft a letter to Gov. Baker to consider changing the current plan's group priority. The board will continue this discussion at the next meeting.

**COVID update – Health Agent Ben Margro**

Mr. Margro updated the board on vaccines given in the Town to date for the Phase 2 group. He thanked South Shore Health and department employees who provided vaccines and staff for 160 people at a drive through clinic. He gave further updates about the new state reporting requirements and availability needed in order to speed up the rollout. The state is focusing on regional efforts to vaccinate as fast as possible, which doesn't always work with the over age 75 population.

The COA has asked that any resident 65 or older contact them to update contact information in order for them to reach out when vaccines become available.

Mr. Margro gave kudos to everyone on a successful clinic. He is hoping for good news on Friday for the 200 dose request. Questions were asked and answered about efforts to get school personnel and students back to in-person learning. Updates will be forthcoming every week. Re: COVID case information; Town metrics are different from school metrics, per Mr. Margro.

**Introduce 3 New Department Heads  
Police Chief Lee**

Chief Lee has been meeting members of the community over the past few weeks. He thanked everyone for their warm welcome and complimented the Fire and Police department personnel for their work at the vaccine clinic today. He gave extra thanks to DC Brzuszek and Executive Administrator Marion Kaskiewicz. Chief Lee complimented Mr. Morin on the budgeting process for the upcoming fiscal year.

#### **Conservation Agent Will Saunders**

The board welcomed Will Saunders to the department and the Town. Mr. Saunders thanked everyone for the warm welcome, gave a brief recap of his work background in New York State and updated the board on his activities since arriving in Norwell.

#### **Principal Assessor Meredith Rafiki**

The board welcomed Meredith Rafiki to the department and the Town. Ms. Rafiki gave a brief history of her background and her prior position in the town of Kingston and activities since arriving in Norwell.

#### **Inclusionary Zoning - Village Overlay District (VOD) – Bruce Graham**

The following is an email excerpt written to the board by Mr. Graham on the background of the VOD:

“One of the hallmarks of the VOD when written, which will carry forward, is that it’s the only method by which condominium units can be created...except for those done under Chapter 40B, which effectively allows a developer to ignore a town’s zoning. (There is another obscure exception related to buildings that had existing multifamily occupancy prior to the adoption of the Subdivision Control Law in the early 1950s, but I’ve only seen that used once in my Norwell lifetime.) Norwell’s zoning is considered to be quite exclusionary .... Developers like condo development because their per unit construction costs are lower, and because they sell like hotcakes. The proposed changes will allow for housing options otherwise unavailable, except as provided under Chapter 40B. It preserves the “over 55” age restriction which will reduce the risk of further burdening our schools. Some of you might be worried that, with lower per unit costs, the lower marginal tax revenue may be an issue. Maintaining the age restriction is intended to mitigate this risk. I know some 55 year olds with kids in public schools, but not very many.”

Mr. Graham asked for questions from the board about this proposed Warrant Article draft.

Topics discussed included:

- Lowering development acreage limit to 10 acres – pros and cons
- Ownership vs rental, especially since there are very few rentals in the Town.
- Town preference vs developers’ choice for building such as condos
- General perception that residents prefer ownership to rental, but rental is the identified need
- The goal is to get this passed at Town Meeting, hopefully with a simple majority requirement instead of a 2/3 majority.
- Board members discussed the pros and cons of 55+ for AH to avoid overloading the school system. Ms. Allen noted that families with school age children usually buy the homes being sold by seniors no matter where they move.
- All want to see zoning reform; as proposed, this would avoid backsliding on AH numbers but not be accretive to the 10% requirement
- The Planning Board is holding a public hearing in 2 weeks on 2/24/21, regrettably the same time as the BOS meeting. After discussion, the BOS will meet with the Planning Board for a short remote meeting on 2/23/21 at 7pm.
- Issues to be discussed: Encourage rental inclusion to help tackle 40B issues? Limit to 55+? Discuss minimum acreage and how to sell at Town Meeting.

#### **Potential BOS Town Meeting Articles**

- Elimination of some unused committees that require a Town Meeting vote to disband.

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- Village Overlay District– see above
- Carleton Property Article for AH land on Lincoln street- the CHT is working with an architect to develop some options with a redo including conceptual drawings. A potential sunset provision was discussed but not encouraged by Town Counsel. Follow up with CHT on this.
- Name change from Board of Selectmen to Select Board; charter change and state approval is needed after Town Meeting vote. Mr. Brown suggested Executive Board instead so that the change was not just about gender neutrality, but also about the Board's function. Mr. Rull said that the Executive Board sounds like the business world where such boards are usually dominated by men. Significant discussion ensued. *Motion; made by Ms. Demong and seconded by Mr. Rull to support this Warrant Article to change the name from Board of Selectmen to Select Board; Allen voting yes, Demong voting yes, Rull voting yes, Brown voting no, Graham voting no. Motion carried.*
- Name change from Harbormaster to Mooring Administrator – Harbormaster JEF Fitzgerald gave a short recap of his past year's activities and commented that a title change to Mooring Compliance Officer would better describe the role. This could be beneficial due to the large increase in speeding complaints on the river. He is currently phoning violators to provide an opportunity to resolve the issue. All discussed pros and cons of more authority. Mr. Morin noted that there is currently not enough funding in the budget to allow this much increase in activity. All agreed to try installing speed limit signage on the river, adding that Mr. Fitzgerald's approach is very reasonable. The board supports the title of Mooring Compliance Officer.
- **Complete Streets Committee Article**  
Peter Bloomfield, Ellen Moshier and Mr. Ferguson of the Complete Streets Committee discussed the following proposed Article to fund completion of the sidewalk construction on Main St. from Paradise Drive to Town Center.
- Grant application status; applied for a state Complete Streets grant to for \$400K will hear in a few weeks.  
A second \$200K grant application submitted, Paradise Drive to Lincoln Street
- Per Mr. Ferguson: Cost to complete to Town Center- \$1.2M. Can't use chapter 90 money. Some priorities override the proposed sidewalk such as school property parking lots. Limited budget for his projects, but completed the sidewalk past the Town Hall using creative funding.
- Costs have increased over the past few years by 40% and won't fall anytime soon. Cheaper to do in one piece. All discussed the pros and cons of such a big ask at Town Meeting. Most opined that this is too much money.
- Per Mr. Morin – this is a frustrating ask. Complete Streets was supposed to get state funding, but the state hasn't come through due to opponents in the Town for this project. Mr. Morin can't find the money for this project; it is not feasible or realistic to ask for \$1.2M.
- Both Don Mauch and Rep. DeCoste tried unsuccessfully to get the entire previous Complete Streets grant rescinded, which resulted in additional costs to the taxpayers of \$200K.
- Ms. Allen will follow up with Mr. Morin about a future discussion to work with Complete Streets on a feasible plan.

#### **Gift of land in the Cushing Cemetery**

Town Counsel updated the board on the status of this cemetery land on Old Oaken Bucket Road, which is actually owned by a number of people, not just one person. Those with remaining interest are not in agreement. The single donor cannot convey a complete interest in the property. Per Attorney Galvin, there is a statute that gives the Town the right to care for the tomb, but this could lead to further disagreements with other owners. Janet Watson gave a

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history of this property, adding that the NHC is only interested in cleaning up the site. The only restriction is no disinterring or violating anyone's property rights. CPA funding would be acceptable. Per Attorney Galvin's conversation with the donor's lawyer, the land is not yet deeded to the Town. He advised foregoing the partial gift in favor of maintaining the tomb. *Motion; made by Jason Brown, seconded by Bruce Graham, that the Board of Selectmen not accept the gift of cemetery land with the Cushing tomb on Old Oaken Bucket Road. Unanimously voted by roll call vote.*

### **Economic Development Bond Bill**

- Atty. Galvin recapped the timing of this bill for mandatory multi-family housing in MBTA districts – Mr. Galvin does not think Norwell is in one of these districts.
- After inclusion as a community (see above), towns have 1-3 years to comply
- New definitions of chapter 40A, section 1 for items such as accessory dwelling, OSRD, etc.
- Adoption of zoning changes – instead of 2/3 vote, a simple majority is enough to amend the bylaws if they fall under certain categories; multifamily or mixed use in an eligible location like a town center or near public transportation. For example: Queen Anne Corner or Town Center by a majority vote only. Other examples given for change highlighted.
- Housing choice law – Chap. 358 – multifamily housing project and mixed use housing-votes can now be majority votes.
- ZBA permits – \$50K bond requirement for appeals on these project developments. Abutter appeal windows are smaller and smaller. Bigger stakes for abutters to file an appeal.

Summary: this is an effort to make it easier to pass zoning amendments to encourage building multifamily housing.

Questions were asked and answered about the proposed zoning Warrant Articles and the vote required for each: the VOD Article would still be 2/3 majority but Attorney Galvin will research to confirm.

Question re: Carleton property Article for AH housing by the CHT: unwieldy to put sunset provisions in an Article.

### **Harbormaster Reappointment – James E. Fitzgerald, 12/31/21**

*Motion; made by Jason Brown, seconded by Bruce Graham, to reappoint James E. Fitzgerald as Harbormaster for a one year term expiring 12/31/21. Unanimously voted*

### **Warrant Articles, cont'd.**

Mr. Morin and the board reviewed the draft list of 47 Warrant Articles (attached to these minutes) for both the Special and Annual Town Meetings.

### **Approve Library Plaque**

The board reviewed a draft of the plaque to be placed at the new library. The plaque lists all of the committee and board and department members who were involved at any time in the project design and construction.

*Motion: made by Jason Brown, seconded by Bruce Graham, to approve the plaque for the new library as presented. Unanimously voted by roll call vote.*

### **Closing the Warrant**

*Motion; made by Jason Brown, seconded by Bruce Graham to close the Special and Annual Town Meeting Warrants. Unanimously voted by roll call vote*

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**Contract approvals**

Mr. Morin reviewed the pertinent contract sections for COLA reinstatements that were frozen due to the COVID pandemic for the current fiscal year. The SEIU and personnel plan froze increases to prevent layoffs. Mr. Morin held both budget and reserve money for COLA increases in the event that revenue was better than anticipated. The Town received level state funding of local aid, so these increases are able to be restored for SEIU and AFSCME (non-Water Dept.) and personnel plan employees.

Mr. Brown commented that he is supportive of restoring these COLA increases with reservations, as there are residents and taxpayers that are struggling a great deal in this economic environment and who have had no relief from their taxes.

Mr. Morin negotiated contracts for the HR and Finance Directors, both of which have been accepted.

*Motion; made by Jason Brown, seconded by Bruce Graham, to approve the restoration of the COLA increases to the SEIU, AFSCME (as noted) and personnel plan, and also the personal contracts for both the HR and Finance Directors. Unanimously voted by roll call vote.*

**Approval of meeting minutes**

*Motion, made by Jason Brown, seconded by Bruce Graham, to approve the meeting minutes for the following meetings; 1/27/21, Open and Executive Sessions. Unanimously voted by roll call vote.*

**Future meetings:**

The next BOS meeting will be on 2/24/21.

**Adjournment**

*Motion; made by Jason Brown, seconded by Bruce Graham, to adjourn at 10:25pm. Unanimously voted by roll call vote.*



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Ellen Allen, Chair

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