

Town of Sharon Planning Board

Minutes of 10/6/22

Meeting held via ZOOM

Planning Board Members

Pasqualino Pannone, Chair	David Blaszkowsky - absent
Rob Maidman, Vice Chair	Peter O'Cain, Town Engineer
Xander Shapiro	
Shannon McLaughlin, Secretary	

Other Attendees:

Maria De La Fuente, Liz Ellis, Brian Collins, Rabbi Chaim Wolosow, Pesach Wolosow, Jeff Saria

Meeting Initiation

Vice Chair Maidman called the meeting (via ZOOM) to order at 7:05 PM.

Meeting Minutes

Mr. Pannone moved to approve the minutes of 8/11/22. Mr. Shapiro seconded the motion. The Board vote 3-0-0 in favor of approval.

Beth Israel Lahey Health Primary Care Sign for 93 Pond Street

Two years ago Beth Israel Deaconess/Lahey merged so signage needs to be changed to reflect new brand, name and colors. The new sign will eliminate doctor's names. There will be two ground lights which will shine upward and will be repaired as part of the project. The sign will be 2.5 feet smaller than the existing sign.

Ms. De La Fuente said the sign is bigger than the allowance but less than the last sign. Colors are not historic colors.

Jeff Saria of the sign company said the colors are the brand colors.

Mr. Shapiro asked what type of material would be used and Mr. Saria said it is fabricated aluminum, painted in a satin finish. Letters are dimensional and raised in a flat finished vinyl.

Mr. Maidman asked if this is standard lettering for the brand and Mr. Saria said yes.

Mr. Maidman said he would like more information on the lighting hours and would like more information if it could be placed on a timer.

Mr. Pannone said he is okay with the colors. He suggested change the bulb type or fixture so you are not lighting the vicinity. He requested it be put on a timer.

Mr. Saria said he does not know when the lights will be fixed. He said the lighting is directed solely at the sign. There will be no wattage more than 75 watts. It can be turned off after 7PM or close of business hours.

Mr. Maidman moved to accept the proposal for 93 Pond Street Beth Israel Lahey with the stipulation that the lighting turns off at the end of business with a maximum allowable output of 75W or LED equivalent. By roll call vote, all members voted yes 4-0-0 in favor of approval of the sign.

Chabad Center - Zoning Proposal

Pesach Wolosow introduced himself by stating that professionally, he turns around under-utilized assets into buildings. The Chabad Center has been on the market for 10 years. They are having a hard time finding clients for religious use which is what it is zoned for as a nonprofit.

Ms. De La Fuente said that this property is in the single resident B. It is close to downtown. It could be rezoned to allow medical with a special permit or for a more targeted approach, create zoning for the specific parcel. A conversation ensued.

Chair Pannone said how should we look at the entire area along that stretch. Make zoning that allows for residential or some type of limited business use.

Mr. Maidman asked could a medical building be registered as a not for profit?

Ms. McLaughlin said she is concerned with traffic.

Mr. Shapiro said he is concerned with the new bridge and traffic.

Mr. O'Cain said there would need to be two articles: 1 for a special permit and the second for more increased zoning for business uses. He also said this would affect the property tax status.

Chair Pannone said an article needs to be written, needs 2/3 majority to pass at Town Meeting. The Planning Board cannot leave behind any opportunities. Bring properties up to conformance. Is there a greater benefit to look into?

Mr. Wolosow said he would like to offer quality office space.

Chair Pannone said the action item is to look to see where are businesses operating near them now. Can a smaller business district be made? Can use be limited so don't need to worry there will be a mass amount of traffic.

Mr. O'Cain said public forums will be needed to determine abutter and general resident thoughts of proposed changes to zoning prior to spending money on a Town Meeting article for business use zoning changes.

Mr. Pannone said there is a validity to this proposal and you need to look to see if you can expand the opportunity.

Ms. McLaughlin wanted to know what the abutters think based on the traffic impact.

Mr. Shapiro said the proponent needs to find better uses. He likes the idea to expand beyond one example. Agrees with the philosophy to show renderings to abutters to get their opinion and to proceed thoughtfully.

Mr. Maidman is hesitant to consider a larger scale view given traffic uncertainty.

Mr. O'Cain said he will provide feedback to the applicant regarding the septic system current size, current flow capacity and proposed flow rate, if the number of doctors proposed can be provided to him. The number of doctors needs to be determined so that real numbers can be put together for traffic impacts related to appointments and septic flow. A traffic analysis will need to be done, so flow in and out of the site can be determined and the parking space demand can be determined.

Zoning Articles

Maria reviewed the bylaw below and a discussion ensued.

PROPOSED SHORT-TERM RENTAL BYLAW FOR TOWN MEETING 2023

3.5 SHORT-TERM RENTALS.

3.5.1 Purpose. The purpose of this chapter is to protect the health, safety, and welfare of both the occupant(s) of short-term rental housing units and the general public and to maintain the quality of life in residential neighborhoods. Furthermore, this bylaw is intended to provide for the orderly operation of short-term rentals within the Town and prevent negative impacts on neighborhood character, housing availability, house prices, availability of long-term rental units, and impacts on infrastructure services such as septic systems, parking, access, fire codes, building code enforcement and snow removal. These regulations are also intended to assist the Board of Health, the Building Department, and the Fire Department in the enforcement of state and local health and safety laws and regulations related to short-term rental units and to provide a method for correcting violations when conditions require immediate attention in situations associated with Short-Term Rentals.

3.5.2 Short-term rental registration. Registration is required.

1. No owner shall rent, or offer to rent, any Short-Term Rental prior to registering with the Sharon Building Department. No tenant or lessee of an Owner shall let or sub-let a Short-Term Rental.

a. Where a Short-Term Rental Unit is part of a condominium association, the applicant must be able to provide a signed statement that states that the operation of a Short-Term Rental is not prohibited by condominium documents, bylaws, or other governing documents. The applicant must also submit a copy of the condo agreement to prove their claim.

2. **Compliance.** A dwelling used as a Short-term Rental shall at all times be in compliance with the provisions of all state and local health and safety laws, bylaws and regulations, including, but not limited to; Chapter 190 Noise, the Fair Housing Act, G.L. c. 151B, and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings, except as specifically set forth otherwise herein.

3. **Application Required.** The Owner of the dwelling shall be required to complete a Sharon Short-Term Rental registration application with the Sharon Building Department. The Applicant shall also provide proof each Short-Term Rental is registered with the Massachusetts Department of Revenue.

4. **Abutter Notification:** For an initial application to register a property as a Short-Term Rental, the Applicant is required to send notification informing abutters within 300' and provide proof to the Town of the notification using one of the following methods: Hand delivery; Certified mail, return receipt requested; Certified mail. Proof of abutter notification shall be included with the application.

5. The Sharon Building Department shall, in accordance with the above sections, issue a certificate of registration which shall expire on the following December 31, provided that the certificate may be renewed each year.

6. **Registration Renewal.** Short-term rental registrations shall be renewed annually upon payment of the renewal fee.

7. **Fees.** The fee for a Short-term rental registration or a renewal of a registration shall be \$200.

8. **Non-Transferability.** Short-term rental registrations shall be granted solely to an Owner and shall not be transferable or assigned to any other person, legal entity, or address. The registration does not run with the property; it shall be terminated upon sale or transfer of the property for which the registration has been issued.

3.5.3 Publication of registration number. The Town-issued registration number shall be included on any listing offering the Short-term Rental for rent.

3.5.4 Contact information of owner, operator and/or operator's agent.

1. An Owner of a Short-term Rental shall provide the Sharon Building Department with their current residential address and telephone number upon application for a Registration as well as a full and complete list of persons (as defined above) who have a direct or indirect interest in any property for which a Short-term Rental Registration in the Town of Sharon has been issued or for which a Short-term Rental Registration application is pending.

2. If the Owner is a corporation, the name, address, and telephone number of the president and legal representative of the corporation shall be provided. If the Owner is a realty trust or partnership, the name, address, and telephone numbers of the managing trustee or partner shall be provided.

3. The name and contact information of the Operator must be provided, along with the name and contact information of an Operator's Agent, if different from the Operator, who is able to respond in person to any issues or emergencies that arise during occupancy within one (1) hour of contact by Sharon Inspector Building to complaints regarding the condition or operation of the Short-term Rental. Contact information must include a telephone number that is available 24 hours per day, 7 days a week to Short-term Rental Occupants and the above-stated public safety agencies. This contact information shall be included in the application for a Short-term Rental Registration and shall be posted conspicuously within the rental unit.

3.5.5 Good neighbor information. Short-term rental registrations will be published on the Town's website and shall include the contact information required in Section 3.5.4(3) above. The website shall also include information about these Short-term rental regulations, instructions, and contact information to file a complaint.

3.5.6 Posting of notices. The Town shall provide information to each registered Operator summarizing the regulations for Short-term rentals. For each Short-term Rental Registration issued, this will include, but shall not be limited to: the name and 24-hour contact information of the Operator or Operator's Agent designated in the application, requirements for trash removal, occupancy requirements, parking, and noise restrictions. The Operator shall:

1. Provide each occupant a copy of the provided information; and

2. Post the information, along with the Short-term Rental Registration, in a conspicuous location within the Short-term Rental.

3. Post a diagram indicating the location of all fire extinguishers, gas shut-off valves, fire exits, and fire alarms inside the Short-term Rental Unit, as well as in the building, and evacuation route(s) highlighted in red. The diagram shall be posted in a conspicuous location.

3. Post the Short-term Rental registration number on a placard visible from the street in the dwelling's front yard or front door.

3.5.7 Specific standards of short-term rental properties.

1. **Trash Removal.** The Short-term Rental Operator shall be responsible for ensuring that household trash is removed from the premises immediately after Occupancy is concluded or once per week, whichever is more frequent.

2. **Parking.** On-site parking of one space per Short-term Rental bedroom.

3. Renting for durations of less than twenty-four (24) consecutive hours shall not be permitted.

4. Commercial meetings and uses are prohibited in Short-term Rentals.

5. Each Short-term Rental shall contain functional smoke detectors and carbon monoxide alarms. In addition, the Operator shall provide and maintain one 2.5 lb. multi-purpose, ABC fire extinguisher on each floor.

3.5.8 Occupancy requirements. The maximum number of Occupants in a Short-Term Rental shall be two per bedroom.

3.5.9 Keeping of register. The Operator or Operator's Agent shall be responsible for keeping a register containing the name of the Occupant who is the leaseholder, total number of occupants, and dates of occupancy. The register shall be retained for a period of two (2) years.

3.5.10 Ineligible units. The following are not eligible to be rented or offered to rent as Short-term Rentals:

1. Dwellings designated as below market rate or income-restricted, that are subject to affordability covenants, or that are otherwise subject to housing or rental assistance under local, state, or federal law;

2. Accessory Dwelling Units;

3. Dwellings subject to any requirement of local, state, or federal law that prohibits the leasing or subleasing of the unit or use of the unit as a Short-term Rental;

4. Dwellings that are the subject of any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, stop work orders, unsafe orders, or cease and desist orders.

5. Units in arrears regarding any municipal or state taxes, fines, or fees.

6. Recreational vehicles (RVs)

7. Boats and boathouses

8. Tiny homes

3.5.11 Failure to pay municipal taxes, fees, assessments, and charges. The privilege of receiving or holding a Short-term Rental Registration is contingent upon the timely payment of municipal and district taxes, fees, assessments, and charges. Failure of a Person to comply with this requirement shall be cause, after notice and hearing pursuant to the requirements of M.G.L. c. 40, § 57, for denial, suspension, amendment, or revocation of a Short-Term Rental Registration for any and all property in which the person holds a direct or indirect ownership interest, as above defined.

3.5.12 Inspections. Short-term Rentals shall be subject to a mandatory initial inspection and thereafter inspections every one (1) year by the Sharon Inspector of Buildings, Fire Department, Health Department, or other duly authorized authority from the Town.

3.5.13 Complaint process, violations.

1. Complaint. A complaint alleging that a Short-term Rental is in violation of this Chapter or any applicable law, code, or regulation may be filed with the Sharon Inspector of Buildings. The complaint must contain the Short-term Rental address, unit number, date and nature of the alleged violation(s), and name and contact information of the complainant.

a. Noise complaints and parking issues will be addressed on a case-by-case basis by the Sharon Police Department

b. Any complaints made to the Sharon Police Department can be shared with the Inspector of Buildings upon request.

2. Written notice of any violations of this chapter shall be treated as a complaint and may also be initiated by the Inspector of Buildings. The notice shall specify the nature of the violation to the Occupant and Owner and the time within which compliance must be achieved. The requirements of this subsection shall be satisfied by mailing such notice, through the United States Postal Service by certified mail, or by delivering in hand such notice as memorialized by an affidavit of any Town employee or officer authorized to serve any form of process notice to the Owner or legal representative named on the registration application.

3. Any notice required or contemplated by this chapter shall be deemed sufficient if delivered to or mailed to the mailing address listed by the owner on the Short-term Rental Registration application then on file with the Sharon Building Department. A written change-of address notice signed by the Owner/s and delivered to the Sharon Building Department may be filed at any time.

4. **Review of Complaint.** The Inspector of Buildings shall investigate the complaint(s) within a reasonable timeframe and shall determine whether there may be a violation. If the alleged violation is under the jurisdiction of another city or state or federal agency, the Inspector of Buildings shall refer the complaint to such agency for further action. Upon a finding of a potential violation, the Inspector of Buildings or designee shall serve notice of the violation upon the Owner of the Short-term Rental. The Inspector of Buildings shall keep records of all complaints received and determinations made.

5. **Offering an Ineligible Unit as a Short-term Rental.** Any person who offers a unit as a Short-term Rental, where such unit is not an eligible Dwelling Unit or is not registered, may be fined in accordance with the fine schedule herein on a per violation per day basis. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation. The Inspector of Buildings or a designee may also seek an injunction from a court of competent jurisdiction prohibiting the offering of the unit as a Short-term Rental.

6. **Failure to Obtain a Registration.** Any person who offers an eligible Dwelling Unit as a Short-term Rental without a valid Short-term Rental Registration, or any person who offers an eligible Dwelling Unit as a Short-term Rental while the unit's registration is suspended, may be fined in accordance with the fine schedule herein on a per violation per day basis. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.

7. **Failure to Comply with Notice of Violation.** Any person who fails to comply with any notice of violation or other order issued pursuant to this section by the Commissioner or a designee for a violation of any provision of this section may be fined in accordance with the fine schedule herein on a per violation per day basis. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.

8. **Right to Hearing.** A person upon whom a notice of violation has been served may request a hearing by filing a written petition requesting a hearing on the matter with the Sharon Building Department within fourteen days after the day the notice of violation was served. Upon receipt of a petition for hearing, the Inspector of Buildings shall notify the complainant of the place, date and time of the hearing. The hearing shall be conducted by the Zoning Board of Appeals and shall occur no later than six (6) weeks after the date the Sharon Building Department receives the petition for hearing. The time period in which violations must be remedied shall be stated upon receipt of the petition for a hearing until such time as the hearing is held and the Zoning Board of Appeals has issued a decision.

9. Decision. Within seven days after the conclusion of the hearing, the Inspector of Buildings or designee shall sustain, modify, or withdraw the notice of violation and shall inform the person upon whom a notice of violation has been served, in writing, of its decision and the reasons therefor. If the Sharon Building Department sustains or modifies the notice of violation, said violation shall be remedied within the time period allotted as issued or in the modification.

10. Violations of an unoccupied dwelling shall be corrected prior to occupancy. Violations found in an occupied dwelling shall be corrected within the time specified as determined by the Inspector of Buildings.

11. If a written petition for a hearing is not filed within fourteen (14) days after the notice of violation has been served, or if, after a hearing, the notice of violation has been sustained in any part, each day's failure to comply with the notice of violation within the time allotted as issued or modified shall constitute a separate violation.

3.5.14 Registration suspension, modification, and revocation. In addition to, and not in lieu of, the penalties that may be assessed pursuant to this chapter, the Sharon Inspector of Buildings, after notice and public hearing, may suspend, revoke or modify any or all registration approvals issued hereunder to an Owner for violation of these regulations or of any conditions imposed by the Sharon Inspector of Buildings, notwithstanding that a violation may have been found with respect to one or more, but not all of the registered properties held by an owner. These remedies shall be non-exclusive.

3.5.15 Judicial appeals. Any person aggrieved by a final decision of the Zoning Board of Appeals and Sharon Inspector of Buildings with respect to a notice of violation or any other order issued under this section may seek relief therefrom in any court of competent jurisdiction.

3.5.16 Penalties. If any Occupant, Operator, or Owner violates any provision of this chapter, the Owner may be subject to a fine in accordance with the following: \$300 1st Offense, \$500 2nd Offense, and each subsequent offense. Each day that a violation exists constitutes a separate offense.

3.5.17 Enforcement. The Town may enforce the provisions of this chapter by any or all of the following: the noncriminal disposition process of M.G.L. c. 40, s. 21D; by seeking to restrain a violation by injunction; and by filing a complaint in any court of competent jurisdiction.

3.5.18 Regulations. The Sharon Inspector of Buildings may adopt regulations, policies and procedures for the implementation of this Section.

3.5.19 Severability. Each provision of this Section shall be construed as separate. If any part of this Section shall be held invalid for any reason, the remainder shall continue in full force and effect. In the event of a conflict between this Section and any other Section or Chapter of the General Code of Sharon, this Section 3.5 shall control.

3.5.20 Annual reporting. The Town Administrator shall publish annually in the Town of Sharon Annual Report the statistical data relating to Short-term Rentals.

3.5.21 Room occupancy excise and community fees. Short-term rentals subject to the provisions of this bylaw are subject to the Room Occupancy Excise under G.L. c.64G and short-term rental community impact surcharge.

3.5.22 Liability. Nothing in this bylaw shall be construed to make the Town responsible for compliance with or enforcement of a lease, condominium by-laws, or other governing documents, or any contract or agreement to which the Town is not a party.

<https://ecode360.com/6557650> **Definitions to add to Section 11: Definitions**

Short-term rentals: For the purposes of Section 3.5, the following definitions shall apply:

Bed and breakfast: A bed and breakfast establishment is a private owner-occupied house where 4 or more rooms are rented, a breakfast is included in the rent and all accommodations are reserved in advance. A bed and breakfast establishment, as defined above, requires registration with DOR.

A bed and breakfast home is defined as a private owner-occupied house where not more than 3 rooms are rented, a breakfast is included in the rent and all accommodations are reserved in advance. A bed and breakfast home is not subject to tax. Registration with DOR is not required.

Building department: The Building Department of the Town of Sharon.

Commercial meetings: A meeting in which a group of people comes together to discuss business issues with the intent to make a profit, or any gathering in which the intent is the purchase or sale of goods or services which results in profit for one or all the involved parties.

Dwelling: Any building or area in a building used or intended for use for human habitation, including, but not limited to, apartments, condominiums, cottages, guesthouses, one-, two- or multiple-unit residential buildings, and rooming houses, but not including any licensed facility.

Front yard: The area between the roadway and the part of the structure nearest to the roadway.

Liability insurance: An owner must have liability insurance that complies with M.G.L. c. 175 § 4F.

Licensed facility: Any facility licensed under any state or local laws or regulations other than those registered under this chapter.

Occupant (guest): Any individual residing overnight in a short-term rental.

Occupant: Anyone residing overnight in a dwelling.

Operator (host): Any Person or entity operating a short-term rental.

Operator's agent: A Person who, on behalf of an operator of a short-term rental: (i) manages the operation or upkeep of a property offered for rent; or (ii) books reservations at a property offered for rent. An "operator's agent" shall include, but not be limited to, a property manager, property management company or real estate agent.

Owner: Any person who alone or severally with others has legal title to any dwelling, dwelling unit, rooming unit or parcel of land, vacant or otherwise; mortgagee in possession; or agent, trustee or other person appointed by the courts.

Person: Any individual, partnership, corporation, firm, association, or group including a governmental unit other than the Town of Sharon or any of its agencies.

Short-term rental: An occupied property that is not a hotel, motel, lodging house, or bed and breakfast establishment, where at least one room or unit is rented out by an operator through the use of advance reservations, for a fee, for a period of not more than 30 consecutive calendar days. A short-term rental includes an apartment, house, cottage, and condominium. It does not include property that is rented out through tenancies at will or month-to-month leases. It also does not include time-share property or bed and breakfast homes (see definition of bed and breakfast). Department of Revenue (DOR) registration of short-term rentals is required.

Future Discussions

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

10/27, 11/10, 12/1

Adjournment

Mr. Maidman moved to adjourn the meeting and Ms. McLaughlin seconded the motion. The Board voted 3-0-0 in favor of adjournment at 8:30 PM.