



TOWN OF NORWELL
Norwell Town Offices, Room 112
345 Main Street
Norwell, Massachusetts 02061
(781) 659-8000

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TOWN CLERK

2021 APR -6 P 12: 25

**Norwell Advisory Board Meeting Minutes
March 16, 2021**

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The Advisory Board was called to order by Chair Peter Smellie at 7:00 P.M. Also present were Town Administrator Peter Morin, Town Accountant Donna Mangan, and Board Members Mark Cleveland, Bob Perniola, Susan Darnell, Rick Goulding, Jesse McSweeney, Andrew Reardon, Julie Sim, and Kate Steele.

ADMINISTRATIVE MATTERS

Minutes – None

Bills – None

Reserve Fund Transfer Requests – None

Correspondence/Notices – None

Action Items / Discussions – None

2021 TOWN MEETING WARRANT ARTICLES

Citizens Petition – Transfer Wildcat Parcels to Conservation

Brian Carroll present for the Wildcat Homeowners Association. Mr. Carroll notes in opening that the HOA is not seeking to be adversaries to the Select Board or the Community Housing Trust, but rather is looking to work with all interested parties and be part of a discussion as to the best use for the parcels CHT is looking to develop. The HOA's stance is that the parcels are best preserved as Conservation land, but they are open to hearing from residents at the Town Meeting. An attorney is representing the HOA but not necessarily in an adversarial capacity to the Town, and in fact is looking to have a dialogue with Town Counsel Bob Galvin.

The article language is modeled on last year's article transferring most of the Carleton property to Conservation, and proposes the transfer of the two adjacent town-owned parcels of land, Block 65 Lots 24 and 25, to the care and custody of the Conservation Commission. These two parcels comprise about 5.9 acres, a third of which is wetland and buffer. The buildable land is in back of the parcels. The parcels are surrounded by conservation land and are crossed by the Wildcat area public trail system, which connects to the Donovan Farm trails.

In response to a query from Mr. McSweeney, Mr. Carroll indicates that development of the two parcels would result in loss of the trail connection. They have raised this concern with the CHT, and there is no provision in the first draft of the RFP to protect the trails. Mr. Reardon asks whether, at this stage of the RFP, it is a certainty that the trails would no longer be available; Mr. Carroll notes for the record that he does about the lots in question and the trails are currently

maintained by the HOA; he feels the question of whether or not the trails would be retained may be a matter of opinion, but there are currently no plans showing the trails being retained. Ms. Sim notes that the CHT's RFP is currently in draft form and not yet finalized.

Mr. Carroll additionally notes that the parcels in question are surrounded by wetlands, conservation parcels, and Water Department land, and Wildcat Lane itself is a protected scenic road. A slide in the HOA presentation describes a three-car accident at the "spot that would likely be the entrance to the proposed project." Mr. McSweeney notes the accident happened in front of him, and the curve at that stretch of road is dangerous. The Town had considered developing the lots previously in 2004 and 2012, and decided not to proceed. The 2019 Housing Plan stated that the infrastructure costs of developing the two lots would be high.

Mr. Carroll notes that Wildcat was the first Open Space Residential Development in town, and since its development, the residents have put money and effort into building a neighborhood that protects the surrounding open space. The neighborhood was developed with a private wastewater treatment facility that the HOA maintains at significant cost, and many yards and open spaces have "rain gardens" to capture and filter stormwater.

Mr. Carroll reiterates that the two lots proposed for development currently serve as a connector between the Donovan and Wildcat trail systems, so they were surprised to hear of the CHT development proposal in January. They are not opposed to CHT's mission, but are concerned with the project's starting point of 26 units, with underground parking garage and 14,500 sq ft main building that is roughly 4x the size of a Wildcat home. The current RFP does not require the preservation of the existing biking/walking trails or open space buffers. The HOA is particularly concerned at the CHT surrendering project control once the developer is selected, and the challenges of developing the site may result in a different design and/or larger project than intended by the CHT.

Mr. McSweeney asks about the possible use of dynamite to construct an underground parking garage. Mr. Carroll has not spoken with any engineers yet about construction techniques or impacts, but reiterates his view that the lots are challenging to develop. Mr. McSweeney would like to hear from an engineer as to potential impacts on existing house foundations.

Mr. Carroll notes that one of the goals of the 2005 master plan is to protect 30% of the town as open space land, and the Town recently purchased the Carleton property, for a substantial sum of money, and then turned it over to Conservation Commission custody. In this case, the parcels in question are already owned by the town and already being used for recreational/open space purposes, and there are other locations in town more suitable for affordable housing purposes. They have not been able so far to speak to the Conservation Commission about the proposal but have sent them information about the article.

Mr. Smellie notes that one concern about the CHT proposal is projects typically get larger, not smaller, from the initial RFP stage because of the need for a developer to profit and other concerns; he could easily see a developer seeking to build more than the 26 units envisaged.

Mr. Reardon asks Mr. Carroll if there is any other option that would be acceptable to the HOA other than transferring the two parcels into Conservation custody, an action which is very difficult to undo. Mr. Carroll indicates Conservation seems to be the most appropriate option given the surrounding conservation-restricted land and existing trail system, but their goal is to protect the

open space in whatever form that may be, and are open to other possibilities. They feel the lots are no longer appropriate for the kind of development being proposed, and should be protected for conservation or possibly recreational uses.

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Mr. Reardon notes Mr. Carroll's reference to a three-car accident near the two lots, and asks if the HOA has reached out to Police or Fire to find out the incidence of traffic accidents on Wildcat Lane. They have not reached out or done any traffic studies to date. Mr. Reardon also notes that if this article succeeds, abutters in other areas of town are likely to pursue the same strategy to defeat proposals for affordable housing, and asks at what point and how should the need for affordable housing be addressed. Mr. Carroll reiterates that neither nor the HOA disagree with the CHT's mission or with the need for more diverse housing stock in town. However, in this individual circumstance, the parcels in question are better suited to other uses, and thus are not necessarily precedent-setting for other sites the CHT might consider for development.

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Ms. Steele notes that it seems hypocritical for the Wildcat HOA to object to the CHT proposal on conservation grounds when the Wildcat Hill development itself put 46 houses into formerly undeveloped woodlands. Given that the CHT proposal is currently on paper only, she thinks turning these two parcels over to Conservation use leaves too few options to the town for development of affordable housing, and would like to see what transpires with the RFP process. Mr. Carroll points out that Wildcat Hill was developed with a significant open space component and homeowner and wastewater treatment restrictions to protect the surrounding area.

Ms. Darnell states she can see both sides of the question as affordable housing and environmental protection are both important needs. On the one hand, she hesitates to close the door on any development of these two parcels, but is concerned there may not be enough constraints written into the current RFP. She would be open to a smaller development on the property. Mr. Carroll states that the Town looked at a smaller development and determined it would not be feasible, and agrees with Mr. Smellie that projects tend to increase in size and scope from the initial RFP.

CHT Chair Gregg McBride states that concerns that the Town would lose control of the project once a developer is chosen are not true. The 40 River project was altered only because the CHT agreed with feedback from a respondent, and they intend to use the same controls developed at 40 River to prevent a developer from arbitrarily enlarging the project. Mr. McBride also feels the HOA opted for a Citizens Petition without first working with the Trust to address any concerns. The purpose of the present RFP is to see if the concept as written is viable in the marketplace, and the present plans are only a concept on paper that can be refashioned as needed, including a reduction in size.

Mr. Cleveland asks Mr. McBride about the place of community input in the RFP process. In the case of 40 River Street, it involved discussions at two Town Meetings, and the feedback received helped drive the final design of the project. The current project has not been as vetted because it has only recently become known to the public, an area in which Mr. McBride feels the CHT could have been more proactive. Mr. Carroll's understanding from his conversations with CHT is that they didn't want to be as directly engaged as it had been with 40 River, and their intent was to turn control over to a developer with a design, and let them proceed. Mr. McBride indicates their intent is to not have to supply additional funds to make the project viable, as was done with 40 River. If the project as proposed is not viable, it will simply not be pursued. However, Mr. McBride states that the CHT and the Town will retain control of the process from beginning to end.

Mr. Cleveland comments that his understanding is that the two parcels have been designated for possible affordable housing development since the construction of Wildcat Hill in 2004. Mr. Carroll agrees that Town Meeting in 2004 authorized the Selectmen to make the land available for affordable housing, but no action was ever taken to transfer the land to CHT, and meanwhile the Wildcat Hill neighborhood and trail system was constructed around it. Over the last 17 years, the parcels have been used for conservation and recreational purposes, and they would like to keep it that way.

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Mr. Perniola agrees with Ms. Steele's comments regarding abutter opposition to development but feels there is a difference between houses and apartment buildings. He would be concerned at the possible impact of additional apartments on schools and other town services. Vice Chair Liz Hubbard of the CHT states this is in fact the reason the Town needs to be supporting projects like this, as failure to proactively construct affordable housing leaves the Town vulnerable to larger 40B developments such as the proposed Simon Hill Village, whose impacts to abutters and town services will be much greater.

Ms. Hubbard also reiterates Mr. McBride's earlier statements that the current RFP is a concept and not a definitive plan, and could possibly become smaller in scope. Further, the CHT and Town have entered into a "predevelopment agreement" which allows the Town to work alongside the developers, through an RFP process, to help influence the final product. Part of that process will involve soliciting feedback from other stakeholders including the Conservation Commission, Police and Fire, and ZBA.

Ms. Darnell asks what the impetus is for this particular project if there are other projects afoot that may provide a 40B safe harbor. Ms. Hubbard notes that Stetson is not a town-controlled development and is being developed as an "unfriendly" 40B, and CHT is pursuing a strategy of smaller developments spread around town, including a possible second small project on a separate parcel of land, with a sufficient number of units to allow it to block larger, unfriendly 40Bs. Select Board Chair Ellen Allen adds with respect to Stetson that the Town only gets to count all the units if they are all rentals. As Stetson currently appears to be primarily condominiums, it would only add 12-16 units to the town's affordable inventory. Ms. Allen further notes that CPA funds can only be used for historic preservation, affordable housing, and open space/recreation, and currently more than two-thirds of those funds have been spent on open space/recreation only.

Mr. Smellie is skeptical that CHT would pay an architect to develop a concept that it is not committed to on some level and notes that the Simon Hill 40B, a proposal for the Marsh property off High Street, and essentially any units from the Stetson project would put the town over the 10% subsidized housing inventory (SHI) required to give the town safe harbor. Given this, he asks what the impetus is for pushing this particular project at the number of units given.

Mr. Morin cautions Mr. Smellie and others not to impute the integrity of the CHT or the RFP process, and states the Town has a history of using architects to develop concepts, but then awarding the project to other architects. In particular, the library concept was developed by one architect but the project ultimately awarded to another. Mr. Reardon notes he was on the CHT when the concept was first discussed with architect Wylie Brown, and objects to any suggestion of a quid pro quo, as CHT asked Mr. Brown for help, which he gave for free. Mr. Smellie states he did not question Mr. Brown's integrity or suggest he did anything wrong, but noted that when an architect's plan is purchased in the private sector, it suggests that plan will be developed. Ms. Hubbard feels this is a misrepresentation of how the process unfolded. The Trust spent significant

time discussing what the development should look like, and were guided by the updated Housing Production plan and the needs of the community. She states the Trust has a practice of engaging an architect to draw schematics for presentation at Town Meeting but, as noted by Mr. Morin, that architect and development team are not necessarily selected to execute the project; this in fact was the case with 40 River.

Ms. Hubbard further comments that the numbers provided by Mr. Carroll appear to come from 2010 census data rather than 2020 data which the Town will be measured against. Thus, the actual 10% (SHI) number is based off the 4006 year-round residents referenced in the 2020 census and not 3600 residents, which is the 2010 number. In any event, Mr. Carroll's figures were not sourced through the CHT.

Mr. McSweeney notes that last year the Board supported transfer of the majority of the Carleton property into conservation custody, thus setting a precedent. He recognizes the need for affordable housing in the town but questions if this is the right location for it given possible traffic impacts and the winding nature of Wildcat Road.

CHT at large member Rob Charest notes that the project as proposed would only yield 4-6 affordable units; since "affordability" is defined as a percentage of the average income of the area, these units would likely be occupied by individuals with substantially middle class incomes.

Mr. Carroll notes in closing that the HOA is not suggesting that the CHT did anything wrong in the process, but he does think it reasonable to point out that the drawings were furnished by an architect working with a developer who is ready to bid on the project. He also reiterates that prospective 40B developments at Simon Hill, Stetson, and High Street are likely to get the Town into safe harbor, whereas the 4-6 affordable units proposed here will not really impact the Town's SHI number but will adversely impact other goals set forth in the Master Plan.

Mr. Cleveland understands the appeal of putting land into Conservation custody but also understands the Town is facing significant challenges with respect to the need for affordable housing. However, he notes that these parcels have been designated for possible affordable housing development for many years, and this must have been known to residents of the development, so he would like to see more information on the CHT proposal before turning the land over to Conservation.

Motion made to recommend the Citizens Petition to transfer two adjacent town-owned parcels on Wildcat Lane, Block 65 Lots 24 and 25, to the Conservation Commission. The motion was seconded but did not pass, 4-5-0 by roll call vote: Reardon no, Perniola yes, McSweeney yes, Sim no, Steele no, Cleveland no, Smellie yes, Goulding no, Darnell yes.

After the vote, Mr. Smellie indicates he will arrange for Board members on both sides of the vote to speak regarding the petition at Town Meeting. Mr. Morin thanks the Board for the manner in which it handled the discussion of a difficult topic.

Personnel Board Articles **Personnel Reclassifications**

Human Resources Director Barbara Childs noted that last year the Personnel Board approved requests from the Finance Director and Treasurer/Collector to upgrade the Payroll Administrator and Accounts Payable Clerk positions from Grade 7 to 8. This year, they are also recommending

upgrades to the Meter Reader/Clerk Installer and Registrar's Agent positions from Grade 5 to Grade 6. If the Board votes their approval, Ms. Childs and the Personnel Board will work with SEIU Local 88 to put the changes into effect.

Ms. Childs also noted that last year the Library Director and Board has asked the Town to change the title of Library Circulation Assistant to Library Associate and increase the position's pay grade from 5 to 7. The Personnel Board looked at the new job description, as well as pay for comparable positions in area towns, and has recommended an increase to Grade 6.

Personnel Revisions

Ms. Childs advised that several language changes are proposed to the Personnel bylaw, including a 2% cost of living increase for all non-collective-bargaining employees, an adjustment in the Sunday hours stipend for the librarian to reflect current salaries, updating Section 13 to give the Town Administrator the ability to offer additional vacation time to prospective new hires, and allowing non-collective-bargaining employees to take up to 10 days of accumulated sick leave for a family illness.

Personnel Appendix A

Several rate changes are proposed for FY 22 which will be published to and voted on at Town Meeting; these include increases in the Veterans Agent stipend from \$12,000 to \$15,000, increases to Highway/Trees & Grounds and Water summer employees from \$14.25 to \$15.00 per hour, and \$1 per hour increases for the Police Matron, crossing guards, and certain police officers. Certain Recreation employee hourly rates will be slightly decreased.

Mr. Morin believes the Town is having to play "catch up" with area towns in the area of employee compensation, and supports the proposed changes.

Motion made to recommend the Personnel Department articles as printed. Seconded and passed 8-0-0 by roll call.

Demolition Delay Bylaw Amendment

Historic Properties Revolving Fund

Historical Commission Chair David DeGhetto advised that these two articles, to have been sponsored by the Commission, were being withdrawn.

MISCELLANEOUS

Board of Selectmen articles are on the agenda for March 18.

FUTURE MEETINGS

3/18/21, 3/23/21, 3/25/21, 3/30/21, 4/1/21

ADJOURNMENT

There being no further business, a motion was made to adjourn at 8:33 P.M. Seconded and passed 8-0-0 by roll call.

Peter Smellie, Chair