

Town of Sharon Planning Board
 Minutes 4/9/14
 Approved on 4/30/14
 Sharon Community Center
 Filmed by SCTV

Planning Board Attendees	
Pat Pannone, Chair - absent	Ben Pinkowitz
Anne Bingham	Peter O'Cain, Town Engineer
Rob Maidman	David Milowe

Michael Pierce 1959 Bay Road	Richard Mandell 580 Mountain Street
Kyla Bennett Box 574 Easton	Cheryl Weinstein 4 Coach Lane
Ivars Apse	Cindy Amara
Richard Gray 756 Mountain Street	Marlene Chused
J and P Bookbinder 738 Mountain St.	Tom Houston
Michael Illuzzi	Ken McKenzie
Scott Thornton	Paul Lauenstein, Gavins Pond Road
Rita Corey	Frank Holmes
Dick Gelerman	Jeff Spagat
Ed Burr	Kurt Buerman
Alex Korin	Gordon Gladstone
Eric Hooper	John Connery
Dave Lewis	Chris Regnier
Kathy Farrell	David Dearborn
Ed Welch	Susan Graltz
Judy Becker	Bob Chavez
Alice Cheyer	Joe McCluskey

Meeting Initiation

Rob Maidman opened the meeting in the absence of Chair Pannone.

Ms. Bingham stated that she wanted to make a motion to not open the public hearing because the development agreement was not signed by the Conservation Commission. The major purpose of the proposed bylaw is regarding open space and she does not believe we should proceed until the development agreement is final.

Attorney Gelerman commented that it is true that the bulk of the agreement does not require the Conservation Commissions acceptance as we are not using Conservation Commission funds. He thinks it is appropriate for the Board to move ahead. The Conservation Commission is receiving 220 acres and CPC funds are being used. All mitigation items do not impact Con Comm. The Planning Board is working on the zoning article.

Ms. Bingham said that it is the intended consequences which we are being asked, to approve something in the development agreement which is still being negotiated.

Mr. Pinkowitz stated that a lot of the public is present and we should proceed with the Public Hearing. Mr. Milowe agreed.

Brickstone Public Hearing

Mr. Pinkowitz read the public hearing notice and the hearing was opened.

**PUBLIC HEARING
NOTICE**



PLANNING BOARD

The Sharon Planning Board will hold a **Public Hearing on Wednesday, April 9, 2014 at 7:30 PM**, at the Sharon Community Center, 219 Massapoag Avenue. The purpose of the public hearing is to provide interested parties with an opportunity to comment on a proposed May 5, 2014 Annual Town Meeting article to change the Sharon Zoning By-Laws by amending certain sections thereof and by amending the map entitled "Zoning Map, Town of Sharon, Massachusetts" dated May 2007, and amended May 6, 2013, and prepared by the Department of Public Works, Engineering Division, GIS Team.

The proposed amendments would amend the Sharon Zoning By-Laws by creating the Rattlesnake Hill Open Space Overlay District (Rattlesnake Hill District) which would overlay a portion of the existing Rural District 2 located to the east of Mountain Street allowing applicants to choose between development of a single family residential cluster subdivision with alternative dimensional, use, phasing and other requirements as permitted by the Rattlesnake Hill District or development of single family residences as permitted by the Rural District 2.

The purpose of the Rattlesnake Hill District is to enhance the public welfare by creating a vibrant community of single family homes, expanding housing resources and protecting valuable natural resources by effectively preserving land for open space, recreational and municipal uses. All lots shall have frontage on streets within the Rattlesnake Hill District. No more than one principal building shall be located on any lot. Minimum Lot Area shall be twenty thousand (20,000) square feet. Buildings in a Rattlesnake Hill Development shall have a maximum height of thirty-five (35) feet or two-and-a-half stories.

The proposed amendment would revise certain existing sections of the Zoning By-Law and would add new Sections 4391 through 4396, which Sections would constitute the Rattlesnake Hill District. The full text of the proposed amendment and the map amendment are available in the office of the Town Clerk and the Public Library and the Sharon Department of Public Works.

The amendments will place a portion of a certain tract of land located on the east side of Mountain Street at 400 Mountain Street within the Rattlesnake Hill Open Space Overlay District, and will revise the map legend, labels, and notes thereto.

Said tract of land is located at on the easterly side of Mountain Street between Mountain Street and Bay Road and northerly of Briggs Pond. Currently, said tract of land is located within the Rural District 2 (R-2) and will remain in this district. Portions of the tract are currently overlain by the Senior Living Overlay District (Senior Living District), the Surface Water Resources Protection District and the Groundwater Protection District and will remain in these overlay districts.

All interested parties should plan to attend.

Sharon Planning Board,
Mr. Pat Pannone, Chairman

Chris Regnier of Goulston and Storrs introduced Jeff Spagat of Brickstone Properties. Mr. Spagat said that there have been plans for a senior living space but the market turned and it is not feasible. They sat on the project until the residential market turned. He said they were approached by the Town and the BOS for a project that would convey land to the Town for open space. There are two types of housing in demand he stated; 40B and cluster subdivision. The Town requested the cluster subdivision. If this does not pass at Town Meeting then they will pursue other alternatives. He thinks this is the best solution.

Ms. Bingham commented that you still have the senior overlay district.

Mr. Regnier said that if they proceed with the cluster subdivision the senior district cannot be built.

Mr. Spagat said a question has been asked as to why not use the existing zoning and he said the market does not want 2 acre lots which are the existing zoning.

Mr. Regnier said that if the Planning Board and Town vote in favor then this allows us to move on to the permit process and they will need to come back to the Planning Board for the definitive subdivision plan and they will need a groundwater review from the State. The Town Meeting is not the end all. In terms of the zoning article he reviewed the zoning area on the map.

It will not be more than a 98 unit cluster subdivision. It would be in Rural District 2. They are generous lots but the lot widths and frontage are shrinking in footprint to allow for more donated land. The market is looking for smaller lot area. The single family use is being proposed. Certain things are problematic in the existing zoning. The wetland setback would prohibit retaining walls so they are seeking an exemption. Also there is a portion of the site that is in the surface water protection district and they want smaller lots. Required was 80,000 square feet. They are asking for dimensional use and trying to maximize open space.

Scott Thornton from Vanasse and Associates, Inc. provided a handout to the Board which contained responses to traffic questions previously asked. A discussion ensued.

Mr. Thornton said that an escrow account will be funded before the septic system is turned on to deal with immediate issues. The trust account is for capital replacement. The DEP and Trustees will be there along with money for the facility.

Mr. Regnier said there is nothing in the zoning that speaks to phasing as that will be discussed during the definitive subdivision plan phase when they have more detailed engineering plans.

Mr. Maidman said he is also concerned with the waste water treatment plant.

Mr. Regnier said financial mechanisms will be in place.

Mr. Milowe asked if the final development agreement discusses phasing.

Mr. Gelerman said that phasing is a market function. The Town will not absorb 98 homes at once. The treatment plant will be built before all homes are to be built. The number of years and phasing of the development will be discussed during the subdivision process which the PB will review.

Kyla Bennett of NEPeer commented that Mr. Gelerman stated that the development agreement is in effect but page 14 of the development agreement says the development agreement is in effect at the Town Meeting vote and the Attorney General approval.

Mr. Gelerman said it is fair to assume that this developer will not build the homes. In terms of subdivision approval it is subject to provision of the article, development agreement and zoning. The developer will need to bond their performance for obligations. That is how you protect yourself.

Ivers Epps of Coach Lane commented that regarding the land gift, it is a trigger event for purchase of land and is contingent on approval for not less than 98 units. It does not address if less than 97 units, what happens to the land transfer.

Attorney Gelerman said that there is an amendment to the development agreement that says in the event Brickstone receives approval for less than 98 homes they cannot proceed but if they do proceed for less than 98 homes then all obligations remain unaffected, unchanged and intact.

Mr. Maidman asked when the agreement will be available.

Mr. Gelerman said within a day or two.

Ms. Bingham expressed her thoughts that she thinks Brickstone can get around this process.

The public hearing was temporarily stopped.

Scenic Roads Public Hearing

Mr. Pinkowitz read the public hearing notice and the Board voted 4-0-0 to open the hearing.

Greg Bonavich of Borderland Engineering wants approval for removal of two 17 foot wide sections of stone wall and 10 trees.

Ms. Bingham said the Tree Warden in his letter to the Board requested \$600 in restitution as a donation from the developer.

Mr. Maidman read the March 12, 2014 letter from the Tree Warden, Kevin Weber regarding the property at 158 and 162 East Street – Scenic Road Access.

After a brief discussion, Mr. Pinkowitz moved to approve two openings and removal of 10 trees at 158 and 160 East Street and to appropriate \$600 to the recycling account. The spoils of the wall removal should be used to finish the edge of the walls. Mr. Milowe seconded the motion and the Board voted 4-0-0 in favor. The Board voted 4-0-0 to close the public hearing.

Brickstone Public Hearing continued

Mr. Regnier said they will go through a robust definitive subdivision plan at a later date. We heard the concerns regarding the waste water facility and wells and pumps. They anticipate adding a 20,000 gallon storage tank in case the pump broke.

Regarding the question of how the HOA would work, Mr. Regnier said it is a recorded covenant against all lots. There is a regulatory process and lending environment to shape the project which is a further level of assurance before a shovel is put in the ground.

Mr. Thornton of Vanasse and Associates reviewed the questions and answers regarding the traffic. In the initial infrastructure phase 6-9 class A trucks per day for 2-3 months would be the estimate. In the home construction phase, he estimates 25 homes built per season and this lasts 8-10 months. He said about 10 trailers per house spread over a season would be used so 1-2 trucks for home construction. As other sections get developed you go back to the infrastructure phase. The bulk of the construction workers will be brought to the site on smaller vehicles. The larger truck would stick to the major routes of Bay Road to East Street to Mountain Street. He feels the traffic of the big trucks would be dispersed during the day.

The trip estimates versus the number of bedrooms he said that the information is based on data that has a high degree of accuracy. School buses were included in the counts.

Ms. Bingham asked if there would be a need for tree cutting on the roads above Hampton and Mr. O'Cain said he did not think there would be a significant need.

Judy Bookbinder of 738 Mountain Street said she is concerned with the curviness of Mountain Street and the large trucks going through.

A question was asked as to whether there is a possibility that the senior overlay district would be adapted to some section of the land.

Attorney Amara said that up until the development agreement gets approvals and permits, the senior overlay district can be used. Once a permit is pulled, it can no longer be used. They could not use both zoning options on the site.

Attorney Gelerman said that when the project reaches the point of permitting the land will be given to the Town. If they proceed with less than 98 residential units then all requirements apply. If they do not get approvals or it's more than 120 days then they don't have to proceed with the 98 homes and can proceed with the senior overlay living. He confirmed that if they do 98 units the town gets the land. If they do the senior overlay district, the Town gets land. The obligation runs with the land and binds successors. It is recorded at the Registry of Deeds so others are bound to it.

Mr. Thornton said the traffic study needs to be worked out with the Towns peer consultant to identify specific areas of improvement.

Chery Weinstein of Coach Lane thinks there is a threat of a 40B and that the 40B potentially would bring fewer children to Town.

Ms. Bingham questioned how the amount of \$250,000 was determined to give to Sharon Housing when a median priced home in town is \$450 K and these new homes will sell for \$800K.

Mr. Regnier said that in terms of development alternatives, the development agreement is based on good faith efforts. When the zoning article is passed they want to hit the ground running in this good housing market. If they do not do cluster homes then they will do a 40B. The Selectmen wanted the single family homes and that is why they proceeded this way.

The overlay district allows from a zoning perspective to give the town 220 acres.

Ms. Cheyer of 1 Glenview said she was concerned this development would be by right without the judgment of the land boards. She is against by right unless they are open to a special permit review.

Ed Welch of 281 Mountain Street said he does not think the road is built to hold large trucks.

Attorney Gelerman commented that Ms. Cheyer is correct in that a special permit gives the Town greater control rather than as of right however this is a project that will require oversight from the BOH, DEP, CON COMM and Planning Board. Water improvement will be paid by the developer as determined by the Department of Public Works. He also said that lots are laid out and approved by the Subdivision Plan.

Rita Corey of 282 Mountain Street asked if a booster pump will be built on Hampton Road.

Mr. Holmes of Santec said the location of the booster pump would be at the entrance of the development or on the corner of Hampton but they would work with the DPW. There will be no reduction in water pressure and no water tank is being proposed as part of the development.

Mr. Maidman moved to defer discussion of the hearing until the next meeting on 4/30/14. Mr. Pinkowitz seconded the motion and the Board voted 4-0-0 to continue the hearing to next meeting.

Minutes

Mr. Maidman moved to accept the minutes as presented for 3/26/14. Mr. Milowe seconded the motion and the Board voted 4-0-0

Next Meetings

4/30, 5/14, 5/28, 6/11 and 6/25.

Adjournment

Mr. Milowe moved to adjourn the meeting at 10:30 PM. Mr. Pinkowitz seconded the motion and the Board voted 4-0-0 in favor of adjournment.