

Norwell Board of Selectmen
3/16/21
Open Session – Remote meeting

TOWN OF NORWELL
TOWN CLERK
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Present: Ellen Allen, Alison Demong, Jason Brown, Bruce Graham, Joe Rull, Peter Morin,
Town Counsel Bob Galvin
Members of Advisory Board, CHT, Brian Carroll, Pat Anderson, Bill Coffey

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Open Session

The meeting was opened by Chair Ellen Allen at 6:02pm. She announced that all votes will be roll call votes as the meeting participants are using remote access software. The meeting is being recorded and the audio file will be available on the Town website. Ms. Allen noted that this meeting will be conducted pursuant to the Executive Order dated March 12, 2020 suspending certain provisions of the Open Meeting Law, Gen. L. c. 30A §20 et seq. and 940 CMR 29.01 et seq.

Approval of Agenda

Motion; made by Jason Brown, seconded by Bruce Graham, to approve the agenda as written. Unanimously voted by roll call vote

Wildcat Hill HOA Discussion about CHT plan for AH on Wildcat Hill

Ms. Allen provided a brief synopsis of this citizens petition to put the AH designated parcel into conservation. She then turned the discussion over to Town Administrator Peter Morin for a review of the timeline of events:

Peter explained that residents voted unanimously at the 2004 Town Meeting to set aside this land on Wildcat Hill for Affordable Housing. When a Town Meeting vote created the Community Housing Trust in 2012, they were given the authority to hire consultants to advise and provide assistance with the technicalities of AH management and future projects. The CHT has been working on concepts for an RFP to develop this parcel for several years, with numerous proposals to build AH on Wildcat Hill. HOA member Brian Carroll submitted a public records request for every CHT and BOS meeting that addressed this topic, which is a very large public records request. The HOA's hired attorney Dennis Murphy contacted Atty. Bob Galvin to discuss the project at this time.

In an effort to be transparent, the CHT provided a draft RFP to the Wildcat HOA. This resulted in the filing of a citizens petition to place the AH land into conservation. Town Counsel Bob Galvin advised the Town not to address this petition Article in a public meeting, reasoning that it indicated a demonstrable likelihood of litigation (an opinion concurred with by Mr. Morin, a lawyer and former Town Solicitor). Atty. Galvin said that the HOA's attorney indicated to Atty. Galvin that he was going to withdraw from this case "as scorched earth tactics are not my style".

This brings everyone up to date on the status of this issue. It is important that both sides be given the opportunity to present their positions in a fair manner. People on both sides of the discussion live in Norwell, serve on Town Boards and are well intended. The Town is trying to meet an identified need of the Town for Affordable Housing and also to comply with the Housing Production Plan (HPP) that was well advertised and well-intended.

Mr. Carroll asked to be recognized by Ms. Allen. Ms. Allen replied that the purpose of this meeting was to allow the BOS to discuss the topic as an agenda item, as there was a great deal of misinformation disseminated during the Citizen Comments made at the March 10th BOS meeting.

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She directed all to watch the videos of the lengthy CHT meetings, which clarify facts such as the unanimous Town Meeting decision to use the Wildcat land as Affordable Housing. When the CHT was formed in 2012, it was given an expanded role and new authority, as noted by Mr. Morin above. The current CHT includes board members who work in the Affordable Housing profession and have experience. The Town's AH projects are time consuming and difficult. Ms. Allen reviewed the timeline of project ideas for this parcel. She then noted that the BOS, Planning Board and CHT unanimously voted to approve the updated Housing Production Plan in 2019. This project is specifically called out in the HPP and helps achieve Plan goals. Mr. Wyly Brown's draft project ideas were shared with the BOS in January of 2021.

The most recent AH numbers in the Town are significantly less than the required 10% of year round housing stock, which would need about 365 AH units to reach Safe Harbor certification, along with other hurdles. The Town currently has 180 units. There are small projects that have been done, but this is not enough. The CHT is working hard towards the 10% goal. A fundamental part of the work is to do smaller developments around Town to avoid the larger projects. Mr. Morin and Atty. Galvin are here to answer questions.

BOS Comments:

Mr. Rull; thanked the BOS for organizing this meeting.

- ☐ Did support going to an RFP on 1/13/21, but thought outreach work had already been done with the neighbors.
- ☐ The neighbors are just hearing about it now, and that is a huge concern; tension is not good for the town. First time he'd ever seen this plan. Would have liked neighborhood meetings earlier in the process and gave the example of the Stetson 40B outreach to neighbors.
- ☐ Frustration with lack of town communication.

EA responded;

- ☐ Noted that this idea has been well socialized and there have been several meetings posted to the CHT webpage. This project idea has been out there, but not featured specifically.
- ☐ The Stetson project is much farther along - years farther along than Wildcat Hill - so the developer's outreach makes sense when there are actual plans to show. This idea doesn't even have a final RFP yet.
- ☐ The High Street 40B project sent a formal letter last month and is also much farther along.
- ☐ Mr. Morin added that the RFP in draft form was distributed to HOA, which was not required. The Town worked in good faith, but got the HOA petition instead.
- ☐ Atty. Galvin added that the CHT has the authority to put the RFP out without approval from any other board.

Mr. Graham;

- ☐ Envisioned something more modest, was dumbfounded by plans, too big. Expressed concerns. He has no problems with the HOA, doesn't hold the petition against them.
- ☐ Doesn't believe that the Town will be sued, the petition is their right. This is a big project, if he lived there he would be concerned, too.

Ms. Demong;

- ☐ Takes issue with the Town "not acting in good faith". The CHT is not required to send a letter to abutters or anything of the sort.
- ☐ If we want to talk about the merits of whether or not this land should be put into conservation, let's do that, but beating up on the town is a distraction. The CHT is made up of Town volunteers who are trying to further the Town's AH goals.

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- Badmouthing Wyly Brown, the architect hired by the CHT to work on the draft plan ideas, is not appropriate.

Mr. Jason Brown;

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- Members of the board know his views on public housing. Not a fan of Town creating AH, but as there is an AH requirement we are forced to make choices and make defensive plays to fend off unfriendly 40B's.
- As an after-thought, the Wildcat project is larger than discussed in the past. Absent any negative comments from neighbors, it looked interesting and he gave support.
- He shares Mr. Rull's concern that neighbors didn't know about it, and he would have wanted to slow the process down. He thought the CHT had already reached out to abutters.
- Gave example of a proposed development on Bay Path Lane, adding that he wouldn't want to live next to the project. Not having heard all the issues, he is concerned when residents are unhappy. We do have to follow the HPP to work towards 10%, but trying to solve one problem shouldn't create another.

Ms. Allen;

- Hasn't ever seen a project that the neighbors didn't object to.
- What is your vision of how the neighbors will deal with unfriendly 40B like Simon Hill?

Mr. Brown;

- Residents are generally not happy with any project. His concern is that he didn't hear anything from the residents and the board needs to decide whether resident feedback warranted voting for or against. We all know this is a serious problem – if we don't take a defensive stand we will have more "Simon Hills".

Ms. Allen;

Some of these concerns are being incorporated into the draft RFP, such as wastewater and traffic. All issues would be addressed once there is a project. Currently, there is nothing except a concept to guide bidders. The Town has been very cooperative with the HOA, so this controversy is adding to a very disappointing process.

Attorney Galvin;

- Had 2 conversations with Atty. Dennis Murphy, who generally represents groups opposed to AH. They discussed a petition Article, and had a second conversation after he saw the email from Brian Carroll. It was then clarified by Atty. Murphy that he would not represent the HOA. Noted that Mr. Carroll has been polite and professional in his conversations with Atty. Galvin.
- Has litigated 6 AH projects with abutters in the Town. Usually developers try to cram too much housing into a small space. The CHT tries to be more thoughtful; they are doing a good job and trying to repurpose existing housing. Gave examples of 40 River Street and buying and reselling AH units. The Wildcat draft proposal looks less dense and pretty reasonable.

Ms. Allen;

- The boards are feeling defensive due to the many pointing fingers and allegations that there was wrongdoing by the architect Mr. Brown.

Mr. Graham;

- Would like to move on to the future. His guess is that the size of development and other constraints will cost a lot of money. "We're not getting to 10% anyway even with this project, so I would suggest maybe have a frank discussion with the HOA about what they could accept". Mediation could be an option.

Ms. Allen;

- CHT Vice Chair Liz Hibbard repeatedly asked the HOA to discuss plans, but the offers have not been accepted, as confirmed by the CHT videos. The CHT would like to work with the HOA. The slide deck created by the HOA is misleading.

☐ The Town needs to decide if it wants to pursue AH on this site, one of only 3 in the Town. St. Helens is not an option at this time, as confirmed by the Diocese of Boston.
Atty. Galvin;

☐ Citizen petitions are never reviewed for language, so there is the possibility of an amendment, which would be up to the Town Moderator.
Ms. Allen;

☐ If the petition doesn't pass, then the CHT will wait to see what RFP brings. If this turns out not to be a good AH site, there may be an Article at next year's Town Meeting to transfer the land to Conservation. Let's find out – not just guess. The Town should know what the options are.

Gregg McBride, CHT Chair;

☐ Clarified points about the 40 River Street development, which became a different project because it wasn't viable as originally planned. This project would be financially different, the only Town contribution would be the land itself.

☐ There was no sense that this would be another River Street. No additional money would be requested. The only reason to go out with an RFP was to determine the viability of the project.

Liz Hibbard, CHT Vice Chair;

☐ We have flexibility with this parcel's RFP. A mixed income property would meet a greater need and not be purely an AH project in someone's back yard. The Town voted to make this an AH parcel. Voting to put this land into conservation is not a good precedent to be setting.

Town meeting Date and Location

The board listed and discussed options to hold the annual Town Meeting and decided to go ahead with the following motion:

Motion; made by Jason Brown, seconded by Bruce Graham, to reschedule the Special and Annual Town Meeting to May 8, 2021, at 10:00am, outdoors at the athletic field behind the Goldman Gym of the Norwell Middle School. Unanimously voted by roll call vote.

Per Mr. Morin and Atty. Galvin, a tent can be rented that will allow everyone who wishes to attend to be covered in the event of rain. The cost will be underwritten by the CARES Act. Town Clerk Pat Anderson and Town Moderator Bill Coffey are comfortable with this decision. The annual Town Election date will remain May 15, 2021.

Due to time constraints, the BoS had to adjourn to meet with the Advisory Board. As a result members of the Wildcat HOA were unable to speak. Ms Allen said that this topic would be put on the BOS agenda for March 24, 2021 specifically to allow members of the Wildcat HOA to speak.

Motion; made by Jason Brown, seconded by Bruce Graham, to adjourn at 7:05pm. Unanimously voted by roll call vote.

Allen H. Allen

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