

PLANNING BOARD



19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

MINUTES

April 4, 2012

Members present: Chairman John Higley, Eric Johnson, Robin Perera, John Stevens, Town Planner Gino Carlucci

Absent members: Associate Grace Shepard

Others present: Eliot Taylor, Charles Yon

The meeting came to order at 7: 08 p.m. in Sherborn Town Hall, Room 204A.

TOWN CENTER REPORT (*Reference Documents #1, #2, #3 and #4*)

The meeting began with a review of the potential costs of infrastructure documents and potential revenue sources provided by Gino Carlucci. The cost information was based on a Cape Cod study from 2010 that looked at costs of alternative waste disposal systems. The study illustrated costs based on usage of 100,000 gallons per day (gpd) at \$35 per gpd. Sherborn would use less; perhaps 40,000 gallons per day at \$50 per gpd. Approximately 40 properties in the downtown area, from Eliot Street to the Town Hall and part of South Main Street, could benefit. Town sewer would probably need pumping because it won't flow down naturally.

After reviewing the example betterment charges, Eric Johnson noted that a Title 5 system would be nearly as expensive for those properties charged. He further noted that now is a perfect time to do infrastructure in Sherborn because construction costs and interest rates are very low. The State Revolving Fund (SRF), which is funded by fees paid per usage, currently has a rate of less than 3% and can be lower if the principle is paid down.

The Planning Board suggested quantifying the betterment for Woodhaven, Leland Farms, and the rest of town separately. Understanding what revenues come from which properties is an important detail. It would also be helpful to see how past water improvements have been funded for the condos at Leland Farms.

A citizen in attendance asked the Planning Board where the plant would be located. There are various possibilities. Locations need to be considered based on many factors, including where the soil is appropriate and if the location is downhill.

John Higley suggested putting the draft of the TCR on the blog to help get people involved. John Higley suggested that the Planning Board start writing an outline by taking all of the information gathered so far (included numbers from the Water District Study), going before other town boards and committees, then combining all of the recommendations. The Permitting Procedure Manual can be used as a guideline for determining which boards to go in front of for feedback. John Higley will put in writing the dates for each board/committee meeting and they will be published.

A draft of the TCR is on the Planning Board webpage. In addition, the Permitting Procedures Manual is now posted on the front page of the Town website. The Planning Board agreed that a brief article about the water and sewer proposals should be published in the local papers, including the Dover-Sherborn Patch, to make the public aware and get their input. Hopefully that will drum up community discussion. Feedback from the other boards and the public is very important. Comments from the group from the February 8th meeting and comments from the meeting with the Board of Health were very helpful. Before any final decisions were made, it would probably be necessary to hire a consultant to get definitive numbers.

Gino Carlucci will contact the Conservation Commission to get on their agenda, hopefully for April 19th.

The field trip to Norfolk is scheduled for April 18th at 5pm. Dan Winslow, now a state representative, was involved in Norfolk's changes in the 1990s. Gino Carlucci will try to get Representative Winslow involved to provide more information to the Planning Board during the field trip. After the trip to Norfolk, the Planning Board will return to the Town Hall to work on the TCR.

John Stevens noted that Dover recently filed to increase water rates after its private water company changed ownership.

The Planning Board discussed the sample costs and figures from the Water District Study. They seem to be feasible with the current estimates. Using \$2M for water and \$2M for sewer, plus associated costs, the total estimate is \$5M. With interest added, the debt service cost would be \$305K per year for 20 years. A betterment charge per property, for the increased value of the property, could be approximately \$20,000 spread over 20 years or about \$1600 per property owner. For all properties, this could total as much as \$500,000, lowering the total cost to \$4.5M. There are several other scenarios, including charging a connection fee to the condos and covering all debt service by user fees. Impact fees from future development are another source. This would be akin to an offsite mitigation fee (similar to the one ADESA pays).

WARRANT ARTICLES (*Reference Document #5*)

The Advisory Committee determined that the Warrant Articles need more clarification. The Advisory Committee did not support the articles but may be amenable to the original language of the article with specified time periods to conform. No action would leave the fine as a flat \$200 per day. It would also leave only a criminal penalty in place for violations of the driveway bylaw.

John Higley noted that a fine is rarely imposed once a warning has been issued. In order to have it pass at Town Meeting, one approach is to make the fine the same as other violations in town, i.e. a discretionary \$200 per day. The enforcement officers will include the building inspector, Community Maintenance and Development (CMD), and the police. The enforcers will have to use good judgment under the discretionary penalty option. Town Counsel said that this is how the process has worked in the past and it has been successful.

Chapter 16 says any violation of any town bylaw is subject to a \$200 criminal fine if there is no other penalty specified. The tiered approach applies to Articles 13, 14, and 20. Articles 13 and 14 provide a non-criminal penalty. One scenario is to withdraw Article 14 and leave a \$200 per day penalty for storm water, then go with the tiered approach on the driveway violation. The Advisory Committee had legitimate concerns about what constitutes a second driveway. The driveway violation is criminal by default. Eric Johnson felt that a \$200 fine per day is high for a driveway violation. Town Counsel would support using the old method. It would still have to be approved by the Attorney General's office. John Higley and Eric Johnson agreed that there needs to be clear language about how to appeal a violation.

All members were in favor of suggesting a \$200 per day fine for Article 13 and withdrawing Article 14. John Higley plans to call Town Counsel to discuss the proposed new language and to then present it to Advisory Committee. Advisory Committee has the ability to change their recommendations for Town Meeting.

OTHER BUSINESS

The ESCO audit contract has been signed and Gino Carlucci is setting up the next steps including a kick-off meeting. Gino Carlucci will have more information regarding solar opportunities within the next few weeks.

The Planning Board discussed ADESA's need for more land to use for solar power. The 2 acres of land currently being used for firemen training is a possibility, but the fire department probably doesn't want to give up that property. Also, ADESA would need 8 acres to produce the 2 megawatts of power that they need.

A citizen in attendance commented that the ZBA is meeting next week about an issue that is very important to him. The citizen reported that Ed Rose wants the Sherborn Business Association meeting, which will take place at the Sherborn Inn, to have outside entertainment. The citizen stated that when the Inn opened 25 years ago, it was agreed upon in a covenant that there would be no outdoor entertainment and no "objectionable noise." The citizen was very concerned that this covenant not be broken. He wants the ZBA petition withdrawn or rejected and is going before each town board/committee to make them aware of the issue. The Planning Board probably doesn't have jurisdiction in this case.

MINUTES

The Planning Board reviewed the minutes of the 3/21 meeting. Eric Johnson motioned to approve the minutes as amended. Robin Perera seconded the motion and John Higley was in favor. John Stevens abstained as he was not in attendance on 3/21. The 3/21 minutes were approved as amended.

The next meeting of the Planning Board will be April 18, 2012.

The meeting adjourned at 9:35 p.m.

Respectfully Submitted,

Jessica Pettit
Clerk

DOCUMENTS REFERENCED DURING THE MEETING

1. Comparison of Costs of Wastewater Management Systems Applicable to Cape Cod 2010
2. Costs of Infrastructure at Various Costs and Rates – Draft document by Town Planner, 3/26/12
3. Potential Betterment Funding, Draft document by Town Planner, 4/4/12
4. Final report of the Town Center Water District Workgroup to the Board of Selectmen, October 11, 2007
5. Warrant Articles for 2012 Annual Town Meeting (13, 14, 16, and 20)