

MINUTES
SHARON BOARD OF SELECTMEN
September 20, 2016

The meeting of the Sharon Board of Selectmen was called to order in the Town Hearing Room at the Community Center at 7:07pm with Chairman Walter B. Roach, Clerk John J. McGrath, Selectman William A. Heitin and Town Administrator Frederic E. Turkington, Jr.

Lifesaving Award Presentations

Jennifer O'Neil and Diane Prager were present before the Board. Karen Kravets was out of town and unable to attend,

Selectman McGrath noted that a tragedy was averted at Lake Massapoag in July, when three lifeguards saved three young girls. The Board is proud of their actions, and they should be proud of themselves.

Selectman McGrath summarized the actions of July 19, 2016 where three young girls went into distress in the water and needed to be rescued. Jennifer, Diane and Karen were instrumental in rescuing the three young girls.

On behalf of the Town of Sharon and the Board of Selectmen, Selectman McGrath presented Lifesaving Awards to Diane and Jennifer.

Sharon Celebrates Diversity Project Update

David Clifton from the Sharon Rotary Club and co-chair of Sharon Celebrates Diversity was present before the Board. Mr. Clifton noted that Sharon Celebrates Diversity is a joint project between the Rotary Club and the Lions Club. He noted that 75 countries that are represented here in Sharon.

Eileen Cohen from the Sharon Lions Club announced that *A Time for Unity* will take place on Sunday, September 25 from 6-8pm at Veterans Memorial Park Beach. There will be inspirational speakers and music during the program.

David Philips spoke about the *A Taste of Sharon's Diversity* to be held at the high school on Sunday, May 21, 2017. There will be entertainment, raffles, arts and crafts, and food from various countries.

Mr. Clifton thanked the Town for its support. Chairman Roach asked how long the banners will be displayed and Mr. Clifton explained that they hope to have them up from May to October 2017.

Discussion Concerning Proposed Development and Zoning Change at Spring Valley Country Club

Attorney Bob Shelmerdine, representing Spring Valley Country Club (SVCC), was present. Town Counsel Dick Gelerman and Lisa Whelan were present, along with consultant Tom Houston.

Mr. Shelmerdine believes he and Sharon's Town Counsel have worked out the major terms of the Memorandum of Understanding, and hopes the Board will call for a Special Town Meeting this fall. Since he last met with the Board, there have been some changes to the proposal. SVCC has agreed to a \$400K water mitigation agreement, and to build no less than 10% of the housing stock that will be deemed affordable. He met with the Finance Committee last night, meeting with the Planning Board at an upcoming meeting, and

will be meeting with the Conservation Commission. He does need the Board to approve the MOU terms, and to call for a STM in the fall.

Attorney Gelerman noted that the Board received three iterations of the Memorandum of Understanding (MOU) and reviewed the newest changes to the MOU: project to consist of 58 clustered units, 10 ANR lots, plus a function facility. He added that the Town has wanted an emergency water hookup to Norwood – the parties will agree to support the Town in obtaining water main service; 25 Tiot Holdings, LLC is looking for sewer from Norwood. Attorney Gelerman reviewed the provisions related to the emergency water supply and the water supply improvements: a \$400,000 payment to help the Town's costs in connecting to the Norwood water main and pump station construction; \$1,000 tie in fee per unit and a \$600,000 payment to Norwood via Sharon for the purpose of payment of the fee that Norwood will charge for the emergency water hookup. This is the issue that separates the two sides.

Attorney Gelerman went on to say that if the golf course doesn't make it as a golf course, Lot 1 cannot be used for residential use. It would come to the town, fee free. It is currently taxed as 61B. When the land is converted to a use not covered by 61B, there are rollback taxes owed to the town.

Chairman Roach asked about the 10 units on Edge Hill Road and if they are they part of the 61B. Attorney Gelerman believes so, so there would be a rollback to the town. He added that if this deal doesn't get developed pursuant to the MOU, the town can go back to Town Meeting. The developer will not use the underlying zoning as long as the project is proceeding – this is a new provision in the MOU today. Additionally, the billboard provision is off the table.

Mr. Turkington asked if Lot 1 on the map has the requisite frontage to meet underlying zoning. Attorney Gelerman believes that it does have adequate frontage. Attorney Whelan said there could be a width issue. Attorney Gelerman explained the breakdown of the lots:

- Lot 2 – duplexes
- Lot 3 – restaurant
- Lot 4 – more duplexes
- Lot 5 – ANR lot

Attorney Gelerman will show the plan to both the Town Engineer and to Mr. Houston relative to frontage for Lot 1.

Mr. Turkington noted that the restaurant is supposed to be open to the public – how would it work with respect to the golf members. Mr. Shelmerdine believes that it will be open to the public, but will be managed by the existing golf management. Chairman Roach asked about the size of the restaurant, and Mr. Shelmerdine explained that the public restaurant will be built within the locker rooms and the function facility, on the existing patio.

Chairman Roach noted that the Norwood Town Engineer asked what the seating capacity of the restaurant would be, as it could affect the sewer capacity being sent to Norwood. Mr. Shelmerdine said that they have to calculate all of that and that he has a tentative meeting with Norwood officials tomorrow morning. If Norwood isn't an option, there will have to be an onsite septic system.

Chairman Roach noted that the devil is in the details, and there are a lot of balls up in the air. The Board has to represent 18,000 people. Mr. Shelmerdine said that if this should move forward tonight, his job is just beginning.

Mr. Turkington asked when this project would be no longer SVCC's idea and the owner's project. Mr. Shelmerdine said that he doesn't know the answer, but believes likely after Town Meeting.

Selectman Heitin summarized the comments sent to the Board today from Finance Committee Bill Brack, based on last evening's Finance Committee meeting. Selectman McGrath noted that he and the Chairman did not see the Finance Committee's comments prior to this meeting. Selectman Heitin said that the bigger issue is that the Board just received the MOU at the start of the meeting and the draft warrant article.

Selectman Heitin explained that the Board's intent that the developer fund emergency water hookup and to bring the affordable stock to 10% - we had to wait until today to get the MOU and the zoning article. The development was first presented with 48 units, then to 54, and now to 68. Another big issue is that the Town has no idea what Norwood will do. He understands about the December 31 deadline but the Board needs to be responsible and allow other town boards/committees to review the proposal, the zoning and the MOU.

Selectman McGrath doesn't feel Selectman Heitin's assessment of the emergency water hookup is fair to the developer - the Board didn't talk about having the hookup paid for in its entirety. He feels the developer has ponied up - they offered something up first, before the town asked for anything. He said the figure that was the owner offered was \$400K for the emergency hookup; we wanted \$460K.

Selectman McGrath asked who put forth the \$600K proposal as the third piece. Mr. Turkington said that the \$600K was what was represented by the developer. Mr. Shelmerdine said that he first had conversations a month ago with Mr. Turkington. In that first week, the developer learned that the town wanted the developer to pay for the emergency water hookup to Norwood. He spoke about the different iterations of the MOU as it relates to the emergency water hookup.

Mr. Shelmerdine said that in the end, they have offered the \$400K for the hookup. With respect to the affordable units, he believes he has now satisfied the request for affordable units.

Selectman McGrath doesn't believe there was good faith in bargaining on the town's side. The only thing left on the table (other than the issues the Planning Board has) is the \$600K, as he has no idea where it came from.

Selectman Heitin doesn't know where some of what is in the MOU, as it was just developed today. \$68K was in lieu of paying \$200K. Support of this is a massive support for the developer. The town is giving up a lot.

Selectman McGrath noted that there is a value to having this clustered development instead of shutting down the golf course.

Chairman Roach said that since day one, he told Mr. Shelmerdine that we are going too fast, and this a perfect example of why it needs to be slowed down. Chairman Roach is up in the air at this point, because this happens every time we have a proposed development. Mr. Shelmerdine said that we have until the end of the year to make a deal. He added that they don't have to wait for Norwood - they can get an onsite septic. Chairman Roach pointed out no test borings have been done. Mr. Shelmerdine said that he has three months to get this done; Chairman Roach countered that it isn't his problem.

Mr. Shelmerdine noted the negative impacts to the town if the Board does not call a Special Town Meeting.

Selectman Heitin believes that the MOU should go to the Finance Committee, Planning Board and the Conservation Commission for their review.

Selectman McGrath asked Mr. Shelmerdine if he would be able to send the MOU to all of the town/boards. He then asked Mr. Turkington if there will be enough time to get a Town Meeting together if there was another delay in the vote. Mr. Turkington replied it is possible.

Mr. Turkington questioned whether the tie in to Norwood sewer or the onsite septic is what Mr. Shelmerdine he is pursuing. Mr. Turkington wonders who is involved with the project, who is handling the project and what are the commitments that this project will be followed? Mr. Shelmerdine said that Mr. Weintraub has the ability to develop this. Mr. Turkington said there a lack of confidence on the project. Mr. Shelmerdine said that from a zoning perspective, it does not matter who the developer will be down the line.

Chairman Roach asked many times who the investor was, and it took a while even to get the name.

Mr. Turkington said that it is rare for the proponent to not own the property. Mr. Shelmerdine is the attorney for the country club; it strains credibility.

Selectman Heitin asked why this is not spot zoning. Mr. Houston explained that it is a unique tract of land; there are no other 2,000 acres left for development.

Attorney Gelerman pointed out that legally, it doesn't matter who the developer is; politically, it does matter. This is an unusual matter. With respect to the process of crafting the MOU, he gets his marching orders from the Town Administrator and from any of the Selectmen. He puts everything in and then there is a discussion amongst the Board. Selectman McGrath doesn't believe that process is appropriate. Selectman McGrath said the \$600K is a major issue.

John Beagan, 226 Edge Hill Road, asked who the MOU would be entered with. Mr. Turkington said that the agreement would be signed by Jeffrey Weintraub.

Matthew MacDonald, 237 Edge Hill Road, just learned about this project this afternoon. One of his concerns is that is does feel rushed and not a lot of information going to the right parties to be able to make an informed decision. He noted that the plan in front of the Board is different from the plan that he received from a neighbor. He urges the Board to be cautious and care in negotiations.

Laura Nelson, a member of the Finance Committee and abutter at 236 Edge Hill Road, thanked Mr. Shelmerdine for the 10% affordable. She asked about the 10 ANR units and how it would tie in to septic – Mr. Shelmerdine said those units would connect to the cluster development further up Tiot Street. As an abutter, she would not want playing fields, billboards or cell towers in her backyard.

Mr. MacDonald added that he would rather see the land go to the Conservation Commission instead of being reverted to general municipal use. He thinks the clustered development is terrific, but he doesn't think it's good development to add units to be able to agree to the 10%. Selectman Heitin said that the 10 units were initially going to be single family homes.

Ms. Nelson asked about putting up blocking (trees) to make a more serious distinction between the golf course and private property. Mr. Turkington said that would be part of the site plan with the Planning Board.

Mr. MacDonald said that traditionally, the affordable units are interspersed in the development.

Selectman McGrath noted there is a time constraint, and despite what the Chair said, it is our problem. If the developer goes to option B, we could be losing. Mr. Shelmerdine agreed, and said that if the Board doesn't approve the MOU and call for a Special Town Meeting, then the deal is over.

Selectman Heitin believes that we need to allow others to read through the zoning, and finalize the MOU.

Mr. Shelmerdine reiterated that he needs a vote tonight or we don't have any time. He believes the Board can vote to call a STM tonight and then circulate the MOU and zoning. Selectman Heitin said that the Board prefers a clustered zone development and preserve the golf course, but the feedback they have received from the various town boards, is that more time is needed. Selectman Heitin believes we should continue it for a week and make the information public.

Selectman Heitin offered to speak with the owner of the property directly and ask for an extension on the 12/31 deadline. He wants to represent the town and see if he can seek an extension. Mr. Shelmerdine said that he has no ability to have a meeting next week.

Chairman Roach said that if Mr. Shelmerdine was to go to Town Meeting without the backing of the town boards/committees, does he believe he would get support from Town Meeting? Mr. Shelmerdine replied that if there is a will, there is a way.

Selectman McGrath believes that there isn't a need to postpone for another week, and doesn't believe another week would be useful.

Mr. Shelmerdine said that the bylaw is still in flux. Attorney Gelmerman said that in reality, a call to Mr. Shelmerdine's client to ask for another week could help, and the Board can coalesce and come together. He suggests that the conversation be continued.

MOTION: To extend the discussion on the MOU and zoning until one week from tonight, and the Board will make a decision at that time
(Heitin - Roach) 2-1 **PASSES** (Selectman McGrath opposed)

Potential Special Town Meeting Discussion

This item will be held until the next meeting.

Town Administrator's Performance Evaluation Discussion

Due to the late hour, this and the next item will be held until the next regularly scheduled meeting.

Review Status Report of Goals & Objectives for October 1, 2016 - September 30, 2016

This item is held.

Zoning Board of Appeal Alternate Member Selection

After some discussion about the two candidates, Selectman Heitin made a motion to appoint Mr. Cohen to the Zoning Board of Appeals.

MOTION: To appoint Steven Cohen to the Zoning Board of Appeals
(Heitin - McGrath) 3-0 **PASSES**

Selectman Heitin would like a letter to be sent to Mr. Frigault, informing him of the Board's decision.

Consent Calendar

- I. Vote to approve regular & executive session minutes of September 8, 2016
- II. Vote to approve the 2017 Board of Selectmen meeting schedule
- III. Vote to approve the license agreement for One School Street
- IV. Vote to approve the Dreamfar 10k Road Race scheduled for Sunday, January 22, 2017
- V. Vote to approve the Common Victualler's License for I Grant Restaurant Group, Inc. DBA Travellis Pizzeria at the Carriage House
- VI. Vote to appoint Frederic E. Turkington, Jr. as the Records Access Officer per the new public records law
- VII. Vote to approve the all alcohol one-day alcohol license for Joseph Fitch and Sara's Cooking for a wedding at the Community Center on September 25, 2016 from 4:00pm to 10:00pm
- VIII. Vote to approve the all alcohol one-day alcohol license for Michael E. Labbe and Anne Labbe for a Bar Mitzvah at the Community Center on October 8, 2016 from 6:00pm to 10:00pm
- IX. Vote to appoint Charlotte DiClemente as a Crossing Guard
- X. Vote to approve the banner request for the Friends of the Sharon Library Book Sale from May 15-22, 2017 in second position
- XI. Vote to approve the banner request for HUGS Domestic Violence Awareness from October 3-10, 2016 in first position

MOTION: To approve the September 20, 2016 consent calendar, as presented
(McGrath - Heitin) 3-0 **PASSES**

Town Administrator's Report

The Town Administrator reported the following:

- Reminded the Board that the Planning Board should soon be providing the four candidates for the at-large seats on the Master Plan Steering Committee.
- The Town Meeting would need to be on Monday, December 12 if called next week

Topics not reasonably anticipated forty-eight (48) hours in advance of the meeting

None

Adjournment

MOTION: To adjourn at 9:03pm
(Roach - Heitin) 3-0 **PASSES**