

## **Town of Sharon Planning Board**

**Minutes of 1/13/22**

**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	

### **Other Attendees:**

Maria De La Fuente, Elizabeth Ellis, Sarit Bluestone 112 Billing Street, Eric Dias Engineer for 126 Morse Street

### **Meeting Initiation**

David Blaszkowsky called the meeting to order at 7:00 PM. Topics to be discussed:

- *Savory Spread Sign, Sharon Direct Care Sign, 126 Morse Street, Governance Committee, Codification and Role of Planning Board*

### **Meeting Minutes**

Mr. Pannone moved to approve the 1/6/22 minutes as submitted. Ms. McLaughlin seconded the motion. The Board voted 4-0-1 in favor of approval.

### **Signs**

Savory Spread - Peter O'Cain stated the sign size meets requirements. Colors are consistent with the historical palette. A brief conversation occurred. Ms. McLaughlin moved to approve the sign for Savory Spread. Mr. Pannone seconded the motion. All voted in favor of approval of the sign. The vote was 5-0-0.

Sharon Direct Care - Meets height requirements. Meets square foot requirements. Colors are consistent with historical palette. Primary care physician office opening. Mr. Maidman moved to approve sign for Sharon Direct Care on 12 Billings Street. Ms. McLaughlin seconded the motion. All voted in favor of approval. The vote was 5-0-0.

### **126 Morse Street**

Public hearing for this property 126 Morse Street, located between Capen Hill and Massapoag Avenue was continued. The turning radius and overhang of fire truck were used to measure access to driveway. From turning radius standpoint need to remove both trees on the front. Dias met with fire department and tree warden and Peter O'Cain. Truck turn suggests trees need to

be removed. State Fire Code states the truck needs to remain in lane. Mr. O'Cain said Chief Wright was ok with eliminating only one tree of the two being discussed. Scenic Road Bylaws gives PB right over stone walls. Removal of southern tree on page is one to be removed. Mr. Maidman asked Mr. O'Cain if in your opinion is it dangerous if both trees stay. Mr. O'Cain said you can get into driveway. Fire Department says it need to comply with fire code. They need to do excavation for utilities so roots may be effected. Electric will be underground which will disturb root systems. There is a material risk to trees in any case. Take southern tree, shift driveway which will remove it away from root system. Fire code will be respected. More room for utility placement. Board happy with solution. Mr. Pannone moved to remove the tree closer to Massapoag Avenue (westerly), shift driveway south and assign Peter O'Cain as Agent of the Board. Mr. Maidman seconded the motion. Board voted 5-0-0 in favor of approval. Removal of stone wall as necessary. Peter O'Cain to ensure minimal amount removed and reconstructed on other side.

### **PB response to Governance Committee questions**

Rob Maidman prepared document and hopes this version captures general feeling of Board. A brief conversation ensued. Mr. Pannone suggested that the board move on to the codification review as a priority. Ms. McLaughlin thinks the document is in good shape. She said we should shift gears and put more focus on codification. Chair Blaszkowsky will write to Ms. Arguimbau and let her know the document is forthcoming.

Mr. Maidman asked Chair Blaszkowsky how we want to treat the Governance Study responses.

Chair Blaszkowsky said he would like to hear one to one via email. If there is not much change he can revise. Mr. Maidman suggested everyone read through and send comments to the Chair or formally tell him it is fine as is.

### **Codification and Role of Planning Board**

Ms. De La Fuente reviewed the minutes of the 1/4/22 Zoning Recodification Meeting and the Board discussed and provided their thoughts and opinions.:

On Tuesday, January 4th, 2022, key staff members met with Consultant Land Use Lawyer Mark Bobrowski regarding his second memo on the recodification of the Zoning Bylaws. Staff members that attended the meeting include DPW Superintendent Eric Hooper, Town Engineer Peter O'Cain, Inspector of Buildings Kristian White, and Planning/Engineering Specialist Maria De La Fuente. Board representatives included Planning Board Chair David Blaszkowsky, Planning Board member Robert Maidman, and Zoning Board Chair Joseph Garber.

The meeting discussed bylaws on residential and nonresidential uses.

Mr. Bobrowski said the following, regarding the documents he had sent us to review:

Home Occupation (home businesses): Small scale operations should be allowed as of right/ Special permit operations, such as those that employ more than two people on the premises or involve pupils or students, will be allowed by ZBA approval only. All home businesses have to be the secondary use of a home, and must not produce excessive noise or light, or any outward features that might variate from the appearance of a single-family home.

Something we need to take into consideration is home landscaping businesses. Do we want to allow them under home occupation, or as the main use in business districts only? Mr. Bobrowski cautioned that many municipalities

have seen a decrease in landscaping businesses by not allowing them to operate out of their homes, placing a barrier to entry that indicates that, if you want to run your business in certain towns, you need to be able to afford and set up a separate business in a commercial area.

**Accessory Dwelling Units:** This ADU bylaw is modeled after the governor's legislation released a year ago. This bylaw provides much more guidance to those applying for an ADU, such as requiring a plot plan, stating the unit's maximum square footage, and ensuring that its appearance is consistent with the main dwelling's.

Some points for consideration are whether we should allow for detached (carriage house) vs attached units (such as most garages), whether they should be allowed by right or by special permit, and whether they should be limited to blood relatives only. It is worth noting that it is impossible to enforce whether someone is a blood relative of the owner.

Staff recommendations include allowing ADUs by special permit only and not by right, and to only allow attached units. Additionally, utilities must be shared between the two dwellings (no separate water meters, for example). Basement ADUs should be strictly prohibited.

**Senior Housing Facility:** Senior housing uses are very flexible—they can be put in 2 acres' lot, 10 acres, etc. They're also very profitable uses, usually bringing in about 70 cents in revenue for every dollar spent. We can also write the zoning in such a way that Sharon residents get preference.

We can approach the Senior Housing Facility District as an overlay over a big area, such as Rural 2, which has the biggest lots in town (over 80,000 SF). All senior facilities will be approved on special permits only. This way, if there is a decent parcel for sale (such as a 3-acre parcel) a small senior housing facility could be permitted there, increasing revenue for the town and living options for the elderly.

The only concern attendees had was that, if we group all categories of senior housing (assisted living, congregate care, etc.) under an umbrella term, we might have to think of how that would affect our affordable housing inventory. DHCD considers group homes as affordable homes, but not assisted living facilities. So if we build another 100-unit assisted living facility, we might need to build a lot more apartments or 40B developments to make up for that increase in housing units.

As of now, our Senior Overlay District cannot be used for the purpose it was created. The land in that overlay district has actually been put under a conservation restriction. As such, we must eliminate this overlay district.

**Flexible development:** This alternative form of developing land allows you to work with the community on a variety of different projects. As of now, our flexible development bylaw is obsolete, because it does not grant developers any bonus units for following certain desirable behaviors, such as setting aside open space.

Under this flexible development bylaw, you start with your basic number of units that are allowed under current zoning, setbacks, and septic limitations. Then, you try to preserve as much open space as you can. If you set aside land for conservation, you will get a density bonus. Aside from protecting open space, flexible developments are usually built closer together, and saves developers road costs (reducing amounts of impervious surfaces by doing so).

This bylaw would replace our current Conservation Subdivision Bylaw and update our flexible development bylaw eliminating setbacks and lot lines, so there is more flexibility for efficient development.

**Planned Residential District:** PDDs are an invitation for developers to come to town, as it allows them to do development by referendum.

PDDs are basically a separate single-purpose district. Developers come to the Town with an idea and propose it to staff members. Developers must have an exact idea of what they want to build, such as a 7 room bed and breakfast. They are not allowed to say that on a certain parcel they would either do x, y, or z, but are leaning towards doing x. They must present exactly what they mean to build in order for staff members to know whether the use should or should not be allowed.

If the staff approves the project to move on to the next stage, they will write the zoning for that lot and the developer has to propose it at Town Meeting, where it needs a 2/3 majority vote to pass.

PDDs can be either commercial in nature, or residential. They can even be mixed-use if we allow for it.

The only concern attendees had was that we should delineate the basis on which town staff can deny a project that they think would be injurious or not advantageous to the area.

Performance Standards: Mr. Bobrowski described this section “as a sushi menu” we can pick from. This section expands performance standards from the usual parking/signage/landscaping approach, by adding provisions such as, how much of a site can you disturb? What happens if you hit an archeological site? What about utility connections, fire safety standards, etc.?

Attendees asked that performance standards be made for specific. For example, Mr. Hooper asked whose performance standards are we using? Such as, we could set a maximum level of light intensity, but what if there is a bad thunderstorm and the brightness is not bright enough to light up the area? Who sets the exact threshold levels? Saying ‘reasonable brightness’ leaves it open for interpretation, and makes enforcement very hard. If we are going to adopt more specific performance standards, then we need to agree on particular thresholds. Another option would be to have staff members or consultants who are familiar with performance standards for different fields, and consult them every time a project comes up to make sure that what is being proposed is ‘reasonable’, but then this might place an extra cost on the Town.

Large-Scale Ground-Mounted Solar Photovoltaic Installations: There was further discussion on where solar is allowed to go. Massachusetts Superior Court Judge Piper says that solar bylaws cannot be prohibitive or unnecessarily restrictive, unless you’re denying them to protect the public good. However, Mr. Bobrowski pointed out, it is hard to argue that solar fields could have negative effects on the public. If you argue they’re unsafe for children, for example, the developer could fix that by fencing in the solar field. If you argue that they threaten the welfare of the neighborhood, in which ways? They have no traffic impact. And if you say that solar developments are injurious to health, that is not the case with the current photovoltaic systems. In conclusion, it is very hard to deny an application for solar panels.

However, it is worth noting that the language that Judge Piper used is not the exact language of the Dover Amendment. For example, you can say that you allow large-scale solar in every district except residential, but you cannot say the same about Dover Amendment uses. In summary, where solar can or cannot go is currently in litigation. Specifically, there’s currently a case on whether or not a developer can do a solar field in a residential district.

Mr. Maidman asked how much of the entirety of what was set out to do will be in the first draft of the new zoning bylaw. Ms. De La Fuente says she is unsure. The next meeting is 1/31/22 to review the first draft.

Chair Blaszkowsky said he and Mr. Maidman met with Mr. Turkington to express that there are not many weeks left prior to Town Meeting and the process involves other boards to work with as well as townspeople. We may not be of one mind quickly. We may need more time.

### **Other items**

Review of Post Office Square Design Guidelines

Zoning Bylaw 4391

There is no definitive plan for the Cape Club yet. All units in Phase 1 are built but not complete.

North Main Street property is a LIP. It will be filed as a comprehensive permit from the ZBA.

The Maskwonicut Bridge should be completed August 2024. Construction will occur around train schedules.

### **Future Scheduled Meetings**

1/27, 2/10, 3/3

Scenic Roads Public Hearing for 126 Morse Street – originated on 11/11/21. The hearing will remain open and be continued. Discussed on 1/13/22.

### **Adjournment**

Mr. Pannone moved to adjourn the meeting and Ms. McLaughlin seconded the motion. The Board voted 5-0-0 to adjourn at 9:16 PM.