



TOWN OF NORWELL
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Norwell Advisory Board Meeting Minutes March 21, 2023

The Advisory Board was called to order by Chair Jesse McSweeney at 7:00 PM. Also present were Town Administrator Darleen Sullivan, Town Accountant Christine McCarthy, and Board Members Mark Cleveland, Bob Perniola, Brian D'Souza, Peter Leppanen, John LaCara, and Dane Hutchison. Ed Maguire and Elizabeth Hibbard were unable to attend.

AGENDA

Motion by Mr. Hutchinson to accept the agenda as printed. Duly seconded and unanimously voted.

ADMINISTRATIVE MATTERS

Minutes

The minutes of the February 28 and March 2 meetings were distributed and reviewed.

Motion by Mr. Cleveland to accept the minutes of the February 28 meeting as printed. Seconded by Mr. Perniola and approved 6-0-1, Member Leppanen having abstained.

Motion by Mr. Cleveland to accept the minutes of the March 2 meeting as printed. Seconded by Mr. Perniola and approved 5-0-2, Members Hutchison and Leppanen having abstained.

Reserve Fund Transfer Requests – None

ANNUAL TOWN MEETING ARTICLE OVERVIEW

Personnel Board

Revolving Fund Transfers

This annual article authorizes the maintenance of revolving funds for (1) the Stetson Ford House, funded by rental fees; (2) the Recycling Center, funded by “pay as you throw” bag fees; and (3) the Council on Aging, funded by programming fees.

Motion by Mr. Perniola to recommend the Revolving Funds article of the Annual Town Meeting, in the amount of \$25,000 for the Stetson Ford House RF, \$80,000 for the Recycling RF, and \$5000 for the Council on Aging RF. Seconded by Mr. D'Souza and unanimously voted.

Personnel Reclassifications

Human Resources Director Barbara Childs present along Jane Stout and Meghan James of the Personnel Board. There are relatively few changes this year for budget purposes. The following reclassifications are proposed:

- Retitling the Water Meter Reader/Installer/Clerk position to Administrative Clerk/Meter Reader; the new position will be mostly in-office except for meter readings, and hours will

be reduced from 37.5 to 22.5 hours—a savings to the Town. Water meter installations will be done by Water Department maintenance mechanics.

- Retitling the Finance Director / Assistant Town Administrator position created last year to Assistant Town Administrator, as Ms. Sullivan has since assumed the Town Administrator position, and the Select Board has endorsed the hiring of an ATA in the future.
- Retitling the Town Accountant position as Finance Director/Town Accountant. Town Accountant Christine McCarthy will assume the new title. Currently under the Town bylaw, the Town Accountant or Treasurer/Collector can assume the Finance Director role. In the future, Ms. Sullivan would like the Assistant Town Administrator to be eligible to take on this role, as this would give her the flexibility to assign it to the best qualified person in-house.

Motion by Mr. Perniola to recommend the article to Town Meeting. Seconded by Mr. D'Souza and unanimously voted.

Personnel Bylaw Revisions

Proposed changes to the Personnel bylaw include allowing part-time employees working under 20 hours per week to be considered for a step increase annually after one year of employment; currently they must first work 1000 hours to be eligible, which puts the Town at a disadvantage in hiring and retaining employees, and has created recordkeeping challenges. Mr. Cleveland asks if this change will increase labor costs to the Town; Ms. Sullivan thinks any increase will be offset by decreased turnover, which itself increases cost; most of the impacted wages are modest.

Also proposed are language changes to move up eligibility for vacation time and increases in same in order to make the Town more competitive with other towns and employers, and standardize vacation eligibility between union and non-union employees, which will also be beneficial to managers. Other changes allow employees to carry over up to 5 vacation days, receive 3 personal days apart from sick days, and accrue additional personal days if sick days are not used for a certain period. Employees who pass the six-month probationary period and then leave can receive a payout for unused vacation days. The updated classification plan that is part of the article changes the Assistant Director of Highways/Trees & Grounds from a Grade 15 position to a personal contract. Ms. Stout indicates that most of the changes are proposed to standardize benefits across the Town and will incur minimal cost.

Mr. Leppanen asks what a change to a personal contract involves. These are negotiated every three years, as opposed to the annual step increases; this can result in cost savings to the Town. Mr. McSweeney asks about the Police Matron position; this position was created to search female arrestees; Chief Lee has used female officers and admins for this function as needed.

Motion by Mr. Perniola to recommend the article to Town Meeting. Seconded by Mr. D'Souza and unanimously voted.

Highway / Trees & Grounds

Article 12

This annual article requests \$220,000 for maintenance of drainage infrastructure. The amounts requested vary from year to year based on paving, available funds, and other factors.

Motion by Mr. Perniola to recommend the article to Town Meeting in the amount of \$220,000. Seconded by Mr. D'Souza and unanimously voted.

Article 13

The article requests \$250,000 for road resurfacing; this was trimmed down from an original ask of \$400,000. Ms. Sullivan noted that additional funds are available through Chapter 90 and remaining article money.

Motion by Mr. Perniola to recommend the article to Town Meeting. Seconded by Mr. D'Souza and unanimously voted.

Article 14

This annual article requests \$10,000 for costs associated with EPA's MS4 stormwater compliance.

Motion by Mr. Perniola to recommend the article to Town Meeting. Seconded by Mr. D'Souza and unanimously voted.

Article 15

This annual article requests \$466,359.33 in advance funds for highway work to be reimbursed by Chapter 90 funding from the state.

Motion by Mr. Perniola to recommend the article to Town Meeting. Seconded by Mr. D'Souza and unanimously voted.

Article 16

The article requests \$150,000 to be used for debris removal and Highway Yard/Recycling Center remediation work. Ms. Sullivan notes this includes disposal costs for items brought to the Recycling Center.

Motion by Mr. Perniola to recommend the article to Town Meeting. Seconded by Mr. D'Souza and unanimously voted.

Chair McSweeney requested that this vote be tabled so he could review the information previously provided by Mr. Ferguson.

Motion by Mr. Perniola to rescind the previous motion. Seconded by Mr. D'Souza and unanimously voted.

Assistant Highway Director Shane Gokey indicated that the yard remediation funds were to pay for removal of storm and construction debris that comes to the yard, especially after large storms. They stockpile these materials and try to recycle what they can but have to hire a contractor to remove the remaining debris, most of which is then recycled off-site. Mr. Leppanen suggests that this be added to the budget as a line item.

Motion by Mr. Perniola to recommend the article to Town Meeting. Seconded by Mr. D'Souza and unanimously voted.

Article 17

The article requests \$10,000 for traffic safety and calming infrastructure.

Motion by Mr. Perniola to recommend the article to Town Meeting. Seconded by Mr. D'Souza and unanimously voted.

Article 18

The article requests \$100,000 for emergency tree work on town roadways, rights of way, and conservation land. Ms. Sullivan notes this is a new ask and she will watch how much of the funds are spent.

Motion by Mr. Perniola to recommend the article to Town Meeting. Seconded by Mr. D'Souza and unanimously voted.

Planning Board Articles

Director of Planning and Community Development Ilana Quirk present along with Planning Board Chair Brian Greenberg.

Article 23 - Masthead Improvements

Ms. Quirk briefly noted that the Masthead improvements article discussed at last night's meeting does include funds for construction of a dock—"permitting, planning, and construction"—and ADA accessibility from the dock to the picnic area but not the trail from the parking area.

Motion by Mr. Perniola to recommend the article to Town Meeting in the amount of \$75,000.00. Seconded by Mr. D'Souza and unanimously voted.

Associate Planning Board Member

Mr. Cleveland recused from the discussion and vote on this article.

This article would amend the Zoning and general bylaws to allow the Planning Board to appoint an alternate member to attend meetings and vote in public hearings for special permits if their vote was needed to establish a quorum. Ms. Quirk has incorporated the Advisory Board's preference that the member be jointly appointed by the Select Board and PB into the article. The term of appointment could be 1, 2, or 3 years at PB/SB discretion. The updated article was endorsed by unanimous vote of the PB.

Motion by Mr. Perniola to recommend the article to Town Meeting. Seconded by Mr. D'Souza and approved 6-0-0, Mr. Cleveland having recused.

Retreat Lot

The article would allow single-family homes to be built on certain retreat lots (also known as "porkchop lots") provided they met certain dimensional requirements. In exchange for a reduced street frontage requirement of 40 feet, the article will require a greater land area in the buildable part of the lot; two retreat lots cannot abut each other unless they share a driveway. The intent is to give options to residents with otherwise buildable lots aside from pursuing a subdivision or 40B. Mr. Greenberg has discussed the article with ZBA Chair Lois Barbour, who "expressed a favorable view." They will be seeking an official vote of support from ZBA.

Mr. Hutchison notes that these lots can already be developed by obtaining a variance from ZBA, but Ms. Sullivan points out that the granting of a variance is entirely discretionary. A resident who

was recently denied a variance is now considering a 40B. Mr. Hutchison also asks how many lots in Town may be impacted by the bylaw; Mr. Greenberg estimates fewer than 50.

Mr. Leppanen asks if the access area has to be upland. Ms. Sullivan indicates a provision in the article requires that there be “absolute physical access” to the buildable area. A resident whose access area passed through a wetland or its buffer zone would have to apply for Conservation permitting for a wetland crossing. Mr. Perniola asks if there are provisions to avoid a retreat lot holder’s “front door staring into someone’s back yard.” Ms. Sullivan indicates the current dimensional requirements would still apply, leaving a lengthy buffer between homes.

Mr. Leppanen asks about the shared driveway provision for abutting retreat lots. Ms. Sullivan indicates this would prevent safety and aesthetic issues arising from having multiple driveways close to each other. All present broadly discuss provisions with respect to lot size, required frontage, and access area width. Mr. Hutchison notes the change would eliminate the opportunity for abutters to make their concerns known to ZBA, but also that the article could result in single-family homes being built behind these abutters instead of multi-unit projects. Mr. Greenberg suggests that making it easier for retreat lot owners to pursue single-family home projects makes it less likely they will pursue more intensive uses on such properties.

Motion by Mr. Perniola to recommend the article to Town Meeting. Seconded by Mr. D’Souza and unanimously voted.

Aquifer Protection District (Amendment)

The article establishes a procedure for the review of additions to structures in the APD, with respect to stormwater recharge, required under current bylaw; this review would be conducted by the Planning Board, which can either approve the system by majority vote or require a peer review of the system prior to such approval. Ms. Sullivan noted that the cost of the peer review is generally minimal. Mr. Greenberg notes that the bylaw currently requires such a review but does not provide any mechanism for it to take place.

Motion by Mr. Perniola to recommend the article to Town Meeting. Seconded by Mr. D’Souza and unanimously voted.

Village Residential Overlay District (Amendment)

The article makes revisions to the VROD bylaw to address additional identified issues and give the Planning Board some discretion to adjust buffers and a developer’s “density bonus” in return for a developer meeting certain metrics as to number of affordable units, etc. Ms. Quirk notes that the bylaw was originally passed to encourage the development of 55+ housing but few such developments have been built. The revisions proposed may make such developments an attractive alternative to pursuing a 40B development. The article requires that there be adequate screening between any such development and abutters.

Mr. Greenberg and Ms. Quirk stated that a development currently proposed under the bylaw has met with less pushback than usual from abutters; Mr. Perniola would not characterize the response as positive, but Mr. Greenberg suggests there has been a reasonable back and forth between the developers and abutters, and they are hoping the revisions encourage this dynamic.

Mr. Cleveland asks under what circumstances the Planning Board might consider increasing a developer’s density bonus; Mr. Greenberg suggests it may be appropriate on properties surrounded

by town land, with relatively few abutters and significant screening; where “The impact to the townspeople is minimal.” Mr. Hutchison asks what would happen, worst case, if the article did not pass and the bylaw remained the same. Mr. Greenberg thinks developers would be more likely to pursue 40B developments or a traditional subdivision with no affordable units.

Mr. Leppanen expresses concern that developers might take the increased density bonus as a given, without concessions. Mr. Greenberg points that the Planning Board would decide whether and when to grant such a bonus, and thinks the advantages of the incentive outweigh the risks. Mr. Cleveland asks if a developer could sue if they don’t receive the desired bonus; Ms. Quirk, a municipal attorney, opines that if the PB denies a request for any legitimate reason under the bylaw, and this is properly documented, the decision would be upheld in Court.

Mr. Perniola indicates he will abstain but notes, despite his concerns, he sees the benefit of incentivizing developers to consider alternatives to 40Bs.

Motion by Mr. Perniola to recommend the article to Town Meeting. Seconded by Mr. D’Souza and approved 6-0-1.

ZBL “Structure” Definition

The article amends the Zoning bylaw to provide a more specific definition of “structure” as well as a definition of a “small, detached accessory structure.” The article was requested by Building Inspector Tom Barry so he can provide better guidance to applicants. Ms. Quirk notes the definition will also encompass things such as external generators and HVAC units and subject them to the same setback requirements so their noise does not disturb neighbors.

Mr. Hutchison asks if existing equipment within setback lines would be grandfathered; Ms. Quirk indicates these would be considered “pre-existing nonconforming” structures. Mr. Greenberg indicates this update will bring Norwell in line with the practice in surrounding towns, where newly placed HVAC infrastructure must comply with the applicable setbacks. Mr. Hutchison notes that HVAC installers may not be aware of the zoning setbacks and would like to avoid situations where a new structure is installed and then must be moved at resident expense. Mr. Greenberg believes these issues can be addressed with clear communication, noting that Hingham’s permits include a reminder that such structures must comply with setbacks.

Motion by Mr. Perniola to recommend the article to Town Meeting. Seconded by Mr. D’Souza and unanimously voted.

ADU Revisions

This article will authorize renumbering of the provisions, add language confirming that the bylaw applies to lots with a minimum one acre of upland and providing additional detail regarding administrative site plan review of detached accessory dwelling units. It would also allow a detached ADU to be located in front of the dwelling provided it satisfied all applicable setbacks. This article would require a simple majority vote.

Mr. Greenberg notes there are properties in Town with antique carriage houses in front of the main structure that this article would allow to potentially be used as an ADU by site plan review. All detached ADUs must be designed such that, “to the maximum extent possible, the appearance of the property on which it is to be located remains that of a single-family residential dwelling.”

Mr. Hutchison notes he was not in favor of the original article—“you’re effectively getting rid of single family zoning by allowing this”—and states despite what was said last year, Norwell’s bylaw is in fact different from the bylaws in Scituate and Hingham. He would like to increase the one parking space requirement to two in order to reduce the need for guests to park on the street, and have stricter guidelines on how owners can rent out the ADUs. Mr. Greenberg is willing to look at the parking requirement but notes this is the first time the issue has been raised. Ms. Quirk indicates the PB could certainly look at further revisions.

Motion by Mr. Perniola to recommend the article to Town Meeting. Seconded by Mr. D’Souza and unanimously voted.

Accessory Dwelling Unit (Conversion Amendment)

This article will allow any resident with an ADU that was allowed by ZBA special permit to convert them to an “as of right” unit provided they are determined by the Building Department to have met all the requirements for “as of right” ADUs. Currently, ZBA requires these residents to submit a signed deed restriction each year, the units can only be rented to family members, and the permit expires upon conveyance.

Mr. Hutchison would like to know how many “special permit ADUs” currently exist in Town, and suggests the Town should consider taxing houses with ADUs at a different rate. Chair McSweeney notes that such properties already pay higher insurance rates. All present discussed resident interest in the bylaw; Planner Quirk indicated that just one ADU application had been processed so far, after an initial surge of interest; Title V regulations as to number of bedrooms served by a septic system may be preventing people from applying.

Motion by Mr. Perniola to recommend the article to Town Meeting. Seconded by Mr. D’Souza and unanimously voted.

Solar Photovoltaic Overlay District (SPOD) Amendments

This article is based on a recent SJC decision barring municipalities from “prohibiting or unreasonably regulating the installation of solar energy systems.” Ms. Quirk is concerned that Norwell’s existing zoning for solar systems could be construed as being overly restrictive, and the intent of the article is to clarify what kinds of systems are allowed in what zones. Roof-mounted systems would be allowed by right in all zones. Small ground-mounted systems would be allowed as of right in Business B and C districts and by special permit elsewhere; larger systems such as parking canopies would be allowed by right in the B and C districts but would be subject to site plan review by the PB. The installation of ground-mounted systems in residential zones would be subject to comprehensive setback, dimensional, and screening requirements that increase with the size of the proposed system. The article was unanimously approved by the PB.

Mr. Hutchison asks how the revisions were drafted; they were based on a template developed by municipal planning groups.

Motion by Mr. Perniola to recommend the article to Town Meeting. Seconded by Mr. D’Souza and unanimously voted.

MBTA Adjacent Community

As an “MBTA adjacent” community, Norwell must have a zone in which multifamily housing, up to 15 units per acre, is buildable by right in order for the Town to continue to be eligible for certain

state grants. The PB has recommended that part or all of the Accord Park / Cordwainer Drive area be rezoned to allow for this housing and preserve the Town's grant eligibility. The article requests \$20,000 to hire a consultant, if needed, to assist with the technical/engineering aspects of the application process. Ms. Quirk will try to complete the application "in house," but may require such assistance.

Mr. Cleveland asked which grants are linked to the requirements. Ms. Quirk indicates there are three grant programs for housing, "complete streets," and similar projects. Ms. Quirk has forwarded the information to Ms. Sullivan to determine the Town's interest in such funding; however, the Attorney General has taken the position that compliance with the law is mandatory, not voluntary. The Select Board has shown some interest in the affected grant funding.

Ms. Quirk notes that the state legislation does not require a specific number of units to be constructed; only the creation of a zone where such units can be constructed by right.

Mr. Cleveland also asks if the zone could be used to satisfied the Town's Subsidized Housing Inventory requirement; this is possible if enough affordable units were sited there.

MISCELLANEOUS

Ms. Sullivan circulated a draft copy of the warrant and noted the initial feedback from the Board was positive.

The Board will review and vote on Articles 2, 3, and 4 at the May 4 meeting. They will also decide on "pro" and "con" speakers for articles that had a close split vote, and vote on a designee and alternate for signing reserve fund transfers over the summer as well as the Board's representative on the Nominating Committee. Chair McSweeney notes that any individual Board can speak as to why they did or did not support an article.

Ms. Sullivan thanked the Board for its hard work this season.

FUTURE MEETINGS

May 4, 2023 - Town Hall, Osborne Room, 7 PM "Star Wars costumes optional but encouraged."

ADJOURNMENT

There being no further business, a motion was made by Mr. Cleveland to adjourn at 9:37 PM. Seconded by D'Souza and unanimously voted.

Jesse McSweeney, Chair