

Town of Sharon Planning Board

Minutes of 3/9/23

Meeting held via ZOOM

Planning Board Members

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

Other Attendees

Sonal Pai, Suzi Peck, Laura Nelson

Meeting Initiation

Chair Pannone called the meeting to order (via ZOOM) at 7:02 PM.

Chair Pannone said tonight's meeting will begin with a Public Hearing on the Zoning Bylaw Revisions. Chair Pannone read the legal ad.

TOWN OF SHARON PUBLIC NOTICE PLANNING BOARD LEGAL NOTICE PROPOSED ZONING BY-LAW REVISIONS PUBLIC HEARING

The Sharon Planning Board will hold a virtual ZONING BYLAW PUBLIC HEARING on Thursday, March 9th, 2023 at 7:00 pm to discuss changes and updates to the following sections of the Zoning By-Laws of the Town of Sharon.

1. Revisions to the Accessory Dwelling Unit (ADU) by-law, Section 8.1.
2. New Short-term rental by-law proposed Section 3.5.
3. Remove and replace entirety of the Solar By-Law, Section 7.7.
4. Dimensional reductions in three districts for side and rear setbacks from 20' to 15' (Single Residence B, Business District A and the General Residence district) and height limit change in the light Industrial District from 80' to 100'.
5. Use change to allow pet care facilities in most zoning districts either by special permit or by-right with new definition.
6. Changes to motor vehicle related use table from 15,000 GVW to 10,000 GVW for outdoor storage of vehicles. Revise text in Section 3.3.2 to match the use table.
7. Revisions to Sections 10.7.5 regarding the ability to deny a site plan related to a Dover Amendment use and 10.8.5 regarding public hearing discussion of reasonable accommodation.

Complete copies of the article language can be obtained from the Sharon Town Clerk, Sharon Public Library and the Sharon Engineering Department, Peter O'Cain, at (781) 784-1525, ext. 2316.

The meeting link is below and can also be located in the Planning Board agenda at www.townofsharon.net in the "Town Calendar".

Online Meeting ID Password [www.zoom.us 250-039-2197 02067](https://us02web.zoom.us/j/2500392197?pwd=ZVdUZEFOdFF0dzVROEtTcEp5dEs4Zz09)

<https://us02web.zoom.us/j/2500392197?pwd=ZVdUZEFOdFF0dzVROEtTcEp5dEs4Zz09> BY PHONE 1-312-626-6799 1-929-205-6099 1-253-215-8782 1-301-715-8592 1-346-248-7799 1-669-900-6833

To mute or unmute yourself, Press *6

All persons interested should plan to attend.

Sharon Planning Board, Mr. Pasqualino Pannone, Chairman

Mr. Maidman moved to open the Public Hearing and Mr. Shapiro seconded the motion. The Board voted 4-0-0 in favor of opening the meeting.

Chair Pannone stated the moderator said dimensional changes height increase, AG comments and weight bylaws changes can all be voted on simultaneously and Chair Pannone wants to discuss them simultaneously.

Mr. Blaszowsky wants pet care included in the discussion and Mr. Pannone said okay.

Dimensional Use Table - reduce setbacks from 20 feet to 15 feet. Properties in these areas are ½ acre or less. Can make nonconforming properties conforming. It would give breathing room for the center of Town meaning if you remodel you need a permit from the Building Inspector. This would be sent to the ZBA to review the request which is non-conforming. This would make it easier for the applicant. Doesn't remove requests for obtaining building permits, septic etc. Need to meet all regulations. It avoids involving ZBA. The Building Inspector can do it. Most applicable properties would be in the center of town.

Laura Nelson asked if in terms of economic development is this going to make it easier for businesses and help with tax base? Any revenue generating aspect?

Mr. Pannone said this could have potential in the center of town. Most are residential properties. Could be attractive to business in light of industrial area. It could attract business or developers.

Mr. Maidman said in the past applicants had to make investments in plans when it went to the ZBA. Our motivation makes it easier without expenditure.

Motor Vehicle Weight Change - reduce 15000 gvw to 10,000 gvw.

Mr. Pannone suggested reducing to 12,000 gvw still limiting what can be parked in driveway. This will eliminate 6-wheel dump trucks. Mr. Maidman seconded the motion. All members voted they were in agreement.

Laura Nelson asked if there is any impact on recreational buses or recreational vehicles. Are they not supposed to be visible from the street?

Mr. Pannone said that is an excellent question.

Mr. O'Cain said the point is work vehicles should not be in the driveway. They cannot be within the front, side or rear setbacks.

Mr. Pannone asked Mr. O'Cain to look into this to determine what will happen with mobile homes.

AG Comments for sections 10.7.5 and 10.8.5

Mr. Pannone said the proposed language makes sense. 10.7.5 cannot deny special permit for Dover use. Need complete site plan submission.

Pet Care facility

EXISTING DEFINITION

Animal or veterinary hospital: A building providing for the diagnosis and treatment of ailments of animals other than human, including facilities for overnight care, but not including crematory facilities.

PROPOSED DEFINITION

Remove the definition of “Animal or veterinary hospital” in Section 11.0 and replace with the following:

Pet Care: A business providing for the diagnosis and treatment of ailments of animals other than human, including facilities for indoor overnight care. Indoor animal day care and grooming facilities are also allowed. Crematory facilities or outdoor enclosures for animals are prohibited. Zoning changes for Pet Care facilities existing prior to May 1, 2023 are not applicable.

Chair Pannone asked if anyone had any thoughts on the language. All members were comfortable with the language as amended. Mr. Maidman voted to approve Pet Care Facility language and Mr. Shapiro seconded the motion. They voted 4-0-0 in favor.

Chair Pannone said the first three parts of the moderator’s omnibus warrant article except Pet Care can be approved together. Mr. Maidman voted to approve all three (dimensional, motor vehicle weight and AG comments) including amendment on vehicles weight to 12,000 gvw. Mr. Shapiro seconded the motion. All members voted in favor 4-0-0 by roll call vote.

Short Term Rental Bylaw

Mr. Pannone asked if there was any discussion.

Suzi Peck of 1 East Street asked if this includes house swapping with no money exchange.

Chair Pannone said this is for money exchanged payments.

Mr. O’Cain said the purpose of short term rentals is for less than 31 days.

Mr. Maidman said payment in kind for house swap is a no money transaction.

Mr. Blaszkowsky moved to approve the Short Term Rental Bylaw. Mr. Maidman seconded the motion. The Board voted 4-0-0 in favor by roll call vote.

Solar

Chair Pannone said he spent time with Mr. O’Cain regarding clean-up of the language.

7.7.4 USE REGULATION TABLE

							Rural - 1 Rural- 2	SUBURBAN 1,2 Professional A, B	Sing A &	Busin ess A, B,C, D	Light Indust rial	Munic ipal
PRINCIPAL USE												
Medium-Scale Ground-Mounted or Ground-Mounted Canopy Solar Energy System							SPR	SPR	SPR	SPR	Y	Y
Large-Scale Ground- Mounted or Ground-Mounted Canopy Solar Energy System							SPR	SPR	SPR	SPR	SPR	SPR
Roof-Mounted Solar Energy System	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
							Rural 1 - 2	Suburban 1, 2 - Professional A, B	Sing A &	Busi ness A, B, C, D	Light Indust rial	Munici pal
ACCESSORY USE												
Roof-Mounted Solar Energy System							Y	Y	Y	Y	Y	Y

Small-Scale Ground- Mounted Solar Energy System	Y	Y	Y	Y	Y	Y
Medium-Scale Ground-Mounted or Canopy Solar Energy System	SPR	SPR	SPR	SPR	SPR	SPR
Large-Scale Ground-Mounted or Canopy Solar Energy System	SPR	SPR	SPR	SPR	SPR	SPR

Solar Use Tables: Y = Allowed N = Prohibited SPR = Site Plan Review

Mr. Pannone said he reviewed the changes and made things cleaner. This had been reviewed by an external attorney as well as Mark Bobrowski.

Mr. Maidman said the language is inclusive and fair to all concerned.

Mr. Blaszkowsky moved to approve the solar bylaw to include edits from the meeting Mr. Pannone had on 3/8 with Mr. O'Cain. Mr. Maidman seconded the motion. The Board all voted 4-0-0 in favor of approval.

ADU

Mr. Pannone said Fin Comm was more or less ok with the ADU language but said the parking description is vague. They were adamant to include rental ability in ADU and not solely limit to family and prohibit lease component. Mr. Pannone said he has researched ADU language in other Towns and all he reads is Massachusetts communities are moving toward rental ability. This has position impact to affordable component.

Mr. Pannone said he is fine with striking 8.1.3 condition 2. Not to be leased or rented as this would allow ADU to be rented.

Mr. Maidman said if it can be included in affordable housing inventory then strike it. If cannot be included, then he would be hesitant.

Mr. Shapiro suggested leave as written. He wants it to pass. We talked about how we want it to be. He does not want to strike.

Mr. Pannone said so the feedback is this will not pass unless this language is struck. Need simple majority to pass.

Mr. Blaszkowsky said he wants to be clear. Our job is not to do what other towns do. Need to make a decision that's right for Sharon. Can enable people at Town Meeting to discuss.

Mr. Pannone said he gets it. Appreciates all input. Research states towns are going in this direction.

Mr. Blaszkowsky said not now though but we will have to comply with the law. Now we have responsibility to do what's best for Sharon.

Laura Nelson said what's the impact on schools and town services if rental is allowed?

Mr. Pannone said this bylaw is already in effect. Town allows for ADU's. The Board does not have the impact information. There are not a lot of ADU's in town. The intent is to clean up current ADU Bylaw. There is too much ambiguity it needs to be more specific.

Suzi Peck thinks houses will be turned into two families and that will have an impact on septic.

Mr. O'Cain said we are going to ask Town Counsel about the 2 family issue.

Mr. Pannone said the ADU does not count as 2 families. It has 1 meter and 1 address.

Ms. Peck said she is worried about the BOH.

Mr. Pannone said the BOH has their rules and bylaws that homeowners need to follow. Need to eliminate redundancy. Nothing stating need changes to BOH regulations.

Mr. Blaszkowsky said don't think about cleanup. It needs to be debated. What will be the increase/burden on education and the water systems.

Mr. Maidman said the ADU is well defined under Mass laws. This is not an improvement.

Chair Pannone said ADU will be an addition/renovation to an existing structure. Only stand-alone structure is one being renovated prior to 5/22 or if building stands alone. ADU needs to be within primary house setback.

Mr. Maidman said there is no conflict or exclusion from BOH rules. We are trying to eliminate vagary.

Mr. Shapiro said the ADU is often for the caregiver. Our purpose is trying to make an improvement.

Chair Pannone said to review, we are fine with the ADU language as written without striking out will not be rented or leased.

Mr. Maidman said yes.

Mr. Blaszkowsky said no. Do we want to enable more people to move in.? Leave family as family.

Mr. Pannone showed Mr. O’Cain new proposed language re: ADU.

Language taken from 2/23 Email from Peter to Webmaster for posting:

THE ADU BYLAW WILL NOW READ: 8.1 ACCESSORY DWELLING UNITS (ADU). 8.1.1 DEFINITION OF ADU: A secondary residential unit, complete with its own sleeping, cooking and sanitary facilities, that is attached or a part of the primary structure of a single-family dwelling unit, or a structure accessory thereto but functions as a separate unit. 8.1.2 Procedures. Accessory dwelling units may be allowed by-right in a principal dwelling or in a detached structure on the same lot, provided that each of the following additional conditions are met for a building permit. 8.1.3 Conditions. 1. A plot plan of the dwelling unit and proposed accessory dwelling unit shall be submitted to the Inspector of Buildings, showing the location of the building on the lot, the proposed accessory dwelling unit, location of any septic system and required parking. A certified plot plan, stamped by a Professional Land Surveyor registered in the State of Massachusetts, is required. 2. An affidavit shall be provided stating that one of the two dwelling units shall be occupied by the owner of the property, except for bona fide temporary absence, and stating the ADU will not be leased or rented. 3. Not more than one accessory dwelling unit may be established on a lot. The accessory dwelling unit shall not be served by any separate utility meter. 4. The accessory dwelling unit shall not be larger in floor area than 50% of the habitable floor area of the principal dwelling, or 900 square feet, whichever is smaller. 5. The proposed ADU must meet the district’s primary structure zoning dimensional requirements, except conversion to an ADU of a free-standing accessory structure existing prior to May 2, 2022 will be subject to the dimensional requirements for an accessory structure. For any Structures existing prior to May 2, 2022, demolition, addition and reconstruction will be considered new construction subject to this by-law. 6. Sufficient parking, shall be provided on-site by the owner to serve the accessory dwelling unit. 8.1.4 Decision. A building permit for an accessory dwelling unit may be granted by the Inspector of Buildings upon a finding that the construction and occupancy of the accessory dwelling unit will not be detrimental to the neighborhood in which the subject property is located. 8.1.5 Special Permits. Any deviation from the conditions set forth in Section 8.1.3 will require a special permit from the Zoning Board of Appeals. A special permit for an accessory dwelling unit may only be granted by the Zoning Board of Appeals upon a finding that the construction and occupancy of the accessory dwelling unit will not be detrimental to the neighborhood in which the subject property is located and after consideration of the factors set forth in Section 10.5 of this Bylaw.

Mr. Pannone said this is what a single family dwelling should look like without dictating aesthetics.

Mr. Maidman said the intent is important for what we are trying to achieve.

Mr. Shapiro said it’s an upgrade.

Mr. Pannone presented new language for parking sections 3.3.2.5 and 3.3.2.6. He said all parking is to be off-street. To be clear you cannot have two curb cuts.

Mr. Shapiro said amend the current ADU to include what Mr. Pannone presented.

Mr. Maidman suggested stating parking on lawn is prohibited.

Mr. Pannone said all parking off street on designated driveway.

Mr. Maidman said driveway or extension.

Mr. O'Cain said on paved driveway unless gravel. Paved or permeable extension of existing driveway.

Mr. Pannone said all parking to be off-street on designated driveway, then add 3.3.2.5 language.

A discussion ensued.

Mr. Pannone to provide Mr. O'Cain with language.

Mr. Shapiro moved to approve the ADU language. Mr. Maidman seconded the motion. The Board voted by roll call vote 3-1 (Blaszowsky) - 0 in favor of approval.

Mr. Pannone will clean language and send to Mr. O'Cain. Not strike language on rent or lease.

Mr. O'Cain said the Finance Committee wanted the language changed.

Mr. Pannone said they can amend during Town Meeting. This option exists.

Mr. Blaszowsky said he wants to submit a minority opinion.

Mr. Pannone said Mr. Collins will do the report on Fin Comm. He told Mr. Blaszowsky to give Mr. Collins his comments for inclusion.

Mr. Blaszowsky said he would contact Brian. He said his dissenting opinion will be tastefully described and needed as the Boards vote is not unanimous.

Mr. O'Cain will contact DHCD to see how ADU are counted toward affordables. The law is complex.

Mr. Blaszowsky said to Chair Pannone since doing research what did your research say about the percentage of affordables. Mr. Pannone said he didn't have that percentage. He does not recall them being all that high.

Mr. Pannone said we made language more clear. It's a cleanup for the Building Inspector.

Mr. Blaszowsky said thinking from an economic segment we will have an opportunity at Town Meeting to discuss.

Mr. Pannone said if you sell your house the ADU goes with it.

Mr. Blaszkowski moved to close the hearing on the zoning bylaw articles. Mr. Shapiro seconded the motion. The board voted 4-0-0 in favor of closing the hearing.

Planning Board Term Reduction

Chair Pannone presented this topic as an opportunity to vote or cosponsor the article sponsored by the Select Board. He said Ms. McLaughlin is in favor of being a cosponsor.

Mr. Blaszkowski said he prefers a 5-year term. He thinks planning is more beneficial for a longer term. He would advocate to keep it at 5 years.

Chair Pannone said the PB position is better suited to 5 than 3 years as planning and implementation takes a long time. The State does not dictate term being 5 or 3 years. Multiple towns have 3 years. Some are appointed versus elected. Mr. Pannone said feedback is if it is a three-year term more people might be implied to run.

Mr. Shapiro asked if we are going to cosponsor. The Select Board sponsored the Governance Committee seems odd to cosponsor. He does not want to cosponsor.

Mr. Maidman said the issue of 3 or 5 years depends on perspective. The Select Board wants it aligned with the Select Board terms. In that sense it is positive. We know evolution issues. Certain issues take a long time which speaks to a 5-year term. With the issue of cosponsor – we do not need to.

Mr. Pannone said the Governance Committee took this up based on the PB asking to have the term reviewed. They considered the option and made the recommendation.

Mr. Shapiro said he will be pulling papers to run for the PB.

Mr. Pannone said we requested the Governance Committee to take this up. Ms. McLaughlin is a proponent for 3 years.

Mr. Maidman said we appreciate the efforts of the Governance Committee.

Mr. Pannone said he was contacted by a Fin Comm member who was writing the article. He brought up if the PB wanted to cosponsor or vote. Mr. Pannone said he would take it to the Board. His initial thought was the desire to cosponsor but it seems we have gone the other way. Mr. Pannone said reducing the term from 5 to 3 years is a good thing to do. Planning is a long term process. You can always reup. If not, let someone else take over.

Mr. Maidman said this is a five-year assignment.

Mr. Pannone said we should never have lobbied the Governance Committee.

Mr. Blaszkowsky said if our vote changed, it changed. We are entitled to do so.

Mr. Maidman said he would draft a response to the Fin Comm.

Mr. Pannone said this is an embarrassment.

Mr. Blaszkowsky said we are entitled to feel differently. Maybe the warrant article should be pulled if we feel strongly enough.

Mr. Shapiro said this should be discussed at another meeting.

Mr. Pannone said if the Board is leaning toward maintaining 5-year term than maybe the article should be pulled.

Meeting Minutes

Mr. Blaszkowsky moved to approve the minutes of 2/2/23 Mr. Maidman seconded the motion. The Board voted 4-0-0 in favor of approval.

Mr. Blaszkowsky moved to approve the minutes of 2/16/23 Mr. Maidman seconded the motion. The Board voted 4-0-0 in favor of approval.

Next Meeting Dates

3/16, 4/13@8:15 PM, 4/27

Adjournment

Mr. Maidman moved to adjourn at 9:39 PM. Mr. Blaszkowsky seconded the motion. The Board voted 4-0-0 in favor of adjourning.