



TOWN OF NORTON  
BOARD OF SELECTMEN  
MUNICIPAL CENTER,  
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**Board of Selectmen  
Meeting Minutes  
November 15, 2018**

I. **Call to Order by Chairman**

The November 15, 2018 meeting of the Norton Board of Selectmen was held in the Board of Selectmen's Meeting Room and was called to order at 7:00 P.M., by Mr. Robert W. Kimball, Jr., Chairman. Member(s) present: Mr. Bradford K. Bramwell and Ms. Mary T. Steele. Also in attendance: Mr. Michael D. Yunits, Town Manager.

II. **Licenses and Permits**

There were no licenses or permits for discussion.

III. **Announcements**

There were no announcements for discussion.

IV. **Appointments/Resignations/Retirements**

1. Appointment of Patrick J. Mahoney to the Special Officer position in the Police Department.

**MOTION was made by Mr. Bramwell to appoint Patrick J. Mahoney to the Special Officer Position in the Police Department. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.**

2. Appointment of Derek J. Levesque to the Special Officer position in the Police Department.

**MOTION was made by Mr. Bramwell to appoint Patrick J. Mahoney to the Special Officer Position in the Police Department. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.**

3. Appointment of Christopher Rodrigues to the Historical Commission.

**MOTION was made by Mr. Bramwell to appoint Christopher Rodrigues to the Historical Commission. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.**

Mr. Yunits mentioned that he received a letter of resignation from the Water Superintendent, Bernard Marshall. December 7, 2018 will be his last day and will be moving on to a new position for the Town of Walpole. Mr. Yunits stated that Mr. Marshall expressed his gratitude to the Board of Selectmen for all they have done for him

and he will assist them in the next three weeks with trying to get someone in that position.

V. **Business**

A. **New Business**

- i. Vote to declare the Highway Department's 1996 INTL Dump as surplus.

**MOTION was made by Mr. Bramwell to declare the Highway Department's 1996 INTL Dump as surplus. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.**

- ii. Vote to declare the Inspection Dept. 2005 Ford Explorer as surplus.

**MOTION was made by Mr. Bramwell to declare the Inspection Dept. 2005 Ford Explorer as surplus. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.**

- iii. Vote to declare the Conservation truck as surplus.

**MOTION was made by Mr. Bramwell to declare the Conservation truck as surplus. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.**

- iv. Vote to approve and sign the respective Acceptance prepared for the Board of Selectmen regarding the Deed in Lieu of Foreclosure for Union Road (a/k/a Union Street) conveying the Rainbow property to the Town for conservation purposes.

**MOTION was made by Mr. Bramwell to approve and sign the respective Acceptance prepared for the Board of Selectmen regarding the Deed in Lieu of Foreclosure for Union Road (a/k/a Union Street) conveying the Rainbow property to the Town for conservation purposes. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.**

- v. Alteration of Premises for Kelly's Place at the Crossing, Inc. d/b/a Kelly's Place Hearing

Mr. Bramwell read the Public Notice for the Alteration of Premises Hearing for Kelly's Place at the Crossing, Inc. d/b/a Kelly's Place.

Mr. Kimball stated that he requested from the Chief of Police, Brian Clark, and Chief of Fire, Paul Schleicher, Sr., reports of any incidents that have occurred at Kelly's Place. Chief Clark that Kelly's Place is a popular eatery, particularly on weekends, and further stated that he does not believe the additional parking spaces will have any impact on the location as they are being used already. Chief Clark pointed out only four logged incidences from the past year where police were called to the location. Chief Clark also provided an e-mail from Lt. Jackson

assessing the parking at Kelly's Place, which stated that he does not believe it would be unreasonable for Kelly's Place to have more seating at the restaurant.

Mr. Kimball then read Deputy Fire Chief Shawn Simmons e-mail regarding the Fire Department's opinion on the matter. Deputy Chief Simmons stated that he did not see any major issues from the Fire Department's perspective, and that his main concern would be the need for adequate parking to prevent blocking access of their apparatuses. He further stated that due to complaints from residents regarding parking, he would suggest "no parking" signs on Hastings Way or assurance that they have a plan to prevent parking issues or if the need arises, a plan to mitigate them. Deputy Chief Simmons reported that there were 3 accidents at that address (1/30/16, 8/4/17, and 7/21/18 averaging out to 1 accident per year) and they have also responded to 1 natural gas leak, 3 gasoline leaks (vehicle), and 6 fire alarm calls.

Carol Cusack, President of Kelly's Place, came before the Board explaining she would like to expand into the 990 sq. ft. space of the old hair salon next door and expand by 20 more patrons.

Mr. Kimball clarified that when they spoke with the Planning Department, they required 6 additional parking spaces to the premises and Ms. Cusack stated this was correct and this was already being worked on. Mr. Kimball asked if the parking was determined by number of patrons or square footage. Mr. Carmichael, the Building Commissioner, stated that 15 sq. ft. net per chair, which comes out to about 30 patrons and 2 employees, so the number of 32 people requires 8 additional parking spaces. However, Mr. Carmichael credited 2 parking spaces from the hair salon, which resulted in the final additional parking spaces required to be 6 parking spaces.

Mr. Bramwell expressed his concerns about the parking and would like to personally go down and check out the spaces. He has gone by and seen the overflow parking on the weekends and wants to see how this is going to be controlled. Mr. Bramwell stated they are implementing the additional parking based off of square footage like they have previously before, but this wasn't enough. He emphasized he doesn't know if 6 additional parking spaces is going to be enough to cover the additional patrons.

Mr. Kimball asked about if patrons are allowed to park on Hasting's Way. Mr. Aiello stated that it can be used, but only for weekends. Mr. Bramwell requested that the Board of Directors in attendance voice their opinions and concerns regarding this issue.

Gary Perkins, Chairman of the Board, explained that they have a 99-year lease. Included in the lease agreement is an addendum allowing Kelly's Place to use Hasting's Way for 5 or 6 cars (not lined). Mr. Perkins stated that within Kelly's Place's parking lot, they do not have control over that; they only have control

over 3 spaces and those are for their residents to dump their trash and for the mail room. No customers from Kelly's Place are ever supposed to park there and there are cones there on weekends to prevent patrons from parking there that aren't residents of Red Mill.

Robert Frotten, a Trustee and resident of Red Mill Village, came before the Board to voice his opinion. Mr. Frotten expressed that as a resident, he likes being able to walk 2 minutes to go to and from Kelly's Place. However, personally as a Trustee, he finds the request without further parking to be a disservice to the Red Mill Village community. He wanted to point out that the 4 "additional" spaces aren't really "additional" because it is replacing the grass parking spaces. Most times, there is no problem finding seating in the restaurant and it would only add a bigger traffic concern on Hasting's Way, which he repeated is a 55+ community. He asked that a better traffic plan be prepared and delay the decision on this hearing.

Mr. Kimball suggested exploring the possibility of renting spaces for employees only on weekends especially now that there are sidewalks there that weren't there previously. Mr. Kimball asked Ms. Cusack on average how many employees work on a Sunday, which she answered is about 8 employees. Mr. Kimball pointed out that if Kelly's Place employees parked somewhere offsite, this could free up 8-12 parking spaces.

Mr. Bramwell addressed parking elsewhere for employees. He mentioned that they had looked into using 495 Market Place to park employees, and Ms. Cusack stated that is where they park for the winter. Mr. Bramwell expressed he was hesitant to approve the alteration of premises because he doesn't want to make a bad situation worse, and that with only six additional spaces and a twenty-patron expansion it might not be enough. Mr. Kimball agreed and stated there were times he was going to go there, but saw the parking lot and it was just too busy. Mr. Kimball stated he wanted to see a written agreement between the association and Kelly's Place regarding parking.

Ms. Steele stated that it is just the issue of parking driving a wedge between Kelly's Place and the association. Ms. Steele stated that she would like to see Kelly's Place continue to be successful and grow, but she understands the concern of the association. Ms. Steele expressed that she sees this as an opportunity for the two sides to sit down and come together so the Board of Selectmen are not continuously put in the middle. She suggested having Kelly's Place and the association come back in a couple weeks and they attempt to come to a solution on their own; if they do not come to a decision in two weeks, then the Board can make the decision.

Mr. Kimball read a letter from Leo Conlin stating that he would be unable to attend the Selectmen's meeting, but he wanted to raise his concerns about adding 20 more patrons to the restaurant mainly because of the issue with adequate

parking spaces. He believes there is currently insufficient parking and adding more patrons will only make the already dangerous parking situation worse. Mr. Conlin stated in his letter that he assumes there is a zoning formula to determine appropriate parking spaces by seats, which Mr. Kimball clarified has already been taken into consideration when determining the alteration of premises and parking.

Ms. Steele pointed out that the Board of Selectmen have been put in a tough situation because they also have the Police Chief and Fire Chief stating that there isn't a problem with going forward just by adding the six additional parking spaces, so she would really like to see Kelly's Place and the association work this out on their own.

Mr. Aiello asked if they can show more additional parking either off site or with help from neighbors, if that would be enough to gain approval from the Board of Selectmen for the alteration of premises. Mr. Bramwell said speaking for himself that is all he is looking for.

Mr. Kimball asked if it was acceptable if they postpone their decision until next meeting to see if Kelly's Place and the association can come up with a solution. Mr. Aiello agreed to this. Ms. Steele pointed out that the Building Commissioner has already stated that the additional parking would be adequate to accommodate the additional 20 patrons.

Mr. Perkins stated that they have a Homeowner's Meeting on November 28<sup>th</sup>, so it might not be enough time between the Homeowner's Meeting and the next Board of Selectmen meeting on November 29<sup>th</sup>.

Ms. Steele asked how would this affect Ms. Cusack's business and Ms. Cusack answered that it is holding them up moving next door. Ms. Steele said if they do not come to a resolution for the November 29<sup>th</sup> meeting, the Board could always post another meeting for December 6<sup>th</sup> to give an answer on the alteration of premises.

**MOTION was made by Mr. Bramwell to continue the hearing until November 29, 2018 at 7:15PM. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.**

vi. Discussion regarding need for a Special Town Meeting

Mr. Yunits introduced Mr. Adam Schumaker from NextSun Energy, who is looking to amend the solar by-law. The state has passed a law allowing solar facilities to be constructed on working bogs, and the problem Norton is having is that that in the by-laws it states that they cannot allow solar facilities to be constructed on wetlands, riverfront areas, etc. Mr. Yunits stated that now with this new state law, Mr. Schumaker is looking to have the Town amend their solar by-law to allow this in accordance with state law. There are timeline constraints for



doing this, so this is why NextSun Energy is looking for a Special Town Meeting in January.

Mr. Schumaker gave a handout regarding the timing issue they have. He explained that the solar project Norton has is under the old program and that the State is asking for them to move into the SMART (Solar Massachusetts Renewable Target) Program. He stated that Norton is currently in Massachusetts Electric d/b/a National Grid territory and stated that 576 megawatts (MW) are allocated to Massachusetts Electric. Mr. Schumaker summarized that by looking at the figures provided on the chart, it shows the tremendous amount of pressure that is going to be going after that 576 MW of capacity. He stated that in order to enter into the program, you need to have a signed interconnection agreement and your queue is dependent on the date of that agreement; ultimately there are two things they are dependent on, which are the interconnection agreement and the land use permits.

Mr. Schumaker explained that they already began the interconnection process for the cranberry bogs off of Bay Road back in April, so they are actually in good place for a signed interconnection agreement by January/February. So, the issue they are having is the current solar by-law as it stands is preventing them from getting the proper permits they need. DEP says as long as they meet the requirements, they can do these projects on wetlands and cranberry bogs. Conservation Commission has stated that they would approve the project with the exception of the by-law. Mr. Schumaker concluded that NextSun Energy would like to amend the solar by-law due to new policy guidelines. Mr. Yunits stated previously to Mr. Schumaker that by doing this it would make Norton a "green" community.

Mr. Kimball asked how many kw this would produce and Mr. Schumaker answered it could be up to 8,000 kw. Mr. Kimball then asked how much of the cranberry bog space would be used for the solar project and Mr. Schumaker answered approximately 60% of the total bog area, but he would have to confirm this figure. Mr. Kimball asked how they would protect the plants under the panels. Mr. Schumaker stated that DEP agreed to it because of the agricultural design, so in order to put the solar panels in the cranberry bogs they cannot shade more than 50% of sunlight that would hit the vines and they have to be raised at least 10 feet above ground-level to be able to work under them. Also, they need to space the roads about 20 feet apart to prevent greater than 50% shading. Mr. Schumaker stated that the bogs will produce about 75% of what they would have without the solar panels.

Ms. Steele asked about the owners of the cranberry bogs and if they will be leasing the land from the current owners and Mr. Schumaker stated they would be purchasing the land and will be contracting the land management to a third-party, which is typical in bog and farm industry to have land management. Ms. Steele questioned how else the Town benefits from this and Mr. Schumaker stated this

would produce a significant amount of property tax income for Norton. He said they would keep it as Chapter 61A land and this is what he refers to as contributing \$200,000/year in his letter. Mr. Yunits responded explaining NextSun Energy's commitment is \$200,000 or whatever the Assessors come up with (whichever figure is greater).

Mr. Kimball asked how the Board could make a decision without actually knowing what the number is. Mr. Schumaker stated the Assessor has been working on this for some time, but she needs to use a consultant to get the number, but he has been bogged down. Ms. Ellis, Director of Assessing, told Mr. Schumaker that they would get an answer to him as soon as possible.

Mr. Bramwell asked what kind of time table they are looking at for the Special Town Meeting in January. Mr. Yunits stated that if they open the warrant at the November 29<sup>th</sup> meeting, the Special Town Meeting would be January 28<sup>th</sup>. Mr. Kimball asked if that would work for Mr. Schumaker's company and he stated yes. Mr. Kimball asked what the other competition looked like with regards to the chart he provided and he said it is fierce. Mr. Kimball proposed voting to open the warrant at this meeting and moving the Special Town Meeting up two weeks to January 14<sup>th</sup>.

**MOTION was made by Mr. Bramwell to call for a Special Town Meeting on January 14, 2019 at 7:00PM to be held at the Norton High School Auditorium. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.**

Mr. Yunits stated he would coordinate with the Planning Board too to make sure this is doable with their requirements and timelines. Mr. Kimball and Mr. Bramwell agreed, but at least by voting on this tonight, they have the option to have the Special Town Meeting sooner rather than later. If they cannot meet the January 14<sup>th</sup> deadline, they can bump it out to either January 22, 2019 or January 28, 2019.

**B. Old Business**

Review of Departmental Fee Schedules from October 18, 2018 meeting.

i. Cemetery Department's fee schedules:

Mr. Yunits presented surrounding towns' fees compared to Norton's. Mr. Bramwell wanted to clarify that the burials in Norton are just for Norton residents, and Mr. Kimball confirmed this. Mr. Yunits proposed to the Board reviewing these fees more in depth at the next meeting when he has the overtime and holiday rates from the Highway Superintendent, Mr. Keith Silver. They agreed to pick this up again at the next meeting (November 29<sup>th</sup>).

**C. Town Manager's Report**

Mr. Yunits gave his report and commented on the following:

- i. Mr. Yunits explained that the Solitude Lake Management project is moving along. Told by ESS and Jennifer Carlino, Director of Conservation, that Barrowsville Pond is much better. Mr. Yunits stated they are doing a great job, and that they had actually received a call from someone from Taunton looking for advice on how to do what Norton has done so Taunton can do the same for Lake Sabbatia.
- ii. Mr. Yunits announced that the tax rate of \$14.90/thousand was approved the following Wednesday after the hearing by the State. He stated that he provided the Selectmen with a handout of the Top Ten Taxpayers prepared by Ms. Ellis and Michael Toole prepared the Tax Rate comparison from 2018.
- iii. Mr. Yunits brought up the discussion regarding the Campbell House stating that nothing has happened in several years and it is deteriorating rapidly. He asked the Board's permission to send letter to the Historical Commission stating that their intention is to tear down the building and barn. Mr. Kimball stated that other than the main frame of the home, the historical elements are gone. Mr. Bramwell agreed that he didn't think any historic value was salvaged from the renovations; he was with the crew stripping the place, and just about all of the main historic beams in the back were cut out when they remodeled it back in the 60s. He further suggested bringing it up to the Historical Commission and have them advise if there is any historical value left or if it can be torn down. Mr. Kimball advised that Mr. Yunits would prepare the letter.

**Motion was made by Mr. Bramwell to send a letter to Historical Commission to take down the barn and the house on the Campbell property. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.**

V. **Selectmen's Report and Mail**

Ms. Steele stated that there is a letter for Norton Charter Commission to have a place on the ballot for Spring (May Town Meeting) for elected Charter Commission. The purpose of the elected Charter Commission is to take a look at how the Town is structured, identify where improvements can be made, and then take their suggestion back to the voters for further action. In order to move forward, they need to collect 2,500 signatures and they already have 1,900 signatures. Anybody that is interested can visit the Norton website [nortonc3.org](http://nortonc3.org) or visit the Facebook page to find out locations where they will be collecting signatures. Mr. Kimball stated that as the Charter stands the Board of Selectmen need to form a Charter Committee.

Mr. Kimball read an article regarding the cable television license, regarding cutting cable access funds at municipalities. Mr. Yunits stated that at the next meeting they will be reviewing and approving the license for the cable access contract, which is set to expire on December 17, 2018. Mr. Yunits suggested addressing the newspaper article as well at the next meeting.



Mr. Kimball stated he attended the Planning Board meeting the previous night regarding the Blue Star Business Park on Leonard Street. He suggested once they build the industrial park that an intersection be put at the end near the residential side to make sure no trucks can pass through on that road.

VI. **Meeting Minutes**

**MOTION was made by Mr. Bramwell to approve the minutes of June 28, 2018, July 12, 2018, October 15, 2018, and August 23, 2012. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.**

VIII. **Warrants**

Report of Chairman Robert W. Kimball, Jr. on the following Payroll and Invoice Warrants:

- A. Approve Payroll Warrant PR19-10, for the week ended November 3, 2018, Warrant dated November 8, 2018, in the amount of \$1,372,236.41.

**MOTION was made by Mr. Bramwell to approve Payroll Warrant PR19-10, for the week ended November 3, 2018, Warrant dated November 8, 2018, in the amount of \$1,372,236.41. Seconded by Ms. Steele. Vote: Unanimous MOTION CARRIES.**

- B. Approve Invoice Warrant AP19-19, dated November 8, 2018, in the amount of \$846,149.48.

**MOTION was made by Ms. Bramwell to approve Invoice Warrant AP19-19, dated November 8, 2018, in the amount of \$846,149.48. Seconded by Ms. Steele. Vote: Unanimous MOTION CARRIES.**

- C. Approve Invoice Warrant AP19-20, dated November 15, 2018, in the amount of \$121,031.26.

**MOTION was made by Mr. Bramwell to approve Invoice Warrant AP19-20, dated November 15, 2018, in the amount of \$121,031.26. Seconded by Ms. Steele. Vote: Unanimous MOTION CARRIES.**

IX. **Other Business**

There was no other business to discuss.

X. **Next Meeting's Agenda**

The next meeting will be held on November 29, 2018, at 7:00 P.M. There will be a review of the Cemetery Department's recommended departmental fees, continuation of the Alteration of Premises Hearing for Kelly's Place at the Crossing, Inc d/b/a Kelly's Place, review/vote of the cable license, and the approval of the October 18, 2018 (Executive Session).

XI. **Executive Session**

There was no need for an executive session.

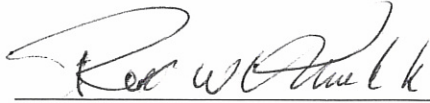
XII. **Adjournment**

**MOTION was made by Mr. Bramwell to adjourn at 8:33 P.M. Seconded by Ms. Steele. Vote: Unanimous. MOTION CARRIES.**

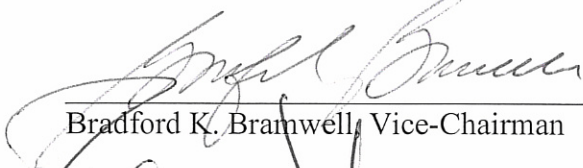
Respectfully Submitted by:

  
\_\_\_\_\_  
Jennifer Reid, Office Administrator

**BOARD OF SELECTMEN  
MINUTES OF MEETING  
NOVEMBER 15, 2018**



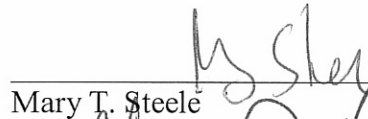
Robert W. Kimball, Jr., Chairman



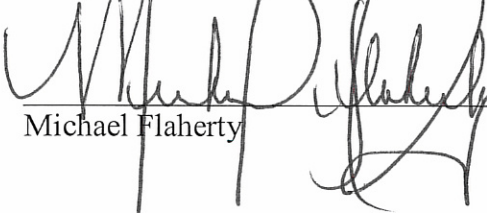
Bradford K. Bramwell, Vice-Chairman



Robert S. Salvo, Sr., Clerk



Mary T. Steele



Michael Flaherty

Minutes Approved by Board on: December 13, 2018