

April 25, 2011 B

Present was James M. Tomaszewski, James C. Lehan, Robert J. Garrity, Jack Hathaway, Town Administrator, and Marian Harrington, Executive Assistant.

The meeting was held in Room 124, Town Hall. Jim Tomaszewski called the meeting to order at 7:08 p.m. He announced that the meeting will be audio and video taped. Jack Hathaway read the agenda contents.

Jack gave an update on the recent nor'easter snowstorm. Due to high winds and snow, most of Norfolk lost power. Jack reported that power outages in town were down to 14% as of 2 p.m. That is down from a high of 89%.

#### **40R DISCUSSION**

Mark Bobrowski, Esquire, of Blatman, Bobrowski and Mead was present as Consultant on the 40R project. EDC members present were Bob Nicodemus, Walter Byron, Greg Mirliss (also a Planning Board member), and Lori Scholl who arrived late. Also present was Jeff Palumbo, Planning Board chairman and Planning Board member Andrea Langhauser who arrived late. Dave Sanderson from Tom Houston's office was present. Paul Kelly was also present.

Mark Bobrowski explained Chapter 40R and had a power point that he used to explain it. He said that Ch.40 R is a housing production. Density has no waivers.

First is zoning bylaw. It goes to town meeting and requires 2/3 vote. DHCD reviews your bylaw and there isn't room for negotiation. It's pretty boilerplate.

Step 1, the Selectmen hold a public hearing. We need input before the application goes to Boston. It stays there about 60 days. If we send it in by very end of December, they will look at it in February. It takes 60 days to review. This is the scenario for the May town meeting.

Application contains zoning and design standards. They take their time looking at this, and it's thorough.

The developer has to go through 40R review. Sort of like site plan approval.

The State will pay you upon approval. They will want to know there is nothing between the developer and the finish line. Second payment is a bonus for each bonus unit. Bonus payment comes after building permit has been issued.

At least get something on the books to get the process started. You can rethink it later.

Walter said is this a broad zone that gives us flexibility on some smaller zone. Mark said there is an advantage to be in a Norfolk 40R.

Rob said that he has been on both sides; on the ZBA when we approved, but now is on the town's side.

Paul Kelly said what if you don't have a sewer system. Mark said you can use a ground water

system. Paul said that would limit you. Mark said you can work around it.

Jim L. said you create the overlay zone and give incentive to bring people in.

Jim L asked if we did a 40R – just under 7 acres – and take his application – is it advantageous of doing one site at a time, or an overlay? Judy explained the difference.

Mark said are we going to plan or react. Global v. precise. Precise is a lot less work. Global is involved. Policy questions to be decided. What is going to be built? You have to draft the zoning to fit.

Planning Board would have to have a hearing on the zoning. Judy gave a timeline for town meeting.

Mark said as a right doesn't count. Rob said in the business core we have fairly dense because we allow commercial over residential. Paul asked if you can do site specific. Mark said sure.

Town holds a referendum and you work from there.

Jack said we were trying to see what we wanted to have in our center of town and can we make a connection and what do we want to build?

Rob said we don't want a Disney World Avalon Bay town center. Rob got bit by the planning bug that we can't house our kids here. We need other kinds of housing. Rob said he hasn't found anyone excited about a grocery store. Are there other parcels in our center that could benefit from this type of housing?

Jim T. asked why you think S&S is reluctant to sell? Judy said that we are not the only town in this predicament. Bob said 4 stores were interested a few years ago when we started this. Jim T. said if the math didn't work then or now, they need a density to make this viable. Judy said we need a certain population to make this work.

Jim L said we shouldn't be something we're not. Having a Trader Joes come in would be us being something we're not.

A destination restaurant is something we would like. We don't support it; it draws the people itself.

Walter felt we should ask the town what they want in town center. We should give them 2 or 3 choices. Jim T. said we may have great expectations that we can't make good on.

Mark said the hardest thing is to predict what the market will bear.

Jim L. asked about stage one – site specific. Plan 2 – look at the broader picture. Is that a viable option? Mark said it's a big decision to go from a site specific to a global.

Jeff recalled we could have a checkerboard type initiative. Mark said you could do 2 non-contiguous lots. There is no necessity to throw a circle around things. It doesn't make any difference.

We have to make a decision. Rob said we do a quickie application by Christmas; or take our time

and really look at it. Mark said you may not want to vote in 40R because it can be unstoppable and you may not want that. The money shouldn't be the driver. Jim L. said the right side of upper B1 district. The fact that there is no sewer on that side of town, maybe we should look at lower B1 district. Jim L. would like to take a step here. We should put this on a spring town meeting. Get town input and it may take awhile. Rob wanted to hear from the land use boards. Jeff said that the Board was okay with it, and they don't disagree but are still in the learning process and would like more meetings to learn more.

Greg said he agrees with Jeff and there needs to be more meetings between boards to educate them. He wants to hear public input. He has learned more about this by being on EDC. Andrea said it was very important to include the Kids Place parcel. Maybe should include the old Frank Gross' property. Approach them. And if we are talking about the town center, we should talk about the properties that are in the center of town and are not developed.

The Board agreed we need another meeting. Jim T. said he hates to keep having meetings and not come to a resolution. Walter said can we do an add on once we have an approved district. Mark said the state would look at it as an amendment to your district, or a new district entirely and adjust your payments thereon.

Mark said options are one site we've been talking for it awhile. That site and another few parcels that could be in the future. What are the criteria you are going to use to evaluate them. Sometimes people look at how it is today, and they can't visualize how it will look later on. How much housing diversity do you get? Housing can be arranged in different ways on different sites. Come to some agreement as boards before you ask the public for input. Judy another option is to do nothing.

Bob said there is a huge database that can give you resource. Did the B1 that can help you look at what-ifs. Rob asked about how much help can we get from you for a public session. Judy said a month to get ready for this meeting, but you guys would have to be on a time constraint. We could use the town meeting as a public forum.

Judy said she can make this happen for 11/30, but for how much can be done needs to be discussed as far as budget. We will shoot for town meeting, and set up extra meetings. Jim T. thanked Judy and Mark for coming.

Jack said that having a town planner wouldn't be the worst thing. Do we need to beef up our in-house capacity? Jack said as we go through this process, we need to take a look at this.

Jim Lehan left the meeting to attend the Advisory Board on the Selectmen's behalf.

## **TOWN MEETING WARRANT**

Jack reviewed the warrant with the Board.

Betsy Pyne of Historical Commission asked about the Demolition Bylaw. She would like time changed from 14 days to 45 days. The Board agreed, and will put it on the spring meeting.

Rob Garrity moved to open the warrant. Jim Tomaszewski seconded, and it was **so voted**.

Rob Garrity moved to remove former articles 15, 16, 17 as town counsel advised we do not need town meeting approval to accomplish this. Jim Tomaszewski seconded, and it was **so voted**.

Rob Garrity moved to close the warrant. Jim Tomaszewski seconded, and it was **so voted**.

## **TOWN ADMINISTRATOR'S REPORT**

### **Action Items**

The Board considered supporting moving the Massachusetts election date to coincide with the Federal election date for the spring and fall town meetings, but held voting to see if Jim Lehan returned to the meeting to join in voting.

Rob Garrity moved to increase the FSA medical/dental amount to \$2,500. Jim Tomaszewski seconded, and it was **so voted**.

Rob Garrity moved to appoint Herbert Mores to the Board of Registrars, replacing Carol Greene. Jim Tomaszewski seconded, and it was **so voted**.

### **Town Administrator**

Jack complimented department heads for a phenomenal job in the recent nor'easter.

Rob reported that the KP marching band won their 25<sup>th</sup> consecutive gold award for MICA in Lowell.

Jim T. announced that Jack McFeeley, former Selectman, was ill at St. Elizabeth's hospital, and wished him a speedy recovery.

Jack said we need to figure out how to pay for the solar clearing at transfer station. \$50-\$60K cost.

At 9:18 p.m., being no further business, Rob Garrity moved to adjourn the meeting. Jim Lehan seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of November 1, 2011.

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Robert J. Garrity, Clerk