

**Town of Norwell  
Select Board  
Open Meeting Minutes  
2/15/23**

Mr. Graham called the meeting to order at 7:05pm.

*Motion; made by Jason Brown, seconded by Pete Smellie, to approve the Executive and Open meeting minutes for January 18, 2023. Unanimously voted*

**Select Board Reports**

Mr. Brown reminded all that the Complete Streets Committee is conducting a survey for the sidewalk project proposals. The survey is on the Town website; please participate.

Mr. Reardon offered condolences to Ned Maguire and his family on the loss of his wife. He also offered condolences to the family of Ellie Meers.

**Town Administrator's Report**

Ms. Sullivan reported that she and Mr. Reardon attended the ribbon cutting ceremony for the new SELA school at 135 Washington Street. The school specializes in teaching interactive languages from an early age.

Ms. Allen attended the opening of the new assisted living facility on Cordwainer Drive. She was very impressed with the amenities and the program.

**Citizen's Comments – None**

**Committee applications: Commission on Disabilities, Cemetery Committee**

Sarah Martin gave a summary of her background and reasons for applying to the Commission on Disabilities. She is qualified to teach the deaf and has excellent qualifications.

*Motion; made by Jason Brown, seconded by Pete Smellie, to appoint Sarah Martin to the Commission on Disabilities for a term expiring 6/30/26. Unanimously voted*

Donna Cunio applied to serve on the Cemetery Committee. She is well qualified as she is a local minister in the area.

*Motion; made by Jason Brown, seconded by Pete Smellie, to appoint Donna Cunio to the Cemetery Committee for a term expiring 6/30/26. Unanimously voted*

**7 West End Way Potential 40R, Presentation and Discussion**

Attorney Mark Bobrowski, AMGOD corporation rep., introduced himself and recapped the 40R zoning regulations. The power point presentation distributed to the board and meeting attendees will be available on the Town website.

The state would underwrite a portion of this development for housing and economic growth. The concentrated development category is what makes this area qualified for 40R zoning. The 8 acre parcel is accessible from the cul de sac on West End Way.

The state provides cash incentives for this zoning approval and then gives a “leg up” with funding for the developer.

Mr. Brown expressed concern about this potential number of housing units given the number of proposed AH projects in this area of the Town. Is this an appropriate zoning designation to consider for this part of Town?

A lengthy discussion ensued about the timeline for the introduction of this project proposal to the Select and Planning board members, the Town Administrator and Town Planner Ilana Quirk. Per Town Counsel, this is the very beginning of the presentation process which began in December, and there have been no missteps. The Planner would work with any and every applicant that comes to the Town. There is *nothing* being approved tonight. Ms. Sullivan gave further reasons to allow the Town to consider this proposal. Some board members expressed concern about when they received information. Mr. Graham clarified the timeline of this proposal over the last two months and supported the work of the Planner to start the ball rolling on this project. This concept only came to fruition in the last couple of weeks and appears to be a much better option than a 40B development. Further discussion ensued about the pros and cons of a zoning change. This is only a presentation of a concept, per Ms. Sullivan. Now it’s up to the residents.

In answer to Mr. Reardon’s question to Atty. Brobowski about a board vote to start the process, Atty. Bobrowski noted that the state doesn’t care about a vote. The next step would be to hold a public hearing.

Mr. Reardon confirmed that an affirmative vote to move forward would allow the residents to vote on this project. The board would only vote tonight to advertise a public hearing. The board was invited to review the application and then meet to decide to move forward with a public hearing, per Ms. Quirk. Ms. Quirk further listed examples of potential concessions to be made by the contractor that would be a starting point when the developer comes forward for a public hearing.

DHCD is the agency that approves the 40R zoning. The developer is looking to go to the Annual Town Meeting with this zoning.

Per Ms. Quirk, Town project control is through the zoning bylaw with a 40R. A 40B project is a request for waivers. A 40R is agreed-to conditions ahead of time. The density requirement is far less than 182 40B units. 40R zoning is a choice for the Select Board to have in its arsenal.

The board continued discussion, noting various points:

- Ms. Quirk was not remiss in her duties
- Both boards would like to have been involved at the beginning of this process
- The Town Meeting timeline discussed was a summer or fall Town Meeting.
- There are other strategic housing developments in the works in the same area.
- The public hearing advertisement required by the state makes this a Select Board issue.
- The discussion then would move to the Planning Board.
- There will be Ample time for public discourse at the hearing.
- To reiterate, there was No working group discussing this proposal.

Ms. Allen would like to move to approve the advertisement for a public hearing. She acknowledged Mr. Brown’s concerns about the number of proposed AH units on Washington Street. She would like more information about the alternatives to this proposal and hopes that residents would want to understand the full picture before making any decisions.

*Motion; made by Jason Brown, seconded by Pete Smellie, to advertise this proposal at a public hearing, date to be determined. Reardon, Graham, Allen voting yes, Brown and Smellie voting no. Motion carried.*

The board and Ms. Quirk agreed on a proposed public hearing date of 3/6/23 in the Osborn Room at Town Hall.

Ms. Allen suggested a joint meeting with the Planning Board to review this proposal in detail before 3/6/23.

Mr. Reardon noted that Town residents will have the final say on the creation of a 40R zone, which would be an Article vote at Town Meeting, which requires a 50% plus one yes vote.

Comments from the Audience:

- Mike Bailey. 57 Dana Road – Noted that he is a direct abutter to this property and also supports AH. He expressed concern about the 4 septic systems proposed and the effect on the existing neighborhood. He asked about public transportation to reduce the expected huge increase in traffic with these units; 273 parking spots for 273 cars. This will be a significant impact on Route 53. The number of units and setback issues were mentioned for this very congested part of Town. Proposed purchasing this land for open space. Concern was expressed over the impact on schools and Town services.

#### **MassHousing Application for Tiffany Road Affordable Housing proposed project**

Ms. Quirk listed the many issues noted with this proposed site. The Select Board's letter to MassHousing will be reviewed and considered. The board reviewed documentation of the site visit, expressing concerns about the high groundwater, test pits not percolating and steep property. They requested that the applicants hire a wetland scientist to investigate a certified vernal pool and document this issue. The vote would be to approve the letter to MassHousing in the packet.

*Motion; made by Jason Brown, seconded by Pete Smellie, to approve the letter from the Select Board to be sent to MassHousing. Unanimously voted*

Ms. Quirk noted that the site visit included almost every department head in the Town.

#### **Planning Board Articles**

Ms. Quirk reviewed the list of Planning Board Articles with the Select Board. The vote will be to refer these articles back to the Planning Board for a public hearing.

*Motion; made by Jason Brown, seconded by Pete Smellie, to refer each reviewed Article back to the Planning Board for public hearing. Unanimously voted*

The board noted that they are not expressing any opinions on these Article drafts, which are attached to these meeting minutes.

Ms. Allen expressed concern about having this many zoning Articles on the Warrant in May and asked if some could be part of the consent agenda. Perhaps the Planning Board could provide a really good description and choose several for this option to make the process as efficient and painless as possible. Ms. Sullivan will work with Ms. Quirk to make this happen.

*Motion; made by Jason Brown, seconded by Pete Smellie, that the board refer proposed Articles 1,2,3,5,6,7,8,9 back to the Planning Board for public hearings, excluding the proposed Pathways Article. Unanimously voted*

### **Snowplowing Private Roads policy discussion**

Mr. Graham updated the board on the background for this policy proposal. Board members gave reasons for adding this to tonight's agenda, citing private ways that were about ready to be accepted as public roads which would not be able to get plowed. Other issues mentioned included the fact that roads built by developers and now accepted by the Town create a long-term maintenance expense burden to the Town and taxpayers.

The board discussed pros and cons of accepting the roads and/or plowing private ways with Town equipment and resources.

Ms. Sullivan explained the current policy in place and Ms. Quirk expanded on the background for this topic (She wrote the draft policy under consideration at this meeting). It would be at the discretion of this board to make the decision to plow private roads using public funds.

Discussion ensued about the homeowner expectation that private roads will eventually become public. The assumption that there would be developer funds to better the road before acceptance as a public way never happened; most funds don't exist. The question is how to change the expectation of this process for people who buy houses on private ways. Many of these roads are now 15-20 years old and need a lot of repair.

Ms. Sullivan suggested options to better these private roads having homeowners bear part of the cost. It is more work for the Highway Department to monitor these roads before accepting plow responsibility. Homeowners would be required to do a full indemnification for the Town.

Ms. Allen stated that she cannot support this proposal. It opens up a can of worms by creating a contract with obligations for the Highway Department such as a revolving fund(s), road condition review, additional equipment and personnel projections, etc. There is too much responsibility and bureaucracy. The Town plows the public ways, period. She advised private road residents to get their roads improved and apply for street acceptance. This would create too many moving parts.

Questions were asked and answered about costs and budget for plowing.

Glenn Ferguson spoke on this topic, giving kudos to Ms. Quirk. He stated that he does not have the manpower or equipment to plow another 50 miles of private roads, which would be very costly very quickly. He proposed that developers begin the process of public road acceptance when they are constructing the last house in a new development. That way the process to bring the road up to code starts at the beginning of the road's useful life instead of the end.

He noted that the current plan is working, giving examples of current roads trying to get approval. Mr. Reardon thanked Ms. Quirk for putting this proposal together. Based on Mr. Ferguson's estimates, this would add at least \$300K to the plow budget in a reasonable year. Mr. Reardon reiterated that there have been *No concerns* in the last 20 years about getting a road cleared for an emergent situation. Vehicles can get to you because of the Highway Department's excellent response track record. "To private road homeowners who want to plow their roads with public funding: please note that homes on public roads have no say on private road access. This is not a good step for the Town to take".

There was no conclusion tonight on this discussion topic.

### **Appointment of Darleen Sullivan as a Records Access Officer**

*Motion; made by Jason Brown, seconded by Pete Smellie, to appoint Darleen Sullivan as a Records Access Officer for the Town of Norwell. Unanimously voted.*

**Close the Special and Annual Town Meeting Warrant**

*Motion; made by Jason Brown, seconded by Pete Smellie, to close the 2023 Special and Annual Town Meeting Warrant. Unanimously voted.*

**Land Donation**

Conservation Agent Will Saunders was present to discuss the donation of a parcel of land on Winter Street. Ms. Quirk offered it to the CHT and the Water Department, but has not yet received a reply. It would still be worth discussion at a future meeting. She will send the board a bird's eye overview of the property.

**Adjournment**

*Motion; made by Jason Brown, seconded by Pete Smellie, to adjourn at 9:41pm. Unanimously voted*