

Town of Sharon Planning Board
Minutes of 5/27/15
Approved on 6/10/15
Sharon Community Center
Filmed by SCTV

Planning Board Attendees	
Pat Pannone	Ben Pinkowitz
Shannon McLaughlin	Peter O'Cain, Town Engineer
Rob Maidman	David Blaszkowsky

Other Attendees	
None	

Meeting Initiation

Chair Maidman called the meeting to order at 7:35 PM and read the Chair's Report.

Meeting Minutes

Mr. Pannone moved to approve the minutes of 5/13/15. Mr. Pinkowitz seconded the motion. The Board voted 3-0-1 in favor of approval.

New Member

Chair Maidman introduced new member Shannon McLaughlin to the Board. Shannon was elected during the May, 2015 elections. A brief discussion ensued.

Various Topics

Mr. O'Cain provided each member with:

1. A model amendment to a Zoning Ordinance By-law; Small Wind Energy Systems
2. A model As-of-Right Zoning By-law: Allowing use of a large scale ground mounted solar photovoltaic Installations
3. A Model By-law for accessory dwelling units.

These documents are for the members to read and to be discussed at a future meeting.

Bella Estates

Mr. O'Cain provided a status report on Bella Estates as of May 15, 2015. He reviewed the open items and what has been completed to date. After a detail discussion, Chair Maidman said he would issue a note to Mr. Khoury regarding the remaining open items.

New Housing in Sharon

Mr. O'Cain discussed the various housing units being built around town. He stated that the ZBA has a filing under 40R for the property near route 95 opposite Shaw's. The Town receives cash from the State based on the number of units built. The Selectmen as Roadway Commissioners received two proposals for the roadway for the project. The two options are a residential plan and a mall road. It is a 192 apartment complex. A discussion ensued.

Additionally Mr. O'Cain stated that there is an 88 unit assisted living development proposed off Old Post Road.

Mr. O’Cain contacted the DHCD regarding the two 40B’s that have not been built or issued permits but have been approved by the ZBA. The text of the questions and responses from the DHCD are as follows:

We currently have two 40B’s that have not been built or issued permits but have been approved by the ZBA. We have a 192-unit rental 40R project that should soon be approved. If the 40R project puts us over 10%, what happens to the previously approved 40B projects? Are they still buildable? Under what timetable?

In short, I believe yes; the two previously permitted 40Bs would still be buildable. Under the current regulations, safe harbors such as achieving the 10% essentially have to be exercised at the time of application (within 15 days of opening hearing I believe). In terms of when the CP lapses, see 56.05(12)(c) (“Lapse of Permits”). Permits can lapse after 3 years of becoming final but for details see the regulation...

<http://www.mass.gov/hed/economic/eohed/dhcd/legal/regs/760-cmr-56.html>

2) How long is the protection period for 192 rental units. Does the Town still have to issue permits for the previously approved projects if we are over 10%?

Yes, for previously approved projects (see response above). No for new applications. See 56.03(8). Procedure for Board Decision

3) If current regular housing construction pushes us under 10% to say 9.8% after the 40R has been completed, do we have to approve additional 40B projects or allow construction of existing approved projects?

Either way existing approved projects are not subject to safe harbors. In terms of new applications, yes the town would again be potentially vulnerable to new applications if it fell below 10% and did not have other safe harbors (e.g. certified housing plan). The adoption and implementation of a 40R can potentially provide some relief and is always worth bringing to the attention of a subsidizing agency during the comment period, but any associated consideration/relief (absent other safe harbors) by a Subsidizing Agency at the Project Eligibility Letter stage is generally temporary and at that agency’s discretion based on a variety of factors (e.g., status/size of district, etc. Re: PEL denials in Easton, Reading, and Norwood.

State Stretch Code

Mr. Pannone discussed the topic of State Stretch Code. He said he would like to see it included within the bylaws as it falls in line with being a green and sustainable community. A conversation ensued and the Board will continue to review at a future date.

Adjournment

Mr. Pinkowitz moved to adjourn the meeting at 8:30 PM and Mr. Pannone seconded the motion. The Board voted 5-0-0 in favor of adjournment.

Future Scheduled Meetings

6/24, 7/8, 7/29, 8/19, 9/9