

Town of Sharon Planning Board  
Meeting Minutes of 3/27/13  
Amended and Approved on 4/24/13  
Sharon Community Center  
Filmed by SCTV

**Planning Board Attendees**

Eli Hauser, Chair - arrived slightly late	Anne Bingham
Rob Maidman, Clerk	Pat Pannone
David Milowe, Vice Chair	Peter O'Cain, Town Engineer

**Other Attendees**

Cindy Amara	Ed McSweeney
Tom Houston	Scott Hickey
Joseph Mullin	Robert Buonato

**Opening**

Vice Chair Milowe called the meeting to order at 7:30 PM and read the Chair's Report.

**Minutes**

Mr. Maidman moved to approve the minutes of 3/13/13 as written. Ms. Bingham seconded the motion. The Board voted 4-0-0 in favor of approval.

**Public Hearing New Professional District B**

The Board voted 4-0-0 to open the public hearing.

Clerk Rob Maidman read the public hearing notice as posted by Attorney Shelmerdine in the Patriot Ledger. He stated the Planning Board will hold a Public Hearing on Wednesday, March 27, 2013 at 7:35 PM at the Sharon Community Center, 219 Massapoag Avenue, Sharon, Massachusetts, 2nd Floor Hearing Room. The purpose of the public hearing is to provide interested parties with an opportunity to comment on proposed amendments to the "Sharon Zoning Bylaws, to be acted upon at the Annual Town Meeting on May 6, 2013.

The proposed amendments would modify the "Sharon Zoning By-Laws" by creating a new "Professional District B" which would allow assisted living facilities, business or professional offices, medical or dental offices and clinic for out-patients, including signs, and certain other uses and accessory uses as permitted uses. It also seeks to establish site design, building design and landscape and buffer requirements; establish lot size, lot width and frontage, lot coverage and open space, lot set-backs, maximum densities, parking requirements, sewer force mains and wastewater treatment provisions, and application submission requirements. The existing "Professional District" would be renamed as "Professional District A."

Attorney Shelmerdine reviewed the details of the article for the Board. He described the territory discussed on a picture of the map. He said BJ's and Target will be on the west side. On the east side are 6 acres and on the northern parcel is 10 acres with access to Old Post Road. It is a dirt road beginning to end. He said in 2008 the property of 5 acres and 10 acres was rezoned with Chapter 40R overlay district with limits set on development. The 5 acres was zoned for 29 living

units and the 10 acres for 139 units. The purpose of the zoning bylaw amendment is to amend the underlying zoning for the 6 acres (5 acres plus one acre under agreement) on the southern parcel so an assisted living facility can be established. It will not touch the 40R overlay district or change the 10 acres. They are not changing the functionality it's a zoning issue. They want to change the 6 acres to professional district B and will allow small medical offices and assisted living.

Mr. Milowe asked if the assisted living will include affordable units and Mr. Shelmerdine said it will not include affordable housing stock.

Mr. Shelmerdine provided a Max. /Min. Zoning Comparison chart relative to the Existing Chapter 40R Overlay District and the new proposed Zoning Amendment Proposal (Assisted Living and Wastewater Overlay District) .The Zoning Comparison Table is not based on any Development Plan, but merely the contents of the Zoning Bylaw.

Ms. Bingham asked Mr. Houston if he approved of the chart and Mr. Houston said he did.

Attorney Amara said that the MOU that is being prepared will govern the MOU tied to the property.

Attorney Shelmerdine provided the Board with a Revised Fiscal Impact Report for an analysis of the Assisted Living Use on the southern parcel. He said this was prepared after certain requests of the Finance Committee as well as discussions with the Director of Finance for the Town of Sharon, with input from the Fire Chief as well.

Ed McSweeney of 68 South Walpole Street said there are a lot of unknowns with this project. He wants a solution for all parties. He asked if there is a developer for Professional District B.

Mr. Shelmerdine said there is an owner; Mr. Buonoto and Mr. James Coughlin of Northbridge Associates who has created 26 assisted living facilities in the area. There is no developer as of yet he said.

Attorney Amara said that design questions would be addressed at a site plan review.

Mr. McSweeney asked if the land can be sold. Attorney Amara said yes it can be sold but the subsequent buyer would need to follow the MOU.

Mr. McSweeney asked about the septic piping. Mr. Shelmerdine said it's a force main use located on the south parcel. Old Post Road is owned by the county. He said the road is public. The permit comes from the Selectmen as Road Commissioners. He said the road will be built by the commercial side and maintained and operated by the commercial side. He said the line will be maintained by the private developer not the Town.

Mr. Shelmerdine said the southern parcel can be developed but the northern development must wait for the commercial side to be built and developed.

Mr. Maidman said so in summary the ability to proceed is a sequence of events.

Mr. Shelmerdine said they are trying to set the table to go to all Boards for special permits.

Ms. Bingham said to Mr. Shelmerdine that if you have as of right to build waste water plant on northern side, why the smart overlay district is being added.

Mr. Houston said that the 40R supersedes the provisions of the water protection district and does not apply to the 40R. He said the development cannot proceed under the 40R; it proceeds under the overlay district. The provisions of the water protection district need to apply to allow waste water treatment plant.

Mr. Maidman moved to close the public hearing. Mr. Pannone seconded the motion to close the hearing. The Board voted 3-1(Bingham) -1 (Hauser) in favor of closing the hearing. A vote was not taken.

### **Public Hearing Zoning Map for Professional District B**

Mr. Maidman moved to open the hearing and Mr., Pannone seconded the motion, The Board voted 5-0-0 to open the public hearing.

Mr. Maidman read the notice. Further, the Planning Board will hold a public hearing on Wednesday, March 27, 2013 at 7:45 PM at the Sharon Community Center, 219 Massapoag Avenue, Sharon, Massachusetts, 2nd Floor Hearing Room on a related Amendment to the "Zoning Map, Town of Sharon, Massachusetts" dated February 2008 and prepared by the Department of Public Works, Engineering Division, GIS team, to place approximately 6.2 acres of land at 669 and 675 South Main Street near Gavin's Pond Road in the new "Professional District B.", to be acted upon at the Annual Town Meeting on May 6, 2013.

The land to be included in "Professional District B" is located on the northwesterly sideline of South Main Street, Sharon, Norfolk County, Massachusetts, near Gavin's Pond Road and is comprised of parcels designated as Assessor's Map 47 Parcel 37 located at 669 South Main Street and Assessor's Map 47 Parcel 26 located at 675 South Main Street. Currently, this land is located within the Single Residence A District. This land is currently overlain by the Ground Water Resources Protection District and portions of the land at 669 South Main Street are overlain by the Sharon Commons Smart Growth Overlay District and the land will remain in these overlay districts.

The complete text and map of the proposed amendments can be reviewed Monday through Wednesday from 8:30 a.m. to 5:00 p.m., Thursday from 8:30 a.m. to 8:00 p.m. and Friday from 8:30 a.m. to 12:30 p.m., at the office of the Sharon Town Clerk, located at 90 South Main Street in Sharon, Massachusetts, and at the Sharon Public Library or the Sharon Engineering Department, Peter O'Cain, at 781- 784-1525, ext. 2316. All interested parties should plan to attend. Sharon Planning Board, Mr. Eli Hauser, Chairman.

Mr. Shelmerdine said that the article says that everything discussed in Professional District B will occur in the 6 acres on the bottom of the map.

Ms. Bingham asked Ms. Amara if she is concerned with spot zoning. Ms. Amara said she looked into it and it is defensible against spot zoning. It is accessible to other commercial areas as it is near Shaw's across the street.

Mr. Maidman moved to close the public hearing and Mr. Pannone seconded the motion to close the public hearing on Professional District B Zoning Map hearing. The Board voted 4-1(Bingham)-0.

Mr. Maidman moved to approve the zoning map for new Professional District B including map 47

37 and map 47 26. Mr. Pannone seconded the motion for approval. The Board voted 4-1(Bingham) - 0 in favor.

### **Public Hearing Waste Water Overlay District**

Mr. Maidman moved to open the public hearing and Mr. Pannone seconded the motion. The Board voted 5-0-0 in favor of opening the public hearing.

Mr. Maidman read the public hearing article. He said the Planning Board will hold a Public Hearing on Wednesday, March 27, 2013 at 7:55 PM at the Sharon Community Center, 219 Massapoag Avenue, Sharon, Massachusetts, 2nd Floor Hearing Room. The purpose of the public hearing is to provide interested parties with an opportunity to comment on proposed amendments to the "Sharon Zoning Bylaws, to be acted upon at the Annual Town Meeting on May 6, 2013.

The proposed amendments would modify the "Sharon Zoning By-Laws" by creating a new "Wastewater Overlay District" which would allow construction, operation and maintenance of wastewater treatment plants for sewage generated on the lot and off site on lots located in the Multiple Residence District, Single Residence A District, and the Professional District B, if authorized by a Groundwater Discharge Permit by the Massachusetts Department of Environmental Protection and a Treatment Works Construction Permit by the Sharon Board of Health. It would also establish the purpose for the Wastewater Overlay District; establish site plan review and application review requirements, permitted principal uses, lot area, width and frontage requirements, and location requirements, including setback requirements.

Mr. Shelmerdine explained that this article is a 40R district that allows a waste water facility to be built on the northern 10 acre parcel. The goal is to create a wastewater overlay district on the 40R parcel.

Mr. Hauser said that from a previous meeting the waste water treatment plant was approved via the Board of Health

Mr. Shelmerdine said the waste water plant for the northern portion was not approved by the BOH. It has been discussed. The topic has been circulated to other Boards.

M. Bingham said that the SGOD was for the 40R. Mr. Houston said that the only concern with respect to the 6 gallon limit was to be for bedroom control. Mr. Houston said the largest flow would be from the Assisted Living Facility. He said the Sharon Board of Health adopted DEP ground water district regulations. The plant on site had to be restrictive. A discussion ensued.

Mr. Milowe asked how the main process works. Mr. Houston said that a 4 inch pvc pipe is placed 5 feet below ground level if installed in a finished road. He then said that in the event of a power outage, they can have a tank or backup power.

Mr. Shelmerdine said that the zoning remains 40R on the top 10 acre parcel.

Mr. McSweeney of 68 South Walpole Street showed the Board a picture of the area and said he is concerned that the zoning can grow closer to his property. Mr. Houston said the total waste water is limited to 64,000 gallons per day through the waste water overlay district. He said there needs to be a 150 foot setback from the homes and the plant itself wouldn't take up all 10 acres.

Mr. McSweeney said he is concerned with the devastation to his home; i.e. trees cut. He wants to see plans.

Ms. Bingham suggested that input was needed from the Board of Health.

Mr. Maidman said he thinks that other Boards will make decisions not contingent on one Board.

Mr. Milowe said he agrees with Ms. Bingham that input is needed from the Board of Health before closing the meeting.

Mr. Pannone says he understands it is unreasonable to ask for plans but would like to see an idea of what the treatment plant looks like.

Mr. Houston said there is no plan as of now.

Mr. Shelmerdine commented that he understands Mr. McSweeney's comments and nature of the questions but they are not seeking permission. They already have permission to create the treatment plant now.

Mr. Shelmerdine said the treatment plant cannot affect Mr. McSweeney but Mr. McSweeney said the treatment plant will affect his home.

Mr. Houston said the plant is privately held. It can also treat the effluent from nearby lots. Its 66,000 gallons limit.

Mr. Hauser said the Board of Health and the State Environmental Protection Agency will review the process when the application goes through.

Mr. McSweeney asked if the EPA and MEPA should come first.

Mr. Hauser said that the details happen with other Boards. We are trying to create an envelope for the developer to build what is advantageous to the Town.

Mr. Maidman moved to keep the meeting open for this article and Ms. Bingham seconded the motion. The Board voted 2-3-0 to keep the meeting open but the vote closed the meeting. A vote was not taken.

Mr. Hauser said he would like to hear from the Board of Health.

Mr. Milowe thinks there is a value in seeing a conceptual plan and what it would look like.

### **Public Hearing Zoning Map for Waste Water Overlay District**

Mr. Milowe moved to open the public hearing and Mr. Pannone seconded the motion. The Board voted 5-0-0 to open the public hearing.

Mr. Maidman read that further, a public hearing will be held on Wednesday, March 27, 2013 at 8:05 PM at the Sharon Community Center, 219 Massapoag Avenue, Sharon, Massachusetts, 2nd Floor Hearing Room on a related Amendment to the "Zoning Map, Town of Sharon, Massachusetts" dated February 2008 and prepared by the Department of Public Works,

Engineering Division, GIS team, to place approximately 10.07 acres of land at 135 Old Post Road which is located south of South Walpole Street in the new "Wastewater Overlay District", to be acted upon at the Annual Town Meeting on May 6, 2013.

The land to be included in "Wastewater Overlay District" is located on the easterly sideline of Old Post Road, Sharon, Norfolk County, Massachusetts, which is located south of South Walpole Street and is comprised of a parcel designated as Assessor's Map 57 Parcel 17. Currently, this land is located within the Single Residence A District. This land is currently overlain by the Ground Water Resources Protection District and portions of the parcel are overlain by the Sharon Commons Smart Growth Overlay District. The land will remain in these overlay districts.

The complete text and map of the proposed amendments can be reviewed Monday through Wednesday from 8:30 a.m. to 5:00 p.m., Thursday from 8:30 a.m. to 8:00 p.m. and Friday from 8:30 a.m. to 12:30 p.m., at the office of the Sharon Town Clerk, located at 90 South Main Street in Sharon, Massachusetts, and at the Sharon Public Library or the Sharon Engineering Department, Peter O'Cain, at 781-784-1525, ext. 2316. All interested parties should plan to attend. Sharon Planning Board, Mr. Eli Hauser, Chairman

Mr. Shelmerdine said that the map is the 4<sup>th</sup> hearing of the evening and goes along with the third hearing. The purpose is to allow for the availability of use for the bottom parcel.

The Board had no questions.

Mr. McSweeney asked if residences are allowed on this property. Mr. Houston said they are as the underlying zoning is for single residence A. They can build a 40R or single family residences. They are both allowed with respect to zoning.

Mr. Hauser told Mr. McSweeney that his concern is appreciated that unintended consequences do not happen.

Mr. Hauser moved to close the public hearing. Ms. Bingham seconded the motion. The Board voted 5-0-0 to close the hearing.

Mr. Maidman moved to approve the map for the waste water overlay district. Mr. Pannone seconded the motion. The Board voted 4-1-0 in favor of the article.

To review the first article was not voted on. The second article was voted on and approved. The third article was not voted on. The fourth article was voted on and approved.

### **Adjournment**

Mr. Pannone moved to adjourn at 10:00 PM. Ms. Bingham seconded the motion. The Board voted 5-0-0 to adjourn.

### **Attachments**

Multiple