



TOWN OF NORWELL
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Norwell Advisory Board Meeting Minutes March 7, 2024

The Advisory Board was called to order by Vice Chair Bob Perniola at 7:30 PM. Also present were Town Administrator Darleen Sullivan, Town Accountant Christine McCarthy, and Board Members Brian D'Souza, John McGrath, Matthew Hanson, Thomas Sullivan, John LaCara, and Dane Hutchison. Elizabeth Hibbard and Ed Maguire were unable to attend.

AGENDA

Ms. Sullivan removed discussion of the ZBA budget and citizen petitions.

Motion by McGrath to approve the agenda as amended. Seconded by Mr. LaCara and unanimously voted.

ADMINISTRATIVE MATTERS

Minutes

Tabled.

Reserve Fund Transfer Requests

None

FY 2025 BUDGET OVERVIEW

Town Administrator Darleen Sullivan gave a brief overview of the following budgetary requests.

Mooring Compliance Officer - 295

The proposed budget is reduced to \$10,000 based on actual expenditure, and covers Mooring Compliance Officer Jeff Fitzgerald's salary, fuel, and general expenses. Mr. Perniola suggested that the Town consider a mooring fee increase to raise revenue.

Motion by Mr. McGrath to recommend the budget for Department 295, Mooring Compliance Officer, in the amount of \$10,000. Seconded by Mr. LaCara and unanimously voted.

Planning Department - 175

Director of Planning and Community Development Ilana Quirk present along with Planning Board Chair Brian Greenberg. The budget includes 22.5 hours for Administrator Kristin Ford, who also receives a stipend for her support work for the Complete Streets and Pathways committees; it is level funded for legal advertising and professional services, and down slightly on office supplies.

Mr. Greenberg stated that the proposed salary increase for Ms. Quirk reflects her "unique talent in that role," including many years of experience as a municipal attorney, and the importance of this particular role given state zoning mandates and the need to broaden the Town's commercial tax base. Mr. Hutchison questioned the amount of the increase, but Ms. Sullivan believes the proposed

salary is reflective of market value as good planners were hard to find. Mr. Hutchison also asked about any private practice; Ms. Quirk indicated she had a small practice she was winding up, and did some part-time teaching at BU.

Ms. Sullivan stated Ms. Quirk was always available for consultation and produced volumes of work for the Town, well over 40 hours a week. Mr. McGrath acted as Board liaison to Planning and attested to Ms. Quirk's thoroughness. Mr. Greenberg indicated they would eventually like to hire an assistant planner and increase admin support to full time to bring the Department in line with the staffing in other area towns.

Motion by Mr. McGrath to recommend the budget for Department 175, Planning, in the amount of \$158,730.28. Seconded by Mr. LaCara and unanimously voted.

2024 ANNUAL TOWN MEETING ARTICLE OVERVIEW

Planning Board

MBTA Zoning

Mr. Greenberg noted that creation of the district was mandated by the MBTA Communities Act. It took significant effort from Planner Quirk and a consultant, paid for with a \$20K grant, to come up with a compliant district, and they have tried to comply in a way that minimizes the impacts to Norwell.

Planner Quirk advised that under the MBTA Communities Act, 177 communities all towns with MBTA rapid transit/commuter rail access or that are adjacent to such access must create at least one zoning district allowing multifamily housing by right. As an "Adjacent Community," Norwell's district, to be compliant, The district(s) must total at least 50 buildable acres and allow a gross density in the district of at least 15 multifamily units per acre. No age, number of bedrooms, or number of occupant restrictions to such units are allowed. Towns do have the option to require an administrative site plan review and that option was; Planner Quirk has written this into the proposed bylaw, as it would give the Town additional control. The bylaws passed by the impacted communities are reviewed by the Attorney General's office and the state Office of Housing and Livable Communities for compliance.

State law encourages placement of multi-family housing the District in an "eligible location," which is a location that is close to businesses and other amenities that people can walk to. The proposed district includes parts of Accord Park Drive and then runs along Pond Street to Washington Street and would be located; entirely on land that is already in commercially/business zoned property. The proposed district; and does not directly abut any residences. Planner Quirk noted that the law measures whether a district will be of "reasonable size" but not how many units will actually be built. Any actual project must meet all health, stormwater, and other standards in order to receive a permit.

Mr. Perniola asked if there had been any response from developers; Mr. Greenberg has not noticed any given the newness of the state law. Mr. McGrath asked if the district would put additional stress on that part of town and conflict with the priority to expand the Town's commercial tax base. Planner Quirk noted that first floor commercial uses would be permitted; Mr. Greenberg added that most of the land in the proposed district is already built upon, and suggested any residential development would involve razing the structures which would net out any stress. Planner Quirk added it was difficult generally to build in Norwell, and expects that most initial development as a

result of the state law will likely be in MWRA communities where municipal sewer is readily available~~there are fewer water supply concerns.~~

Mr. Perniola thanked Ms. Quirk for drafting the article to protect existing neighborhoods; Mr. Greenberg noted they had prioritized created a district with zero residential abutters. Mr. Hutchison questioned whether and how the law would be enforceable; Planner Quirk indicated this was ultimately up to the SJC but noted they recently made solar arrays permissible everywhere in another town as injunctive relief in another case, which could be indicative of how they would enforce this law. Mr. Greenberg noted additional risks of noncompliance could include the loss of grant funding, fines, and litigation from the Attorney General and private Civil Rights groups. Planner Quirk added that the number of grant sources lost by noncompliance has grown from 3 to 13, and may soon include the loss of assistance for school buildings, roads, and bridges.

Mr. Hutchison expressed concern about the potential for urban sprawl and asked if they had heard anything about different enforcement or revisions to the law. Planner Quirk thinks the next step may be extending the law to the remaining communities in the state. Mr. Hutchison also asked if there had been any analysis of the potential cost. Mr. Greenberg stated they were more focused on compliance at this early point; any costs would be difficult to estimate now due to the potential variables.

Mr. Greenberg noted they had put in provisions for local oversight wherever they were allowed. The district requires that 10% of the units in any development be affordable so they count towards the Town's subsidized housing inventory as well as other requirements such as, as well as outdoor generator/equipment buffering and other perimeter screening. Mr. Hutchison asked about an incentive for additional affordable units; there were some incentives for senior housing, but Mr. Greenberg noted they were only allowed to incentivize, not require, such units.

Planner Quirk noted that the district must be in place by the end of this year; they are hoping the article can be approved in May to avoid the cost of a Special Town Meeting later in the year. Approval can be by a simple majority TM vote, as the Planning Board has found the district has been placed in "appropriate location" as defined in the law.

Mr. D'Souza asked what would happen if the article were approved at Town Meeting and rejected. Planner Quirk advised she has requested preapproval from HLC and the Attorney General, and hopes to hear from them before Town Meeting; they are continuing the Planning Board public hearings on the article so changes can be made to respond to any comments. If the article were rejected, however, she anticipates the Town would have time to try to make the article compliant.

Motion by Mr. McGrath to recommend approval of the MBTA Communities article. Seconded by Mr. LaCara and unanimously voted.

Senior Housing Overlay District

The article proposes to create an overlay district, comprised of the St. Helens property, two abutting parcels belonging to the Norwell Housing Authority, and the Longwater Drive and Accord Park business industrial parks, where senior housing for occupants aged 62 and older would be allowable by special permit from the Planning Board.

A minimum parcel size of 10 contiguous acres, 8 acres of which must be upland, would be~~is~~ required, with no more than 50% lot coverage and 25% building coverage. There can be no more

than one dwelling unit per 2500 square feet, units can have no more than two bedrooms, and a developments ~~could~~ have no more than 225 total bedrooms. To address abutter concerns, modifications greater than 20 square feet to an existing special permit would require another special permit from the Planning Board, and a special permit would be ~~is~~ null and void if a development ~~were~~ abandoned for a year or more.

Creation of the District will allow for the permitting of a proposed 175 unit senior living center at the St. Helen's property by Brightview Senior Living. The proposed center would offer three kinds of units: independent living, with full kitchen and laundry; assisted living units including in-house personal care services; and secure memory care units. Brightview has been in communication with abutters, Police, and Fire to address their concerns. Ms. Quirk noted that the St. Helen's property currently brings in no tax revenues and the center, by Brightview's estimate, would bring in an estimated \$445,000 in tax/fee revenue.

Mr. Greenberg reported that the feedback from abutters has been mostly positive, and Brightview has made changes to the center's design to accommodate them. Speaking as a resident, Mr. McGrath agreed they had been very good to work with. Mr. Greenberg added that Brightview intends to stay on as owner-operator of the center.

Mr. Perniola asked why an abutting parcel was part of the overlay; Mr. Greenberg indicated this was Norwell Housing Authority land, not privately owned, and would allow for another possible exit from the center. Enforcement of restrictions will be by the Building Inspector, and a lighting plan will be required as part of the special permit process.

In response to a query from Mr. Hutchison, Planner Quirk indicated she asked Brightview about adding affordable housing units to their proposal but was told it did not fit their business plan.

Motion by Mr. Hutchison to recommend approval of the Senior Housing Overlay District article. Seconded by Mr. LaCara and approved 6-0-1, Mr. McGrath having abstained.

FEMA Floodplain

Chair Greenberg noted that the town bylaw needed to be updated to reflect FEMA FIRM updates; this is a requirement for continued resident flood insurance eligibility.

Motion by Mr. McGrath to recommend approval of the FEMA Floodplain article. Seconded by Mr. LaCara and unanimously voted.

Cell Tower Overlay Update

The article will allow for the construction of a proposed cell tower on Water Department property about 500 ft into the woods off Grove Street. The Town will obtain get paid lease payments comprised of a \$30K base plus additional percentages adding up to \$50-60K annually, and the tower will improve cell service and emergency communications for Fire and Police in the area. There are no line of sight abutters, and the tower will have a generator, making service available during power outages.

Motion by Mr. McGrath to recommend approval of the Personal Cell Service ZBL Amendment article. Seconded by Mr. LaCara and unanimously voted.

Solar Bylaw Update

Planner Quirk has made revisions to the bylaw passed at last year's Town Meeting based on comments from the Attorney General's Office and a recent SJC case. The provisions stricken concern view of the field from an adjacent way, lot area minimums, Conservation Commission approval for pesticide application, and payment for Fire Department training. The Town Clerk was authorized to make editorial changes as needed.

Motion by Mr. McGrath to recommend approval of the Solar Bylaw Update article. Seconded by Mr. LaCara and unanimously voted.

Dimensional Zoning Updates

The article makes several revisions to the Zoning Bylaw concerning front yard setback requirements and lot frontage and width. Mr. Greenberg indicated its intent was to simplify the bylaw language.

Mr. Perniola asked whether the proposed updates specified that only single-family homes would be buildable on residential lots; Mr. Greenberg indicated it didn't need to because other sections of the bylaw did this. Mr. Hutchison questioned a provision deleting a "measured from way center" line" table in Section 201-9.4.A, and whether the table served a specific purpose. Planner Quirk noted she had consulted with ZBA Chair Lois Barbour and others, and no one could explain why the "way center line" requirement had been added. A civil engineer on the Planning Board felt the standards in the remaining table were sufficient. Developer Steven Bjorklund, 861 Main, added that removing the table would provide needed clarity, as having two tables creates confusion around which applies.

Motion by Mr. McGrath to recommend approval of the Dimensional Zoning article. Seconded by Mr. LaCara and unanimously voted.

Retreat Lot

This article will amend the zoning bylaw such that lots 2 acres or greater with at least 1 acre of upland and 40 feet of street frontage will be deemed conforming and buildable for a single-family dwelling use. Mr. Greenberg suggested this would allow more lots to be developed but in keeping with Norwell aesthetics and Master Plan, and would give the owners of such lots a development alternative to a small 40B.

Mr. Perniola appreciated the notion of a 40B alternative and asked if Police or Fire had any concerns. Mr. Greenberg noted they had increased the accessway size to 40 ft to allow for emergency vehicle access. Mr. Hutchison asked if two adjoining retreat lots could use the same accessway; each lot must have its own frontage. Mr. Bjorklund stated that many area towns had similar bylaws and they worked well.

Motion by Mr. McGrath to recommend approval of the Retreat Lot article. Seconded by Mr. LaCara and unanimously voted.

Finance Department Transfers

Special Town Meeting Articles 1 and 2

Ms. McCarthy indicated that these placeholder articles, to pay unpaid bills from prior fiscal years and supplemental transfers for unexpected expenses, may not be needed.

Special Town Meeting 3 - Opioid Settlement Funds

The article allocates funds received from the state as part of a settlement with opioid manufacturers into a special revenue fund so it can be used for appropriate purposes under the settlement.

Motion by Mr. McGrath to recommend the transfer of \$121,768.65 from Free Cash to the Opioid Settlement Special Revenue Fund. Seconded by Mr. LaCara and unanimously voted.

Stabilization Fund Transfer

This article will transfer funds into the Town's Stabilization Fund, established in accordance with the provisions of M.G.L. Chapter 40 Section 5B, to act as an emergency fund.

Motion by Mr. McGrath to recommend the transfer of \$150K from Free Cash to the Stabilization Fund. Seconded by Mr. LaCara and unanimously voted.

Capital Expenditure Stabilization Fund Transfer

The Fund, established in accordance with the provisions of M.G.L. Chapter 40 Section 5B, is used for future Capital purchases or debt service. The Town has a policy to replace anything it spends out of this fund within a two-year timeframe.

Motion by Mr. McGrath to recommend the transfer of \$200K from Free Cash to the Capital Expenditure Stabilization Fund. Seconded by Mr. LaCara and unanimously voted.

OPEB Stabilization Fund Transfer

The OPEB ("other post-employment benefits") Trust Fund primarily pays for retired employee health insurance and other benefits. Meals tax revenues are used to fund the Trust, but additional funds are needed to keep up with the cost.

Motion by Mr. McGrath to recommend the transfer of \$300K from Free Cash to the OPEB Stabilization Fund. Seconded by Mr. LaCara and unanimously voted.

SPED Stabilization Fund Transfer

Ms. Sullivan indicated this transfer was a priority to protect the Town's long-term finances and bond rating.

Motion by Mr. McGrath to recommend the transfer of \$200K from Free Cash to the SPED Stabilization Fund. Seconded by Mr. LaCara and unanimously voted.

Revolving Fund Housekeeping

This annual article authorizes the maintenance of revolving funds for the Stetson Ford House, funded by rental fees, with expenditure limit of \$25,000; the Recycling Center, funded by "pay as you throw" bag fees, with expenditure limit of \$90,000; and the Council on Aging, funded by programming fees, with expenditure limit of \$5000.

Motion by Mr. McGrath to recommend the transfer from Free Cash of \$25,000 for the Stetson Ford House revolving fund, \$90,000 for the Recycling revolving fund, and \$5000 for the Council on Aging revolving fund. Seconded by Mr. LaCara and unanimously voted.

School-Based Medicaid

This annual article authorizes funds for an outside vendor to file for the town to receive reimbursement from Medicaid for certain special needs services provided by the schools. The reimbursements exceed the amount allocated.

Motion by Mr. McGrath to recommend approval of the Medicaid Reimbursements article in the amount of \$8000. Seconded by Mr. LaCara and unanimously voted.

Ms. Sullivan has drafted an article to transfer additional funds into the Athletic Field Stabilization Fund, to be used to replace the existing artificial turf fields when needed; the transfer would supplement the user fees for the fields currently directed into the Fund.

Ms. Sullivan has also drafted an article to create and fund a Pension Stabilization Fund but it may not go forward. Mr. LaCara asked if there had been some discussion about extending the funding schedule. Ms. Sullivan believes this is a possibility.

FUTURE MEETINGS

3/12, 3/14, 3/19, 3/21, 3/26, 3/28

ADJOURNMENT

There being no further business, a motion was made by Mr. McGrath to adjourn at 10:07 PM. Seconded by Mr. LaCara and unanimously voted.

I certify that the above minutes were reviewed and approved by a majority vote of the Advisory Board on _____.
