

**Norwell Board of Selectmen
Meeting Minutes
November 16, 2016**

TOWN OF NORWELL
TOWN CLERK

2016 DEC -8 AM 10:38

RECEIVED

Open Session

Approval of Minutes

Motion; made by Ellen Allen, seconded by Peter Smellie, to approve the minutes of the BOS Executive Sessions of; June 15, 2016, July 13, 2016 and July 28, 2016. Unanimously voted

Motion; made by Ellen Allen, seconded by Peter Smellie, to approve the minutes of the BOS Open Sessions of October 26, 2016 and November 2, 2016. Unanimously voted

The November 2nd Executive minutes will be approved at the next meeting.

The meeting was called to order at 7:26 by Chair Jason Brown.

Motion; made by Ellen Allen, seconded by Peter Smellie, to approve the agenda as amended to postpone item 4c; Clear Gov review and discussion. Unanimously voted

Citizen Comments - None

Selectmen's report

Alison Demong has been chosen from a field of many to be a grant application reviewer for Warren Buffet's sister. Kudos to Ms. Demong from the board!

Town Administrator's Report

The back entrance steps have deteriorated, and Dave Sutton is getting a quote to repair them, which should be about \$6K.

Jennifer Van Campen – Metro West Development – 40 River Street/LIP Application

Community Housing Trust (CHT) board members Peter Shea, Liz Hibbard, Andy Reardon and Brian D'Souza were present in addition to Mr. McBride. CHT Chair Peter Shea gave a status recap of the 40 River Street project to date. He introduced Jennifer Van Campen, CEO of Metro West Development Corp. Metro West, who just celebrated their 25th anniversary, owns and operates affordable housing in the Commonwealth. Ms. Van Campen gave a summary of some of their projects in other MA towns. She gave a quick outline of the preliminaries of the 40 River Street project and distributed project materials, asking the BOS to review and give her feedback on the proposed building. Mr. McBride reminded all that the drawings are a concept, and not final by any means. The building will have 18 1BR and 2BR units. 8 units will comply with CPA income guidelines (100% AMI), 10 units will comply with DHCD regulations. The current construction cost estimate is \$5.6 million, not including a valuation for the land. Underwriting for the Town's portion of this cost will come from the CPC via the Trust.

Support Services in the development will be a key component of this Local Initiative Program (LIP) application. Ms. Van Campen has been working with both the Council on Aging (COA) and the Norwell Visiting Nurse Association (NVNA) on the support services component of the application.

She gave a summary of the services to be provided, and elaborated on projected support needed in the future. Both organizations have pledged to provide services as needed, endorsing the concept of "aging in community". Mr. McBride added that DHCD stressed several times the importance of providing these services as part of this project. Ms. Van Campen distributed

copies of the LIP application for all to review these costs. Discussion ensued about ways and means for elder care and services.

The preliminary drawings of the site and proposed schematic of the apartments were reviewed by the board and Mr. Morin. These drawings are the latest but not final.

Key next steps; Ms. Van Campen will submit this friendly 40B application. She elaborated on next steps for the state subsidy programs and their due dates. The project will hopefully go to the ZBA once the site eligibility letter is received. This may take a while... hopefully late spring, early summer. Ms. Van Campen stated that the project needs the Town approvals first before banks will approve the loans. She will start the loan process by getting a series of conditional commitments. The State Rep and Senator can advocate on behalf of this project, which will help, but the project probably won't get funded in the first round. Questions were asked and answered about the funding process for this type of project. Spring of 2018 would be the very earliest for construction to begin. Mr. McBride elaborated on the maze of state agencies who will be involved in this project. The board discussed the clawback provision, which states that if the project is in progress the provision doesn't apply. This was verified by Town Counsel, who was in attendance at this meeting.

Ms. Van Campen gave a "guided tour" of the building drawings, which include a community room. Unit sizes are larger than required by the state; Metro West is trying to have decent sized units with good storage space. All reviewed the list of amenities to be included. 1BR units will be just over 700 square feet, 2BR units just under 900 square feet. The design goal is to encourage residents to use the stairs by "hiding" the elevator in the rear of the building.

Mr. McBride added details about the proposed sidewalk and access to the walking trails at Norris Reservation, which should provide a nice recreation area.

Ms. Van Campen handed out the LIP application draft and criteria to be reviewed. All reviewed the application page by page. February 15, 2017 is the target date to submit the application. Mr. Brown will sign the application for the BOS when all have reviewed the content.

All units will be awarded through a lottery, and will be 70% local preference for those who live or work in Norwell. 70% is the max. Mr. McBride recapped the marketing study done for this project, and noted that there is a good demand projected for these rental units.

Mr. Brown asked each of the board members to review and give feedback on the application for the BOS meeting on December 7th. Ms. Van Campen will attend the meeting if needed to answer questions and comments. All thanked her and the CHT for their hard work.

Henry's Lane – Add to Plow List?

Treasurer Darleen Sullivan was present to recap the status of the surety funds, which were in an account at South Shore Bank. Ms. Sullivan summarized the accounting history of the original \$44K deposit, including a few disbursements. A check for the remaining balance of \$26,608.28 (including interest) was sent to the Treasurer, which closed out the account. Ms. Sullivan will work with the Finance Director to put these funds into an appropriate account to underwrite the completion of tasks needed to make Henry's Lane a public way. She spoke to Glenn Ferguson about the condition of the road; he has no problem adding it to the temporary plow list this winter.

Mr. Brown asked who will complete the road work. Per Mr. Morin, the Town could do the work or contract it out. John Chessia can ID what needs to be done. The surety money is under the control of the Planning Board, who is authorized to task Mr. Morin as the Town's Procurement Officer, with completing this road. Per Mr. Morin, the Town would seek releases from the property abutters in order to do the work.

Ms. Sullivan talked to Attorney Galvin, who recommended placing the road on the temporary plow list, with the hope to complete the work and include an Article for the road to become a public way on the Warrant for the annual Town Meeting.

Motion; made by Ellen Allen, seconded by Peter Smellie, to add Henry's Lane to the temporary plow list. Unanimously voted

Mr. McBride added that a procedure for the addition of a private road to the temporary plow list was signed by the BOS in 1999, so this current board is in compliance with the procedure. Mr. Morin asked the street residents to contact his office to get the list of steps necessary to get the road approval on the Warrant for the 2017 Annual Town Meeting. All thanked Ms. Sullivan for her help. The street's residents left at this point.

Clear Gov – Donna Mangan, Finance Director

The discussion was moved to the BOS meeting scheduled for November 30th.

Jacobs Farmhouse Discussion – Town Counsel

Attorney Bob Galvin recapped the status of the situation at the farmhouse; informing all about his conversations with the Architectural Access Board (AAB). He stated that the work done on the house and outbuildings required building permits for construction and repairs valued at over \$200K, which triggered the full ADA compliance requirement.

The Town responded to the letter sent from the AAB, clarifying that the actual work done on the farm house was less that originally reported; a large portion of the \$200K was spent for rehab on the barn and other outbuildings. There is also a different requirement for historic buildings. There are alternatives to creating ADA access to the second floor, such as an information kiosk, but currently the building might have to be modified to provide some accessibility. The hazardous waste (lead) abatement is hopefully exempt, but the Town will probably ask for a variance at some point. The hope is to do far less remediation than originally determined. Mr. Brown asked if there is any action that this board needs to take. Per Attorney Galvin, the building records for the farmhouse are scant, and the conjecture is that not much work was done before acquisition by the Town in the 1970's. The board needs to be supportive of the NHC's hiring of an architect to design and help fund these improvements. Attorney Galvin's recommendation is to close the house to the general public until the improvements are done. Mr. Brown recused himself from this vote, as his wife is a board member of Norwell Farms, a tenant of the farm's fields. Per Mr. McBride, Norwell Farms has no access to the farm house at this point so her board membership is not an issue. Discussion ensued about what changes should be made to the property. Attorney Galvin stated that the Town should not have public meetings or public attendance at any farmhouse events until the necessary changes are made. He also stated that the AAB wants a written plan and request for a variance, which has not yet been provided. Funding for this work has not been determined. Discussion ensued about closing the house and what that entails.

Per Attorney Galvin; step one is to close the building, step two is to formally engage an architect to work on the plans and step 3 is to find funding for these improvements. Questions were asked and answered by Attorney Galvin about the parking area, a handicapped toilet and variance requests. The AAB will be willing to work with the Town in phases. The changes must be approved by Historic New England as well. Funds will be sought at the Annual Town meeting in May. The NHC is prepared to use rental income funds for this purpose, and anticipate about \$10K to hire an architect. As the AAB usually deals with project architects, Jim Kelliher would be the best person to head this project.

Motion; made by Ellen Allen, seconded by Peter Smellie, to close the Jacobs farmhouse for any public use until further notice; 4 voting yes, 1 voting no. Motion carried

The board would like to see an architect hired by December 7th. The topic will be on the agenda for the 12/7/16 BOS meeting.

The board agreed that the NHC may discuss this issue, but must run any decision past Mr. Morin. That board is allowed access to the farm and their records and/or artifacts, but are not allowed to hold public meetings.

Question #4 Passage Discussion

Mr. Brown gave a recap of this new state law, which did not pass in Norwell, but passed in the state. What does this mean in the Town? The board asked Attorney Galvin to elaborate especially about zoning and retail sales management. BOS members tasked Mr. Morin with the research to answer these questions.

Attorney Galvin made some observations and recommendations:

Recreational use is legal in the state on 12/15/16. Selling is not legal until January of 2018. The state is rushing to create legislation to govern these activities. Towns cannot elect to be "marijuana free". Lawmakers are being tasked to take control of this situation.

Per Attorney Galvin, the Town could adopt a moratorium at Town Meeting in May for a period of months while the town decides what regulations to adopt. The BOS may also watch to see if there are petitions submitted for home rule by the Town.

The new law didn't give any local options. Rep. DeCoste and Senator O'Connor will be invited to a BOS meeting to discuss the bills being filed.

The Town will be drafting some type of bylaw limiting sales, number of hours and zoning to a certain area. Mr. Brown asked about Mass Medi Spa (MMS), the medical marijuana company building a facility in the Town, and if its presence could help preclude more sales of recreational product. Answer; not right now. MMS would have to apply for a license to sell recreational product, which is a whole separate business. Questions were asked and answered about them forming a new entity as a "for profit" branch. The compensation in their (five year) license agreement would remain in effect for the first two years; the last 3 years would be open for renegotiation because of the change in the market with this law. MMS can sell their product to other companies for profit. There are too many unknowns right now, and the Town at the mercy of the state for legislation and regulations. It will be a wait and see issue.

A moratorium would allow the Town to finish the study and put some legislation in place.

Attorney Galvin will get in touch with the Attorney General's office to determine if a moratorium will hold up. If a moratorium is not feasible, then the Town is really tasked with generating a bylaw at a Special Town Meeting in the fall to regulate retail sales and zoning. There would be no need for a license through the BOS! Also, there is no Town Planner at the moment, so it would be prudent to do a moratorium. The pros and cons of limiting retail sales were discussed. Other options could be considered. Limiting the number of retail licenses, etc. would be by Town Meeting vote; further discussion ensued about how to limit but not prohibit. The law is ambiguous right now. Mr. Morin has reached out to the MMS lawyer, who has not replied yet.

Ragnar Relay Cape Cod Road Race Request

Mr. Brown summarized the status of this request; all the proper signoffs have been obtained. Mr. McBride added that this is the least intrusive of the road races.

Motion; made by Ellen Allen, seconded by Peter Smellie, to approve the request for the Ragnar Relay/ Cape Cod Road Race on May 12, 2017, subject to the route being the same, and compliance with the Police and Fire Chiefs' safety requirements. Unanimously voted

Future Meetings

There will be no meeting next week. The next regular meeting will be Wednesday, November 30th. Happy Thanksgiving to all.

Adjournment

Motion; made by Ellen Allen, seconded by Peter Smellie, to adjourn at 9:25pm. Unanimously voted



Jason Brown, Chair