

**Town of Norwell
Select Board
Meeting Minutes
2/22/23**

Present: Bruce Graham, Jason Brown, Ellen Allen, Pete Smellie, Darleen Sullivan

Mr. Graham called meeting to order.

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

Mr. Graham gave a brief recap of last week's meeting about the 7 West End Way proposed 40R project. A covenant recorded for this parcel in 1983 was brought to the attention of the board, Ms. Sullivan and Town Planner Ilana Quirk. Mr. Graham gave an overview of the covenant, which precludes any 40R and 40B development. He noted that Atty. Brobowski has initiated a search for a clear title to address this covenant issue. Town Counsel was requested to hire a title search legal team to also research this property.

Atty. Bobrowski will get back in touch in a week or so with his opinion. The Planning Board was notified that they did not have to attend this evening's meeting.

Mary Beth Shea, 52 Franklin Road, thanked neighbor Jim Donovan for rediscovering this covenant. She requested Mr. Graham's assurance that the abutting neighbors will be in the loop from the beginning of any future discussions on this parcel. Mr. Graham noted that he should have updated the Select Board a lot sooner. He reviewed the timeline of incremental changes over the last two days, but added that he could have taken a snapshot and briefed the board on the history of this journey from the first phone call through the DHCD review. He opined that a Special/Annual Town Meeting (STM/ATM) deadline for May was not possible. The developer was pushing for subsequent STM, which was turned down by the Town Administrator. Literally two weeks ago, Atty. Bobrowski's connections with MassHousing and DHCD led him to contact Mr. Graham for a 60-day feasibility "ask".

Mr. Reardon set aside the 7 West End Way focus for the moment and expressed serious concerns about residential development along the Route 53 corridor. There is a potential project close to CVS and a huge project potential at the St. Helen's property. 40B "potential projects" are never actually "put to bed"; examples of those still looming over the Town are White Barn Lane and Simon Hill. He noted that precinct 1 and the Route 53 corridor see approximately 25K cars per day. This is unacceptable. There have been many serious accidents in the Oak Street/Route 53 intersection area. This traffic issue needs to be addressed sooner rather than later, with Town boards like Water and the Board of Health involved in the discussion. The Town needs to be proactive about this topic.

Mr. Graham stated that the Town's Master Plan called for dispersed, small development, but this approach has been repeatedly shot down by the neighbors. The "laissez faire" approach is favored by some members of the board. Until that dynamic

changes the Town is hostage to these 40B projects until we reach 10%. Weathervane is doing a small development of 40B's to bite off a small chunk to get closer to 10%.

Ms. Allen stated that unless we can get the entire community to engage instead of react this is never going to happen. The Town needs to decide that it cares as a whole, not just the 5 Select Board members.

Mr. Reardon would like the board to come together with several boards to have a strategic discussion to move forward. He would like to task those boards with this goal. He stressed the importance of the SB as a leadership board to get involved, advocating at the state level as well. There is a housing crisis in the cities. He cited residents in Norwell who are opting to live elsewhere because of the high costs. The Town needs to be proactive in finding ways around this looming development issue.

Ms. Allen added that all towns express the same concerns, noting that those with success stories have citizen-led coalitions.

Jim Chiavaroli, 41 Dana Road, asked to hear the differences between a 40R and a 40B.

Brian Lockwood, 26 Jay Road, scolded Mr. Graham for not disclosing this sooner, which he considered was treating the residents with disrespect. He did thank Mr. Graham for his apology.

Mike Bailey, 57 Dana Road, thanked the people who worked on the covenant, which will be the subject of a title search. In answer to Mr. Bailey's question about a cancellation of the 3/6/ public hearing, Mr. Graham answered that it will be on the 3/1/23 SB agenda as a vote to cancel after updated information is received regarding the title search. Mr. Bailey thanked his neighbors for their support.

Ms. Quirk repeated the differences between 40R zoning and a 40B development. She noted that the 1983 covenant may only be valid for 30 years, but it may be convertible to a different kind of covenant (maybe in perpetuity) as there was planning board involvement in the original draft.

Town has much more control with a 40R vs a 40B. The 40R process could take a year to a year and a half. If the Town is cooperative there are better control options for a 40R project.

Ms. Allen opined that the high density 40R requirements of 20 units per acre is mind popping. Is this a "least worst" alternative? There would be mitigating payments from the state of about \$740K, but that doesn't address the ongoing issues that such a project would cause. The Town is not likely to get more school aid for the increased number of students. Unless the Only alternative is a 40B, 40R zoning is not really a good option for the Town. This is a conundrum, for sure.

The board cautioned that as the St. Helen's property is roughly the same size as West End Way, the Town might go through this exercise again.

Mr. Reardon reiterated that the archdiocese has not been helpful and has done nothing to benefit the community. The Town has a specific issue along the Route 53 corridor. "We have to look elsewhere to consider property. The Town needs 360 units of AH to

say no to developers.” Per Mr. Graham, one year temporary safe harbors can be achieved with small development numbers.

Kathy McPherson, 47 Wilder Road, asked how can “we build more housing when we can’t supply clean water”. Mr. Graham replied that she was referring to the PFAS issue, reminding all that Water Supt. Jason Federico has applied for a grant from the state which will construct a new water filter system for the Town’s water by this summer. In answer to further questions, Ms. Allen reminded all that the unauthorized use of automatic watering drives the utilization of well #1, which has the PFAS problem.

Safe harbor rules were discussed and further explained by Ms. Allen, who added that this is hard number to balance based on AH permit status.

Questions were asked and answered about the covenant. Ms. Sullivan requested that Town Counsel hire a lawyer to research this covenant. A 40R would be subject to the same legal challenges. 40R and 40B developments do nothing to help the community. State programs don’t care about the Town and its amenities. Developers are more than happy to play the long game with purchased land parcels. The community needs to come up with an effective way to fight this.

Mr. Graham again apologized for moving so quickly on this, adding that he should have been more inclusive.

Mr. Bailey, 57 Dana Road, asked if the Town was currently in safe harbor. Answer-yes, but only for the rest of this calendar year. The High Street project won’t make a material difference.

*Motion; made by Jason Brown, seconded by Pete Smellie, to adjourn at 7:57pm.
Unanimously voted*

Bruce W. Graham, Chair