November 21st, 2016 Minutes

219 Massapoag Avenue Sharon, MA

Present: Patricia-Lee Achorn, Alexander Korin, Edward Phillips, Arnold Cohen, William Brack, Ira Miller, Gordon Gladstone, Jason Gates, Laura Nelson and Charles Goodman.

Absent: Hannah Switlezowski

**1. Appointment with Benjamin Pinkowitz, Chairman of the Planning Board regarding Article One of the Warrant.**

Benjamin Pinkowitz Chairman of the Planning Board, began by speaking on behalf of the board and their progress reviewing the Zoning Bylaw, article one of the warrant. There are no broad stroke objections to the town house zoning because they have full confidence in Tom Houston and his abilities. They are happy with the affordable housing particularly because it does not affect percentages within the requirements of 40B. He believes the zoning would be beneficial and at this time would vote on the affirmative. Many of the Planning Board members feel the same. Their next meeting will be held on December 1st, 2016 and this is where they will discuss the latest version of the article.

**2. Appointment with Robert A. Shelmerdine, counsel for Spring Valley Country Club regarding proposed Zoning Amendment for Special Fall Town Meeting.**

Robert Shelmerdine, counsel for the Spring Valley Country Club, indicated that the redline changes presented are based on Planning Board and Citizen concerns regarding: sustainability, green build LEED neighborhood, single family houses on existing roadways and all buildings being shown on the submitted site plan.

Four documents regarding the 11/16/16 proposed changes to the Bylaw Article published in the Warrant have been received: a redlined version zoning bylaw; a redlined version of the MOU; a document summarizing those changes; a conceptual plan based on the zoning bylaw and the MOU.

BYLAW-

There are two major differences between the November 9th version and the November 10th version of the proposed Bylaw:

 On page eleven in section 4394-B2 it states that the duplexes and the clubhouse need a wastewater plant; clarification that the septic systems must be compatible with Town zoning has been added. Soil testing has been done and that the property is appropriate for both the homes and the package treatment plant. They have also excluded lots required for the water drainage. During initial phases of development under 439-B2 there is flexibility in the initial septic system pending volume requiring a waste treated plant under Massachusetts regulations (greater than 10,000 gallons pre day). The Zoning Bylaw does not address where on site water treatment plant would be located. It just provides information regarding the usein general of a 180-acre golf course and fifty-two duplex units.

The second change, on page twenty-six, is the reference to the groundskeeper house owned by the Country Club; this reference was struck from the text because it was not in the detailed plan. There are also discrepancies with the May (or June) site map.

A summary of Bylaw changes from the original (10/03/16) to the 11/10/16 version include the following: the restaurant is proposed as a private facility to address neighbor concern about a public restaurant in a residential neighborhood; the Zoning Bylaw defines the allowable uses on the “multiuse lot” (swimming, tennis, golf, restaurant). 25 Tiot owns the land and buildings. Spring Valley Country Club would continue as a private club with a landlord-tenant arrangement.

MOU-

There is an open item in the MOU regarding charges for water hookup for the eight single family houses. The negotiated rate for the 52 units is $1,000. The standard hookup charge in Sharon is $4,000 and the question is which rate should be applied to the houses. The issue of changing the on-site restaurant from public use to private (with member sponsorship for a public event) should be resolved before the Planning Board meeting.

Attorney Shelmerdine discussed the current As of Right proposal in comparison with the Zoning Bylaw Article as reviewed at the 11/10/16 meeting of the Zoning Board. The current proposal is for 89 single family lots with 9 lots for drainage to be held out. He referenced a letter from Conico addressing the question of 70-80 buildable lots. For purposes of economic analysis by the Town, he proposed 70 single family homes with five bedrooms As of Right, and eight four-bedroom houses on the existing streets with 52 two-bedroom townhouses.

A neighbor has approached the Planning Board requesting the Zoning Bylaw be extended to the boundaries of the existing streets with the intent of including his property where he would like to proceed with building. The legal assessment is that extending the boundaries would not be permitted since it would substantially alter Zoning Bylaw as published and reviewed. Concerns were raised regarding “pot zoning”. Town Council believes it meets the legal requirement of “substantive benefits to the public welfare.”

Attorney Shelmerdine addressed questions by committee members:

* If ownership of the five lots is split what happens to the zoning? The zoning overlay continues to apply to the entire district and a final site plans go to the Planning Board.
* Under the redlined MOU payments to the Town are triggered by site plan approval. Building of As of Right homes does not require site plan approval.
* Over 92 residences requires a treatment plant (100 gallons per day per bedroom per DEP calculation).
* Under 61B conversion of land from recreational use triggers a 120 day option for the Town to purchase the land (at market) or recover 5 years of tax differential.
* One building permit under the revised zoning (RROD) triggers the requirement to build the entire property under the MOU.
* If the golf course is determined to be “abandoned” and revers to the Town, it is up to the Board of Selectmen (BOS) to determine the uses (for “general municipal purposes”)
* Zoning is the purview of the Planning Board; the MOU governs a lot of financial issues and those hinge on the BOS.
* No changes are anticipated in the Bylaw unless the Planning Board recommends changes at the 12/1 meeting.
* No changes anticipated to the MOU pending the issue re water hookup for single family homes. The Selectmen have not signed the revised MOU.
* Questions were raised regarding perceived discrepancies within the Zoning Bylaw as written. And the calculations for the number of school aged children As of Right and for the RROD proposal.

GENERAL DISCUSSION –

* Seventy five-bedroom homes are intuitively more expensive to the Town than the duplex homes and eight single family homes.
* The legal text of the zoning bylaw belongs to the experts.
* This is not strictly a cost analysis in determining a recommendation; it is nice to have a golf course in town and a big subdivision would be a loss.
* The proposal seems to have addressed concerns of the neighbors; "enemy of the good is the perfect. Helping the country club is a positive action of the Town and the changing bylaw provides an advantage not generally available.
* There is value of green space; still it is not certain the final shape of the "deal" is as clear.
* The process is awful in all aspects; problems with the timing of the process, do not like the "gun to my head;" do not know who the developer is, and will not know about Norwood until their spring ATM.
* It is difficult to evaluate the issue of the number of bedroom; the process has undermined the ability to review as it should be by the Finance Committee.
* We are concerned about the Special Town Meeting (STM) and the ability to present to the Town and any effort to put the final version in front of the citizens (redline versions, summery changes, maps).
* What can we do as a committee to make that as clear, accurate as possible for the citizens? Upload the documents as well as providing them a STM with a summary; which redline version (Warrant vs conform document redline changes to current zoning bylaw)?
* There is a need to finalize the Planning board and BOS processes.
* Concerns for Sharon Public School; concerns about knowing the real details; we have not seen the requested numbers from Sharon Woods for analysis; there is no long range planning.

On December 6th, 2016 there will be three meetings: Selectman meeting at 6:00 pm, the Pre-Town Meeting at 7:30 pm and the Open Warrant Meeting at 8:00 pm. All three meetings will be held in the Sharon Community Center building.

**3. Discuss and Vote on the Finance Committee’s Recommendation**

The final information that the Finance Committee discussed is fifty-two townhouses and eight single family homes. Each of the members went into their personal views regarding the project and the overall consensus was that the timing of this project is not ideal. Committee members not full convinced of the final configuration of the project. Members discussed their appreciation for the work done thus far and that the changes that have been made are substantial in response to the neighbors and Planning Committee concerns. Overall, the Finance Committee will have a better understanding and opinion regarding the article after both the Selectman and Planning Board meet, and a final version of the MOU is signed.

The Finance Committee requested a narrative summary of the changes not only for themselves but to be readily available for others to view as well. They plan to meet at 8:00 pm on December 6th, 2016.

**4. Adjournment**

**MOTION:** to adjourn by Patricia-Lee Achorn **SECONDED:** by Laura Nelson **VOTED:** 10-0-0.

The meeting was adjourned at 11:00 pm.