

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

Planning Board Attendees

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

Other Attendees

Ed McSweeney 65 South Walpole	Robert Pace
Michael Saperstein 3 Bella Road	Scott Hickey
Jame Leaver 373 Massapoag	Bob Buonato Maynard, MA
Mohan Raj 32 Bella Road	A Karl 7 Bella Road
S. Josyula 67 Bella Road	S. Gafrle 39 Bella Road
Vitaly P 31 Bella Road	Ramesia 71 Bella Road
Dmitry Belov 47 Bella	

Opening

Chair Hauser called the meeting to order at 7:30 PM and read the Chair's Report. Mr. O'Cain commented that Walpole Country Club agreed to provide funds for 10 trees to Tree Warden Webber to determine where they should be placed.

Minutes

Mr. Milowe moved to approve the minutes of 2/27/13 as written. Ms. Bingham seconded the motion. The Board voted 4-0-1 in favor of approval.

Wastewater Overlay District and Professional District B Zoning Articles

Mr. Hauser began the meeting by reading a letter send by Mr. Ed McSweeney of 65 South Walpole Street regarding his opinion of the Sharon Commons Project.

Bob Shelmerdine, the attorney for the proponent of the "Wastewater Treatment Overlay District" rezoning on the northern parcel located near Sharon Commons on Old Post Road and the "Professional District B" zoning article presented the articles to the Board. These zoning articles seeks to establish the ability to establish assisted living facility on the south parcel and run a line from the southern parcel treatment facility to service assisted living use on the southern parcel. Mr. Shelmerdine said that he had worked with Attorney Gelerman's office as well as Tom Houston regarding these articles, for the past two months. He said last night he presented to the Board of Selectmen and to the Finance Committee last week so they are aware of the topic.

The following is a summary of comments made at the first meeting between Mr. Shelmerdine and the Planning Board as prepared by Town Engineer Peter O'Cain and Ms. Levitts. .

- There was concern expressed by Anne Bingham that the installation of a treatment works at that location, within the "Groundwater Protection District", posed a possible risk to drinking water quality. It was pointed out that the zoning for the 40R overlay district already allows for

such a treatment works. Ms. Bingham felt that the additional units proposed would add to the risk already allowed by the zoning. She is concerned with the generation of waste water on the town wells.

- Mr. O'Cain asked the applicant where access to the units on the southerly parcel slated for assisted living would be located. Mr. Shelmerdine stated that the access would be on South Main Street directly and not through Old Post Road. Mr. O'Cain stated that the access should be through Old Post Road, since that was what the ZBA had required for the last development approved for that site and the traffic signals proposed for the mall were at the Old Post access. He recommended that access be off Old Post Road and not South Main Street, since traffic control for 80 units will make flow near Gavin's Pond Road even more complicated, especially since no signalization is being proposed at this time. If the access directly to South Main is temporary, that may be possible but the ZBA should comment on that option. Also, that section of roadway is in the State layout, so Mass DOT may have to approve any new access there. The applicant should obtain approval or a letter from Mass DOT stating that direct access to South Main Street is acceptable to them (Town Engineer's comment – not discussed at the meeting).
- Eli Hauser commented that the applicant should have design plans for both lots for Town Meeting, if the applicant is to make a compelling case for the zoning changes.
- Mr. Hauser and Mr. Pannone commented that an MOU should be written to clarify ownership of the sewer force main that is one-half mile long (BOH or DEP must be able to require maintenance schedule for the treatment works – similar to Wilber arrangement). Mr. Pannone asked if the pipe will be municipal. Mr. Maidman reiterated his concern of who owns the pipe, liability and maintenance of the pipe. The MOU must also discuss the number of residential units/bedrooms and traffic access points. Mr. Hauser asked what party will maintain the sewer main and the treatment works. It must be clarified in the MOU. Any water crossings or wetland impact areas will require approval by the appropriate State and Town bodies (Town Engineer's comment - not a comment at the meeting). Mr. Houston commented that the topic has not yet been broached by Sharon II LP – Congress Group. He said they would maintain the road but doesn't know if there was a conversation for the cost or maintenance of the pipe.
- Planning Board members expressed discomfort with the late filing by the applicant and the lack of information regarding the design of both the proposed project locations.
- Mr. Hauser asked about the affordable mix for the proposed development. He also commented that the density seemed high and should be clarified in MOU. He asked about the revenue for the town from these units. Mr. Shelmerdine said they can have up to 80 assisted living units but there are no development plans as of yet. He said the owner intends to construct condos and affordable housing on the northern portion.
- Mr. Pannone asked about holding tanks for waste in the event that power is lost at the site, since waste pumps are electric. Mr. Houston said you can have oversize septic tanks or a backup power supply. Mr. Pannone commented that if it is uphill you cannot have a gravity feed.
- Mr. Houston said that the article allows for waste water in Business District D and in the

overlay district.

- Mr. Pannone asked whether unit construction will be phased or built all at once. Mr. Shelmerdine stated there is no plan yet but the assisted living portion would be built all at once.
- The Town Engineer asked if the project will be a 40R project and Ms. Amara stated it wouldn't. Mr. Shelmerdine said that financial compensation could be provided to the town. The MOU should take into account lost revenues due to failure to construct 40R projects at both Subzone A and B.
- Mr. Hauser wanted a financial impact statement from the applicant. Mr. Shelmerdine agreed. The statement should include impacts to police, fire, schools etc. The financial impact statement should be added to the MOU and the applicant should be ready to discuss at Town Meeting.
- Mr. Milowe requested that at the next meeting Mr. Shelmerdine present clarification of what was approved in 2008 and the new proposals.
- Mr. McSweeney said in 2006 the Town voted for a mall instead of a 40B. He said now they are going for maximum density on the northern part of the property. He wants a limit on housing and wants Sharon to benefit.
- Mr. O'Cain asked who is the review authority and Mr. Houston said the use is by right subject to a major site plan review process.

A public hearing on the articles will be held on March 27, 2013 at 7:30 PM at the Sharon Community Center.

Bella Estates

Mr. Belov of 47 Bella Road said he was asking the Board for help. When he bought his property he was promised certain things and a certain quality of living. Several houses on Bella road are still incomplete. He said several were auctioned and the fate is still unknown. He is concerned the subdivision is completed according to plan. There is a bond which will expire in August and wants assurance from the town that they will take over and complete the subdivision if the developer does not. He said he tried to contact the developer but they were unwilling to talk. He and the other residents are concerned about the establishment of the HOA, the completion of the subdivision and safety concerns as there are no sidewalks or lampposts.

Mr. Hauser said this board cannot do a lot of what you are asking for. Its zoned and signed off on, not in the purview of the board. We cannot enforce. He said Mr. O'Cain has been trying to unravel the situation and has kept the board apprised of his progress. He said the hill and drainage are fixed and in the purview of the Town Engineer. If the developer walks away, we have the bond, but cannot arbitrarily pull the bond.

Mr. Pannone asked Mr. O'Cain if the remaining soil pile is removed. Mr. O'Cain said the developer has agreed to provide the town with fill from the soil.

Mr. O'Cain reviewed that 22 of 29 lots have families living on them. He said there is a temporary restraining order on the sale of 6 lots. 155-157 had only lot 20 remaining.

Ms. Bingham asked Mr. O'Cain if the Board can do anything and he replied that the subdivision has 4 years to be completed.

The owner of 30 Bella Road said he is concerned with the common street lights and sidewalks.

Mr. Hauser asked what is the schedule for the public amenities. Mr. Pace said he will start in May and will be finished by the time the bond is up. Mr. O'Cain suggested that the schedule be started earlier than May. Mr. O'Cain said that the applicant can ask for an extension if not complete.

Mr. Belov of 47 Bella wants clarification of who owns parcel C and said there is still drainage problems.

Mr. O'Cain said that the drainage issue is due to the slope of the hill. It needs vegetation to fill in and may need drainage to alleviate the issue. Mr. Hauser said he does not know who owns the clubhouse.

The owner of 7 Bella Road expressed his concern with the construction of the 6 auctioned lots after the infrastructure is resolved. Mr. O'Cain said the new builder would need to get a bond. The Town has no control over the 6 lots. Many are half done shells.

Cindy Amara said the bond covers all infrastructures in the development of common areas. Mr. O'Cain said the bond is for things on the definitive subdivision plan.

Mr. Milowe asked if the HOA had been activated. Mr. Pace said it had. Mr. Milowe said that when the HOA was put in place he remembered that \$5,000 was to be placed in the HOA. Mr. Pace said he was unaware. Mr. O'Cain said he would look into this.

Mr. Pace said his intention is to complete the work by the end of August and agreed to provide the homeowners with dates.

The owner of 31 Bella Road asked the Board not to approve any extension to the developer. He does not want the infrastructure held up and is concerned with public safety.

Mr. Hauser said that parking problems should be brought to the police and developer. The denial or extension of the bond is in the Planning Board's purview.

Ms. Amara said the process had to live by the requirements of approval.

Medical Marijuana

Mr. Hauser said that the purpose of the moratorium on the article was because it is not ready for zoning. Mr. O'Cain said the concern was that the time frame was open.

Ms. Amara said June, 2014 is the end date. She said we don't know what the State is going to say. They are supposed to have the regulations done by May.

Ms. Amara will resend the article to the Board.

Ms. Bingham moved to support the amended temporary moratorium with the version date of 3/13/13. Mr. Milowe seconded the motion and the Board voted 4-0-1 (Pannone) in favor.

Adult Entertainment Uses Moratorium

The moratorium is effective 12 months from 5/1/13. They are hoping the Attorney General will work out their issues.

Ms. Bingham moved that the Town vote to amend the zoning bylaws for adult use with the expiration date beginning 5/1/13 and until such time the Town adopts.

Mr. Maidman seconded the motion. The Board voted 4-0-1 (Pannone) in favor.

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Adjournment

Mr. Pannone moved to adjourn at 9:45 PM. Ms. Bingham seconded the motion. The Board voted 5-0-0 to adjourn.

Attachments

1. Performance Bond for Bella Estates dated 11/5/2009
2. Red line of zoning bylaws amendments for professional district B