



Office of Planning Board &  
Town Planner

**TOWN OF NORWELL**  
Norwell Town Offices, Room 112  
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Norwell, Massachusetts 02061  
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## **Norwell Planning Board Meeting Minutes February 15, 2024**

The meeting was called to order at 7:00 PM with Chair Brian Greenberg presiding and Board Members Mark Cleveland, Tripp Woodland, Brendan Sullivan, and Michael Tobin present. Also present was Director of Planning and Community Development Ilana Quirk. The meeting was held in the main conference room of the Norwell Library at 64 South Street, Norwell, MA.

### **CALL TO ORDER/AGENDA**

*Motion by Chair Greenberg to approve the agenda as posted. Seconded by Member Sullivan and unanimously voted.*

### **CITIZEN COMMENTARY**

None

### **PUBLIC HEARING ON ZONING ARTICLES FOR MAY 6, 2024 TOWN MEETING**

Chair Greenberg read the Notices of Public Hearing and noted that the purpose of the hearings was for the Board to vote on whether the articles would be placed on the Town Meeting warrant. Voters at the Town Meeting would ultimately vote on whether to approve them.

#### **Senior Living ZBL**

The article proposes to create an overlay district, comprised of the St. Helens property, two abutting parcels belonging to the Norwell Housing Authority, and the Longwater Drive and Accord Park business parks, where senior housing would be allowable by special permit from the Planning Board. Planner Quirk gave an overview of the requirements for permitting. A minimum parcel size of 10 contiguous acres, 8 acres of which must be upland, would be required, with no more than 50% lot coverage and 25% building coverage. There can be no more than one dwelling unit per 2500 square feet, units can have no more than two bedrooms, and a development could have no more than 225 total bedrooms. Modifications greater than 20 square feet to an existing special permit would require a modification or another special permit from the Board, and a special permit would be null and void if a development were abandoned for a year or more.

Attorney Jeff Tocchio, representing Brightview, a potential purchaser and developer of the St. Helen's property, was present along with the Brightview VP of Development David Holland. Attorney Tocchio gave a brief overview of Brightview's proposal for a 175-unit senior living

center on the property, noting that the Town has an increasing demand for this kind of senior housing. Mr. Holland gave a brief overview of Brightview, which is based in Baltimore but operates six existing centers in the Boston area. The proposed Norwell center would offer three kinds of units: independent living, with full kitchen and laundry; assisted living units including in-house personal care services; and secure memory care units. They have had multiple meetings with residents on design; the center will include a green/outdoor space component, and all mature vegetation along the perimeter will remain, augmented with landscaping. Mr. Holland noted that the St. Helen's property currently brings in no tax revenues and stated the center would bring in an estimated \$445,050 in tax/fee revenue with "minimal impact to services" plus additional one time fees associated with the permitting process. Chair Greenberg views it as a positive that Brightview intends to stay on and operate the facility.

Eileen Commene, 44 Christopher, noted she would be happy to see the extra tax revenue but asked if residents could bring in external service providers which might create traffic and parking issues. Mr. Holland stated that independent residents could bring in outside providers but residents in assisted living and memory care would receive in-house care. Brightview will account for PCAs in the parking calcs, and is familiar in general with parking issues.

Ms. Commene also asked if their wastewater system could handle PFAS and other "forever chemicals." Attorney Tocchio noted that these issues would be specifically addressed in the permitting process, but the in-house treatment plant would meet all the requirements in effect at that time.

Olivia Roberts, 105 High Street, thinks the project is the right thing to do but asked how many bedrooms would be included in the 175 proposed units. Mr. Holland stated there would be no more than 225 bedrooms total. Ms. Roberts also noted the area is heavily developed and raised concern about water supply and traffic issues. Attorney Tocchio stated that water and traffic impacts of elderly housing are typically less than with traditional developments. Chair Greenberg noted that the project would have to prove that it meets traffic and stormwater regulations during the special permitting process.

Liz Bercell, 29 Knollwood, opined that her neighborhood saw the proposal as a win; Brightview had been transparent and responsive, and she thinks they will be good stewards of the property. There will be no impact on school enrollments, and the project will prevent a 40B from being built on the property. Anthony Vercollone, 14 Knollwood, thanked Mr. Holland for his openness in the process, noting they had shifted a building design based on his comments. Marianne Sullivan, 52 Christopher, also supports the project generally but asked that the Board consider Hall Drive traffic impacts in the permitting process.

Realtor Jay Driscoll of Avison Young, the brokerage company that represents the current owner of the property, encouraged residents to support Brightview's plan, noting that the Archdiocese had a number of offers but chose Brightview based on the need for senior housing, the "appropriate scale" of their proposal, and their reputation in the industry.

Brendan Fogarty, 23 Brantwood, also spoke in support, as the Town would have more control than with a 40B. Mr. Holland thanked all present for their comments and support, noting that they intend to continue to work with all stakeholders.

*Motion by Member Sullivan to finalize the Senior Housing Overlay District article for the warrant with the exception of allowing Planner Quirk to correct misnumbered parcels in the draft. Seconded by Member Cleveland and unanimously voted.*

### **MBTA Adjacent Community District**

Chair Greenberg gave a brief introduction, noting creation of the district was mandated by state law. It took significant effort from Planner Quirk to come up with a compliant district, and they have tried to comply in a way that minimizes the impacts to Norwell. He closed with the following points:

- Refusing to create the district risks not only the loss of grant funding but also fines, litigation from the Attorney General and private Civil Rights groups, and the possibility of a Court-ordered and drawn district.
- Norwell has had an Adult Entertainment district for years because such facilities legally cannot be banned, but none have been built in Town.
- The voters at Town Meeting may decide the legal and financial risks of noncompliance are worth taking, but they should do so on an informed basis.

Planner Quirk briefly reviewed a power point presentation that sett forth additional details about the law and the proposed district. Under the MBTA Communities Act, which include 177 communities with MBTA rapid transit or commuter rail access or that are adjacent to such access must create at least one zoning district allowing multifamily housing by right. As an "Adjacent Community," Norwell's district, to be compliant, must total at least 50 acres and allow a gross density in the district of at least 15 multifamily units per acre. No restrictions as to age, number of bedroom, or number of occupant restrictions are allowed. Towns do have the option to require an administrative site plan review and that option was written into the proposed bylaw, as it would give the Town additional control.

Norwell obtained a grant of \$20,000 to hire a technical consultant to help configure a compliant district. Under the law, the state HLC sets the required number of units based on a set percentage of housing supply. Norwell requirements are a 50 acre district, with a minimum gross district density of 15 units per acre, which results in a requirement of allowing a potential of a minimum of 750 units. State law encourages placement of multi-family housing in an "eligible location," which is a location that is close to businesses and other amenities that people can walk to. The proposed district includes parts of Accord Park Drive and then runs along Pond Street to Washington Street and would be located entirely on land that is already commercially/business zoned property. The proposed district does not directly abut any residences. The district requires that 10% of the units in any development shall be affordable and these untis would count towards the Town's subsidized housing inventory. There are other requirements such as outdoor generator/equipment buffering and perimeter screening.

Planner Quirk noted in closing that "the model is about what potentially could be built," and any actual proposal for development would have to meet all septic and water requirements and the requirement of general bylaws and general regulations in order to receive a permit. Chair Greenberg reiterated that the district as proposed has no residential abutters, was made as small as allowable under the law, and included every allowable local control option. The district must be in place by December 31 of this year, and the number of grant sources lost by noncompliance has grown from 3 to 13 and may soon include the loss of school building assistance.

Liz Bercell, 29 Knollwood, asked what had happened in other towns that had passed similar bylaws; Chair Greenberg indicated the law was too new for anything to have been built yet but noted that almost every parcel in the proposed district was already developed and would require the teardown of existing structures before anything could be built. Planner Quirk added it was difficult generally to develop in Norwell, and opined that most initial development as a result of this law is likely to be in MWRA communities where municipal sewer is readily available.

Ms. Bercell also asked about a "Plan B" if the article were voted down. Chair Greenberg noted it would be difficult to craft an alternative compliant district, as any other location would likely be closer to residences and create greater concerns.

Marianne Sullivan, 52 Christopher, asked if the district could be extended to the area near the Marsh 40B off High Street. Planner Quirk indicated this was considered but there would be two issues with doing so. First, it would cause the district to abut residences in the area; and second, it could not be added as a standalone parcel and count toward the district because it has less than 5 acres. Ms. Sullivan also expressed concern on the potential impact on schools and services. Chair Greenberg shares this concern but noted that something would have to get permitted and built first.

Olivia Roberts, 105 High, states she had been told earlier the district would allow up to 923 units; Planner Quirk advised that that was an earlier draft. The new proposed district is 114 acres total, 50 acres of which are developable, but down to just over 750 units. Adding land that can't be developed makes the district contiguous and includes wetlands that would have to be accounted for in the permitting process.

Ms. Roberts also expressed concern about water and traffic impacts, and asked if other locations were considered. Chair Greenberg explained that Longwater Drive was also considered but they settled on Accord Park so there would be no direct residential abutters and through access traffic. Ms. Roberts wants any potential developments to be scrutinized heavily given the traffic issues in the area. She suggested that the district be put by the Scituate line, near the Greenbush rail station. Planning Board Member Sullivan pointed out there were no businesses or other amenities in walking distance to that area, and residents in that part of town would raise similar concerns about traffic and parking. He also pointed out that there are no sidewalks from Norwell to Scituate or from within Scituate, from the edge of Norwell, to the MBTA commuter rail and it would not be safe for pedestrians to walk across Route 3A to reach the commuter rail in Scituate.

Eileen Commane, 44 Christopher, asked if senior housing could be built in the district; Planner Quirk noted the proposed by law contains incentives to promote the potential of senior housing, but it will be optional as the law does not allow it to be mandatory; and the bylaw earlier discussed would allow a senior complex in this area by special permit. Ms. Commane also suggested that the penalties didn't seem particularly onerous.

Ms. Commane also noted that the Rockland district may be placed right next to the Norwell district, which would worsen traffic in the area. Chair Greenberg noted that that part of Rockland is connected to the Town Sewer, which could make the Rockland district more attractive to developers.

Kara Vautour, 256 Pine, asked if a development in the district would help the Town meet its required subsidized housing inventory. Chair Greenberg indicated it would not, but the 10% requirement would keep the Town from losing ground; Planner Quirk added that the Town could not require greater than 10% affordability without state permission, but the proposed bylaw contains incentives for the creation of senior and/or affordable units.

Kevin Roberts, 105 High, asked if there had been any interest in residential development in the area. Chair Greenberg noted there was previous inquiry about a mixed-use development at the Big Y property (a so-called Chapter 40R project that would have required a minimum density of 20 units per acre) that did not move forward. Mr. Roberts also asked if lighting issues had been addressed in the bylaw. Planner Quirk noted that the proposed bylaw has noise and lighting requirements.

### **FEMA Floodplain Updates**

Ms. Quirk noted that the town's bylaw needed to be updated to reflect FEMA FIRM updates.

### **Cell Tower Overlay**

The article authorizes the construction of a cell tower on Water Department property, likely about 500 ft into the woods off Grove Street. The Town will obtain leasing payments and the tower will improve cell service in town and improve communications for fire and police at all times and during power outages.

Chair Greenberg thanked all present for their attendance and comments.

*Motion by Chair Greenberg to continue the public hearing for all four articles to February 21, 2024 at 7 PM. Seconded by Member Sullivan and unanimously voted.*

### **REVIEW CURRENT MAIL**

The following mail was received at the Planning Office:

HANOVER PB,PH: SP.SPR FOR ACCESSORY BUILDING OVER 800 SF - 676 CIRCUIT STREET HANOVER  
PB, DECISION DENIED FOR A MAJOR MOD OF SP 1070 WASHINGTON ST  
HINGHAM, PB, PROPOSED AMENDMENT TO HINGHAM ZONING  
HINGHAM, ZBA, PH, VARIANCE, SP, INSTALL CELL FACILITY 183 WHITING ST  
HINGHAM, ZBA, PH, VARIANCE, SP, INSTALL CELL FACILITY 169 LINCOLN ST  
HINGHAM, ZBA, PH, VARIANCE, SP, INSTALL CELL FACILITY, 136 FORT HILL STREET  
PEMBROKE, ZBA, DECISION, GRANTED, SP, RESTAURANT, 75 WASHINGTON ST  
PEMBROKE, ZBA, DECISION, GRANTED, INSTALL NEW SF HOME, 14 PINE STREET  
HINGHAM, ZBA, PH, VARIANCE, SP, INSTALL CELL FACILITY, 44 FORT HILL STREET  
SCITUATE, PB, DECISION, GRANTED W COND, ADU, 95 ELM ST  
SCITUATE, PB, DECISION, GRANTED W COND, ADU, 22 BEAL PLACE

### **APPROVAL OF MINUTES**

Tabled

### **APPROVAL OF PENDING BILLS**

The following invoices were presented for payment:

<b>Vendor</b>	<b>Description</b>	<b>Amount</b>
CHRISTOPHER SULLIVAN	PB MINUTES, JANUARY 31, 2024*	\$150.00

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PB MINUTES, 2.7.2024\*  
BUSINESS CARDS\*  
COWINGS COVE\*  
OLD OAKEN BUCKET ESTATES\*

\$150.00  
\$102.00  
\$757.25  
\$725.00

*Motion by Chair Greenberg to approve the invoices as submitted. Seconded by Member Cleveland and unanimously voted.*

**NEXT MEETING**

February 21 – Town Hall, Room 112, 7 PM

**ADJOURNMENT**

*There being no further business, a motion was made by Chair Greenberg to adjourn at 8:55 PM. Seconded by Member Tobin and unanimously voted.*

I certify that the above minutes were reviewed and approved by a majority vote of the Planning Board on \_\_\_\_\_.



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