

**Norwell Select Board
1-19-22
Open Session Minutes**

TOWN OF NORWELL
TOWN CLERK
2022 FEB -4 AM 10:12

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Present: Ellen Allen (via Zoom), Jason Brown, Andy Reardon, Pete Smellie (via Zoom), Bruce Graham, Peter Morin

Mr. Graham called the meeting to order at 7:07pm

Approval of Agenda

*Motion; made by Jason Brown, seconded by Andy Reardon, to approve the agenda.
Unanimously voted by roll call vote.*

Approval of Meeting Minutes

Motion; made by Jason Brown, seconded by Andy Reardon, to approve the Open Meeting minutes of the 1/5/22 meeting. Unanimously voted by roll call vote.

Select Board Reports and Announcements

Pete Smellie thanked the Commission on Disabilities and their guest speaker Jeff Dougan for the informative ADA presentation earlier this evening.

Bruce Graham informed the board that he asked Town Counsel Bob Galvin to make a donation to charity in lieu of Christmas gifts to the Select Board this year. Atty. Galvin made a donation to the Wounded Warriors on their behalf. Thank you, Atty. Galvin.

Town Administrator - None

Citizen Comments - None

Police Department candidates: Justin Gaudreau, Colin Diaz

Chief Lee was present to introduce the two above candidates who have been invited to join the Norwell police force.

Colin Diaz ranked #1 on the civil service exam and Justin Gaudreau ranked #2. Chief Lee gave a summary of their backgrounds and excellent qualifications. Both candidates grew up in the Town. They will be attending the MBTA police academy to complete their initial training.

Motion; made by Jason Brown, seconded by Andy Reardon, to appoint Colin Diaz and Justin Gaudreau to the Norwell police force pending their completion of the requirements as stated in the offer letter. Unanimously voted by roll call vote.

Police Department candidates for promotion to sergeant: William Crowley, Francis Molla

Chief Lee introduced the two candidates for promotion. Both went through the civil service process for sergeant promotion and are ranked #1 and #2. The department vacancies are from recent retirements.

Chief Lee gave a summary of the candidates' backgrounds and experience with the department.

Motion; made by Jason Brown, seconded by Andy Reardon, to approve the promotions of William Crowley and Francis Molla to the rank of police sergeant in the Norwell Police Department. Unanimously voted by roll call vote.

7:30pm Capeway/Washington Park Motel public hearing, continued

Motion; made by Jason Brown, seconded by Andy Reardon, to reopen the public hearing at 7:30pm. Unanimously voted by roll call vote.

Former Capeway Motel owner David Phelan and new Capeway/Washington Park Motel owner Mark Mahoney were both present at the hearing.

- Mr. Graham stated that zoning is the biggest issue with Mr. Mahoney's plans for this property. The current zoning supports a motel license only. The background information received by Police Chief Lee included a list of multiple police calls at his other establishments – too many to make this a viable option for this type of business (a sober house) on this property in (in addition to the zoning restriction). He noted that compliance with motel guidelines is a prerequisite to the board granting this license. Inspections by the Building and Health departments are also a requirement.
- Mr. Brown cited Chief Lee's report, adding his concern to that of Mr. Graham's that the business will end up being something other than a motel. Mr. Mahoney gave the board his assurance that he is planning to run this property as a true motel, citing the lack of such properties in the Norwell area.
- Mr. Reardon cited Fire Chief Kean's recommendations for fire prevention measures and asked the new owners to expand on their intentions to comply. Mr. Mahoney and Mr. Phelan noted the new fire system which Chief Kean inspected. With regard to a sprinkler system, the cost is prohibitive at this point but hopefully in the future one will be installed. Both individuals opined that such systems should be required of all licensed motels in the Town. Mr. Phelan stated that he and his brother ran a good operation for 12 years with not many police or fire calls. He recapped the recent fire at the property and his repairs made to put the buildings back together. The fire was caused by a cigarette.
- Discussion ensued about a proposed sprinkler system. Chief Kean explained that the fire code is not mandated by the Department of Fire Services. If the 'licensing authority' mandates the installation of such a system prior to licensure it would be required at some point. He noted that this property has a history of fire issues, which would be mitigated by a sprinkler system. He made his recommendation to the board in order to aid their decision on this license.
- Mr. Graham suggested that the board work with the Building Inspector and Fire Chief to develop standards for motel sprinkler systems and a timeline for implementing such systems as a condition of license approval, stating that it was unfair to make such a requirement on just one applicant, and with no warning. Property owners will need to understand the rules and budget for installation costs over a several year period.

All agreed that the board could review this issue again when renewing the Town's business licenses in December 2022. Any requirement could be part of future renewals.

In response to questions from the board about the market for motels in this area, Mr. Mahoney thinks it will be a viable business venture, adding that there are not many motel options in the area. This would Not be a sober house, which Mr. Mahoney ran at another of his properties.

Motion; made by Jason Brown, seconded by Pete Smellie, to close the public hearing at 7:50pm. Unanimously voted by roll call vote.

Motion; made by Jason Brown, seconded by Pete Smellie, to approve the motel license for the Washington Park Motel, expiring 12/31/22. Unanimously voted by roll call vote.

Board of Assessors (BOA) – Circuit Breaker Senior Tax Program Update

Chair Mary Horowitz gave background information for this proposed program, as introduced at an earlier meeting by Mr. Morin. A draft copy of the proposed program language is in the meeting packet. The power point presentation for this proposal is on file in the Town Administrator's office.

- The program would use the state circuit breaker eligibility qualifications plus a proposed 10+years residency requirement. The property value could not exceed \$848K.
- Per Ms. Horowitz, this would be the easiest qualification criteria as it has already been vetted by the state
- Proposes 100% of the circuit breaker credit for this program
- 191-208 filers for Circuit Breaker program in Norwell; average total credit claimed = \$212K total

- Towns with higher rental properties have lower filings, towns with higher home ownership have 50-70% who request property tax exemption.
- Will use overlay surplus to fund program, so cost does not impact other residents
- The board debated the 10-year residency proposal. Per Ms. Horowitz, the board can opt to impose this requirement and choose a length of residency.
- The Division of Local Services provided the data for this presentation. The state does not provide data for circuit breaker applications by town.
- The board discussed the effectiveness of means testing vs. other qualifications
- Next steps: the BOA will submit a Warrant Article. The Select Board (SB) can decide to support it or not. Reminder: the intent is to provide the same level of benefit as the state, but the BOA could adjust the program requirements.
- Mr. Morin is recommending the use of the overlay surplus to fund this program; there is enough money to fund the program for 10 years to come. He reminded all that this would not shift the abated tax burden from the participants to the balance of Town residents. Rather, it would be funded using the tax abatement overlay surplus, which also does NOT shift the tax burden from program participants to the balance of Town residents. This surplus usually provides a cushion, which in turn offers options to fund other spending. It is appropriated but not necessarily spent.
- Board members opined on the right amount to include in this overlay surplus to fund future needs. Consider changing the wording from "surplus free cash funding".
- Consider having BOA adjust the amount yearly to draw only from overlay surplus that would work.
- Select Board supports this concept. All thanked the BOA for their hard work.

Planning Board/Town Planner Discussions

Planning Board (PB) members and Town Planner Ilana Quirk were present at the meeting to discuss these draft Warrant Articles.

Accessory Dwelling Bylaw Draft Article:

- The Planning Board would like the Select Board to co-sponsor this Article as stated in their power point presentation. A copy of the presentation is available in the Town Administrator's office.
- The SB commented favorably on this draft Article. Mr. Reardon hopes that this will not meet with the opposition experienced at last year's town meeting. Per Mr. Mauch, this will include a 900 sq. ft. max space, which may be passed by a simple majority vote.
- Questions were asked and answered about the specific parameters. There will be a phase 2 bylaw draft to address larger spaces and special permits.

Demo Delay Bylaw Draft Article with Norwell Historical Commission (NHC):

- PB member Brian Greenberg narrated the power point presentation and PB members answered questions.
- The old law really needs an overhaul. The NHC has become an architectural review board, which is not really the purpose of a demo bylaw. All discussed the differences in the two concepts.
- The Town does not have an architectural review board or historic district, therefore the current bylaw lacks clarity.
- New bylaw will define "demolition" to a much greater degree. Building Inspector Tom Barry would like to refer everyone to the bylaw for clarification, which a rewrite would allow him to do. Comparison was made to the Hingham demo bylaw, which gives the Building Inspector discretion in certain permits. The Norwell bylaw currently omits that.
- Mr. Greenberg gave a summary of the proposed changes, definition, date and procedure.

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TOWN CLERK
2022 FEB 14 10:12
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- NHC member Jim Kelliher commented that this is a difficult bylaw to work with-it needs more clarity and tighter parameters. This draft needs more work (in his opinion from an architect's point of view). Mr. Kelliher gave examples.
- Jason Brown would like to simplify the bylaw and make the demo process less expensive.
- Town Planner Ilana Quirk gave an overview of goals for this new bylaw: priority goal is to exclude "ordinary maintenance".
- Per her discussion with Mr. Kelliher, about 13% of structures in the Town should be on a "list" that must comply with this new bylaw. This is a discussion draft at this point.
- A list of included properties would provide assurance that any applicant knows the approval process for a demolition permit. More discussion ensued about parameters of the draft.
- All discussed fines and 3 year delay penalty provision, both of which need to be rewritten.
- Mr. Graham would like to revisit this for a vote after the PB reworks its draft. The SB is in agreement. Right now protecting historic structures is an onerous process.
- Mr. Brown would like to see these changes made, which will make the process simpler and less costly.
- NHC member Janet Watson applauded the efforts of the PB to make significant changes to the existing Article, which are much needed. She opined that this draft still needs work and reminded all that the current bylaw was passed during a period when many of the Town's historic homes were being demolished.

Select Board Nomenclature Draft Article – this is a housekeeping Article to change references from Board of Selectmen to Select board for zoning bylaws.

Special Permit Duration Draft Article – this Article changes the permit time limit from two to up to three years. If a special permit is tied to a regular permit both can have the same expiration date.

Permanent Bylaw Review Committee discussion

The PB asked the SB to consider creating a permanent committee.

Mr. Morin commented that if such a committee wanted to identify bylaws that need change, that would be fine. However, the prior committee became a "watchdog" after other committees did the prep work, not communicating with the Town Administrator or the Board of Selectmen. That extra layer of review is not needed, as Town Clerk Pat Anderson already has a contract with General Code to do the review that this committee would undertake.

Park View Motel License status and next steps

Mr. Morin updated the board on the status of this pending motel license. The Building Inspector was allowed to inspect the premises. He noted that too much unpermitted work has been done. The property is not in keeping with a motel license. The Town is currently in court to shut down operations for this business. Legal action is currently pending in the superior court.

Town Election Polling Hours/Date – vote

Motion; made by Jason Brown, seconded by Andy Reardon, to approve the polling hours of 8AM to 6PM on May 21, 2022. Unanimously voted by roll call vote.

Harbormaster Reappointment

Motion; made by Andy Reardon, seconded by Pete Smellie, to reappoint JEF Fitzgerald as Harbormaster for a term expiring 12/31/22. Unanimously voted by roll call vote.

Mr. Morin and the board will put together an Article to change this position to Mooring Administrator. Mr. Fitzgerald will provide input for wording of the Article.

Council On Aging Reappointment – Kate Vaughn – 6/30/24

Motion; made by Jason Brown, seconded by Andy Reardon, to reappoint Kate Vaughn to the Council on Aging for a term expiring 6/30/24. Unanimously voted by roll call vote.

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IRS Standard Mileage Rates for 2022 - vote

Motion; made by Jason Brown, seconded by Andy Reardon, to accept the IRS tax reimbursement rates for 2022 of 58.5 cents per mile as of January 19, 2022. Unanimously voted by roll call vote.

Town Administrator – Vacation Buy Back vote

Motion; made by Jason Brown, seconded by Andy Reardon, to allow Town Administrator Peter Morin to buy back one week of vacation as presented to the board this evening. Unanimously voted by roll call vote.

Future Meeting Agendas

The next Select Board meeting will be held on 2/2/21.

Adjourn

Motion; made by Pete Smellie, seconded by Andy Reardon, to adjourn at 9:25pm. Unanimously voted by roll call vote



Bruce W. Graham, Chair