

MINUTES
SHARON BOARD OF SELECTMEN
March 10, 2014

The meeting of the Sharon Board of Selectmen was called to order at 5:35pm with Chairman Walter “Joe” Roach and Selectman William A. Heitin.

Brickstone/Rattlesnake Hill Discussion

Town Counsel Richard Gelerman and associate Cynthia Amara were present for the discussion.

Selectman Heitin began by saying that it has taken 18-20 months of discussions with various town groups and Brickstone. The development agreement is no different than what we have been talking about over the past 18-20 months. It’s a single-family residential development with 98 homes. We are getting most of the land. He added that a 40B is being marketed as we speak if this proposal is not passed at the Annual Town Meeting.

Attorney Gelerman said that he met with Brickstone’s attorneys last week to finalize the development agreement, but there were 3 to 4 outstanding issues. One of the issues is water infrastructure but that took some time to evaluate and review. An appraisal needed to be complete, which has been done and a draft appraisal was completed. The appraisal is at \$3.21 million; however, it is going to go up by no less than \$500,000. He has had extensive conversations with the Conservation Commission relative to the specific lots. He went on to say that this iteration of the development agreement came to him at 5:00pm today and it is unsigned and is yet to be signed. He still has to review the final terms but he believes the attorneys on both sides think they are there.

Attorney Gelerman went on to outline the open issues:

- Brickstone is still waiting to see the final appraisal
- Timing by which the Conservation Commission has to exercise their right to purchase
- The conditions under which Brickstone can pull out of this agreement and proceed with their 40B

Attorney Gelerman provided an outline of the project, noting that the project is a 98-site subdivision with an average 3.85 bedrooms per house. The town will receive as a gift, 154 acres for conservation purposes and 6.6 acres for general municipal purposes. The Town can purchase another 60 acres for \$3 million – half will be used for open space and the other half for recreation. There is a parcel of land, consisting of 30 acres, which will have a private conservation restriction it for their wastewater treatment facility.

Questions and comments from the audience centered on buildability and water resources and the offers for a 40B.

Selectman Heitin noted that a few developers have approached Brickstone. Attorney Gelerman replied that the 40B project that was approved by ZBA for 120 units, which was appealed. That is a pending case. Attorney Gelerman can’t speak any further to this in an open session.

Selectman Heitin said that this is a better development than the 40B. He added that this agreement is the last time the Town is going to negotiate with Brickstone. Attorney Gelerman replied that they are

committed to use good-faith efforts to go for permits for the 98 units. Once approved, they are committed to transferring these parcels to us. In response to a question, Attorney Gelerman noted that it is in the development agreement that they can't proceed with the 40B once they have gifted us the land.

In response to a question, Selectman Heitin reiterated that if Town Meeting does not approve the \$3 million, none of this happens and Brickstone will proceed with the 40B or a conventional subdivision. In response to a question about whether this agreement needs to be approved at Town Meeting, Selectman Heitin said that it was incorrect – it's not a contract and Attorney Gelerman agreed that a development agreement is not a contract and the amendment was approved by Town Meeting. In response to a comment about wanting control of the developer, Selectman Heitin said that there are national building developers being considered for this project.

Ms. Amara reviewed the water improvement commitments and mitigation components of the development agreement. She has worked with DPW Superintendent Eric Hooper, Town Engineer Peter O'Cain and Brickstone's consultants on water issues. Some of the concerns centered on proper water flow and the need to not adversely impact existing service. Selectman Heitin noted that the water lines are going to be town-owned, as we have easements.

Attorney Gelerman reviewed the land transfer provisions in the development agreement and reiterated that 154 acres will be gifted to the Town. With respect to traffic and roadway provisions, the developer is using a traffic consultant and will work on a traffic plan. Attorney Gelerman noted that they are meeting with the Finance Committee tonight. Everything is being peer reviewed. He hopes to have this finished Wednesday or Thursday.

In response to a question about how the 60 acres will be distributed between open space and recreation, Selectman Heitin replied that right now, it's 50/50 and Attorney Gelerman noted that the developer is going to give easements over their property for walking trails.

In response to a question about why various town boards can't review the document and offer comments, Attorney Gelerman said that it would never get done if they had input from everyone – that's not how you negotiate with a landowner. He added that there are still many reviews still coming up – Conservation, Board of Health, Planning, Town Meeting.

Selectman Heitin said that they have made a concerted effort to come up with an option that is better than previous options, and it's an insurance policy for the town.

MOTION: To approve the development agreement as discussed this evening, pending final legal counsel review
(Heitin – Roach) 2-0 **PASSES**

Topics not reasonably anticipated forty-eight hours in advance of the meeting

None

Adjournment

MOTION: To adjourn at 6:25pm
(Heitin – Roach) 2-0 **PASSES**