

**Town of Norwell
Select Board
Meeting Minutes
3/1/23**

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

Motion; made by Jason Brown, seconded by Pete Smellie, to approve the 2/16/23 open meeting minutes. Unanimously voted

Select Board Reports - None

Town Administrator Reports - None

Citizen Comments

Mr. Graham invited those present or on Zoom to comment on issues not listed on the agenda. There were no citizen comments at this time.

Committee Resignation

Mr. Graham announced that Don Mauch has resigned from both the Planning Board and the Community Housing Trust, which leaves the CHT without a quorum.

Both Mr. Graham and Mr. Brown thanked Mr. Mauch for his many years of service to the Town.

Motion; made by Jason Brown, seconded by Pete Smellie, to accept the resignation of Don Mauch from the Community Housing Trust, with thanks for his service to the Town. Unanimously voted

The board discussed how the vacant Planning Board seat will be filled for the remainder of Mr. Mauch's elected term. An applicant will be appointed jointly at a meeting of both boards, probably on March 15th.

Motion; made by Jason Brown, seconded by Pete Smellie, to accept the Planning Board's notice of the decision to hold a joint meeting with the Select Board to appoint a new member to fill the vacant Planning Board seat. Unanimously voted

The date and time of the joint meeting will be posted.

Mr. Reardon invited any interested residents to apply for this seat or any other vacant committee seats.

7 West End Potential 40R: Title Review Update/Legal Opinion (if available)

Ms. Sullivan stated that the Town will continue the title search to have the information on hand for any potential sales of this property. Atty. Bobrowski informed Ms. Sullivan that the developer withdrew his 40R application and is not moving forward with his offer to purchase because the covenant was found on their title search. The board might want to vote not to hold the public hearing on 3/6/23.

Mr. Graham added that this also precludes any 40B development as well. There are still options for construction on the front part of the property, which is zoned for business, but is very small.

Motion; made by Jason Brown, seconded by Pete Smellie, to cancel the public hearing scheduled for 3/6/23 on the 7 West End Way proposed 40R development. Unanimously voted

Mary Beth Shea, 52 Franklin Road, asked the following questions about this topic:

1. If Mr. and Mrs. Donovan had moved out of the neighborhood would this covenant have been discovered?

Answer: Mr. Graham noted that this question called for speculation, but in his respectful opinion, the 1973 Planning Board did not have the knowledge to construct the covenant with legal language to keep it in the forefront of the deed and title records going forward for such a long period of time. The covenant is still legally binding.

2. Is some action needed to keep this covenant in effect? Per Mr. Graham, this is a legal question, but he conjectured that both parties would have to agree to a new covenant. This will be investigated and more information will be forthcoming.

Water Department: Review DEP draft letter to Select Board re: Water Management Act (WMA) and Renewal, PFAS updated test results, MWPAT loan status/process

Mr. Graham invited Mr. Dillon and Supt. Jason Federico to comment on these issues.

Mr. Dillon did a slide presentation for the board to discuss the above topics:

- The WMA renewal issues: the Town is part of the Boston Harbor portion which includes the Grove Street wells. Discussion points are the projected needs and pumping restrictions to help mitigate the multi family zoning projections for 2017 and how to determine the use moving forward. There is currently a significant buffer for the Town.
- Mr. Federico noted that the Town has met the state mandated water restrictions. (In answer to questions from the board, Mr. Federico explained that the Town stays at Tier 1 to keep the automatic watering systems on an odd/even day schedule from the beginning of the growing season.) Questions were asked about the South Coastal basin portion of this report. The slides for this presentation are available in the Water Department.
Mr. Dillon reminded all that the Town has plenty of water for residents, just not enough for summer watering use.
- Mr. Dillon stated that the Town is looking for other water sources. Most available sand deposits are now taken up by development or not adequate, so the Town is looking for sources for new bedrock wells, with 3 on Bowker Street and 1 on Grove Street. The Massachusetts Water Resource Authority (MWRA) has reached out to south shore towns with a report to inform departments how to connect to this water source. The department met with MWRA and other south shore towns to pursue this connection (Weymouth, Rockland/Abington, Hingham, Hanover, and Norwell. The MWRA has waived the entrance fees until 12/27. Mr. Dillon gave background information on the organization and the process to connect to this water source. This water would be more expensive unless additional PFAS treatments were needed and installed on additional Town wells, increasing the cost of Town water. The MWRA water source would significantly lower the water restrictions. No treatments would be needed for PFAS. The

decision would be to decide how much water to buy from them in addition to the Town's wells, which would be maintained. The MWRA's demand has *significantly* decreased over the last 10 years, so they are looking for additional users. This would probably double the water cost to residents. The timeframe for this is 10 to 20 years out. Discussion ensued about a cost/benefit analysis that would be needed and water department future plans. This is at a very early stage of discussion. Board members expressed concern about ceding control of the Town's water sources to the state.

- PFAS update – the source sample requirement is disclosure for anything over 20 parts per trillion (ppt). Tested the school water sources as of January, which were all well under 20. By comparison, Poland Springs water runs at about 7ppt. The department has started to test other water sources to find the cause of the higher numbers. Third Herring Brook was also sampled; it is 58ppt, which is significantly higher than Jacobs Pond at 27ppt. This might be caused by septic systems or highway issues. The high level of the PFAS component PFOS could come from the artificial turf at the high school, whose runoff drains directly into Third Herring Brook. Further testing will be done. Inside the system the Town is not over the standard right now.
- The upgrade on South Street: the plans went to DEP technical review for approval. Once this is approved the loan is usually approved fairly quickly thereafter. The upgrade components are due for delivery around the beginning of April. Currently well 6 is being used as its water is below the standard limit. Mr. Federico noted that the department is aware of the discolored water issue in the River/Green/Circuit streets area and is working on a resolution. In the meantime, please call the department if you experience this issue so it can be resolved. The hope is to start flushing the water mains this spring, which is dependent on the level of available water supply.
- Mr. Federico will send the board the revised draft of the letter to the MWRA for review.

MBTA Communities Action Plan

Mr. Graham updated the board on the available grant program requirements (enough land to qualify). Ms. Sullivan reported that the state requires towns to create "as of right" multi-family districts to remain eligible for this grant program. Norwell is an adjacent MBTA community; there are no MBTA services in the Town. The Town Planner is working to evaluate the creation of such a district within a certain distance of adjacent MBTA services (the bus line in Rockland). The numbers are high – 750 units of housing would be needed. Mr. Reardon opined that the Town doesn't get any benefit or services from the MBTA except charges to the Town. Ms. Allen noted that some of that assessment is refunded because COA Director Susan Curtin files each year based on the number of rides underwritten by the COA.

Draft Warrant Articles for Review

Ms. Sullivan summarized the list of Warrant Articles for the 2023 STM and ATM meetings. She will be narrowing down the list as it is not fiscally possible to support all of the requests.

Ms. Allen asked specifically about the School Feasibility study. Ms. Sullivan will update the board when Supt. Keegan gives her the numbers to look at repairing the current high school or building a new one. She added that the Town would probably do a

borrowing to do the repairs on all four schools as the dollar amount is too high to absorb as a capital expenditure. Everything together is about \$4M dollars, which is too high.

Review with Community Preservation Committee: Funding applications and committee votes

Bob McMackin was present to review a summary of the 17 applications and committee votes. He explained the review and voting process to the board. The St. Helen's application was voted not to move forward. The CPC voted yes on 15 and no on 1 application. Mr. Graham asked about the role of the CPC in prioritizing these applications. Mr. McMackin answered in 2 parts:

1. The applications must meet the criteria of the Community Preservation Act as defined in the act.
2. The committee must also meet the requirement for a community preservation plan. It was realized this year that the Town does not have one, so Mr. McMackin contacted Community Preservation Coalition Director Stuart Saginor to request guidance and examples from other towns. He noted that the only example of such a plan was from the city of Boston, who hired a consultant to draft the plan and gave the list of plan requirements. However, such a plan does not preclude any resident or group from applying for CPA funding.

Discussion ensued about the work of the committee and the long-term impact of projects funded by the CPA. The committee has no project oversight unless it is written into the funding Article. It would be up to the Town to assume oversight and maintenance (which is Not covered by the CPA). Mr. McMackin noted that there is an accountability component stated in each application. Ms. Allen added that these projects add an implicit cost to the Town budget. Mr. Brown noted that any Town project needs to have an estimate of the ongoing maintenance built in to cover the life of the project, which creates a lot more work for Town departments. Discussion ensued about how to address this aspect of the proposed projects.

The board discussed the applications on the list as follows:

1. Jacobs farmhouse apartment: \$66K, unanimous approval by CPC. Ms. Sullivan, the board and committee expanded on the rental issues related to insurance coverage. There will be a discussion about renting the apartment at a future meeting.
2. Jacobs farmhouse – \$415K, for additional work on the house, farm and buildings: 7 voted yes, 1 no. Mr. Nichols expanded on the work to be done.
3. CHT annual 10% allocation - \$100K, unanimously voted
4. Washington Street cemetery - \$11.7K, for ground penetrating radar to determine burial locations. Unanimously voted
5. Cushing Center continued rehab - \$92.5K, for continued building rehab. Unanimously voted
6. Norwell Grange stabilization project - \$228K, to stabilize the building. Unanimously voted. The Town does not own this building but has underwritten repairs in the past. The board asked why the CPC would want to spend money on this project. The applicant stressed the long history of the building which used to be a community meeting place. Questions were asked about the long-term commitment of the Grange members to keep up this work. Mr. McMackin gave a recap of the building's history. A preservation restriction would be added. Sen. O'Connor has earmarked \$75K for the preservation of the building. (CPC member Susan Powell's comments were inaudible) The opinion is that if public

funding is used for restoration, then the building should be available for public functions. The board clarified that the CPA funding used for the James Library was given with a corresponding building restriction for public access in perpetuity.

7. First Parish Cemetery - \$13.3 to restore additional graves. Unanimously voted. This is a private cemetery, but the Town has a vested interest in this property as well as a preservation restriction.
8. Whiting Fields - \$75K to improve the productivity of the fields. Unanimously voted. There will be a farm plan to be approved by Con Com and the Select Board.
9. Donovan Parking Lot - \$80K for final phase and paving. Unanimously voted.
10. Conservation Fund - \$200K, restricted to land acquisition and associated fees. The fund currently has \$500K, with \$300K of that sum restricted. Will Saunders gave the details of the fund earmarks. There is only \$121K currently available for purchases. This would allow Con Com to spend about \$600k on land purchases without additional approval requirements (like Town meeting). Ms. Allen expressed concern about allowing this fund to get so large without additional spending oversight.
11. Main Street refurbishment, phase I - \$40K. Unanimously voted. Questions were asked about the stone walls for this project.
12. Precast sports rebound practice wall (lacrosse) - \$125K for this project. 7 yes votes, 1 no vote. A lot of discussion about this project related to the high cost. Ms. Allen asked Ms. Sullivan to ensure that the school assumes sole responsibility for this structure.
13. Masthead Drive - \$75K to increase North River access and the possibility of future trails, a permanent dock and picnic area. 7 yes votes, 1 no vote. This is really a feasibility study. Discussion ensued about the considerable ADA requirements that would be necessary. The board expressed concern for the impending costs. This was proposed by Pathways and Conservation and would be a the first step to see if a bigger project was feasible. More concern was expressed about this proposal. This will be further discussed at Town Meeting.
14. Gaffield Park, paved performance plaza - \$130K to build a public performance space. 7 yes votes, 1 no vote. Questions were asked and answered. Ms. Ford's and Ms. Powell's comments were not audible.
15. Simon Hill property purchase, \$5M to purchase the Prospect Street property known as Simon Hill. 2 yes votes, 5 no votes, 1 recuse; voted down by the CPC, so won't come before the Select Board or Town Meeting.
16. The 10% funding for the other 2 buckets (Historic and Open Space) were noted for \$100K each. Unanimously voted.

Future Meeting Agendas

The board discussed future topics for inclusion on the 3/15/23 meeting. The historic grant application letter of support and the St. Helen's neighborhood plan B to talk about Town's posture going forward will be on the agenda.

Adjournment

Motion; made by Jason Brown, seconded by Pete Smellie, to adjourn the meeting at 9:05pm. Unanimously voted

Bruce W. Graham, Chair