

Town of Sharon Planning Board
Minutes of 10/9/13
Amended and Approved on 10/23/13
Sharon Community Center
Filmed by SCTV

Planning Board Attendees

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

Other Attendees

Attorney Gelerman	Attorney Amara
Craig Klayman	Dave Lewis
Paul Lauenstein	Cheryl Weinstein
Ellen Davey Fleming	Kyla Bennett, Peer
Frank and Sharon McDonnell	Jeff Spagat
Marty Spagat	Beth Cohen
David Cohen	Tom Houston
Attorney Whelan	Ivers Epps

Meeting Initiation

Chair Pannone called the meeting to order and read the Chair's Report.

Minutes

Mr. Pinkowitz moved to approve the minutes of 9/25/13 as amended. Mr. Maidman seconded the motion and the Board voted 4-0-0 in favor.

Capital Outlay Appointee

Alan Robbins current Capital Outlay appointee to Planning Board came before the Board to ask that he be reappointed. He explained his role on Capital Outlay in the past. Mr. Maidman asked that he come back to the Board periodically and report on what the Capital Outlay Committee is doing. David Milowe is also the PB representative to Capital Outlay.

A brief discussion ensued. Mr. Pinkowitz moved to reappoint Alan Robbins to Capital Outlay. Mr. Pannone seconded the motion. The Board voted 3-1-0 in favor.

Bond Release Cattail Lane

Mr. O'Cain reviewed with the Board that the work at Cattail Lane has been completed. He requested that the Board reduce the bond from \$1500.72 to zero as the final bond reduction.

A brief discussion ensued.

Mr. Maidman moved to reduce the bond for Cattail Lane to zero as the final bond release. Ms. Bingham seconded the motion. The Board voted 4-0-0 in favor.

Public Hearing - Adult Entertainment Uses

Mr. Pinkowitz read the Adult Entertainment Uses Public Hearing notice that appeared in the Sharon Advocate on 9/20 and 9/27.

*The **Sharon Planning Board** will hold a **Public Hearing** on **Wednesday, October 9, 2013 at 7:45 PM**, at the Sharon Community Center, 219 Massapoag Avenue, 2nd Floor Hearing Room, to review a proposed Town Meeting article to change the Sharon Zoning By-Laws as follows:*

“ARTICLE – ADULT ENTERTAINMENT USES

To see if the Town will vote to amend the Zoning By-Law by amending Section 2334, Uses Allowed by Special Permit in the Light Industrial Zone, and by adding a new Section 4100, with subsections 4130-4190, Adult Entertainment Uses, as follows:

4100. Adult Entertainment Uses.

4130. Siting Requirements

4140. Additional Siting Requirements.

4150. Off-street Parking and Loading.

4160. Sign Requirements.

4170. Special Permit Submission and Approval.

4180. Existing Adult Use Establishments.

4190. Prohibited Uses.

Complete copies of the article language can be obtained from the Sharon Town Clerk, 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. Pasqualino Pannone, Chairman*

Mr. Maidman moved to open the Public Hearing regarding the Adult Zoning Article. Mr. Pinkowitz seconded the motion and the Board voted 4-0-0 to open the meeting.

Town Engineer Peter O’Cain reviewed the status to date of the articles. He said he is trying to change the buffer requirements so that enough lots can be created to make the bylaw viable. Attorney Whelan said the Attorney General would have

disapproved of the bylaw based on the number of lots. She said the Attorney General looks to make sure the first amendment is not violated. The bylaw is less susceptible to argument when lots are added. Attorney Whelan also said that the AG said section 4140D needs to be more specific. She is waiting for the language from the AG's office. The Board agreed to strike this section.

Paul Lauenstein of 4 Gavins Pond Road asked the location of these lots and Mr. O'Cain replied they would be located on Merchant and Commercial Street on Route 1.

Ms. Bingham moved to close the Public Hearing and Mr. Pinkowitz seconded the motion. The Board voted 4-0-0 to close the hearing.

The Board did not vote on these changes until the additional changes discussed are made. The vote will be scheduled for next meeting.

Brickstone

Chari Pannone said we are holding an informal discussion.

Attorney Gelerman said he met with the Brickstone team regarding the development agreement. On Monday, Brickstone met with the Finance Committee and would put together a letter of understanding. He said they are set on building not more than 98 single family homes and are asking for a price of \$3 million dollars to purchase the conservation land. He said the developer will build a 2/3 car parking lot for access to the trails. Water is important because there is an 8 inch water main running from Mountain Street to the subdivision. He said there would be construction phasing for the subdivision. By next week we will have a letter of understating which will set forth the terms. He said an appraisal would be forthcoming for the value of the land. The Town will accept as a gift, 50 acres of land from the developer, 10 acres of which is to be used for fields and some for public works.

Attorney Twohig of Brickstone said that the project in the past consisted of 600 units and multiple story buildings. About 8 months ago a conversation ensued between Attorney Twohig, Attorney Gelerman and the Selectmen. He said as there was a change in the market and Brickstone saw an opportunity for development. Brickstone started thinking of the underlying zoning and they discussed the best use of the land. They currently have their 40B litigation. The price to buy all the land is not viable for the Town. They could do a cluster development with smaller lots and impervious surfaces. They will give 230 acres through purchase and a bulk gift. He said the market has changed and they are looking for other opportunities.

The Brickstone Attorney showed the Board a map of the space and described what they were anticipating to build. It's a cluster subdivision with 98 home to be built by several developers. An easement will connect areas donated for trails. It

is a phased development neighborhood built over time. They would need to go to the Planning Board for a definitive subdivision plan to create the neighborhood. They would need to go to the Board of Health and the DEP for the water treatment plan review. He said they want to maximize open space.

Mr. Maidman asked if they had any vision yet for the single family homes such as bedroom limitations. They said the developer wants 4 bedroom homes but they are getting push back so it is under discussion. The homes will be on 20,000 square foot lots.

Mr. Pinkowitz asked if the access will only be on Mountain Street and the Attorney said yes.

Ms. Bingham requested pictures and visuals of what they are proposing to build to be presented at the Public Hearing on 10/23.

Ms. Bingham then asked how many more miles of public roads they are planning on. She requested a locus map, a GIS map, overlay districts, she wants to see existing and proposed zoning and the ground water protection district. She wants a traffic study to see the impact on traffic.

The Attorney said the traffic report will be in the development agreement.

Chair Pannone asked if they will have the financial impact report prepared for 10/23 as well. He said he will work to have it ready.

Mr. Pannone also told Attorney Gelerman that regarding lessons learned from Bella Estates he wants to see an irrevocable draft letter of credit.

Mr. O'Cain commented that there are water pressure issues in that location and asked if they will have a water tower. The Attorney said there is an 8 inch main through the development. Mr. Houston said that the mains would fall into the conventional Planning Board rules.

Mr. O'Cain discussed the water pressure and said he thinks a booster might be needed and doesn't want the town to pay for it.

Chair Pannone asked if they are having an open letter of credit. The Attorney stated that he anticipates building houses and they will sell. He thinks the risks are less. He said a portion of the land will be sold to different developers.

Chair Pannone said it sounds like a nightmare waiting to happen.

Mr. O'Cain said that as long as the bonding is available, whatever surety is needed to make the infrastructure solid before the lots releases are provided is necessary.

Chair Pannone asked Mr. Houston if he sees anything being proposed that is against the regulations he is redoing.

Mr. Houston said the storm water provisions can address the Boards requirements for security.

Mr. Pannone requested that for the 10/23 meeting they provide a contour map with wetlands, boundaries and buffers. He said he is a big fan of leed certification and asked if they planned on having a leed certified neighborhood with silver ratings.

The Attorney said the developers they have spoken to do not build leed certification.

Chair Pannone said timing is of concern. He said if all questions are not answered by 10/23/13 he is concerned with moving ahead for Fall Town Meeting. He suggested it be done right the first time. He said he wants all bases covered and is concerned with gaping holes.

Attorney Gelerman asked the Board for their opinion about moving ahead.

Ms. Bingham said she thinks it is moving too quickly and is concerned with traffic.

Mr. Pinkowitz said it is on a tight time schedule. He is looking for an impressive package on 10/23 and wants no gaping holes.

Mr. Maidman said they are compelling us to ask questions and we do not have enough time to determine the priority of the questions. He said he urges we do not use time as an arbiter of our decision. He is concerned with the management of the waste water and who is responsible for the repairs. There needs to be a separation between the town responsibilities and that of the homeowner.

Brickstone Attorney said the waste water is privately owned by the homeowners association and there will be a reserve for repairs. It would not be a Town obligation.

Mr. Houston said the DEP requirements are rock solid and must be in place before a ground water permit is issued. He is unsure what happens if the homeowners are underfunded and repairs are needed.

Ms. Bingham said on paper the DEP is rock solid but you cannot assume they are enforcing to the letter.

Attorney Gelerman said he needs to determine who owns the roads.

Mr. O'Cain said approximately 3,600 feet of road will need to be paved after construction and asked if the developers will be funding this.

Mr. Lauenstein of 4 Gavins Road said it is an elevated area and will need a booster pump to get the pressure up or a water tower.

Ivers Epps of Coach Lane asked if the project is phased will the septic also be phased. He also asked if the homeowners own the septic plant will they pay taxes on it. The Attorney for Brickstone said he did not have an answer for this.

Kyla Bennett asked to see vernal pools, topography and a list of endangered species. She said from an ecological standpoint this is the least eco way.

The Brickstone Attorney stated that the 40B was 250 units; 120 permitted in litigation. This option will take the 40B off the table and balance different interests.

Chair Pannone said he appreciated the informal presentation.

Bella Estates update

Mr. O'Cain said that building permits were issued to Camlin. The lighting company received the material requests. The foundation that was open was filled in and the fencing removed on that lot.

Adjournment

Ms. Bingham moved to adjourn and Mr. Pinkowitz seconded the motion. The Board voted 4-0- in favor of adjournment.