

**Norwell Board of Selectmen  
Open Meeting Minutes  
11/13/19**

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**Present:** Ellen Allen, Jason Brown, Bruce Graham, Joe Rull, Peter Morin

The meeting was called to order at 6:55pm by Ellen Allen.

All discussed plans for the Hanover mall and the lack of a state grant for Norwell. The project will move forward anyway, because it is privately funded. Traffic consultant Jeff Dirk informed Ms. Allen that the traffic study on Route 53 is finished. The Town can comment on the Environmental Impact Report by December 6<sup>th</sup>. TSC member Ellen Moshier and Glenn Ferguson were copied. Per Norwell Water Commissioner Peter Dillon, the Town should request a peer review on letterhead because of the anticipated traffic impact of this mall on the Town's roadways. Mr. Morin will be the point person on all topics related to the mall project. Next steps for PREP communication: Mr. Morin noted that the only leverage available is the little sliver of mall property that is part of Norwell. Hopefully it can be used to bargain for the rehab of the Mill Street bridge, as PREP will probably need approval from the Town for some part of the project on that piece of Town land. He will follow up with PREP. They have obtained their DEP permit by now, and Mr. Morin will ask the Building Inspector if they have filed anything with his office. Further discussion ensued about the AH percentage in the planned apartments at the mall complex.

Elevated Access is attending tonight's BOS meeting to discuss their options for business in the Town. They will report that the option to obtain a state medical only grow license is not happening and would like to discuss the possibility of the Town repealing the current marijuana bylaw to pass a new one allowing them to grow both recreational and medical product for wholesale purposes only. Mr. Morin gave the board the legal next steps, adding that he doesn't want this issue to go before a grand jury. The board discussed the current cannabis bylaws of the surrounding towns. If the Town changed its bylaw to allow this business, it would automatically get some remuneration. Mr. Morin recapped the history of the cannabis referendum and its repercussions. If the town decided to do a mitigation agreement, Mr. Morin would craft the agreement to hang closely to the referendum. Revenue to the Town would be \$125K to start and then a % of the profits. Ms. Allen will have a conversation with her Cannabis Control Commission (CCC) contact to discuss this issue further. The original agreement with Elevated Access is for 3 years, but it could roll to 5. The agreement provides a percentage of sales to the host community. All discussed the pros and cons of changing the bylaw, concluding that it is not a straightforward decision. Any bylaw actions would go to Town Meeting for a change vote of yes or no. The question is how to present this issue at Town Meeting. Because the state law has changed, the question should address more than just the revenue aspect. The board opined that if Elevated Access is a for-profit company, the Town should collect property tax in addition to the revenue percentage.

Mr. Morin reminded all that Mass Medi Spa purchased the land on Cordwainer Drive and put it through the permit and zoning board process. When their financing fell through, they backed out and sold the property to Elevated Access, who currently have a cultivation license in Dartmouth. Any license obtained in Norwell at this point would be limited to cultivation and the product wholesaled to retail companies.

Bylaw changes would require a 2/3 vote at Town Meeting. Ms. Allen could present the bylaw Article. This change has the potential to produce six figure revenue for the Town. The board reviewed the voting history of Town elections for the cannabis Articles. The Town did want to cultivate medical product; the recreational vote was 55% no; the medical vote was 60% yes. The board reiterated that although this is not just about the money, there would be revenue for the Town, estimated at \$125K for the first year, some increase in the second year and then

leveling off in year three and after. With regard to the company's water requirements for cultivation, there is plenty of water for people and businesses, but not plenty of water for towns. The board noted that the town of Rockland has sewers to handle the amount of water needed for cultivation, so Ms. Allen will ask her contact to send her the town's plans.

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Ms. Allen had a conversation with Peter Dillon about the MAPC Queen Anne's Corner project. Mr. Rull will not be at next week's BOS meeting.

### **Open Session – Osborn Room**

The televised portion of the meeting in the Osborn Room commenced at 7:36pm. All rose to recite the pledge of allegiance. Chair Ellen Allen reminded all that the meeting is televised and recorded.

*Motion; made by Jason Brown, seconded by Bruce Graham, to approve the agenda as amended to exclude the discussion on Simon Hill. Unanimously voted*

### **Citizen Comments - none**

### **BOS Reports and Announcements**

Ms. Allen again asked everyone to participate in completing the master plan survey on the home page of the Town website. Bruce Graham expanded on the last master plan survey done in 2005. Please participate. The pathways are a direct result of the previous master plan. Next Tuesday is the second forum at the Cushing Center for the MAPC project; Queen Anne's Corner and Accord Park. All are invited to attend.

### **Town Administrator's Report**

None

### **Elevated Access**

Bill Ryan and Rob Proctor were present at the meeting. Mr. Ryan recapped the change in the state marijuana law over the last two years. Today the medical industry in MA sources and retails from the same place. He reviewed business operations for various companies and sales options in the state. There have been marketing changes in the medical product market (smaller market with a higher cost) in the state. The MA law changed about the time Elevated Access was applying for its license. It is no longer viable to grow medical product only, but they would like to work with the Town no matter what to find a use for the property. The CCC didn't publish their final regulations until September of 2019. All discussed options with the CCC with regard to purchasing outside of the vertical model.

Mr. Brown recapped the Town's bylaw and voting history with regard to medical product only or medical with the hope to produce recreational product. Is there a market for medical in the state? Per Mr. Ryan, there is very little, if any, future growth in medical cultivation and sales and not really a difference between medical and recreational growing. Doctors are looking for lower dose products, which leans more towards recreational cultivation. The refinement into the end use product is the difference between medical and recreational.

Elevated Access is already a fully integrated medical marijuana company. They are not currently operating anywhere because the town of Dartmouth went to adult use allowance. Mr. Graham asked questions about medical vs recreational use. The cost structure for medical is much higher, per Mr. Ryan. The sharing of confidential medical information was also a hurdle, and now it's not an issue with recreational sales. All discussed medical vs. recreational business models. Elevated Access is now a for-profit entity to cultivate and process marijuana for adult use.

Next steps: the company would like to be able to work with the Town to do strictly cultivation within the adult use space. Per Mr. Proctor, they are looking to cultivate for both recreational and medical, but looking to have the option to wholesale to the marijuana establishment. Cordwainer Drive is not a retail location. In answer to Mr. Rull's comment about security

concerns, Mr. Proctor noted that Elevated Access submitted a security plan to the Town and expanded on its requirements. Shipping requires a special license. Anyone transporting product is licensed by the CCC, and a separate entity will be hired to transport the product (company information will be given to both chiefs). Loading would be within the secure building. Plans have gone through the zoning board approval process for medical growing and none of that process would change for adult production. Mr. Proctor met with the ZBA to extend the permit process for another year.

The company is hoping that any concerns of the Town can be easily addressed. All discussed possible wording for a bylaw change. Mr. Brown noted that the BOS are the gatekeepers for this type of legislation. The market has changed, and residents should decide what they want to do. It would be up to the Town to decide at an upcoming Town Meeting.

In response a request for next steps; Elevated Access will draft something for the board to review after running it by both Mr. Morin and Attorney Galvin (hopefully by Monday). Both Mr. Ryan and Mr. Proctor thanked the board and Mr. Morin for their time. They will come back when all parties have reviewed their documents.

#### **MS4 Discussion (Municipal Separate Storm Sewer Systems)**

Joining this discussion are Melissa Recos, BETA Group Consulting, and Sarah Grady, NSRWA. The NSRWA receives funding from the EPA to work on the communities along the North River, from Cohasset to Plymouth.

MS4 is a federal and state permit program to require cities and towns to reduce stormwater runoff. The program uses water quality testing. Ms. Grady recapped the history of this permit over the years, adding that stormwater discharge causes 55% of impairments to the water. On the map shown in her presentation, Ms. Grady noted that Jacobs Pond is orange level contamination due to weeds. The North River is impaired for bacteria. Ms. Grady reviewed the list of impaired waters in Norwell, listing streams, the North River, Second and Third Herring Brooks because of stormwater outfall. There are currently 188 outfalls in the Town; 129 are subject to MS4 permit. Melissa Recos has been working with Mr. Ferguson on the stormwater activity in the Town. DOT roads have their own MS4 permit. This process will produce cleaner water for all uses.

Ms. Grady listed 6 minimum control measures:

1. Public education
2. Public involvement
3. Systematic search and removal
4. Construction site runoff
5. Post construction with stormwater bylaw, onsite infiltration
6. Good housekeeping, pollution prevention

The stormwater management program was reviewed by Melissa Recos, by volume for the four criteria that are required by the Town. The Planning Board and Conservation Commission are part of this process. Mapping will be a focus in the upcoming years. Volumes 1 and 2 are complete and posted on the DPW webpage for the Town. Volume 3 is being worked on this year; operations and maintenance of the 80 miles of roads in the Town.

Regulations are required for stormwater control, and the current bylaw is lacking some language. Rate and volume of runoff are now required. New subdivision homeowners' associations are required to maintain their own stormwater runoff and drains. The Town is accepting responsibility for cleaning storm drains on a schedule that is not fiscally feasible, and there is a pressing need to have towns give this burden to the HOA's. This will be a tough road to follow in the future. There must be some type of ongoing funding from the developer when a subdivision is being permitted and built. The argument for not accepting roads as a public way is that the Town can't afford to maintain it. Tougher regulations may change the Town's thinking. There may be a possibility for a regional stormwater treatment facility, funded by payments from participating towns. Who would enforce the law? The Town Planner would need to be involved

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full time, which is not feasible. Ms. Grady will send examples of towns who are pursuing this path.

Mr. Ferguson has been working with Ms. Recos on this issue. He stated that his department will be spending about \$50K annually on stormwater management. The Town needs to address the illicit discharge from sump pumps. Mr. Ferguson is also trying to ID all of the culverts in town. He is mapping 10-15% of the Town every year, but the private developments have been a challenge. There needs to be consistency within the Town in the construction of these culverts. Ms. Grady will send the BOS office a copy of her powerpoint presentation from this evening.

#### Update to the stormwater bylaw – Melisse Recos, BETA group

Ms. Recos continued the stormwater discussion, adding that parts of the Town's bylaw are missing which would provide the authority to carry out the IDDE program. All discussed what the threshold should be (for minimum lot size). This would provide stormwater management through construction permitting. Updates to the current bylaw are currently in progress, with the hope that it will be ready for the May 2020 Town Meeting Warrant. Mr. Graham added that the group working on the bylaw changes hopes to find the right balance of lot size and regulation to get people to do the right thing. Construction detritus is a big part of this problem which needs to be fixed. All agreed that outreach to the other Town boards will enhance the chance that this update will pass at Town Meeting. The idea is to start with a reasonable platform and then fine tune it in a couple of years. Compliance costs for the Highway department will create a big increase in that department's expenses. Ms. Allen would like someone to look into the idea of a stormwater regional utility.

The board thanked everyone for attending the meeting.

#### Future meetings

The board will meet next week on 11/20 and will not meet the following week due to the Thanksgiving holiday.

#### Adjournment

*Motion; made by Jason Brown, seconded by Bruce Graham, to adjourn at 9:05pm. Unanimously voted*

  
Ellen Allen, Chair