



TOWN OF NORWELL
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TOWN CLERK
2022 MAY 23 PM 2:20

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**Norwell Advisory Board Meeting Minutes
March 29, 2022**

The Advisory Board was called to order by Chair Jesse McSweeney at 7:00 PM. Also present were Town Administrator Peter Morin, Finance Director Darleen Sullivan, and Board Members Mark Cleveland, Bob Perniola, Susan Darnell, Brian D'Souza, Elizabeth Hibbard, Peter Leppanen, Ned Maguire, and Dane Hutchison.

AGENDA

Motion by Ms. Hibbard to approve the agenda as submitted/amended. Seconded by Mr. Leppanen and unanimously voted.

ADMINISTRATIVE MATTERS

Minutes

The minutes of the March 15 meeting were distributed and reviewed.

Motion by Mr. Perniola to accept the Minutes of the March 15, 2022 meeting as submitted. Seconded by Mr. Leppanen and unanimously voted.

Bills – None

Reserve Fund Transfer Requests – None

Correspondence/Notices – None

Action Items / Discussions – None

FY 2023 BUDGET / 2022 TOWN MEETING ARTICLE OVERVIEW

Transfer remainder of Carleton property into Conservation

Select Board member Peter Smellie present to discuss the proposed article, which would transfer an 8.3 acre parcel of the Carleton property near Lincoln Street to the Conservation Commission. Mr. Smellie noted that an amendment at the 2018 town meeting to transfer the parcel to Conservation narrowly failed, and two previous articles to transfer to the Community Housing Trust also failed. Mr. Smellie would like to avoid replicating the contentiousness that has developed around proposals for affordable housing on land off Wildcat Lane.

The Select Board voted 3-2-0 in favor of the article, with the opponents preferring to take no action as there had been no specific request from abutters for a transfer to Conservation. The article would be binding, and Mr. Smellie noted it would require a two-thirds majority vote to pass; if it doesn't pass, he and the Select Board are willing to entertain other proposals for the property.

Mr. Cleveland expressed concern at the Town “essentially giving land away” to Conservation so that it is not usable for any other purpose. Affordable housing seemed to be a political hot potato, but if there was no direct effort by the Town to increase its subsidized housing inventory (SHI), the Town will eventually be dealing with additional 40Bs. Mr. Smellie opined that land in Conservation was still an asset to the Town, and there was value to preventing development of certain places, adding that the residents he had talked to said to put as much land into Conservation as possible. Mr. Cleveland observed that the proponents of this strategy were effectively gambling that the resulting 40Bs wouldn’t land in their own backyards.

Ms. Hibbard characterized the article as short-sighted in that it prematurely closed off all other options for the land. The article had not been put forward by the abutters to the land, the previous Town Meeting votes had been against specific concepts, not housing in general, and a smaller proposal might gain more support. Mr. Smellie pointed out that the Town had had the property almost five years, and only CHT and the Conservation Commission had expressed any interest in the property. CHT had had two attempts to win town support for a housing proposal and failed to do so. Ms. Hibbard pointed out that the amendment to put the land into Conservation had also failed, but Mr. Smellie wanted the question to have more time for consideration beyond an impromptu floor amendment.

Ms. Hibbard indicated she felt uncomfortable with what she characterized as the article’s use of a conservation transfer to block further housing proposals, and reiterated the opportunity cost to closing off other options for the parcel. Mr. Cleveland added that trying to get by without a more proactive strategy for affordable housing in town would lead to “some neighborhood’s future disaster,” but Mr. Perniola noted that there were other opportunities for housing that were forthcoming’ this article would provide protection for a neighborhood and potentially dispel some of the negative feeling that had built up around previous proposals.

Mr. Maguire expressed concern the tax impact of removing usable land from the tax rolls. Mr. Smellie pointed out that the land is currently not generating any taxes, but Ms. Hibbard noted that it could if it were ultimately used for housing. Mr. Morin concurred, but pointed out that any revenues generated would be less than average due to the presumed affordable units. Mr. Hutchison asked if Recreation had shown any interest; Mr. Smellie had not asked, but they had not expressed interest previously. Five acres of the 8.3 acre property is wetlands, so he is not sure a large project there is viable.

Ms. Darnell noted that Norwell had an open space goal in addition to an affordable housing target, and suggested that the article would move the Town closer to the open space goal. CHT had had two opportunities to present proposals to Town Meeting; both had been defeated, and it would be fair to have a vote to put the land into Conservation. She is not convinced that the piecemeal, small development approach endorsed in the Housing Production Plan would ever get the town to 10% SHI whereas the pending 40B developments eventually would.

Mr. Hutchison asked if there was any prospect of 40B being repealed. Mr. Morin stated that the current administration views the lack of affordable housing as a threat to the state economy, and thus has prioritized housing development. There is not much traction for towns looking to limit 40B, and supporters of the law see it as a way to build housing that would never otherwise get built. That said, the law as implemented can be very burdensome on towns and is easily exploited by developers. Thus, Mr. Morin felt 40B was ripe for reform but there was little appetite for repeal at the state level.

Mr. Cleveland asked if the concept in the Housing Production Plan to build small affordable housing developments throughout town was still valid and if not, what the new plan was. Mr. Smellie opined that the Select Board was coming to the realization that pending 40Bs would eventually get the Town to 10% SHI, and residents were not interested in spread-out small developments. CHT was currently focused on maintaining existing affordable stock while coming up with a new plan, possibly involving out of the way locations.

Ms. Hibbard disputed Mr. Smellie's characterization of the appetite for small developments, noting that the HPP was developed just three years ago, but Mr. Smellie countered that the results of recent Town Meeting votes told otherwise. Mr. Cleveland agreed that residents may not want these developments in their backyards but suggested they would be even less happy with a unfriendly 40B development, and he would prefer not to take away options to prevent them. Mr. Perniola suggested it was hard to predict what would happen in the future and the Town needed to protect neighborhoods when it could. Ms. Hibbard reiterated there was a cost to taking away options for the Town to build housing, and approving the article would be endorsing the strategy of using Conservation transfers expressly to block it.

Katelyn White, 59 Lincoln, stated she had served on the Carleton committee; they had discussed possible uses for the land but found no interest from entities other than CHT and Conservation. The Town had heard from CHT twice, their proposals had been voted down, and Conservation deserved a chance at an up and down vote. Ms. Hibbard asked if the Carleton Committee had recommended a specific use for the parcel; Ms. White stated she thought the Committee voted to recommend it be used for housing but it was not a unanimous vote.

All parties further discussed the purpose of the article, with Mr. D'Souza opining its purpose was solely to prevent CHT from proposing housing for the lot; Mr. Smellie characterized it as preventing anything from happening to this land, noting that any development there would have to be small and there were other options for affordable housing. Mr. Cleveland noted that he keeps being told that by the opponents of recent CHT projects but wants to hear a specific plan beyond "somewhere else."

Mr. McSweeney opined that although the article did not directly address affordable housing, in essence it was about affordable housing. He read a statement noting that several proposals for affordable housing projects had been defeated under the guise of protecting open space, but in his opinion, the real purpose of these efforts was to keep such housing out of town. He wants school-age kids in town to eventually afford to live in town, believes the value of an inclusive community with a wide range of housing options, and urged the Board to not endorse the use of Conservation transfers to block housing by recommending this article.

Ms. Darnell replied that she respected Mr. McSweeney's opinion but disagreed with the notion that recommending this article was a vote against affordable housing, characterizing it instead as acknowledging that this was the not the right place for it.

Motion by Mr. Perniola to recommend the Carleton transfer article as written. The motion was seconded by Mr. Hibbard but did not pass, 3-6-0, by roll call: D'Souza no, Darnell yes, Leppanen no, Cleveland no, Perniola yes, McSweeney no, Hibbard no, Hutchison yes, Maguire no.

After the vote, Ms. Hibbard thanked the Board for handling the discussion in a respectful manner; Mr. Perniola agreed that all had handled the issue well. The Board will discuss whether to have speakers for both sides of the issue at a future meeting.

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Harbormaster Title/Duties Change

Harbormaster Jeff Fitzgerald present. The proposed article will change the Harbormaster job title to “mooring compliance officer” in order to better reflect the actual job duties, which are more administrative than enforcement. Mr. Fitzgerald characterized his primary tasks as processing mooring applications and making sure they are properly maintained and don’t impede the waterway. He does not issue speeding tickets while on patrol but does educate regarding speed limits and safety. The Marshfield Harbormaster also patrols the North River, and Norwell Fire can deploy a rescue boat as needed.

Ms. Hibbard suggested that Mr. Fitzgerald charge mooring fees for transfers to family members, noting these fees are already lower than those in neighboring towns. Mr. Fitzgerald is open to the idea, but has not encountered this situation in his four years in the post.

Motion by Mr. Perniola to recommend the Harbormaster title change article as written. Seconded by Mr. Cleveland and unanimously voted by roll call: Darnell yes, D’Souza yes, Leppanen yes, Cleveland yes, Perniola yes, McSweeney yes, Hibbard yes, Hutchison yes, Maguire yes.

Charter Amendments – Advisory Board Quorum wording

This article would change the definition of “quorum” in the Advisory Board charter from five members specifically to “a majority of active members.” Board members noted that the five-member quorum had been increasingly difficult to meet in recent years; the change could be beneficial if the Governor’s declaration allowing Board members to attend remotely was not extended, and could prevent quorum issues in the event of unexpected resignations.

Motion by Mr. Perniola to recommend the article amending the charter to change the Advisory Board quorum requirement to a simple majority as proposed. Seconded by Mr. Cleveland and unanimously voted by roll call: Darnell yes, D’Souza yes, Leppanen yes, Cleveland yes, Perniola yes, McSweeney yes, Hibbard yes, Hutchison yes, Maguire yes.

Fire Department Statute Change

This article will impose certain fire protection requirements for motels in town. Mr. Morrill will check with Fire as to whether they wish to proceed.

MBLC Grant Proceeds

Finance Director Sullivan advised this was a housekeeping article specifying that the \$66,657.04 in interest earned on Mass. Board of Library Commissioners grant proceeds will be applied to library project costs.

Motion by Mr. Perniola to recommend the MBLC Grant Proceeds article as written. Seconded by Mr. Cleveland and unanimously voted by roll call: Darnell yes, D’Souza yes, Leppanen yes, Cleveland yes, Perniola yes, McSweeney yes, Hibbard yes, Hutchison yes, Maguire yes.

Assessors Articles

Mr. Morin noted that the following articles had been submitted after much research by the Board of Assessors. The Town is in a good position to provide the resulting tax relief to the qualifying residents, and he supports each article.

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Circuit Breaker Tax Relief

Principal Assessor Meredith Rafiki advised that the article would authorize the town to use the state "circuit breaker" tax relief criteria to make them eligible for property tax relief; the estimated \$280K impact to revenues would be paid for by overlay surplus funds.

Mr. Morin noted that the Town regularly sets asides money to pay for abatements; these funds have built up to a current balance of about \$1.8 million, more than enough to cover the maximum possible use. Mr. Morin opined that the article would help seniors to remain in their homes and that the Town was in a strong position to offer this relief.

Mr. Hutchison asked why there was a cap on property values to qualify for the relief; Ms. Rafiki advised this reflected the cap set by the state for the circuit breaker. Mr. Morin noted that other towns used the state circuit breaker criteria for local tax relief for ease of administration. This relief would be a tax exemption, not a deferral, and would not be recaptured when a property was sold. Residents would be required to submit proof of their circuit breaker eligibility plus a copy of their tax bill. Ms. Sullivan added that if a resident applied for an abatement and deferral, the Assessor's Office would apply the abatement first and then defer the remaining balance.

Mr. Perniola asked about the possible impact of accessory dwelling units on a resident's eligibility for relief; Mr. Morin indicated it would potentially impact the property owner to the extent it changed the property's value; Ms. Rafiki added that any rental income would be reflected on their state taxes.

Board members noted that a clause requiring residents to have "no other significant assets" seemed to be limiting, and asked how this was defined. Mr. Morin indicated that if a resident was eligible for the State circuit breaker, they would be eligible for the local tax relief.

Mr. Morin indicated to Mr. McSweeney he was confident the proposed tax relief was sustainable over the years, as the article included a provision giving the Board of Assessors the discretion to expand or contract relief amounts as needed to sustain the program. Mr. Cleveland suggested that a section of the article be amended from "provided that said amount shall match the amount of the circuit breaker" to "not to exceed the amount of the circuit breaker." The matter was continued to the next meeting to allow the Board of Assessors to vote on the revision and advise as to what constitutes "significant assets" for purposes of the article.

Veterans Abatement

Ms. Rafiki advised that this article would authorize the adoption of Clause 22G of MGL chapter 59, Section 5 5, allowing veterans to get a local property tax exemption if their home is titled to a trust, conservator, or other fiduciary. The majority of the exempted revenues are reimbursed by the State.

Motion by Mr. Perniola to recommend the Veteran Exemption article as written. Seconded by Mr. Cleveland and unanimously voted by roll call: Darnell yes, D'Souza yes, Leppanen yes, Cleveland yes, Perniola yes, McSweeney yes, Hibbard yes, Hutchison yes, Maguire yes.

MISCELLANEOUS

The March 31 meeting will include reviews of the remaining articles, including any that were tabled from previous meetings. Mr. Morin thanked the Board for its work this year, noting that there were a lot of articles to review.

The Board decided to hold two additional meetings on April 7 and 12.

FUTURE MEETINGS

March 31, April 7 and 12, May 9th prior to Town Meeting/6:30 PM

ADJOURNMENT

There being no further business, a motion was made by Mr. Perniola to adjourn at 9:01 PM. Seconded by Mr. Cleveland and unanimously voted.

Jesse McSweeney, Chair