

Town of Sharon Planning Board

Minutes of 3/24/22

Meeting held via ZOOM

Planning Board Members

David Blaszkowsky, Chair	Pasqualino Pannone Secretary
Rob Maidman, Vice Chair	Peter O'Cain, Town Engineer
Kai Yu absent	
Shannon McLaughlin	

Other Attendees:

Maria De La Fuente, Elizabeth Ellis, Josh Philibert Con Comm Admin, M. Avery, P Arguimbau and B. Collins

Meeting Initiation

David Blaszkowsky called the meeting to order at 7:05 PM. Topics to be discussed:

- Conservation Commission suggested updates to the Environmental Control Section 3300, Zoning Recodification, Zoning map change.
- The PB agreed to start the 4/14 meeting at 6:45 in order to entertain two Public Hearings

Meeting Minutes

Mr. Maidman moved to approve the 3/3/22 minutes. Mr. Pannone seconded the motion. The Board voted 4-0-0 in favor of approval.

Mr. Maidman moved to approve the 3/10/22 minutes. Mr. Pannone seconded the motion. The Board voted 3-0-1(McLaughlin) in favor of approval.

Conservation Commission suggested updates to the Environmental Control Section 3300

Ms. Arguimbau of 300 East Street gave an overview of the Conservation Commission thoughts on changes suggested.

PROPOSED ADDITION TO ZONING BYLAWS 3/14/2022

6.6 WATER SUPPLY AND WETLAND SETBACKS

6.6.1 Water Supply Setback

6.6.1.1 Purpose – to avoid hazards to public health and safety resulting from contaminates or reduction in the volume of water supply

6.6.1.2 Applicability – setbacks apply to all land within 400 (four hundred) feet of any public well or well development area in the central portion of high yield aquifer deposits as indicated on the Zoning Map.

6.6.1.3 Permitted Uses – the following and no others, are permitted and then only if the use complies with all other provisions of this, or any other, applicable bylaw and/or regulation:

- a. a driveway of minimum legal and practical width, provided that no portion thereof shall be sloped in excess of 4% and that no road salt shall be used in maintenance;
- b. utilities, except wastewater collection, treatment and disposal systems;
- c. open space and conservation uses, provided that the land is maintained substantially in its natural state;
- d. active recreation activities such as hiking, trapping, hunting, fishing, horseback riding, bicycling, provided that the land is maintained substantially in its natural state;
- e. one residential structure and associated wastewater treatment and disposal system per lot, provided that:
 - (1) the lot was lawfully in existence on the date of adoption of this section;
 - (2) the lot will not be further subdivided; and
 - (3) any new principle structure is located at the greatest distance from any well or well development area permitted by other requirements of this bylaw.

6.6.1.4 Prohibited Uses – except where authorized in section 6.6.1.3, the following are prohibited within the water supply setback:

- a. structures, pavements and other impervious materials;
- b. the placing or dumping of any low-porosity or unclean fill, trash, debris or rubbish;
- c. any filling excavating, grading or draining that would substantially alter surface or groundwater hydrology and any removal of earth, rock, soil, humus or mineral substance from the premises;
- d. any application of pesticides, herbicides or fertilizers; and
- e. hunting, unless permission given by Police Dept. or landowner.

6.6.2 Wetland Setback

6.6.2.1 Purpose – The role that an undisturbed buffer zone plays in the maintenance of viable wetland and water resources, as well as the functional benefits of those areas, is well documented in scientific literature. Protective buffer zones help to preserve the functional benefits of wetlands and water bodies. The purpose of the wetlands setback is:

- a. to prevent incremental and cumulative impacts to the Town's wetlands, floodplains and water bodies, by restricting the level of disturbance adjacent to these resources, thus preserving their beneficial functions;
- b. to avoid hazard resulting from reduction of water retention capability of the wetlands;
- c. to ensure that as much of the protective vegetated buffer as possible remains undisturbed within the wetland setback;
- d. to prevent flood and storm damage hazards;
- e. to reduce the incidence of unhealthful conditions resulting from development in areas of high water table;
- f. to reduce the likelihood of stream and water body eutrophication and the unhealthful results therefrom;
- g. to limit the degradation of surface and groundwater systems, including, but not limited to, those that influence the quality of current and potential drinking water supplies;
- h. to prevent the degradation of wildlife and fisheries habitat; and
- i. to prevent the nutrient and pollutant overloading of the Town's wetland and water resources.

6.6.2.2 Applicability – Setback regulations shall apply within the following areas: to all land within 100 (one hundred) feet of the following resource areas:

- a. the normal high water mark of all ponds and lakes;
- b. the top of the banks of all perennial brooks and streams;
- c. the land between the channels of braided streams; and
- d. the edge of bordering vegetated wetlands.

6.6.2.3 Permitted uses – The following, and no others, are permitted within the wetland setback areas, and then only if they comply with all other provisions of this and any other applicable bylaw and/or regulation:

- a. the construction and maintenance of a driveway of minimum legal and practical width where alternative means of access from a public way to unrestricted land of the same owner are unavailable; the enlargement to minimum legal and practical width and the maintenance of raised roadways in existence on the date of adoption of this provision, and the construction of other single-lane driveways and paths or residential subdivision streets, including excavation and filling incidental thereto;
- b. the installation and maintenance of underground utilities, provided the surface of the wetland is restored substantially to its original condition; construction which may be required by public or quasi-public agencies or private utilities for the installation or extension of above ground services;
- c. the routine operation and maintenance of services on open land in a cluster development or on property owned or controlled by public or quasi-public bodies and used for conservation, water supply, park or recreation purposes or on land owned or controlled by public agencies nor public utilities and used for the transmission of electric power, gas or oil, or the normal maintenance of sewerage or water lines;
- d. the construction and maintenance of boat launching ramps, the excavation of boat channels, or boat mooring slips accessory to a single-family use;
- e. the construction of wildlife impoundments and other such excavations, provided that no fill or other material shall be placed upon the premises except as may be necessary to construct the retention structure including and provide access thereto, and to provide bank stabilization and access thereto;
- f. the construction and maintenance of beaches, outdoor recreation activities, such as , but not limited to, hiking, boating, trapping, hunting, fishing, horseback riding, skeet and trap shooting and shooting game preserves;
- g. the construction and maintenance of catwalks, wharves, boathouses, boat shelters, fences, duck blinds, wildlife management shelters, foot bridges, observation decks and shelters; and
- h. other works which are designed to enhance conservation or the appearance and attractiveness of open space or recreation areas without altering their use as such.

6.6.2.4 Prohibited activities – except where required to accomplish a use or an activity authorized by subsection 6.6.2.3 above, the following activities and/or uses are prohibited within wetland setback areas:

- a. filling, placing or dumping any soil, loam, peat, sand, gravel, rock or other mineral substance, refuse, trash, rubbish or debris;
- b. draining excavating or dredging any premises or removing therefrom loam, peat, sand, gravel, soil or other mineral substance;
- c. any act or use of any premises in a manner which would destroy the natural contours of the land, detrimentally alter existing patterns of water flow or otherwise alter or permit the alteration of the natural and beneficial character of the environment;
- d. the discharge of storm water within the wetland setback of Lake Massapoag or tributary watercourse; and
- e. hunting, unless permission given from Police Dept. or landowner.

Meredith Avery of 36 Pine Grove Ave supported Ms. Arguimbau by stating this language is consistent with what the bylaws achieve. The towns water supply needs to be protected. Having this language in the

bylaws reinforces protection of resources. It would show Planning and Conservation looking out for the resources.

Ms. McLaughlin stated that this request is a repeat of guidelines already in effect in other sources. She thinks it should only be stated in one place to avoid confusion. She thinks the language is stronger when it stands alone and is updated regularly.

Mr. Pannone believes the regs are important. He thinks its stronger where it currently lives. He does not understand why we would want redundancy. He does not think being in 2 places strengthens it.

Mr. Maidman said he concurs with what was said.

Mr. Blaszkowsky said having the information in 2 places leads to the opportunity for conflict down the road.

Ms. De la Fuente agrees with the language being removed asper Mark Bobrowski's recommendation.

Ms. Arguimbau asked Ms. Ellis and Ms. De La Fuente to provide their notes on the discussion.

Zoning Recodification

Mr. Blaszkowsky asked Ms. De La Fuente where are we? Where are we going? How do we get there?

Ms. De La Fuente said she just received the 3rd draft. She is looking at it to see any details that need fixing. On Wednesday, March 30th there is a review meeting with Mr. Bobrowski. There is a public hearing scheduled for April 14th. Draft 3 was send to legal counsel. Some items need a majority vote while some need a 2/3 vote. Town Counsel will separate the articles.

Brian Collins summarized the Finance Committee warrant article.

Ms. De La Fuente said there are three public hearings and we are hitting all deadlines. We are not making big changes. Everything else we are updating for best practices or being current with the state.

Mr. Pannone said we have been upfront and open. There is nothing controversial. We deliberated. We can defend our position.

Mr. Maidman said that at Town Meeting, we need to explain everything quickly, persuasively and answer why. We are bringing the bylaws into a state of compliance, eliminate confusion, make things simpler to protect towns interest.

Ms. McLaughlin said she has not heard any major concerns. She echoes both Pat and Ron that we are trying to streamline and being consistent with state law. We need to explain all to a t.

There is a public hearing on 4/14 regarding the recodification. Ms. De la Fuente showed the chart she created which shows the changes. It was suggested that this is a great format. Mr. Maidman suggested comments be held to 3 minutes per person. Document links should be added to the agenda once draft 3 is confirmed.

Zoning Map Change

Ms. De la Fuente showed the zoning map change to the board. It eliminates Rattlesnake Hill note on senior living overlay. Mr. Maidman moved to approve the updated zoning map for Town of Sharon dated 3/24/22. Mr. Pannone seconded the motion and the Board voted 4-00- in favor of approval.

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

3/31, 4/7, 4/14

Laura Russell to present Lake Management information update.

Adjournment

Mr. Pannone moved to adjourn the meeting and Mr. Maidman seconded the motion. The Board voted 4-0-0 to adjourn at 8:19 PM.