NOVEMBER 8, 2018 -- SPECIAL TOWN MEETING #2

October 26, 2018

To Town Meeting Members:

This is the Informational “Yellow Sheet” for the Special Town Meeting #2. Again, we hope that it proves useful to you in your deliberations.

The Board supports almost all of the individual requests being made at this Special; we have indicated otherwise if we have not.

**Article 1.** This article has been submitted by this Board. It would – after your approval and approval of a Special Act by the Legislature – remove the position of Deputy Fire Chief from Civil Service.

None of our Department Heads are covered by Civil Service (the State Agency that administers the program is now the Department of Personnel Administration), nor are any Assistants or Deputies in any department other than in the Fire Department. We have Assistant or Deputy Department Heads in the Police Department, Public Works, the Electric Light Department, the General Manager’s Office, Treasury, Accounting, Assessing, Engineering, the Board of Health, Building, Planning, etc. None of them are covered by Civil Service.

This is partly historical; our current Deputy Fire Chief has been in the position since 2000. Town Meeting began to withdraw from Civil Service in the 1980’s, as one department after another found it simply could not fill positions. The system was extremely slow and cumbersome, overwhelmingly bureaucratic, and had become totally unresponsive to local needs. The most recent withdrawal was the Police Department, in 2016. Today, the only departments remaining in Civil Service are Public Works (which sort of works only because no exams are required for the “labor service” and almost all of the actual administration has been delegated to the Town) and the Fire Department.

The process to withdraw from Civil Service requires approval by Town Meeting of a home-rule petition to the Legislature. In this case, it covers only a single position – that of Deputy Fire Chief. The full text of the petition appears in the Warrant.
The incumbent Deputy is not affected in any way by this proposed legislation – an incumbent is always excluded as a matter of precedent. It would only affect future occupants appointed to the position.

The incumbent Deputy Fire Chief will reach the mandatory retirement age of 65 in 2020. Why are we seeking to take this action now, especially since it will not affect him? The answer has to do with the Legislative process: a new session of the Legislature begins after the November elections, and there is a December deadline to file all bills. Technically, bills can be “late-filed” (and frequently are) after this deadline, but it adds an extra step and a lot of time to what is always a lengthy legislative process. We anticipate that it will take a year or more for the petition to be translated into law.

We expect the Legislature will eventually approve our Petition and enact it into law; there is ample precedent for similar actions by any number of cities and towns.

We ask you to support our request and approve the Petition.

**Article 2.** This article has also been submitted by this Board. It would – after your approval and approval of a Special Act by the Legislature – allow our current Police Chief, William G. Brooks III, to continue to serve in the position of Chief of Police beyond the mandatory retirement date of 65.

The Petition would allow the Chief to continue to serve until age 70. The General Manager has had some preliminary discussions with Chief Brooks about remaining in the position beyond his 65th birthday in 2020, and the Chief has indicated an interest in doing so. Of course, even if Town Meeting and the Legislature approve the Petition and Special Act, the extension is not automatic: either (or both) the Chief and the General Manager could change their minds, and both must then agree on the terms of a new contract. And that new contract does not have to be for the full five-year period.

We have not reached our decision to support this Article lightly. We believe that Chief Brooks has done a terrific job in his tenure as Police Chief, and ranks as one of the most respected Chiefs in the State. He is extremely visible in the community, and has been extraordinarily accessible to our residents. But he is also well-known at the State and even national levels, where he has been a constant and conscientious representative of the Town of Norwood and of the Law Enforcement Community.

Some of his credentials: Chief Brooks has been a Police Officer for 41 years, serving as a patrol officer, detective, and sergeant with Norwood PD, beginning in 1982; as Deputy Police Chief in the Town of Wellesley for 12 years; and as Norwood’s Chief since 2012. He is a graduate of the
FBI National Academy in Quantico, Virginia, and has been a police academy instructor in Massachusetts for over 30 years.

He currently serves as Director of the NORPAC Task Force, a multi-agency unit comprised of detectives from 15 Norfolk County police departments. He was a member of the (Mass.) Supreme Judicial Court’s Study Committee on Eyewitness Identification, and served on the committee at the National Academy of Sciences that issued a national report on Eyewitness Identification in 2014. He presents nationally (on his own time) on behalf of the Innocence Project, and has received (among other awards) the Civil Rights Award for Individual Achievement from the International Association of Chiefs of Police. He received the Excellence in Criminal Justice award from the Massachusetts chapter of the National Alliance for the Mentally Ill earlier this year.

Chief Brooks served as President of the Mass. Chiefs of Police Association in 2016, and currently sits on the Board of Directors of the International Association of Chiefs of Police.

We hope that you agree that Chief Brooks has served our community well, and that you will agree with our request to extend his tenure. The full text of the petition appears in the Warrant.

**Article 3.** This article was submitted on petition of Town Meeting Member Kevin Pentowski and other residents. It requests funds to repave Plimpton Avenue to its full original width.

We believe that the proponents of this article will make their own arguments in favor of their article.

Plimpton Avenue was repaved just this past summer. The road varies in width slightly along its 1,100-foot length, but prior to repaving, it averaged 24’-6” wide from face of berm to face of berm. The pre-existing asphalt curb was “vertical”, and cars would often park several inches or more away to avoid scraping their tires. When the road was re-paved, the Public Works Department had a sloped curb, sometimes referred to as a “Cape Cod berm”, installed on both sides of the street along its full length. This berm allows vehicles to park against the edge of the road or on the berm without damaging their tires. The distance from back-of-berm to back-of berm measures anywhere from 24’ to 24”-7”.

As best we can determine, the petitioners are worried that our Emergency Vehicles (Police and Fire in particular) would not be able to pass on the slightly narrower traveled way if two vehicles (such as full-sized SUVs) happened to be parked exactly opposite each other. When we received the initial complaint, the General Manager actually went out to Plimpton Ave. with the Police and Fire Chiefs and the DPW Director and parked two SUVs opposite each other with all
tires on the roadway, and had one of our Ambulances and a Fire Pumper drive between them. Neither had a problem. Yes, they had to slow down, but given the same scenario prior to repaving, the situation would not have been any different – nor is it any different from dozens of our other pre-1960 roadways in Town.

We estimate the cost of repaving the roadway at $53,000.

We do not think that this request has any merit. And at the risk of sounding somewhat argumentative, we do not believe that Town Meeting has the authority to direct the Selectmen to pave (or not) any particular road – that authority is vested in the Board under the law as Highway Commissioners.

**Article 4.** This article is sponsored by the Planning Board. It requests that you amend Section 11 Definitions of the Zoning Bylaw by adding two new definitions:

1. Research and Development Facilities Renewable and Alternative Energy;

Inserting the two new definitions into the Zoning Bylaw is the first step the Town will be taking to be designated as a “Green Community” under a State program that encourages cities and towns to transition to more sustainable, renewable energy sources. This State program involves a commitment by the Town to adopt energy conservation and efficiency programs, policies and bylaws, including modifications to our zoning code. Once communities complete a list of energy conservation and renewable energy activities, the State will designate the Town as a “Green Community”. The Town may then apply for grant funding from the State for energy efficiency related projects. The Planning Board will likely have additional Zoning Bylaw amendments for consideration at the Annual Town Meeting.

The Green Communities program requires that the Town insert these two definitions into the Zoning Bylaw. The wording is identical to the wording in the Warrant.

**Introductory Statement for Articles 5 & 6 – Forbes Hill**

The next two articles, Article 5 and Article 6, both deal with the 27-acre Forbes Hill property, acquired almost exactly one year ago by vote of the Special Town Meeting of November 6, 2017 for a purchase price of $13,000,000.

The two articles may stand alone, but they are closely related.

We - the Board of Selectmen - are requesting your approval of both articles as two parts of a (3) three-point plan proposed by the nine-member Forbes Hill Task Force that we appointed in January of this year. This group has met a total of (13) thirteen times (at last count!), looking at
possible Town uses of the site. All of these meetings were open to the public and televised. In the end, the Task Force concluded that there were no practical uses for any of our Town departments. They also rejected the idea of retaining the land for open space and recreational use, because of the characteristics of the site; the costs of development and on-going maintenance, even for those purposes; the not-insignificant, long-term costs of repairing and restoring the mansion and maintaining it; and the long-term cost of debt service. There was also a concern that the Town does not have the administrative capacity to manage such an endeavor over the long-term, or the financial flexibility to pay for it.

In the end, the Task Force determined that the only financially practical action by the Town is to sell the entire site (Article 5) and to adopt the proposed Zoning Overlay District (Article 6). The Overlay District is designed to enhance the value of the property by encouraging development that will meet the demands of the market place so that we may realize the best possible financial return and maximize future tax revenue from the site. It requires the use of low impact design principals such as the preservation of existing trees, limiting of regrading, and preservation of open space. It also would require the permanent preservation of approximately six (6) acres of open space and the preservation of the existing wooded area along Route 1-A (Upland Road).

The final step in the plan, provided that you approve these two articles, is to offer the land for sale through a Request for Proposals, incorporating these and other restrictions and then to complete the sale, subject to a Development Agreement. We believe that this will offer the Town the greatest amount of control over the parcel’s long-term use.

The report of the Forbes Hill Task Force is attached.

**Article 5.** This article seeks authorization for the Selectmen to sell the Forbes Hill Property. As we just discussed, this is the first step to implement the recommendations of the Forbes Hill Task Force.

The technical wording of this article may be a bit confusing as it asks you to transfer to the Selectmen, for the purpose of selling the land, the same property they technically already oversee. This process is required by Massachusetts General Law and previous court decisions. The Board of Selectmen is unanimous in its request your support this article for the reasons stated above, which we will elaborate on at Town Meeting.

**Article 6.** This article calls for the creation of a Zoning Overlay District to allow the Selectmen to better control the ultimate use of the Forbes Hill property when it does put it up for sale. This is the second step in the Forbes Hill Task Force’s recommendations.
This article will create a new Forbes Hill Planned Mixed Use zoning overlay that encompasses the entire 27-acre property now owned by the Town. It proposes amendments to several sections of the Zoning Bylaw. The land uses, height, density and dimensional regulations in the current Limited Manufacturing (LM) Zone will remain in place. However, the Forbes Hill Planned Mixed Use Overlay District will allow additional land uses not now permitted in an LM Zone, such as residential single-family homes, duplexes and multifamily buildings. In addition, it will allow for other commercial uses such as medical facilities, restaurants and health clubs that are not presently allowed. By allowing multiple types of uses in the overlay district, it will promote a development where people can live, work and recreate in the same area. The overlay district caps the total possible number of residential units at 175. In an effort to preserve the wooded gateway to the Town on Upland Rd., a 150 foot natural buffer strip will be required, as well as a similar undeveloped buffer of 125 feet along the property line on the south side of the existing Investor’s Way (the entrance to the Mercer property). The overlay district will also require low-impact design principals such as limitations on regrading and cut-and-fill; preservation of existing trees; grouping or clustering of buildings to maximize the preservation of open space. The existing zoning regulations for parking and signs will continue to apply in the overlay district. The Planning Board will be designated as the permit granting authority for all development within the Forbes Hill Planned Mixed Use Overlay District.

The Planning Board held a public hearing on the proposal on Monday, October 22nd, and voted 4-0 to recommend approval of the article.

**Article 7.** This is the usual article for Unpaid Bills. At the present time, we are aware of only four small outstanding invoices (from Staples and the local Tru-Value Hardware) totaling $163.00. The funds will be transferred from the individual department’s current year accounts.

The law requires a 9/10s vote of Town Meeting.

**BOARD OF SELECTMEN**

Thomas F. Maloney  
Helen Abdallah Donohue  
William J. Plasko  
Paul A. Bishop  
Allan D. Howard
ARTICLE 3
SPECIAL TOWN MEETING #2
NOVEMBER 8, 2018
PLIMPTON AVENUE
PETITION

1100+/- Feet
November 8, 2018
Special Town Meeting #2
Articles 5 & 6
Forbes Hill

TO: Chairman Thomas Maloney
Norwood Board of Selectmen

From: William Plasko, Chairman
Forbes Hill Task Force

RE: Task Force Recommendations

September 21, 2018

On behalf of the Forbes Hill Task Force; Allan Howard, Judy Langone, Ernie Paciorkowski, Ted Clark, John Colbert, Steve Keefe, Peter McFarland, Jean Taylor, and myself, I wish to submit the committee’s recommendation for the future use of the nearly 27 acres of town owned site referred to as “Forbes Hill”.

Since January 25, 2018 the Task Force has meet thirteen times. After extensive review and deliberation which will be described below for your edification we wish to make the following three (3) step recommendation at this time.

**Recommendation: Step 1.** The Selectmen should take steps to place an article on the scheduled November 8, 2018 Special Town Meeting to request Town Meeting approval to sell the entire parcel including the Forbes Mansion in conjunction with recommendations two and three.

**Step Two.** The Selectmen should support a Zoning Overlay Change prepared by the Task Force with the assistance of Town Planner Paul Halkiotis. To be brief the Overlay District incorporates Low Impact Design principals while enhancing the development opportunities of the district beyond those currently allowed in the underlying Limited Manufacturing zone. The additional allowed uses are intended to meet the demands of the market forces and promote investment in the Overlay District.

**PLEASE see attached Draft Overlay District.**

**Step 3.** Prepare a Request for Proposals to be used to market the property designed to promote the development features desired by the town through use of a Development Agreement.

**TASK FORCE REVIEW AND BASIS FOR RECOMMENDATIONS:**
As noted above the Task Force has meet (13) thirteen times. We were assisted in our work by General Manager Tony Mazzucco, Director of Planning and Economic Development Paul Halkiotis, Assistant Planner Patrick Deschenes, and Town Counsel. We benefited from the input from (12) twelve residents, a community survey, and informal comments from several residents that attended an open house of the Forbes Mansion conducted by the Task Force. We also spoke directly with both residential and commercial brokers, bankers, and developers. The Chairman also had several additional phone discussions with potential developers. Discussions were also had with a representative of the owner of the property that leases to Moderna Pharmaceutical and a representative of the Massachusetts Biotechnology Council regarding steps the town might need to take to attract more life science companies to further expand this industry in town. We currently have three such firms in town, Immunogen, Corbus and Moderna.
The Task Force had a discussion with Cathy Carey, the town’s Contract Administrator, regarding the process the town would follow if it chooses to sell the property.

**Step One Recommendation:** This recommendation was reached after much discussion of how the town might be able to use and/or hold onto this property, which was the original hope of the Task Force. General Manager Mazzucco advised that there is no practical uses for the property by town departments. The idea of keeping the site for open space and recreational uses was also found to be impractical because of the characteristics of the site and the long term cost of the debt service, cost to develop, and the cost to repair and maintain the Mansion. Currently the mansion requires about $200,000 to maintain in a mothball state, this figure would need to at least double if the Town wanted regular access.

We do not believe the town has the administrative capacity to manage such an endeavor, or the financial flexibility. Rental options were considered, however it was felt that not enough revenue could be generated to offset the town’s considerable debt service and additional investment that likely would be required in order to receive sufficient revenues to cover the town’s investment. Through the recommended zoning we are recommending zoning controls to ensure that approximately 6 acres are maintained in perpetuity in their natural state, including a natural buffer to protect the natural wooded entry into town from Westwood along Upland Road.

We also considered the possibility of breaking up the site to maintain some for the town and sell the balance for development. After much discussion it was determined that the land the town would keep was of limited value due to the characteristics of the site, ie very steep slopes, a stream running through the property etc. etc. To try to keep a more suitable area for the town would result in making the site very undesirable to prospective developers. This would lower the value and leave the town with the financial concerns described above.

The Task Force also discussed selling the property for some specific types of development that the town might desire, such as first time homeowner homes. In these instances the Task Force concluded that the these limitations on development would lower the resale value of the property and that the town was not in a position to sell the site at this low a price to support such ideas at this time.

An Override was considered as an option to fund these endeavors. However the Task Force was of the opinion that this tax burden, in consideration of the town’s current financial position, and town discussions of a possible need for an operational override, was too much to ask residents to bear. Should the Selectmen or town meeting disagree with our recommendation to sell the property this option is still available to the town.

In the end the Task Force, with some regret, believes the only financially practical action by the town is to sell the entire site and pass the recommended Overlay Zoning, designed to enhance the value of the property, and encourage development to provide additional tax revenue.

**Step 2 Recommendation:** This recommendation is in support of our first recommendation and in intended to maximize the value of the property by meeting the demands of market forces, while protecting the character of the entrance to the community. This By-law was drafted by Paul Halkiotis under the guidance of the Task Force.

**Step 3 Recommendation:** The Task Force strongly recommends the use of an RFP process to evaluate purchase proposals and to use a Development Agreement to allow the town to maximize its influence over the type of development to be located on the site once sold. We have developed an Evaluation Criteria that can be used to assist this process.