

**Norwell Board of Selectmen
Open Meeting Minutes
4/3/19**

TOWN OF NORWELL
2019 JUN 17 PM 4:00
RECEIVED

Present: Ellen Allen, Alison Demong, Gregg McBride, Jason Brown, Joe Rull, Peter Morin

Ellen Allen called the meeting to order at 7:00pm in the BOS office conference room.

Mr. Morin recommended that the board appoint Jef Fitzgerald as Interim Harbormaster for a term ending 12/31/19.

Motion; made by Gregg McBride, seconded by Alison Demong, to appoint Jef Fitzgerald as Interim Harbormaster for a term ending 12/31/19. Unanimously voted

Ms. Allen reported to the board that resident Mark Merrifield submitted a public records request for the minutes from the 3/13/19 BOS meeting.

Motion; made by Gregg McBride, seconded by Alison Demong, to approve the open meeting minutes from the 3/13/19 BOS meeting. unanimously voted.

Ellen McKenna will give the approved minutes to the Town Clerk to forward to Mr. Merrifield.

Ms. Allen, Mr. Brown and Mr. Morin met with the Hanover Mall developers and consultants about the pending combined Massworks grant application related to this project. Grant wish list items include:

1. Bridge on Mill Street near the Y – widening and repair.

2. The difficult intersection at South and Mill Street

3. A pathway behind the North and South River Watershed Association (NSRWA) office. In order to include this in the grant application, the cost would need to be \$50k or less. The Mall developers have stated that they would give an easement as needed for these projects. The project feasibility study estimate from Cavanaro Consulting is about \$15K.

To pay for any part of this study with Con Com money, a letter of intent to grant easements would be needed from the developer.

Mr. Morin met with the Hanover Town Administrator to discuss the project priorities for the two towns. Hanover's priority is the South and Mill intersection and other items solely in Hanover. While the Mill Street bridge widening is not a priority for them, they will support Norwell's request to include this. The Highway Surveyors from both towns are in contact to discuss this project. Mr. Morin commended the synergy between the two towns who are working on this project. The Selectmen are not in support of having Con Comm funds used to pay for a feasibility study since the primary beneficiaries would be the residents in the proposed new apartment building at the mall property.

The Mall developer, Prep, isn't planning to fund any mitigation; this is not what both towns hoped to hear. The project must have 25% of the design completed by 7/1/19 to be eligible for the grant. All agreed that the developer should pay for some upgrades to the roads/intersections.

Mr. Brown met with Sen. Patrick O'Connor about this project and the Massworks grant application. Sen. O'Connor stated that he has been very effective in procuring Massworks grants for the towns he represents. Next steps would be to call him to meet with the BOS to review the grant application in detail when it is ready to be filed, so that he can advocate in the best way possible. Sen. O'Connor's perspective is that the Town has a good chance to get the money, because there hasn't been a Massworks grant in this area.

Mr. McBride said that he is increasingly troubled with the Pathways Committee's decisions to keep building pathways without a maintenance plan. During this committee's presentation to the Advisory Board about new pathways applications, there was no follow-up plan added to the proposal for maintenance. The board discussed adding an operating budget line item for some type of maintenance plan, as the CPA cannot be used to fund maintenance.

Open Session at 7:30pm – Osborn Room, Town Hall

The meeting was called to order by Chair Ellen Allen at 7:33pm. She reminded everyone that the meeting is televised and recorded. All rose to recite the pledge of allegiance.

Approval of agenda, unanimously voted

Motion; made by Gregg McBride, seconded by Alison Demong, to approve the agenda as written. Unanimously voted

Citizen Comments – None

Selectmen Reports

Ms. Allen announced that the Town received a \$40K grant from the MAPC to pursue implementation of the economic development plan they recently completed for Norwell. There will be a Rabies Clinic at the Fire Station on 4/6/19. Please call the Town Clerk for information or go to the home page of the Town website.

Ms. Demong announced that the Carleton Property Committee is sponsoring a work day to clean-up the Whiting Fields on Saturday, April 13th from 9-3. Rain date is 4/14/19, from 9-3. All are welcome. Conservation Agent Nancy Hemingway will be there to assist. Please pre-treat for ticks before you participate!

Ms. Allen also announced that the new library construction bid requests have gone out. The Norwell public library will be closing on April 13th for the move to their temporary space and will reopen there in May. The temporary location is in the mall near Target in the building closer to the street that houses Pet Smart and other businesses.

Town Administrator Report-

Mr. Morin noted that there was some confusion by residents on Friday over the hours of operation at Town Hall. The Town Clerk was accepting papers for the upcoming election until 5pm, which was outside of normal Friday business hours. The hours are posted correctly on the Town website home page, as well on the door of Town Hall itself.

Note: The Town's official website is www.townofnorwell.net

Applicant for North River Commission – Robert Molla

Mr. Molla gave a summary of his background and reasons for applying for this position.

Motion; made by Gregg McBride, seconded by Alison Demong, to appoint Robert Molla to the North River Commission for a term ending 6/30/21. Unanimously voted

Citizens Petition – Solar Panel Overlay District (an extension of the current district)

Attorney Jeff De Lisi was present to represent the sponsors of this Article. The property owner Brian Bates (who was present at the meeting) would like to use some of his land to install solar panels for commercial purposes. Mr. De Lisi gave a summary of this zoning bylaw history, introduced in Norwell in 2015, and read the current bylaw to the board. When this was passed, the Town received official designation as a Green Community, which made it eligible for energy credits and grant funding.

The group is trying to add more parcels of land to the current district which is near Route 3, which Mr. De Lisi reviewed with a highlighted map of the area. He stated that this overlay district

addition would not expand the business zoning. His intent is to give the Town a better understanding of the reason for seeking to add these parcels with safeguards to keep the land as quiet as possible. He addressed zoning parameters and additions such as vegetative screening, perimeter fencing and other zoning safeguards while addressing public safety. Benefits to the Town would include green energy, cleaner air, potential energy credits and PILOT payments. Traditional zoning concerns would not apply to a zoning district like this, but the Town could still earn revenue from these panels. It would also enable areas within the business district to utilize solar energy.

The board reviewed the map of the proposed overlay district expansion (includes areas of business C1 and business C2 plus a small area near the Hanover Mall). Mr. McBride asked for residents' opinions of this petition as well as the status of resident outreach done by the group proposing this Article. Mr. Bates stated that he reached out to inform all of his neighbors but wasn't able to talk directly to some of them. Questions were asked and answered about including property in addition to Mr. Bates's property and residential opinion. A neighborhood resident stated that most of the neighbors are in favor of this proposal. Ms. Allen encouraged Mr. Bates to meet with all of his neighbors before Town Meeting as this needs a 2/3 vote to pass. Neighborhood resident Michael Bernstein stated the reasons he is against this petition, which includes expanding the business district into the neighborhood. Per Mr. De Lisi, this will not extend the business district into this solar overlay. They are only seeking to put the neighborhood into the solar overlay without changing the other zoning. In answer to questions about how these panels affect property values, Mr. De Lisi stated that the zoning bylaw has many safeguards to ensure that neighbors don't see the panels. General discussion ensued about property values and siting the panels on this land. Mr. De Lisi stated that he would be wary of adding only a single parcel into the overlay district because of the prohibition of spot zoning. Per Mr. Bates, the panels will take up 5 of his 12 acres of land. Discussion ensued about adjacent lots and other options. The board suggested that Mr. De Lisi provide better images for Town Meeting. He was invited to send a flash drive to the Town Administrator's office with the relevant information. Ms. Allen noted that the board won't be taking a position on this Article. All thanked Mr. De Lisi and the group for attending the meeting.

8:15pm Public Hearing – Continued from March 27, 2019 – Park View Inn, 350 Washington St., Norwell

The board noted that there are several outstanding concerns for this property. Brent May, Manager, was present as was owner Chahine Elhaoui. Mr. May reviewed the punch list of items that had been provided by the Fire Chief that are in the process of being fixed. The Fire Chief toured the property with the manager, who stated that the unsightly piles of trash will be addressed. Per Mr. May, the cameras don't show residents littering, but if they are Mr. May will remove them from the property. The board noted that abutters are still concerned and would like the owner and the manager to work with their neighbors to better this situation. Mr. Brown noted that his concerns are based on abutters' concerns: trash, frequent police calls and lack of contacts when police are required. Mr. Morin stated that there were some arrest warrants issued during the 46 times that the police were called to the property the past year, but many of the calls simply take public safety officers away from handling real emergencies elsewhere in the Town. There are other inns in Town where this situation doesn't exist. Discussion ensued with Mr. May about the frequency of police calls. Mr. May lives on the property, which admittedly has had a lot of difficulties. He stated that the new owners have had this property for less than a year and hopefully will get these issues addressed.

The board discussed how to proceed with the license approval: contingent upon addressing the punch list of issues from the Building Dept., Board of Health, Police and Fire Chiefs? Should it be provisional, subject to conditions, etc.? Per Mr. Morin, a conditional license would cover the

Town better than no license. Chief Reardon noted that the unit he viewed was up to code, and is hopeful that things are headed in the right direction, but would not speak for Chief Ross. Mr. Rull had spoken to Chief Ross, who continues to ask for the contact information for both owner and manager, and noted that police will continue to drive by the property.

Ms. Allen offered a chance for abutters to speak. The following is a list of the comments that were made by residents of neighboring streets.

1. Sam Peterson, 25-year Town resident asked about the resident population at the Park View. Are they transient, similar to Rehoboth House? What kind of license will be given going forward? Mr. McBride answered that this would be a continuation of the existing license for a lodging house. There are no longer transients being placed in the inn. Mr. Peterson also noted trash piled up and the noise complaints filed over the years.
2. A resident of Washington Park Drive called the property "a pigsty" and "embarrassing". She asked Mr. Morin to comment. He stated that the conditions currently do not violate the bylaws of the Town, but the departments will be keeping a closer eye on the property. He added that this is a vulnerable population, and the Town may want to contact the Dept. of Mental Healthy to ensure that a contact is available with experience in dealing with those who are mentally ill. This will provide additional assistance instead of having the police as the only contacts. Mr. May noted that it is sometimes difficult to tell who needs assistance from DMH. He will "notify DMH if he sees something".
3. Abutter Donna Roblaine noted that there are many children in the abutting neighborhoods and she is concerned with the number of calls to the police. She gave several examples of things that still need fixing. Some neighbors don't feel safe with this population next door. The board again clarified that this is a license for a lodging house. Rooming houses have shared bathrooms. There is no affiliation between the new owner and old owner. Mr. May noted that there will now be a manager on site all the time. Ms. Roblaine again asked that the Town keep a close eye on this property. Mr. Morin reiterated that the current license is the correct one. The level of issues needed to revoke a license is much more grave, and these are not a basis for revocation at this time.
4. Resident Susan Chicquero asked the board to please act responsibly and request that the residents/owner/manager respect their neighbors. Mr. McBride noted that the new owner is willing to work with the Town to fix these issues. He suggested to Mr. May and Mr. Elhaoui that they reach out to neighbors to mend fences and clean up the property. Residents also asked the owner to change the current sign that reads Pilgrim Motel.

The punch list is attached to these minutes as an exhibit. All discussed the procedure for periodic inspections and reports from the four departments (quarterly inspections were suggested). Mr. McBride asked for a reasonable timeframe for the fix. Mr. May stated that he will be ready for a re-inspection at the beginning of May. All of the to-do items will be consolidated on one combined punch list.

Motion; made by Gregg McBride, seconded by Alison Demong, to close the Public Hearing at 8:51pm. Unanimously voted

The board discussed the pros and cons for this license approval.

Mr. Morin thinks that operating without a license presents a level of jeopardy to the community. Per Town Counsel, the property needs a license to operate under state law. If the license is granted, the board can always have the owner and manager come back for a fitness review. Mr. Morin would like the board to set forth the list of expectations, have a hearing in ~30 days and then make a decision moving forward, possibly extending the annual license, subject to

revocation if there is cause. He suggested reviewing the punch list toward the end of May after giving due notice on fixing the current issues. Questions were asked and answered about the liability of the Town (not an issue, per Town Counsel). The four departments with oversight could shut this property down for violations if necessary. Because the inn can't have residents if there is no license it would be a violation of state law to continue operations.

The board will review these issues and any others on May 29, 2019, at which point they have the option to suspend or revoke the license.

Motion; made by Gregg McBride, seconded by Alison Demong, to issue a lodging house license to the Park View Inn, expiring 12/31/19, with the provision that the punch list as provided is completed by May 29, 2019. Motion carried; 4 voting yes, 1 voting no (Mr. Rull, who stated that he was voting no because the owner/manager had not talked with the neighbors as he requested at the prior hearing).

Follow-Up: put on May 29th agenda; task the 4 inspecting authorities to complete another inspection before that date. Ellen M will follow up with these departments. Mr. Brown added that if the property is not in compliance after 30 days the board has the option to suspend the license.

Resignation from Commission on Disabilities

Motion; made by Gregg McBride, seconded by Alison Demong, to accept with regret the resignation of Mary Morin from the Commission on Disabilities. Unanimously voted

Adjourn to Executive Session

Motion; made by Gregg McBride, seconded by Alison Demong, to adjourn to Executive Session at 9:02pm, for the purpose of discussing the potential sale of property, not returning to Open Session. To discuss this topic in Open Session could compromise the negotiating position of the Town. Unanimously voted

Ms. Allen polled the board; McBride voting yes, Demong voting yes, Brown voting yes, Rull voting yes, Allen voting yes



Ellen Allen, Chair

4/8/19

Parkview Inn Combined Punch List

The following list is compiled from inspection results reported to the Board of Selectmen at their meeting on 4/3/19 by the following four departments; the Building Department, the Police Department, the Fire Department and the Board of Health.

Building Inspector

1. Upon inspection of each unit/buildings on site: existing fire alarm system covers the Motel building only. Additional alarm coverage would be preferred.
2. a. Mechanical room within the motel building that houses electric services, equipment and devices also provides access to the basement. This room needs to be cleared of storage items in front of the alarm and electrical service.
b. The sump pump discharge pipe needs to be relocated so as not to interfere or obstruct the access stairs to the basement.
3. Outside the mechanical room, the sump pump pipe discharges at the property line of an adjoining property (Town Cemetery). This pipe must be relocated onto the motel property in such a manner that the discharge water is controlled without affecting the abutting properties.

Chief of Police

The Park View Inn license applicant must provide the land line and cell phone contact numbers of any managers/acting managers having direct control in the event of any emergency.

Fire Chief

There is no fire alarm in the two story structure on the property. A complete alarm system must be in place in all buildings by the end of April, or the department will request that the license be suspended until all concerns have been met.

Board of Health/Health Agent

The Health Agent's inspection on 3/25/19 observed the following violations:

1. All units must have working, operational and lockable windows. The majority of the units had missing window handles; 1 unit had broken window cranks (#5)
2. Under State Title 5 Code:

The septic pump chamber cover located in the parking lot (as previously cited) must be repaired or replaced and to grade per State Title 5 Code. *A re-inspection will be conducted on or after 4/29/19. Please inform the Board of Health office when the work is completed.*