

Town of Sharon Planning Board  
Minutes of 4/30/14  
Approved on 5/28/14  
Sharon Community Center  
Filmed by SCTV

<b>Planning Board Attendees</b>	
Pat Pannone,	Chair Ben Pinkowitz
Anne Bingham	Peter O'Cain, Town Engineer
Rob Maidman	David Milowe - absent

David and Maureen Dearborn	Richard Kramer
Kyla Bennett	Cheryl Weinstein 4 Coach Lane
Ivars Apse	Cindy Amara
Gordon Gladstone	Keevin Geller
Frank Holmes	Tom Houston
Jeff Spagat	Dick Gelerman
Dave Lewis	Cindy Amara
Chris Regnier	Alex Korin

**Meeting Initiation**

Chair Pannone called the meeting to order at 7:35PM. He stated that he reviewed the previous Planning Board Meeting in its entirety.

Mr. Pinkowitz moved to close the Public Hearing for the proposed removal of eight trees located at 158 East Street and two trees located at 162 East Street, and the review of the proposed removal of two 17 foot wide sections of stone wall at the same address. Ms. Bingham seconded the motion and the Board voted 4-0-0 in favor of approval of closing the hearing. There was no discussion.

Mr. Pinkowitz moved to approve two openings and removal of 10 trees at 158 and 160 East Street and to appropriate \$600 to the recycling account. The spoils of the wall removal should be used to finish the edge of the walls. and Mr. Maidman seconded the motion. The Board voted 4-0-0 in favor.

**Continuation of the Rattlesnake Hill Public Hearing**

Mr. Pannone asked for new information to be provided.

Mr. Gelerman said a provision is contained that all is subject to the development agreement; if the 3 million is not approved he thinks the development will not be built. The obligations of the development agreement cannot be avoided. He said why would the developer walk away from the 3 million dollars. They would have to give us the land if they want to proceed. In the second amendment to the development agreement if the developer wants material relief to the development

agreement it requires Town Meeting approval which relieves the developer of the material obligation.

Regarding the people who live on Coach Lane, if waste water enters their wells, the developer will put \$113,000 for four years in escrow for the Town to run a water line to Coach Lane.

Chris Regnier said they are moving forward with the project. This is a zoning amendment being discussed tonight. They are conveying land to the Town for 3 million dollars. He said that Brickstone wanted to do a senior living housing development but with the recession they could not advance. Investors now want to move ahead. Their proposal now is 98 units and 3 million dollar purchase price for land. The zoning amendment also deals with wetland setbacks.

Attorney Gelerman commented that the development agreement has no authority to release the developer from the Planning Board regulations. Should there be a conflict between the development agreement and the Planning Board Regulations, the regulations trump.

Tom Houston stated the Planning Board Regulations are in effect. The Planning Board can control how the site is developed. He said the Board has the right to limit road lengths and the authority to wave the Planning Board regulations if the applicant wants different phasing. The Development Agreement has no authority over the Planning Board Regulations. The Development Agreement is what the BOS agreed to.

Ms. Amara said that no one can predict what the subdivision plan will look like. If they are not given permits then they are not obligated to move forward. At this point there is no background to see how the new subdivision regulations will work.

Ms. Bingham said that the BOS negotiated a development agreement that contains provisions that put the Planning Board in a bind.

Mr. O'Cain said we are here to vote on the zoning now.

Ivars Apse of Coach Lane said he saw in the development agreement that they were going to extend a waterline across his property at 1 Coach Lane to provide water to Coach Lane. He stated the Selectmen did not contact him prior to the adoption of the agreement and that he will seek recourse.

Mr. Gelerman said that the amendment provides money just in case. If this were ever to happen which would not be for several years, they would consult Mr. Apse at that time to grant an easement. The Town could take the easement by eminent domain via 2/3 Town Meeting vote and payment. It would follow the due process of the law. It would require appropriation and appraisals for the

benefit of Coach Lane. All of this presumes there will be an impact to the wells on Coach Lane. He said he hopes the DEP precludes this. They determine the frequency of the testing.

Richard Kramer of 77 Beach Street suggested that the community be given time to digest recent information, like the development agreement.

A brief discussion ensued about the 100-foot setback and Mr. O'Cain suggested that the Board should consider this setback as a municipal building is planned and this setback limitation would not work. . Mr. Houston commented that the 100ft setback provides security to existing residents and it is hard to look at town wide.

Mr. Maidman moved to close the Public Hearing. Mr. Pinkowitz seconded the motion and the Board voted 3-1-0 in favor of closing the hearing.

Mr. Maidman told Mr. O'Cain that he brought up an important point regarding the 100-foot setback. He asked if this is what a variance application is for. Mr. O'Cain said it makes it harder for the project as it is another obstacle.

Mr. Pannone asked Mr. Houston how he came to the 100 feet and Mr. Houston said he was being conservative.

Mr. Gelerman said it is more appropriate to amend at Town Meeting.

Mr. Pannone said he wants to strike it.

Ms. Bingham commented that this still goes to Town Meeting regardless of how we vote. The Towns people count on us to be careful about unintended consequences and their impacts. She said she is not comfortable and asked what's wrong with a CSD.

Mr. O'Cain said that under the CSD the most they can get is 67 homes; the economic are not there.

Mr. Maidman moved that the Board vote to approve the article as presented within the package but strike subsection 2312D as written in the proposal. Mr. Pinkowitz seconded the motion and the Board voted 3-1-0 in favor.

### **ANR Old Post Road**

Assessors map # 106 and 107 parcel 1 and 2. Eric Dias representing the applicant came before the Board to subdivide the smaller and larger portion of the 5 acres. The result is 2 parcels with frontage on Old Post Road and on Route 1. The applicant is Sharon Residences LLC, 5 Springdale Avenue Canton, MA 02021. Mr. O'Cain said a 40B has been approved for this site consisting of 60 garden size apartments and a 2-4 story building. Mr. Dias said the applicant has

revisions and Mr. O'Cain asked if it is single-family homes. Mr. Dias said that is one option.

Mr. Pinkowitz moved to accept the ANR Plan proposed for 635 ad 595 Old Post Road. Ms. Bingham seconded the motion and the Board voted 4-0-0 in favor of approval.

### **ANR Canton Street**

Keevin Geller Trustee of the Gander Realty Trust came to the Board to state he is in the process of purchasing land and the purpose of the ANR is to make lot 4 a buildable lot. Mr. Pinkowitz moved to approve the ANR Plan for Lot 4 on 20 and 24 Canton Street as shown on the subdivision plan. Mr. Maidman seconded the motion and the Board voted 4-0-0 in favor.

### **Minutes**

Mr. Pinkowitz moved to accept the minutes as presented for 4/9/14 as presented. Mr. Maidman seconded the motion and the Board voted 4-0-0

### **Next Meetings**

6/11 and 6/25

### **Adjournment**

Mr. Maidman moved to adjourn the meeting at 9:15 PM. Mr. Pinkowitz seconded the motion and the Board voted 4-0-0 in favor of adjournment.