

**MINUTES**  
**SHARON BOARD OF SELECTMEN**  
*March 27, 2018*

The meeting of the Sharon Board of Selectmen was called to order at 6:00pm in the Town Hearing Room at the Sharon Community Center with Chairman John J. McGrath, Selectman William A. Heitin, Selectman Walter B. Roach, Town Administrator Frederic E. Turkington, Jr. and Assistant to the Town Administrator Lauren Barnes. The meeting commenced with the recitation of the Pledge of Allegiance.

**Changes to Wetlands Protection Bylaw Discussion**

Conservation Administrator Greg Meister and Conservation Commission Chair Peg Arguimbau appeared before the Board.

Ms. Arguimbau explained that these changes were delayed until codification was complete. The Commission hired an attorney that has experience in writing these bylaws. She encouraged the Finance Committee to incorporate the proposed changes summary into the Finance Committee's recommendations. She noted the changes are not that insignificant; one of the changes is to increase the fees for advertising – from \$35 to \$50, and that money goes directly to the newspaper, not the town; they expanded the list of definitions so that the bylaw and the Commission's rules and regulations are the same; and they added language for the applicant to pay for a consultant as part of the peer review process. The Board had no questions and thanked Ms. Arguimbau and Mr. Meister for their time..

**MOTION:** To accept the wetlands protection bylaw changes, as discussed  
(Heitin – Roach) 3-0 **PASSES**

**Sharon Rotary and Lions Clubs' Diversity Banners Discussion**

Chairman McGrath stated that, despite reports on social media, the Board has not taken action on the request to re-hang the banners this year. Selectman Heitin added that the Lions and Rotary Clubs wanted to celebrate their 100<sup>th</sup> anniversaries by organizing a year-long diversity celebration. He noted that the Board supported the hanging of the banners for the year and that they would then be hung in other areas in town, such as the high school. Selectman Heitin said there is an initiative underway to utilize the poles in town to sell banners – local businesses could sell banners to generate revenue for the town. This could happen in the next 6-12 months. Selectman Roach spoke with the Department of Public Works, and they noted that the cleanup after this winter and that will go well into the summer. He noted that Forestry & Grounds are responsible for installing banners like this. He explained that work like this will need to be done on a weekend, on overtime, and the cost estimate is \$3,000 (\$1,500 to hang and \$1,500 to remove).

Susan Saunders noted that the clubs purchased the brackets at the time, at a cost of \$1,500. Eileen Cohen is representing the Lions Club and last year's diversity project, and wants to focus on the benefit of celebrating Sharon's diversity. She noted the positive feedback about the banners. They intended to give a permanent gift to the town and noted that they were looking to showcase the banners in a permanent place. She noted that the Cottage Street School expressed interest to display the banners in the winter. Ms. Cohen said the budget from the diversity project can easily fund this year's installation and removal of the banners.

Selectman Heitin has no underlying issue, and believes the Lions & Rotary Clubs work toward a permanent location.

**MOTION:** To authorize the rehangng of the diversity banners for the summer of 2018, at a cost of \$3,000 (Heitin - Roach) 3-0 **PASSES**

**Annual Town Meeting Warrant Article Order & Vote Positions**

<i>Original #</i>	<i>Revised #</i>	<i>Article</i>	<i>BOS Vote</i>
1	1	Appoint Finance Committee Members & Nominating Committee of the Finance Committee Members	Support 3-0
2	2	Act on Reports	Support 3-0
3	3	Sharon Friends School Fund Records & Appointments	Support 3-0
4	4	Personnel By-Law	Support 3-0
5	5	FY2019 Budget & Compensation of Elected Officials	Support 3-0
6	6	Capital Outlay	Support 3-0
7	7	Application of Bond Premium	Support 3-0
8	8	Community Preservation Act Annual Funding & Projects	Support 3-0
9	9	Norfolk County Retirement Annual Assessment	Support 3-0
10	10	Unemployment Fund	Support 3-0
11	11	Funding Other Post-Employment Benefits (O.P.E.B.) Trust Fund	Support 3-0
12		Funding Stabilization Fund <<RECOMMENDATION: WITHDRAW>>	Support 3-0 for withdrawal
13	12	Funding Assessor Inspection Services	Support 3-0
14	13	Amend Recycling & Board of Health Revolving Funds	Support 3-0
15	14	Revolving Fund Authorizations	Support 3-0
16	15	Property Tax Exemptions	Support 3-0
17	16	Annual Audit Appropriation	Support 3-0
18	17	General By-Law Change: Board of Health Nuisance Fines	Support 3-0
19	18	General By-Law Change: Amend Wetlands Protection By-Law	Support 3-0
20	19	Participate in Municipal Aggregation of Electricity for Residential and Commercial Use	Support 3-0
		<b>Night Two</b>	
21	20	Zoning By-Law Change: Allow Commercial Solar Farm on Municipal Property	Support 3-0
22	21	Zoning By-Law Change: Ban Recreational Marijuana Retailers	
23	22	Zoning By-Law Change: Permit the Sale and Distribution of Recreational Marijuana in the Light Industrial District	Support 3-0
24	23	Zoning By-Law Change: Limit the Number of Recreational Marijuana Retailers	
25		Zoning By-Law Change: Extend Temporary Moratoria on the Sale and Distribution of Recreational Marijuana <<RECOMMENDATION: WITHDRAW>>	Support 3-0 for withdrawal
26	24	Adoption of Sales Tax for the Sale or Transfer of Marijuana or Marijuana Products	Support 3-0

**Annual Town Election Ballot Question Vote - Ban on Recreational Marijuana**

Selectman Heitin would like to discuss Article 21, the article to ban recreational marijuana establishments. He noted that the language has morphed over the past several months. The Board agreed that they wanted the residents to vote to ban the sale of recreational marijuana. Counsel has advised the Board that the language that has evolved may be too broad, and fears that the Attorney General may throw out our warrant article and ballot

question. Selectman Heitin wants it to be recreational marijuana-focused ban. Chairman McGrath is opposed to retail and cultivation of recreational marijuana. Selectman Roach does not have a problem with the cultivation of recreational marijuana, but does not want a pot shop.

Mr. Turkington explained there are four categories of recreational establishments: retail, cultivation, processing and independent labs. The limit article limits only retail establishments. He explained that the ballot question and the article have to match; if there are any amendments at Town Meeting, it will be too late to amend the ballot question.

Connie Dai, 627 Massapoag Avenue, noted that the signatures they gathered were to ban all recreational marijuana establishments. They want to limit all establishments, if the ban article fails. She spoke at length about the impact of water and electricity usage. Selectman Heitin pointed out that the Board already took a vote to limit retail establishments to one, and it is late. He pointed out that the available space in the Light Industrial District is limited.

Brian Striar, 545 Mountain Street and CEO of Four Daughters Compassionate Care, noted that there is confusion about retail establishments and would like clarification. They are not resting their hopes on the automatic conversion and had hoped to get cultivation rights for adult use as well as medical, as he has a dispensary site in Plymouth, at their medical site. He inquired about the ban and what does it encompass? Selectman Heitin replied the language as proposed covers retail, cultivation, processing and independent labs. He does not think that what SharonCARES is proposing is fair. Chairman McGrath expressed concern with having everything tossed out because the ban is too restrictive. His primary focus is a ban on the retail sale of recreational marijuana.

Mr. Turkington said that the Board promised putting a ban on retail sales on the Annual Town Election ballot. He spoke about the perceived "mixed message" about having the Board enter into a Host Community Agreement with FDCC while the ban/limit discussion is going on and that as of today, no ban has been approved. Stan Rosen of FDCC noted that they reviewed the water usage with the Zoning Board of Appeals and the Conservation Commission. Todd Arnold asked about the potential revenue to the town. Selectman Heitin encouraged him to watch last evening's Finance Committee meeting.

**MOTION:** To approve the ballot question as revised, subject to Town Counsel review and approval:

To see if the Town will vote to amend the Town's Zoning Bylaw by adding a new Section 3700 – Marijuana Establishments, that would provide as follows, with the understanding that in accordance with M.G.L. c. 94G, § 3(a)(2), such Bylaw must also be approved by the voters of the Town at an election:

Section 3700 – Marijuana Establishments. Consistent with M.G.L. c. 94G, § 3(a)(2), all types of non-medical "marijuana ~~retailer establishments~~" as defined in M.G.L. c. 94G, § 1, ~~including marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana related businesses,~~ shall be prohibited within the Town of Sharon. This prohibition shall not be construed to affect the medical use of marijuana as expressly authorized by the provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000 (as the same may be amended from time to time).

(Heitin – Roach) 3-0 **PASSES**

### Town Administrator's Report

In the interest of time, Mr. Turkington will waive his report, as the Board has had it in their packets since late last week.

## Consent Calendar

- I. Vote to approve regular & executive session minutes of March 14, 2018
- II. Vote to appoint Susan Price as Sharon's MAPC representative with an expiration date of March 27, 2021
- III. Vote to approve the following banner request: Sharon Adult Center for their Lakeside Gallery Exhibit April 9-16, 2018 in second position
- IV. Vote to approve modifications to Selectmen's budget for executive compensation
- V. Vote to appoint the following inspectors for a term through December 31, 2018: Anthony Piazza - Plumbing Inspector & Paul Connors - Assistant Electrical Inspector
- VI. Vote to approve revised Town of Sharon Sexual Harassment Policy

**MOTION:** To approve the March 27 consent calendar, as presented  
(McGrath - Heitin) 3-0 **PASSES**

## Cultural Council Interview - Kathleen Nasti

Kathleen Nasti appeared before the Board.

Chairman McGrath asked Ms. Nasti to tell a little about herself and why she wishes to be appointed to the Cultural Council. Ms. Nasti explained that she has lived in Sharon for approximately seven months. She presented her credentials and noted she has thirty years of experience in the arts; twenty years of professional performance, education, entrepreneurship, administration and direction. She has been attending the meetings and wants to get more involved in the community. Selectman Heitin believes she has a great background and the other Board members agreed.

Chairman McGrath noted that the Board does not make appointments the night of the interview but will do so that their next meeting, and thanked Ms. Nasti for her time.

## Public Hearing - All Alcohol On Premises Alcohol License - 1 Pond Street

**MOTION:** To open the public hearing at 7:05pm  
(Heitin - Roach) 3-0 **PASSES**

Ian Gopin and Dmitry Deych from Eagle Square Hospitality, LLC appeared before the Board. Mr. Gopin is a resident of Sharon and is looking to open a restaurant at the soon-to-be closed Pizzigando at 1 Pond Street. It exists now as a restaurant. They want to make it a welcoming, local establishments; for families to come for dinner. They are not looking to expand the number of seats, so there are no septic issues. Chairman McGrath inquired about the bar. Mr. Gopin is proposing a bar, consisting of eight seats. The bar area is more secluded from the remainder of the dining area. Selectman Roach reminded Mr. Gopin that the folks at the bar must have food, according to town regulations. Chairman McGrath asked if this is a high end restaurant. Mr. Gopin is using the term gastropub - craft beer and craft food, but there is a mix of food. Mr. Deych added they would take the place down to studs and creating the right environment. Mr. Gopin said that all of their investors are local; nobody wants a dive bar and the food will be high end. Selectman Roach asked about hours and Mr. Gopin 11am - 11pm is their most likely time frame. Mr. Gopin added that the restaurant will be open seven days a week and they are not purchasing the building; they are leasing.

David Phares, Chair of the Trustees at the First Baptist Church, asked if they would be serving alcohol during their hours of operation; yes, according to Mr. Gopin. He wants to let Mr. Gopin know that the church has use of the parking lot on Sunday mornings and for weddings/funerals. Mr. Gopin acknowledged those issues and noted that they ensure their patrons know of places to park.

**MOTION:** To close the public hearing at 7:19pm  
(Heitin - Roach) 3-0 **PASSES**

**MOTION:** To approve the all alcohol beverage license for 1 Pond Street, as discussed  
(Heitin - Roach) 3-0 **PASSES**

#### Topics not reasonably anticipated forty-eight (48) hours in advance of the meeting

None.

#### Adjournment

**MOTION:** To adjourn at 7:20pm  
(McGrath - Heitin) 3-0 **PASSES**

#### List of Documents

- Conservation Commission – February 5, 2016 summary of proposed changes to Wetlands Protection Bylaw (last revised prior to 2000)
- Fred Turkington – compilation of email correspondence regarding diversity banners from April 2016
- Diversity banners sign design proof
- Excerpts of Board of Selectmen meeting minutes: April 26, 2016 & September 20, 2016
- Excerpt of Fred Turkington’s Town Administrator report from August 9, 2016 regarding diversity banners
- 2018 Annual Town Meeting Warrant Articles spreadsheet
- Draft 2018 Annual Town Meeting Warrant
- Report of the Town Administrator
- March 14, 2018 Board of Selectmen regular and executive session minutes
- Marc Draisen, Executive Director of MAPC – March 15, 2018 letter requesting appointment of Sharon Representative to MAPC
- Banner requests: Sharon Adult Center Lakeside Gallery Exhibit
- Fred Turkington email correspondence regarding Article 4- Personnel Bylaw
- Revised Sexual Harassment Policy
- Kathleen Nasti - Board & Committee Application and Resume for Sharon Cultural Council
- Alcohol license application materials for 1 Pond Street - Eagle Square Hospitality, LLC (restaurant full alcohol service)
- Miscellaneous Correspondence