

Norwell Board of Selectmen
2/26/20
Open Session

TOWN OF NORWELL
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2020 APR -9 PM 1:58

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

The board met in Executive Session. The minutes are recorded separately.

Open Session

Motion; made by Jason Brown, seconded by Bruce Graham, to approve the amendment to the Class I Motor Vehicle license for RMD, LLC, McLaren Boston to RMD, LLC, McLaren Boston, Koenigsegg, expiring 12/31/20. Unanimously voted

The board re-signed the Notice of Lease for the group home at 449 Prospect Street.

Motion; made by Jason Brown, seconded by Bruce Graham, to approve and sign the rewritten notice of lease for 449 Prospect Street JB, BG, unanimously voted

Motion; made by Jason Brown, seconded by Bruce Graham, to approve the minutes of the 1/29/20 and 2/10/20 Open Meetings. Unanimously voted

The board discussed the status of the Pine Street fire station, which will be on the agenda later in this meeting.

Open Session, continued

Gym, Town Hall

Ms. Allen continued the Open Session in the gym at 7:35pm. The meeting will be recorded, but not televised, as early voting in the Osborn Room prevented the board from meeting in the room with the television equipment. All rose to recite the pledge of allegiance.

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

Citizen Comments

Kevin Cassidy and Jim O'Sullivan, Hemlock Drive residents, were present to ask for clarification on the AH carve-out Article for residents who attended the Carleton Property Committee public hearing this past Monday to address the proposed plan for the Carleton property. Committee member Roger Hughes suggested amending the proposed Article on the floor at the upcoming Town Meeting, but Selectman Alison Demong (Carleton Property Committee member) stated that this was not possible.

Attorney Galvin clarified why the Article can't be amended to put all of this property into conservation. Both he and Mr. Morin agreed that this action would be beyond the scope of the Article, i.e., the intent to put the land to a particular use. Changing the use of the land in an amendment goes beyond the scope. If this motion were to fail, the land would remain under the care and custody of the BOS until a further Article is presented at a future Town Meeting. Residents have the option to vote no on the Article if they wish. In answer to Mr. Cassidy's question about why Town Counsel was making the scope decision, Ms. Allen stated that the Town defers to his opinion on the wording for all of the Town Meeting Articles. Mr. Morin offered to discuss this further with both residents at a separate meeting.

Selectmen Reports

Ms. Allen reported that the Town received a very nice letter thanking the Fire Department for their help with a five alarm fire in Hanover. Well done, firefighters!

The last day to vote early is this Friday, from 8am to 12pm.

The Town election nomination papers are available thru 3/25 and must be returned to the Town Clerk's office by 3/27.

The annual rabies clinic will be held on March 4th from 9am-12pm. For more information, contact the Town Clerk's office.

Please take the traffic study survey for Route 53. It is posted on the home page of the Town website.

Ms. Demong reported the site visit that was conducted at Assinippi Corner to discuss options for a path or sidewalk from the Woodworth fields to Merchants Row. The Complete Streets Committee will be discussing this further at their meeting on Friday.

Town Administrator Report

In the news today, Columbia Gas of Massachusetts pled guilty and agreed to pay a fine to the state of MA for the natural gas accident in Lawrence. They are no longer operating in MA. Eversource is acquiring all of the Town's gas utilities and Columbia Gas assets and liabilities.

Pine Street Fire Station Update

Chief Reardon was present to discuss this Town owned facility. The board reviewed maps of the property's wetlands and elevations for the 5.6 acres, noting that the majority is wetlands. Per Chief Reardon, most of the property drops off too sharply for use as a buildable lot. The station was built on the only upland for the property. It is not used every day but could house two engines. Current uses include shelter/operations for a significant weather event and CERT team and training. Other than routine maintenance for the building the cost is minimal. This property also supports a large cell tower which generates good Town revenue, and some radio equipment to reach the south side of the Town.

This property is under the care and custody of the BOS. The Women's Club meets there, the cub scouts store the pinewood derby equipment and other Town groups use it for storage. Chief Reardon would like to keep it to use in a weather event. In answer to Mr. Brown's question about how closing the station would affect property insurance coverage and rates, Chief Reardon stated that proximity to the nearest open fire station is a consideration for property underwriters. All discussed nearby fire stations currently in use. The board then considered alternate locations for the radio equipment, but Mr. Morin reminded all that the cell tower is earning significant revenue and the Town would have to reopen negotiations and look for an alternate radio location. The board thanked Chief Reardon for coming in.

Update on the Park View Inn

Mr. Morin reported that after the last BOS meeting, police, fire, building and health departments visited the Park View on at least one occasion. Police confirmed that the Park View doesn't maintain any guest register, which puts them in violation of the state law. Per Mr. Morin, there is no sex offender on the property. A separate business that was being operated out of the Park View employed the individual in question at the business's Taunton location. He added that operating a business out of the Park View is an accessory use of the property, which violates the Town's zoning laws. The manager notified Mr. Morin that he will shut the business down. The Building Inspector was not allowed access to the motel units, but he observed PVC drainage pipe discharging into the cemetery, dirt and debris in the parking lot and the above mentioned business operating illegally out of the inn. The Health Agent observed storage of trash, but it has been removed. Chief Reardon noted that the fire safety measures are in compliance.

The board and Mr. Morin consulted Town Counsel Bob Galvin for the appropriate actions given the violations, and whether a public hearing should be scheduled to address these issues in addition to the revocation of the 2020 motel license. Attorney Galvin cited the statutes that are in violation and could result in a revocation: no daily or any guest register is an appropriate subject for application of a criminal complaint, the Building Inspector noted violations and was impeded in inspection, illegal kitchen apparatus in some units and the board was impeded in its ability to

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TOWN CLERK

2020 APR -9 PM 1:58

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assess the conditions of the property. The Town could obtain an administrative search warrant to ascertain conditions. It can also commence a zoning enforcement action given these circumstances. A public hearing is not necessary for the above actions. *Motion; made by Jason Brown, seconded by Bruce Graham, that the board authorize Town Counsel to proceed with the following for the Washington 350 Operation Inc, the Park View Inn Motel; an administrative search warrant for and whatever actions he deems appropriate on behalf of the Town of Norwell, and also process an application of a criminal complaint for failure to keep a guest register, and also that the Town proceed with scheduling a public hearing to discuss revocation of their motel license three weeks from tonight (2/26/20), which is 3/18/20. Unanimously voted*

Attorney Galvin added that an administrative search warrant could be obtained within a few weeks.

Ms. Allen also noted that the board has asked Attorney Galvin to speak to the appropriate state agency about relocation guidelines for the current residents of the property.

Designer Selection Procedures – discussion and adoption

Mr. Morin worked with consultant Barbara Mello to review and adopt these state mandated procedures prior to issuing any RFP's for the big upcoming projects on the Highway Barn and Town hall. He supports this procedure, adding that the BOS is the voting authority for this procedure. Questions were asked and answered by Mr. Morin and the board about this process. Ms. Allen gave a short overview of past Town projects, highlighting the architect's involvement. These procedures call for bidding out the whole project instead of awarding the job to the architect who did the feasibility studies. Mr. Morin would like to utilize individuals/companies who are responsive to the project cost parameters determined by the Town.

Motion; made by Jason Brown, seconded by Bruce Graham, that the board adopt the design selection procedures as included in the packet and reviewed by the board. Unanimously voted

Review-Accord Park/Pond Street zoning bylaw (Article 28)

After working with the MAPC, Planning Board and the owners of the Queen Anne shopping center, the decision was made to focus on the Pond Street/Accord Park area and Queen Anne Corner separately. The Queen Anne Corner zoning bylaw will be postponed to the May 2021 Town Meeting. The diagram distributed to the board by Mr. Graham details the Accord Park development district. The goal is to increase real estate tax revenue. While this won't reduce residential tax bills, it would help slow the rate of increase. There are separate zoning provisions for each district. A copy of the diagram is attached to these minutes.

1. Pond Street area – (yellow area) ideal for mixed use housing as well as hotel options and commercial growth. The permitting authority will be the planning board, similar to other towns and cities. Residences by special permit, and a medical marijuana facility. Businesses not permitted are included in the Article. Current businesses would be grandfathered; the permit is attached to the property, not the owner.
2. Accord Park office district – (orange area) This area is prime space for commercial office growth. There will be usable, amenitized open space, relaxed lot coverage and other management tools to enhance the desirability of this office park. One key change is to allow buildings up to five stories or 70 feet. The group tested the proposed raised height allowance for future building to ensure that structures would not be visible, or not appear taller than buildings currently allowed or constructed in the Cordwainer Drive subdistrict.
3. Concessions were made to the High Street residents with the Cordwainer Drive area, which is closest to High Street. The group tested the proposed raised height allowance for future building to ensure that structures would not be visible. Cordwainer Drive will essentially stay the same, in particular building heights.

The site plan review process will allow the Planning Board to work collaboratively with the developers of these properties in each sub-district. Mr. Graham gave the board examples of these parameters, such as the Target parking lot, whose planting/drainage islands catch runoff and also recharge the aquifer.

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The group also met with traffic engineers from the state. With Queen Anne Plaza on hold for a year, some of the pressure is removed. Reviewing the traffic issues on route 53 will hopefully clarify the great need for widening, additional left turn lanes and maybe additional traffic signals. All agreed that a left turn lane would be needed on Pond street, as well as a traffic signal at the southern end of Accord Park Drive (developer cost). With those improvements, traffic from Hingham will flow much faster. The board all agreed that the area's traffic concerns have been clearly established. The board should be prepared to answer a lot of the traffic questions at Town Meeting, per Mr. Brown. Discussion ensued about ways to present this Article at Town Meeting. The board thanked Mr. Graham for his work on this Article. Next steps include review by the Planning Board, including a public hearing and then review by the Advisory Board before Town Meeting.

Review of Draft Town Meeting Warrant Articles

The board reviewed the list of proposed Town Meeting Articles, noting the large number of requests vs. the available funding. Discussion ensued about spending taxpayer dollars for a sidewalk in another town (at Assinippi Corner). Mr. Morin responded to this funding proposal, opining that Norwell isn't responsible for fixing problems located in another town. The Merchants Row developer wasn't required by the town of Hanover to build the sidewalk, so he didn't. Although a difficult issue, it is not within the Town's jurisdiction. Per Mr. Morin, this should be a state funded solution, and the question is should the board address this issue at all. Discussion continued at length about other options, such as a path through the woods/cemetery on town of Hanover property. Mr. Morin reiterated that this is not the Town's but the state's responsibility to build a sidewalk. Next steps and options will be discussed at the Complete Streets meeting on Friday at noon. The board noted that there is plenty of time to take this draft Article off the Warrant before it goes to print on April 3rd.

Mr. Morin informed the board, with regard to the proposed Warrant Articles, that the requests total \$3.4M, while the available funds total \$1.7M.

All discussed where to scale back the requests. Mr. Morin will be making decisions and prioritizations for requests from Complete Streets and the Highway Department. He added that Complete Streets should work with the Highway Surveyor on these priorities. There is unspent funding in some of the areas requesting additional spending. Per Mr. Morin, spend what you have first or try to cultivate other funding sources. The first step should be to prioritize by year and get projects under control. The Capital Requests are currently in the form of a wish list. Further discussion took place about capital spending and highway department requests for such items as a new gas tank and fire canopy (required).

All discussed priorities for the proposed spending Articles, naming areas to address such as Information Technology. The board is in favor of putting some money into the regular stabilization account- \$50-100K. In future years the capital stabilization fund could be used to smooth the debt service. All discussed other Articles listed with regard to the revolving funds.

Motion; made by Jason Brown, seconded by Bruce Graham, to close the Warrant for the Annual and Special Town meeting. Unanimously voted

Ms. Allen reviewed the agenda topics for next week's BOS meeting.

Motion; made by Jason Brown, seconded by Alison Demong, to adjourn from Open Session at 9:16pm. Unanimously voted

Vote of approval by BOS on 4/8/20

Ellen Allen, Chair

Ellen H. Allen