

Town of Sharon Planning Board

Minutes 1/18/24

Meeting held via ZOOM

Planning Board Members

Shannon McLaughlin, Chair	Pasqualino Pannone - absent
Xander Shapiro, Vice Chair	Peter O'Cain, Town Engineer
Rob Maidman, Secretary - arrived at 8:45 PM	Sonal Pai, Engineering and Planning Specialist
David Blaszkowsky	

Other Attendees

Brian Collins - Fin Comm

Meeting Initiation

Chair McLaughlin called the meeting to order (via ZOOM) at 7:05 PM.

Meeting Minutes

None

MBTA Zoning Language

Ms. Pai began by stating we are reviewing language to see if we can submit for warrant tomorrow. Chair McLaughlin wants to see content to see if submittal is a possibility first.

Ms. Pai shared screen:

Article X: Amend The Zoning Bylaw Section 9.3

Sponsored by: Planning Board

To see if the Town will vote to amend Section 9.3 of the Zoning By-laws of the Town of Sharon, by deleting the existing Mixed Use Overlay District Section 9.3 and replacing it with Multi Family Mixed Use Overlay District Section 9.3, so that it reads as follows:

Yellow Highlighted- Planning board wants to discuss further.

Blue- Information needs to be filled out once the map is finalized.

Red- Question for Consultant

[]- Commentary on highlighted items

9.3 MULTI-FAMILY AND MIXED-USE OVERLAY DISTRICT (MMUOD).

9.3.1 Purpose. The purpose of this Section is:

1. To promote **multi-family and mixed-use** [Planning board questioned whether it could only be one or the

other] development in accordance with Section 3A of M.G.L. c. 40A, and the principles of "smart growth," which increases the availability of affordable housing, provides housing alternatives to meet local needs, promotes walkable neighborhoods, takes advantage of compact design, fosters distinctive and attractive village settings, preserves critical environmental assets, including drinking water supply quality and quantity, surface and groundwater quality and quantity, wetlands preservation and air quality, and supports economic revitalization in the Town Center and other commercial, transit-oriented locations.-
[This language is adopted from existing MUOD Section 9.3, Planning board to revisit the language]

2. To provide additional density and site design flexibility for projects located in the Town Center while remaining consistent with the Post Office Square Design Guidelines and water pollution control, water management, wetlands, and other environmental and public health regulations and policies.
3. To permit the use of new development standards which will promote the desired changes in the Town Center.

9.3.2 Establishment and Applicability. The MMUOD is an overlay district having a land area of approximately 83.2 acres in size that is superimposed over the underlying zoning district(s). The MMUOD is hereby designated as including parts of the Business A and General Residence Districts, Single Residence B. The exact location of the MMUOD is that area so designated on a map titled "Multi-family and Mixed Use Overlay District," dated [date of 2024 TM], at a scale of [insert scale], which map is on file in the office of the Town Clerk and which map is incorporated in this bylaw by reference.

1. **Applicability of MMUOD.** An applicant may develop mixed use or multi-family housing *[Planning board questioned whether it could only be one or the other]* located within the MMUOD in accordance with the provisions of Section 9.3.
2. **Underlying Zoning.** The MMUOD shall not restrict owners' rights relative to the underlying zoning district. However, if an owner elects to use the MMUOD for development purposes, all development shall conform to the regulations outlined in this Section, as well as all other relevant provisions of the Sharon Zoning and General Bylaws.
[Planning Board questioned whether language needed to be expanded to municipal and state bylaws.]
3. **Sub districts.** The MMUOD contains the following sub-districts, all shown on the MMUOD Boundary Map: Parts of the General Residence sub district, parts of Business A sub district and parts of Single Residence District B. *[Language modified to remove East preceding each district and added "parts of".]*

9.3.3 Definitions. See Section 11.0 of the Sharon Zoning Bylaws.

9.3.4 Permitted Uses. Multi-family housing and mixed-use development are allowed as of right in the MMUOD. Refer to the Table 1: Table of Use Regulations for Retail and business use currently permitted in the underlying zones and residential apartments of the appropriate density shall be permitted in the MMUOD. *[Added reference to table 1.]*

9.3.5 Minimum Lot Dimensions. The minimum lot dimensions for all MMUOD developments shall be the same as that of the underlying district, except for height. If located between two underlying zones, the more restrictive dimensional requirements shall govern.

1. **Table of Dimensional Standards.** Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the MMUOD shall be the same as the underlying district, except for height. The maximum height in the MMUOD shall be 45 feet or 4 stories, whichever is lower.
2. **Multi-Building Lots.** In the MMUOD, lots may have more than one principal building.
3. **Exceptions Height.** The limitation on the height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which are in no way used for living purposes and do not constitute more than 25% of the ground floor of the building. Accessories and architectural features extending above the roofline may be at most a height of 50 feet. *[This language needs to be reworked and to clearly limit the overall building height including accessories to 50']*
4. **Exceptions: Renewable Energy Installations.** The Planning Board may waive the height and setbacks in Section 9.3.5 Minimum Lot Dimensions to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow. They must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.
5. **Exceptions: Open Space.** The open space requirement for development in the MMUOD may be reduced

to 15% of the lot area if the development proposal includes planting areas, porous paving surfaces, and other techniques to ensure adequate drainage and filtering of storm water. *[Planning Board wants to discuss the details of this section.]*

9.3.6 Density. The minimum density for MMUOD developments shall be 15 units per acre, provided the development has access to or creates a shared system and treatment works as defined by 310 CMR 15.00. *Without a shared system and treatment works, the minimum density may be waived. [This language needs to be reviewed by consultant/Planning Board/BOH.]* The maximum number of units shall be limited by the more restrictive of the following factors: the number of full-sized parking spaces which could be provided, full compliance with the Board of Health and zoning wastewater management regulations, or Conservation Commission Wetlands Regulations.

9.3.7 Wastewater. A plan for wastewater treatment from a proposed development in the MMUOD must be approved by the Board of Health in accordance with all applicable regulations.

9.3.8 Off-Street Parking Regulations. **A minimum of one space per residential** *[Planning Board wants to discuss 9.3.8 in greater detail]* unit shall be provided, in addition to the parking required for retail and business uses pursuant to Section 6.1. With the approval of the Planning Board, up to 25% of the total number of residential parking spaces for a development located within a 1/2 mile of the train station may be used to meet the required parking for retail and business uses. Up to 50% of the total number of residential parking spaces for a development located more than 1/2 mile from the train station may be used to meet the required parking for retail and business uses, where it can be demonstrated that the hours of operation for retail and business uses at the development will be during daytime hours only.

1. To provide for better site design, up to 25% of the total number of parking spaces may, at the discretion of the Planning Board, be allocated for compact cars with dimensions of eight feet by 18 feet. Such spaces shall be designated for compact cars only. Compact spaces cannot be applied in calculating the density of residential units. Still, they may be used to meet minimum open space requirements and provide for between site design and storm water drainage.

2. Off-site parking may not be counted toward the requirements for residential units but may be counted toward nonresidential parking requirements. Street parking, as with other publicly owned parking spaces within 400 feet of the site, may be counted toward the nonresidential parking requirements.

3. Multi-level parking may be allowed to be at most two levels if determined by the Planning Board to be appropriate. Such parking may be shared with others off-site, provided it is within 400 feet of the site, and the Planning Board is provided with acceptable written proof.

4. Bicycle Storage. For a multi-family development of 25 units or more, or a mixed-use development of 25,000 square feet or more, covered bicycle parking spaces shall be integrated into the structure of the building(s). In multi-family developments, one bicycle parking space per dwelling unit shall be provided. Mixed-use (Non-residential)/Commercial developments shall provide one bicycle storage space for every five parking spaces.

5. **Number of electric vehicle (EV) charging stations.** For all uses within the MMUOD, electric charging stations are required with one EV space required for every twenty parking spaces, rounded up to the next highest number of EV stations, with a minimum of two EV spaces required. *[Planning Board wanted to confirm the accepted standards for EV charging stations.]*

9.3.9. Performance Standards for Multifamily or Nonresidential Uses. Developments shall follow the performance standards for multi-family or nonresidential uses in Section 6.5 of the Zoning Bylaws.

9.3.10. Affordable Housing. This requirement applies to all residential and mixed-use developments **with ten (10) or more dwelling units**, whether new construction, substantial rehabilitation, expansion, reconstruction, or residential conversion. No project may be divided or phased to avoid the requirements of this section. A **minimum of 10%** of housing units in a development in the MMUOD must be affordable to households earning 80% of less of AMI and be eligible for inclusion on the EOHLC Subsidized Housing Inventory (SHI). The affordability of such units shall be

assured in perpetuity by an affordable housing restriction. A fractional unit shall be rounded **up** to the next whole number. *[Planning Board questioned if we could have minimum above 10% or if this is a threshold set by the EOHL? Also, we changed the last line to say rounded up to the next whole number. Is that allowed?]*

9.3.11 Site Plan Review. All projects developed using the MMUOD shall be subject to the site plan review procedures as provided in Section 10.6, as well as the Town's Storm water Discharges Generated by Construction Activity General Bylaw, Ch. 230, Storm water Management, Art. II, Construction Activity Discharges. The Site Plan Review and Approval Authority for the MMUOD shall be the Planning Board.

9.3.12. Post Office Square Design Guidelines. Projects undergoing Post Office Square design review shall submit to the Planning Board the basic site plan contents. They are required to provide **rendering** at an appropriate scale and coverage determined by the Planning Board. The elements highlighted in the Post Office Square Design Guidelines as enumerated in the site plan review, including pathways connecting to adjacent sidewalks, parking areas, sitting areas, a plan for storage areas, lighting, shade trees, and other landscaping, shall be provided for review by the Planning Board. Developers are encouraged to meet with the Planning Board to discuss their projects with respect to the Post Office Square Design Guidelines. *[Planning Board changed from model to rendering.]*

9.3.13 SPGA. The Planning Board shall be the Special Permit Granting Authority (SPGA) for MMUOD developments, as well as the authority for site plan review. **Authorization for any mixed-use or commercial MMUOD development requiring a special permit under underlying zoning shall also be obtained through the Planning Board.** *[Planning Board is questioning the language because the current zoning by-laws designate the Zoning Board as the SPGA authority for the underlying zoning district.]* This Section does not supersede the authority of the Conservation Commission, Board of Health or Historic Commission over matters within their jurisdiction. **Special permit applicants shall follow the process outlined in Section 10.5 of the Sharon Zoning Bylaws.** *[Since MMUOD would be by-right zoning overlay district, when would the special permit be needed?]*

9.3.14 Severability. If any provision of Section 9.3 is found to be invalid by a court of competent jurisdiction, the remainder of Section 9.3 shall not be affected but shall remain in full force. The invalidity of any provision of this Section 9.3 shall not affect the validity of the remainder of the Town of Sharon's Zoning Bylaw. Also see Section 1.6 Severability of the Sharon Zoning Bylaw.

Discussion

Board discussed each change highlighted above in detail.

Peter O'Cain said he's the language guy and needs language to provide to Lauren Barnes. Whether it changes or not we need to get something to Administration. Mr. Blaszkowsky said we need to view first. If it's not ready, it's not ready. Need to do right thing.

Discussion stated map must be reviewed and understood for the warrant article.

Ms. Pai said this language is not final. It's a draft. Everything is changeable.

Chair McLaughlin said at end of night we will be in draft state. Need to decide if puts through language. Still will be information sessions. Let's do the best we can tonight. Develop this a little more and see where we get. Anything not resolved highlight in yellow.

David Blaszkowsky moved this document should be put on the website for all to view. It should be listed as a draft, not subjected to vote, a working document. Mr. Shapiro seconded the motion and the Board voted 3-0-0 in favor of posting on the website as draft language as of 1/18/24.

Ms. Pai stated that Ms. Smead provided documentation to be posted. All PB members present said they want to review Laura Smeads documents before its posted.

Chair McLaughlin will also review header statement with document that states it's a draft.

Mr. Shapiro asked for conformation that all is on track for outreach meeting. Ms. Pai said yes all is in place. Ms. Smead working on hybrid option.

Chair McLaughlin said during Public Outreach open as a PB Meeting just in case there are discussions.

Other – not on agenda – Business District A Language

David Wluka said he worked with Peter and Sonal to edit the language for Business District A. The language is related to building on Chestnut Square. He is putting up 18, 2 bedroom condos. Can tie into Wilber School septic. No retail. Condos only. He said Town prefers condos. He said Peter called him and said you don't comply with zoning. Can't build in business District A under current language. Wluka said SB created a placeholder to correct errors. Suggestions for corrections are below: Each was reviewed with the Board.

4.3 SPECIAL DISTRICT REQUIREMENTS. (Red- addition/change, Green- Comments by staff, Crossed-out language delete, highlighted – needs review)

4.3.2 Size Limits in Business Districts.

1. In the BA District, the total of all buildings on a lot shall not exceed 5,000 square feet of gross floor area. For the purposes of this Section, all contiguous separate lots or buildings in Business District A, if under single ownership, shall be considered as one lot or building.

4.3.3 Use of Front Setback in BA District. In the Business District A, any required front setback may only be used for landscaping, public seating, circulation, signage and drives, consistent with the Post Office Square Design Guidelines. The Planning Board, during site plan review, and/or the Zoning Board of Appeals, during special permit review, may increase the front yard setback if this is necessary to provide public area for pedestrian circulation and seating, and to ensure that criteria for site design as identified in the Design Guidelines for the Town Center Business District are achieved.

8.5 MULTIFAMILY/MIXED USE REGULATIONS IN THE BA, BB, AND BC DISTRICTS.

8.5.1 BA District. Site plan approval shall be required pursuant to Section 10.6. The Planning Board shall be the authority for site plan review and the Zoning Board of Appeals shall be the special permit granting authority for all developments in BA District, unless otherwise noted in this Bylaw. In addition to the reviews provided in said sections, the Planning Board and Zoning Board of Appeals shall also consider suitability and safety of ways for residents to their apartments, parking areas and usable open space; and the compatibility of the proposed nonresidential uses with residential uses with respect to safety from fire or other hazards and to protection from noise, litter or other nuisance. -needs both zoning board and planning board approval. Keep it that way?

8.5.2 BA District Requirements. Multiple-residence buildings containing three or more dwelling units, and mixed-use buildings with or without residential uses which require a special permit in the Table of Use Regulations, including services related thereto, shall be designed in accordance with the following:

1. There shall be ~~no~~ a minimum lot area, ~~lot width and frontage~~ requirement of 2,200 square feet per dwelling unit. ~~(lot width and frontage requirements same as old by-law existing before 2022)~~

2. There shall be no restriction on combining different categories of permitted uses within the same building other than those imposed by the State Building Code or other federal, state or local regulations other than the Zoning Bylaw.

~~3. Where it faces a street, a building shall have no more than 40% of its ground floor frontage devoted to residential uses, or enclosed parking.~~

~~4. Blank walls shall not occupy more than 40% of a ground floor street-facing frontage and shall not exceed 20 linear feet without being interrupted by a window or entry. 64~~

~~5. Buildings shall provide a foundation or base that extends from the ground to the bottom of the lower window sills that is distinguished from the building face by a change in volume or material. A clear visual division shall be maintained between the ground level floor and upper floors, which may include changes in volume or materials or other architectural detailing such as a belt course or cornice. The top of any building shall contain a distinctive finish consisting of a cornice or other architectural termination.~~

~~6. All ground floor facades facing public sidewalks, plazas, or other public open spaces, streets or rights-of-way shall have transparent features covering a minimum of at least 40% and a maximum 80% of the area between two feet and 10 feet above grade. Transparent features may include windows and transparent doors. "Transparent" means that an individual can see into the building from the outside. Transparent glass may be tinted, low-E, or include other similar treatment. For residential uses, this minimum transparency requirement is reduced to 20% of the area between two feet and 10 feet above grade to allow for increased privacy. Other treatments that enhance the pedestrian environment may be used.~~

8.5.3 BA District; Landscaping. On a lot ~~which is used for residence as well as business uses~~, the landscaping requirements of Section 6.1.10 shall apply to side and rear lot lines, except where driveways or parking areas are shared with an adjoining lot. A strip of lawn or natural vegetation at least 20 feet wide may be substituted in place of the screening otherwise required.

8.6.1 Applicability. Within Business District A, for those developments requiring a special permit for eight or more dwelling units, whether through new construction, substantial rehabilitation, residential conversion, or adaptive reuse, a minimum of 12.5% of dwelling units built shall be affordable housing. Developments shall not be segmented or phased in a manner to avoid compliance with these provisions. [Need language here about Payment in lieu of.](#)

Mr. Wluka said he has an agreement with SB that in lieu of an affordable unit they will give money to the Housing Authority. This was an agreement with Select Board. Mr. Wluka said economics not working for doing 2 affordables.

Xander Shapiro does not like in lieu of issue for not creating affordable unit. Will not resolve with three members tonight.

Chair McLaughlin said remove this language and move forward.

Mr. Wluka said 20% of lot coverage on the dimensional table is not possible for green space in a 20,000 square foot lot. Can't meet this. It's a practical matter.

Board wants to leave lot coverage amount as is. Can discuss at a later time. Board could waive or reduce at a later time.

Future Topics

Meeting format - ZOOM/Hybrid

Next Meeting Dates

1/25 (Discussion Public Outreach Documentation MBTA Zoning, Diamond Residence Bond),
2/13, 2/29 joint with Select Board, 3/12 (Public Outreach)

Adjournment

Mr. Blaszkowsky moved to adjourn at 8:55 PM. Mr. Shapiro seconded the motion. The Board voted 4-0-0 in favor of adjourning at 8:55 PM.