

PLANNING BOARD



19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

MINUTES April 21, 2010

Members present: Tom Urmston, Robin Perera; Eric Johnson; John Stevens; John Higley; Karen Jennings Flynn; Gino Carlucci, Town Planner.

Others present: Eliot Taylor

The meeting came to order at 7:04 p.m. in the Sherborn Town Hall, Room 204A.

PUBLIC HEARING: ROSE'S AUTOMOTIVE

The Board continued until May 12, 2010, at 7:00 p.m., the public hearing on the site plan for the proposed addition to Rose's Automotive.

WARRANT ARTICLES

Article 11: Accessory Apartments

Mr. Urmston asked Mr. Carlucci if he had received input yet from Town Counsel regarding whether the definition of a "dwelling" could include a separate and free-standing accessory building. Mr. Carlucci replied that he had not. Mr. Urmston then asked if Counsel knew that a response was needed prior to Town Meeting. Mr. Carlucci stated that she did, and that he (Mr. Carlucci) had posted notice of a brief Planning Board meeting on Tuesday, April 27, immediately prior to Town Meeting, if the Board needed that meeting to make final alterations to one of the Articles they are sponsoring on the Warrant.

Mr. Urmston noted that the Advisory Committee was supportive of both the Accessory Apartment article and the Adaptive Use article, and then asked for any comments on the Accessory Apartment article. Mr. Stevens asked to present a minority opinion on the article, in which he said that he felt the article was basically a zoning change and that he was not sure it was consistent with the spirit and intent of the current By-Laws, in particular because it allows the accessory apartment to be in a separate building. He felt the article is contrary to the one, two, and three acre zoning that supports the Town's water and septic regulations; that it is financially neutral to the Town; and that it may negatively impact the property values of abutters to properties that would contain such an apartment. Mr. Stevens also stated that he did not think the current law regarding accessory apartments has the same problems because the current law limits such apartments to family members and domestic help, and (with the exception of affordable housing) no rent can be charged for the apartment. He also stated that other communities do not permit construction of new

buildings as accessory apartments, and that the appearance of a main structure housing an accessory apartment must be that of a single family home. Mr. Johnson stated that he felt the town's water and septic regulations would protect against two houses on a 3-acre lot.

Following the discussion, the Board voted 4 – 1 in favor of the article, with Mr. Stevens voting in the negative.

Article 12: Adaptive Use Special Permit

The Board opened the article to discussion, and Elliot Taylor, an abutter to the properties listed in the article, stated that he was opposed. Mr. Stevens presented a minority report stating that because the article was opposed by an abutter to the properties, he was opposed to the article. Mr. Johnson stated that of three recent articles—the PUD, this year's accessory apartment article, and this article—he supports this article the most.

Following the discussion, the Board voted 4 – 1 in favor of the article, with Mr. Stevens voting in the negative.

Article 15: Flood Plan

Mr. Carlucci stated that the Town Clerk had informed him that the state's Attorney General has said that towns must submit a copy of the new flood maps and he will certify them. The Board voted 5 – 0 in support of the Article.

The Board voted 5 – 0 in favor of the article.

Article 8, Line 8: Pine Hill Lane

Mr. Urmston stated that the Board might be asked to express an opinion on this article. Advisory has recommended no action on this article. Although in favor of the concept of this article, for a variety of reasons the Planning Board would concur with the opinion of the Advisory Board.

Article 22: Recreation Trails Grant

The Board endorses passage of this article.

Article 25: General By-Laws Chapter 16

The Board has withdrawn this article, and at the Town Meeting, Mr. Urmston will explain that a more complete article will be proposed next year.

The Board voted 5 – 0 to confirm withdrawal of the article.

MINUTES

Ms. Perera moved, and Mr. Stevens seconded, a motion to accept the minutes of the April 7 meeting. The motion passed 4 – 0, with Ms. Jennings Flynn abstaining.

EXECUTIVE SESSION

At 8:56 p.m., following a roll-call vote of 5 – 0, the Board moved to Executive Session. At the end of the Executive Session, the meeting adjourned at 9:45 p.m. The next meeting will be held on May 12, 2010.

Respectfully submitted,

Mary D. Wolff, Clerk
Planning Board