

## **Town of Sharon Planning Board**

**Minutes of 4/27/23**

**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	

### **Other Attendees**

Sonal Pai, Brian Collins, Chief Madden, Laura Henze Russell, Laura Nelson, Georgeann Lewis, Matt MacDonald, Siobhan Donahue

### **Meeting Initiation**

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

### **Meeting Minutes**

Mr. Blaszkowsky moved to accept the minute of 3/9 and 3/16. Mr. Maidman seconded the motion. Via roll call vote, the PB voted 5-0-0 in favor of approval.

### **Lake Management request for a support letter for the MVP Action Grant**

Ms. Russell presented the need for a support letter for the MVP grant which is a highly competitive grant. She said this request was favorably reviewed by the Select Board and Conservation Committee and Board of Health. She said she will circulate to the Board once its ready and the Board will need to respond in a week.

### **Covenant release for Lot 21 in Massapoag Estates, now known as 45 Horizons Road**

Mr. O'Cain said that all lots have covenants until certain aspects regarding the infrastructure are completed. He gets calls before closings to issue lot releases but sometimes this is not done. This request is to approve covenant release for Lot 21 in Massapoag Estates, now known as 45 Horizons Road.

The request here is to make Mr. O'Cain Agent of the Board for the lot release so that he does not have to wait until a PB Meeting. If the certificate of occupancy has been issued and the subdivision done, the lot can be released.

Mr. O'Cain said that the existing home was never released. The lot was formerly on a subdivision with the home completed in 1990. This is a cleaning up of paperwork.

Mr. Blaszkowsky moved to accept the lot release for 45 Horizons Road and allow Peter O'Cain to act as Agent for the Board for this. Mr. Shapiro seconded the motion and all voted 5-0-0 in favor, via roll call.

**Vote to make Town Engineer Agent for the Planning Board for all future lot releases**

This topic will be on a future agenda.

**Discuss proposed floor amendment to the Short-Term Rental By-Law**

Mr. O'Cain shared Article 26 showing the changes. He said he will speak with Mr. Turkington regarding the process and does not want fees in the bylaw. Some fees need to be voted at Town Meeting.

3.5.4 contact info.

3.5.11 Inspection – changed back to one year.

3.5.17 Regulations – Inspector of Buildings changed to Select Board.

Chief Madden said the building owners are responsible for ensuring smoke detection devices are working properly.

Fire - \$40 fee for smoke inspection in sale of home.

Mr. Maidman moved to accept proposed changes for the floor amendment for Article 26 to be presented at Town Meeting for a vote. Mr. O'Cain will make the presentation. The Board voted 4-0-0 in favor of approval.

**Review new 40B filing for 262-290 Edge Hill Road. Discuss comments to the ZBA**

Mr. O'Cain said that there is a proposed 20-unit rental development near 262-290 Edge Hill Road. By process, it goes to the ZBA.

Chair Pannone said we are above 10% why is this coming and Mr. O'Cain said to ask the Select Board. It is a LIP Project and the Select Board has to recommend it to the ZBA and show support.

Mr. Blaszkowsky said so this is a 40 B we do not need but the Select Board approved. Mr. O'Cain said yes. These are 20 rentals and we get credit for 20 rentals. Mr. O'Cain said we are at 10.3 % rate of affordables.

Mr. O'Cain said 20 units equals 42 bedrooms. There are quite a few variances needed for the Board of Health. The septic is not detailed enough. Tom Houston was hired by the ZBA to do an extensive review of traffic, drainage, septic, etc. This project is entirely within Sharon. It is 8 lots combined into 1 lot.

Chair Pannone said a 40B project has to go through DHCD. Affordable units are rentals. He is unsure if you can go from rentals to for purchase.

Mr. Maidman asked if there has been contact with abutters and Mr. O'Cain said none to date.

Georgeann Lewis of 264 Edgehill Road said she is a direct abutter and is not in favor of the project. She is not in favor of waivers. She said this project is not new and has been in the works since June, 2022. She was never contacted. She is concerned it has slipped through the Select Board. She is concerned of the size, that it is on a scenic road and concerned as there are no rentals on the road. Chair Pannone said the Planning Board is confused. We thought it was dead in the water because we hit the 10% mark for affordability.

Matt Mac Donald of 237 Edgehill Road said he is interested in the Planning Board process and involvement. He is concerned with the density and ground water contamination. He said they are trying to put 40 bedrooms in the space for 12 bedrooms. There are public safety issues, terrible traffic, no sidewalks, a cut through road and not a good fit.

Chair Pannone asked the residents if they were present when the Select Board approved. They said they did not know it was on the agenda. The proponent's attorney spoke quickly. The Select Board voted to accept through a LIP.

Mr. Pannone asked if the land is being cleared and was told tree work has been done.

Mr. O'Cain said he will visit the site.

Mr. Pannone said they can clear but not construct. Any tree eliminated will need a public hearing because it is a scenic road.

Laura Nelson of 236 Edgehill said that the Select Board sent the DHCD a letter of endorsement. The developer has removed a large number of trees.

Mr. O'Cain said on the State website it states a scenic road public hearing is needed if trees in right of way only.

Mr. O'Cain said this is not a project until the ZBA approves it.

Elaine Glebus of 252 Edgehill asked why are variances being granted. Mr. Pannone said the Planning Board did not grant variances. Mr. O'Cain clarified that no variances have been granted; they have been requested.

Siobhan Donahue of 442 Walpole Street in Canton said she is opposed to the development. It's not in keeping with the road or town.

Mr. Maidman said we should invite the ZBA Chair to share what he knows.

Chair Pannone said we are supposed to provide the ZBA with comments. The Select Board made the determination.

Mr. Blaszkowsky said this sounds like chaos. There appears to be violations in the process. We need to understand the path before providing input.

Mr. O'Cain said Mass 40B is in existence since 1968. State law allows ways to go around local zoning to create affordable housing.

Chair Pannone said he does not understand why this is presented as a 40B when we have met our percentage of affordables.

Mr. Shapiro said feedback is consistent. He suggested Mr. Pannone speak with Mr. Turkington. PB cannot comment as we are lacking information. He feels frustrated.

Mr. O'Cain said there is a lot more public hearings to come: BOH, ZBA meetings. Abutter notification is required.

### **Determine who will speak for the Planning Board at Town Meeting**

Mr. Pannone said the moderator wanted the Planning Board to present the articles and then the Fin Comm will present them and then back to moderator.

Mr. Collins said the Planning Board makes presentation as proponent of the article.

Mr. Maidman suggested that each member prepare to speak on an article, 2 minutes' maximum.

Article 10 – Dimensional Set Back Table Single B – Mr. Pannone

Article 11 – Vehicle Weight and pet care business use – Mr. Pannone

Article 12 – Dover Amendment – reply to legal requirements by AG. – Mr. Pannone

Article 26 – Short term rental – Mr. Maidman

Article 27 – ADU – Mr. Pannone

Article 28 – Solar Bylaw – Mr. Shapiro

Chair Pannone said that the Board reflects the majority opinion. Dissenting opinions can speak at the microphone.

### **Other**

Mr. O'Cain presented that for Article 11 – Pet Facilities, he said Mr. Turkington wanted it changed to all districts need a Special Permit by the Board of Appeals. Mr. Pannone said this is a contradiction. The BOH takes care of the wellbeing of animals. He said he has an issue with the change being presented. He said he wants clarity on where this request is coming from. He said keep to what was originally proposed for this article. Someone can do a motion at Town Meeting. He said the Board is not interested in changing.

Mr. Maidman asked if we are looking for a new building inspector and Mr. O'Cain said yes.

E-bike program - Chair Pannone said there will be an E-bike platform at the train station. This is being pursued as part of the Master Plan Ecotourism. Mr. O'Cain said 9 trees were removed.

The project is stopped. There are bicycles at the Community Center. Mr. Maidman said abutters are up in arms. Mr. Pannone said he will attend the TAB meeting. Mr. O'Cain said there are organizational issues that need to be worked on.

Mr. O'Cain said that for Shaw's Plaza – Mass Dot approved signalization project. Lawsuit is over. Costco is still in the game.

**Next Meeting Dates**

5/11, 6/1, 6/15, 7/6

**Adjournment**

Mr. Blaszkowsky moved to adjourn at 9:25 PM. Mr. Maidman seconded the motion. The Board voted 4-0-0 in favor of adjourning.