

## **Town of Sharon Planning Board**

**Minutes of 10/21/21**

**Meeting held via ZOOM**

### **Planning Board Members**

|                                  |                              |
|----------------------------------|------------------------------|
| David Blaszkowsky, Chair         | Pasqualino Pannone Secretary |
| Rob Maidman, Vice Chair          | Peter O'Cain, Town Engineer  |
| Kai Yu                           |                              |
| Shannon McLaughlin <b>absent</b> |                              |

### **Other Attendees:**

Maria De La Fuente, Liz Ellis, Kevin Weber, Dan Greenfield, Eric Dias, Peg Arguimbau

### **Meeting Initiation**

David Blaszkowsky called the meeting to order at 7:01 PM. He stated that Laura Russell appointee to the Lake Management Committee will present at the next meeting.

### **Meeting Minutes**

Mr. Yu moved to accept the minutes of 10/7/21 and Mr. Maidman seconded the motion. The Board voted 4-0-0 in favor of approval.

### **Scenic Roads Public Hearing for 126 Morse Street**

Mr. Blaszkowsky read the Scenic Roads Public Hearing Notice. Mr. Pannone moved to open the hearing and Mr. Yu seconded the motion. The Board voted 4-0-0 to open the hearing. Kevin Weber Tree Warden stated he visited the site. A maple tree is on one side of the entrance and a hickory on the other. He is unsure if it is on the driveway or street opening. He is not convinced the trees need to come down. The lot has been cleared. He said the trees are healthy and he is not in favor of removal for access of equipment.

Eric Dias, Engineer representing the owner of 126 Morse Street said the opening is a common driveway that needs to be widened. Need a 16 ft. driveway and it is now 10 – 12 feet. This is the reason they proposed to cut the trees down. He is also concerned with the line of sight, mailbox placement and trash etc.

Mr. Weber said in past he has been lenient in taking trees on right of way. He is not denying it needs widening for driveways. That section of Morse Street is scenic by aesthetics and being scenic. Trees add character. He would like Mr. O'Cain to confirm distance. Mr. Weber said he would take responsibility if there is root damage.

Mr. Pannone said looking at the image he doesn't have scale. Leave in place, provide root treatment, if tree ends up dying then remove.

Eric Dias understands about leaving the trees. These two lots are for sale. If trees end up dying 6 months after sale who is responsible?

Mr. Weber said the trees are in the right of way so its Town property.

Mr. O'Cain said layout driveway. He asked Mr. Weber to come back to next meeting.

Mr. Weber said he would be willing to meet at site and put up some construction protection if need be.

Mr. Yu said based on the reason cited why do both trees need to come down. He suggested shifting the driveway.

Mr. Dias said he would stake the driveway and meet Mr. Weber on site. They could look at the root protection zone.

Mr. Maidman asked Mr. Dias where utilities will be placed.

Mr. Dias said the property line is up the middle. Water line is 3 feet in front of pavement. Electric is on shoulder of pavement.

Mr. Maidman asked if fire equipment has access.

Mr. O'Cain said yes 8.5 feet for truck. Needs to check line of site.

Dan Greenfield of the Sharon Fire Department wants to weigh in, in terms of trees that flank the street. He is concerned with the swing Morse to Massapoag. He would like to see a wider opening.

Mr. O'Cain commented on a letter received from resident Paul Bergeron who disagrees with the cutting down of the trees.

The hearing will remain open and be continued at next meeting.

### **Open Space and Recreation Plan**

Peg Arguimbau said consultant JM Goldson was hired to help with the Open Space and Recreation Plan. The State requires that the Planning Board provide a letter of support for the plan. This letter is needed by end of November or beginning of December. The Board needs to create a letter.

### **PB and ZBA meeting regarding codification**

Ms. De La Fuente reviewed her memo to the Planning Board and Zoning Board Members dated 10/21/21 on Report on Introductory Meeting with Mark Bobrowski:

On Thursday October 21, key staff members and a representative from the Planning Board and the Zoning Board met with Land Use Lawyer Mark Bobrowski, to discuss the way we will approach the recodification of the Zoning Bylaws. Staff members that attended the meeting include Town Administrator Frederic Turkington, DPW Superintendent Eric Hooper, Town Engineer Peter O'Cain, Building Inspector Kristian White, Planning/Engineering Specialist Maria De La Fuente, and Planning Consultant Elizabeth

Ellis. Board representatives included Pasqualino Pannone, representing the Planning Board, and Joseph Garber, representing the Zoning Board.

The meeting was a review of Mr. Bobrowski's memo regarding our zoning. We went through each memo element one by one, and provided Mr. Bobrowski with any context he might need to better understand the Town and its needs. For example, we discussed the overlay districts and how they came to be, such as how the Smart Growth Overlay District was created because of its proximity to the train station, but how it is impossible to enforce due to density constraint the Town faces because of its lack of sewer. We also discussed the Senior Living Overlay district, and how it is now obsolete, as we have used the land mostly for conservation purposes, as well as to build a couple of single family homes. Most of the meeting followed this pattern: Mr. Bobrowski reading this memo and giving us examples so we'd better understand what he meant, and us giving us context whenever he asked or when the need arose.

Mr. Bobrowski also said the following: His goal for our new Zoning Bylaws is to have an internally harmonized document (no "go to page 68 for more details", instead, have all the necessary information on the pages which reference it). He also said updating our bylaws to comply with most recent state bylaws is critical, as well as the need to close down gaps in definition which might lend to unclear interpretations of our bylaws.

The Town needs to have a Zoning Table for easy browsing, especially for business owners, so they know what uses are allowed where. We also need to make sure that we are using the exact language the Dover Amendment uses to fully comply with State guidelines, and also stated that he would like to take a look at federal accessibility requirements. There is also a need to update language to refer to most favored terms, such as changing instances that refer to long-term care facilities as 'nursing homes'. This language is antiquated and is falling out of use in the legal sphere, and our bylaws should reflect this.

We should take a look at how we define and allow for farms in Town. The most common definition of farm is "5 acres of land, or 2 qualified acres in which each produce at least \$1,000 per year". Currently, we do not have a definition for farms, which could lead to unintended land use consequences which would not be in the Town's best interests. The Town should also make a distinction between exempt agricultural vs non-exempt agricultural uses.

We should not require variances for signs, as variances are given when soil conditions or other physical factors are unacceptable. Instead, the Town should look into giving special permits for signs. A special permit is standard procedure and would uphold well in Land Use court.

Section 3400 of the Zoning Bylaws is too old and irrelevant now, as the justification for this Section has expired.

Our section on solar bylaws should also be revisited, as solar can go anywhere school and churches can go. This trumps local laws regarding vegetation covers in residential districts.

Section 4700 might have to be deleted.

Our Site Plan review process is weak and the ZBA should not have review powers. The Planning Board is the most common reviewing authority for Site Plan reviews. The reason PB should have purview is because Site Plan reviews cannot be denied, they must always be approved, or approved with special conditions.

Nonconforming uses will be looked at in detail in later meetings, both for structures and for single- and two-family homes. Redefining what the Town considers a nonconformity could cut down the Zoning Board of Appeals' case load by 50%. Setback requirements, on the other hand, are something that is harder to change, and it would be impossible to do without a full feasibility study to determine how it would affect conforming vs. non-conforming parcels if implemented.

Mr. Turkington clarified that this recodification of the bylaws must be warrant ready by April 1st, to go to Town Meeting on May 2nd.

The next scheduled meeting with Mr. Bobrowski is scheduled for November 3rd at 5pm. All Planning and Zoning Board members are encouraged to attend, as one of the key topics that will be discussed is the respective Boards' roles and responsibilities. It will by no means be an absolute decision, just a discussion with the intention of helping both Boards rethink the way they operate so they can engage in discussion amongst themselves.

Mr. Pannone commented that Mr. Bobrowski emphasized outdated regulations that no longer comply with current court rulings. The Dover Amendment he said needs to be clearly defined. Special permit granting authority in 80% of towns is under the Planning Board.

Mr. Maidman asked what role will governance committee have regarding repositioning of authority.

Mr. Pannone said we all need to be ready to defend this idea at Town Meeting. Whatever Marc proposes needs to pass the Attorney General.

Mr. Blaszkowsky said what's our charge? Do we want more responsibilities? What's our posture as a Board?

Mr. Maidman said points in Master Plan should start discussion as relates to zoning. Look how we construct zoning rules to allow for denser housing. Corridor on Route 1 lends to more incentivized for commercial zone. For preservation in the center of town, what rules apply when we need refurbishment. What green space can we add to the center of town. Set vision on street regulations to support.

Ms. Ellis said she agrees. If the Town is serious about the Master Plan then part of Marcs work is identifying the Planning Board as a special permit granting authority. Could have overlay districts. Could identify by right etc.

Mr. Blaszkowsky said what is the appropriate division or allocation of duties.

Ms. Ellis commented on the ADU discussion in conjunction with 40A. State is putting more pressure on transit communities. Sharon is such.

Mr. Pannone said site plan review, special permit granting authority should reside in the Planning Board.

Mr. Blaszkowsky said we have an important role to play. Hope we can make planning more robust.

The next question is in terms of responsibilities looking at what others do. What should special responsibilities be. What should we be doing.

Mr. Pannone said we need to focus on what the Planning Board should be doing.

Mr. Maidman said the Planning Board's job is to weigh options against regulations. Need vision. Set forth direction. We do not want to be relegated to the side line.

Mr. O'Cain said Birch Hill filed a compliance plan with the ZBA. They will have to come to the Planning Board as well. He will be speaking to the developer. On paper, the flexible is a better design.

### **Future Agenda Topics**

Review of Post Office Square Design Guidelines

Role of Planning Board in site plan review

Role of Planning Board versus the Zoning Board

Zoning Bylaw 4391

### **Future Scheduled Meetings**

11/10 (Wednesday), 12/1 (Wednesday), 12/16

### **Adjournment**

Mr. Pannone moved to adjourn the meeting and Mr. Maidman seconded the motion. The Board voted 3-0-0 to adjourn at 8:40 PM.