

**Town of Norwell
Select Board Meeting
Planning Board Meeting
3-29-23**

Present: Jason Brown, Andy Reardon, Pete Smellie, Ellen Allen
Planning Board members: Brian Greenberg, Tripp Woodland, Michael Tobin,
Town Planner Ilana Quirk

The meeting was called to order by Vice Chair Jason Brown.

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

*Motion: made by Pete Smellie, seconded by Andy Reardon, to approve the 3/15/23 Open
Meeting minutes. Unanimously voted*

The Planning Board meeting was called to order by Chair Brian Greenberg.

*Motion; made by Brian Greenberg, seconded by Tripp Woodland, to approve the agenda.
Unanimously voted*

Select Board Reports - None

Citizen Comments:

Liz Bersell, 29 Knollwood Road; repeated her comments about her neighborhood's group questions re: the proposed purchase of a new Town Hall building at 93 Longwater Circle. The board noted that Town Administrator Darleen Sullivan created a written response to these questions, which was given to Ms. Bursell to review with her neighbors. Any followup questions can be addressed at a future SB meeting, probably on the April 12th meeting agenda.

Planning Board (PB) appointment of interim member

Both candidates for the interim vacant seat were present; Mark Cleveland and Don Shute.

Mr. Reardon clarified that the PB appointee will fill the seat until the Town election on May 20, 2023.

Mr. Cleveland has pulled papers as a candidate for election to complete the remainder of Don Mauch's term of office.

All votes of the boards will be roll call votes for this agenda topic.

*Motion; made by Pete Smellie, seconded by Andy Reardon, to open nominations for the vacant
Planning Board seat. Allen – yes, Brown – yes, Reardon – yes, Smellie – yes.
Greenberg – yes, Tobin – yes, Woodland – yes.*

The boards invited each candidate to give a brief summary of their government/work experience and reasons for applying.

Mark Cleveland is a current member of the Advisory Board (AB), serving the remainder of his second 3 year term. He gave a brief history of his background and reasons for applying for this PB seat.

The board thanked him for applying and noted that Mr. Cleveland gets kudos from those who served with him on the Advisory Board.

In response to Mr. Reardon's questions about a new role on the PB, Mr. Cleveland noted that he would use the same method for PB tasks as for his AB tasks; an evaluation process to arrive at a balanced approach to the current bylaws intersecting with the best interests of the Town. He has no particular agenda or ambitions. Mr. Greenberg added that he served with Mr.

Cleveland on the Advisory Board and was impressed with his notable attention to detail. He would be a good fit to provide an outside perspective for those currently serving on the PB. Ms. Allen stated that she has watched Mr. Cleveland on the AB and has been impressed with his thoughtful, even-handed demeanor. His opinions were always the product of due diligence. Mr. Brown added his compliments to Mr. Cleveland for his time on the AB reviewing the Town's issues before that board.

Mr. Cleveland reported that he has pulled papers to run for the remainder of the term for this PB seat.

Don Shute gave a summary of his background and reasons for applying.

As a developer for many years, he has not participated in Town government (except for the project to build 5 AH homes on West End Way) as he did not want to create a conflict of interest. He believes that he is well qualified to serve on this board given his background as a developer who has subdivided hundreds of plots. He gave kudos to Mr. Cleveland as an excellent candidate for this seat. He noted that he won't have the necessary time to get candidate papers signed by the Friday deadline, so he would like to recommend that the 2 boards vote to appoint Mr. Cleveland. The appointment would only be for approximately 7 weeks until the Town election.

Mr. Greenberg added that there is an Article on the Warrant to allow the Planning Board to appoint an associate member. If it passes at Town Meeting, Mr. Shute would be a good candidate. SB members also invited Mr. Shute to apply for one of the vacant seats on the Community Housing Trust or the ZBA.

Both boards thanked Mr. Shute for applying.

Motion; made by Pete Smellie, seconded by Andy Reardon, to nominate Mark Cleveland as the interim member of the Planning Board until the annual Town election on May 20, 2023.

Unanimously voted by roll call vote; Allen, Brown, Reardon, Smellie voting yes.

Greenberg, Tobin, Woodland voting yes.

Motion; made by Pete Smellie, seconded by Andy Reardon, to close the nominations.

Unanimously voted by roll call vote; Allen, Brown, Reardon, Smellie voting yes.

Greenberg, Tobin, Woodland voting yes.

Motion; made by Pete Smellie, seconded by Andy Reardon, to appoint Mark Cleveland to the Planning Board for a term expiring May 20, 2023. Unanimously voted by roll call vote; Allen, Brown, Reardon, Smellie voting yes.

Greenberg, Tobin, Woodland voting yes.

Mr. Cleveland will get sworn in as a new member of the PB. He has resigned from the Advisory Board as of 3/31/23.

Motion; made by Brian Greenberg, seconded by Tripp Woodland, to adjourn the Planning Board meeting at 7:25pm. Unanimously voted by roll call vote; Greenberg, Tobin, Woodland voting yes.

The Planning Board left the meeting at this time.

Public Hearing: Transfer of Ownership for On Rye Deli, 119 Washington, Street, Norwell, MA

Motion; made by Pete Smellie, seconded by Andy Reardon, to open the public hearing for the On Rye Deli at 7:26pm. Unanimously voted

The notice of public hearing was read by Clerk Pete Smellie.

This is a change of ownership for this business. Cathy and Marc Goncalves have purchased this business from the previous owner and plan to keep the space (1850 sq. ft.) and operations the same. Mr. Concalves was the owner of Paccini's Pizza at the old Merchants Row, and has 28 years of experience running a very successful restaurant.

*Motion; made by Pete Smellie, seconded by Andy Reardon, to close the public hearing.
Unanimously voted*

Motion; made by Pete Smellie, seconded by Andy Reardon, to approve the ownership transfer and the Common Victualler license transfer for On Rye Deli at 119 Washington Street, Norwell, MA. Unanimously voted.

St. Helen's Topic: Planning options and discussion

Town Planner Ilana Quirk's power point presentation detailed the zoning options for prospective purchasers of this property. Options for the 3 parcels (11 acres) owned by the diocese include:

- Private Owner/Existing zoning – residential B and Business-7
- Private Owner requests zoning amendments
- Private Owner pursues Chapter 40B comprehensive permit
- Private Owner pursues Chapter 40R zoning (20 units/acre)
- Town considers an MBTA community overlay district (15 units/acre)
- Private Owner and Town pursue a TIF (Tax Incentive Financing) agreement
- Town pursues a DIF (District Improvement Financing).

The board reiterated that the Town ordered the appraisal on the 11 acre property, which valued the property at \$4.39M, well under the asking price. The board recapped the current issues with the St. Helen's property, highlighting the fact that the purchaser, if any yet, is unknown. This is a very high priced, overvalued property. The diocese needs to give someone, preferably the Town, an update. The reality of the situation is that no information is available with regard to any proposed plan or potential impact. The Town needs to use the zoning tools and available funding sources to make this a community-friendly impact. There are many factors to consider. The purchaser can only build a certain number of units. The board cited the 40 River Street AH development process as an example of the complicated road to completion.

Ms. Bersell repeated the concerns of her neighborhood, who again wanted to address these questions.

Jim Burke – 18 Brantwood Road: asked questions about the St. Helen's parcels, clarifying that only the upland portion of the land can be built upon, which will affect the number of allowable units. Any building needs to comply with the Wetlands Protection Act. No waivers are allowed. The number of units per acre is the ratio to the upland area. Discussion ensued about zoning changes and options.

Tiffany Dwyer – Brantwood Road: asked about the budget for the town hall purchase vs. St. Helen's purchase funding. Answer: since a private developer is purchasing the St. Helen's land, this question is a moot point. The Town cannot pursue the purchase. Ms. Allen expanded on the discussion with the Town's bond counsel about funding options considered to purchase this property, all of which were not feasible. She reiterated that the Town cannot purchase property with a sale price over the appraised value.

Megan Fogarty – 23 Brantwood Road: once the developer is known, does the Town have the ability to buy back some of the land? Ms. Allen answered that it would depend on the plans for the property. Any purchase would still be tied to the appraisal numbers. *The Town can't pay more than the appraised value. This is not the same as the purchase of a residential property,*

where an appraiser has the option to value the land at the sale price. Perhaps the Town could negotiate with a developer. Once a purchaser is identified, maybe this would be a next step.

Town Recycling policy (required by state)

Health Agent Ben Margro gave a brief overview of this policy for the board, which presents the opportunity for the Town to apply for sustainable materials recovery grants. He gave examples of recyclable product programs that address reusability.

This policy is a new state requirement by MASS DEP for a purchase comparison of recyclable vs new products. Basically, if you can't find recycled products, do the best you can. Per Mr. Margro, the current trend is to move to a higher percentage of recycled materials in new products. He asked all to please consider both options.

Motion; made by Pete Smellie, seconded by Andy Reardon to approve the Buy Recycled Policy for the Town of Norwell. Unanimously voted

Annual nomination of Inspector of Animals

This state appointed position is an annual nomination by the SB.

Motion; made by Pete Smellie, seconded by Andy Reardon, to nominate Joshua Kimball as the Inspector of Animals for the Town of Norwell for a term expiring 4/30/24. Unanimously voted

Mr. Reardon voiced some concerns about the additional responsibilities of this position with regard to the duties of the Animal Control Officer (ACO) as Officer Kimball holds both jobs. Mr. Reardon has received a number of calls from residents with questions about the ACO's duties. Officer Kimball will be invited to a future meeting to talk about the ACO job and answer questions.

Adjournment

Motion; made by Pete Smellie, seconded by Andy Reardon, to adjourn at 8:40pm. Unanimously voted

Jason Brown, Vice Chair