

PLANNING BOARD



19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

MINUTES

March 13, 2013

Members Present: Town Planner Gino Carlucci, Chairman John Higley, John Stevens, Associate Grace Shepard, Robin Perera, Charles Yon, and Eric Johnson

Others Present: Architect David Beilman of Bridgewater, VT (representing the Murchison project/Abbey Road), Rob St. John (representing the Murchison project/Abbey Road), Jim Murphy of 44 Bear Hill Road (representing the Murchison project/Abbey Road), Eliot Taylor of 30 North Main Street, Sarah O'Connell of 17 Goulding Street, Natalie Weare (SBA) of 26 Dopping Brook, J.P. Parnas (SBA), Shawn Flanagan (President of SFRA) of 55 Everett Street, David Killeen (Town Forest Commission) of 1 Butler Street, Ron Jantzen (SBA) of 160 Maple Street, Mary Ellison (Sniff Dawg) of 11 South Main Street, Sean Killeen of 1 Butler Street, Jeanne and Michael Guthrie of 29 Lake Street, Stuart Smith of 29 Coolidge Street, Kecia Lifton of 175 Main Street, Jim and Thurza Campbell of 212 Farm Road, members of the Sherborn Historical Commission, Sherborn police officers, and others

John Higley called the meeting to order at 7:05 p.m. in Sherborn Town Hall, Room 204A.

SHERBORN BUSINESS ASSOCIATION (*Reference documents 1, 2, and 3*)

The SBA appeared before the Planning Board to request consent to reapply to the ZBA to have its BrewFest with live outdoor music at the Sherborn Inn for one evening. Procedurally, if the ZBA finds unfavorably for an applicant, he/she can go to the Planning Board to present "a specific and material change" to the application. If the Planning Board finds there has been such a change, it may grant the applicant permission to reapply to the ZBA with a different proposal. Therefore, the sole issue before the Planning Board was whether the revised application had a "specific and material change" from the original application.

Ed Rose, representing the SBA, noted two changes to the application. First, he proposed to install an 8' high plywood sound barrier, parallel to Main Street, to run the entire length of the 20' tent. Mr. Rose stated that the original proposal was only to install a "sound insulating partition" behind the drums. Second, the event would be shortened to three hours, from the originally proposed four hours; beginning at 7 pm instead of 6:30 pm and ending at 10 p.m. instead of 10:30 p.m.

Eliot Taylor, an abutter, opined that he was opposed to the special permit because he believed the original permitting of the Inn insured outdoor music would never be allowed. Mr. Taylor was further concerned about the potential noise caused by the entertainment.

John Higley moved that the revised proposal contained a specific, material change and therefore the Board should consent to allow the SBA's reapplication to the ZBA. Charles Yon seconded the motion and it passed 5-0.

CONTINUED PUBLIC HEARING ON ZONING ARTICLES/WARRANT ARTICLES

A. To amend Section 4.6.3 (c) of the Zoning Bylaws to increase maximum size of a retail outlet from 2500 to 6000 square feet.

There were no comments from the public.

Eric Johnson moved to amend Section 4.6.3(c) consistent with the proposed language in the warrant article. Charles Yon seconded the motion and it voted to pass 5-0.

B. To amend EA district to allow limited retail, office, and assisted living uses, but only as shown on a Preliminary Development Plan approved at Town Meeting.

There were no comments from the public.

Eric Johnson moved to amend the EA district consistent with the proposed language in the warrant article. Charles Yon seconded the motion and it voted to pass 5-0.

C. To approve a Preliminary Development Plan and rezoning of land on North Main Street to EA. (Reference document #4)

Rob St. John, Jim Murphy, and David Beilman presented the Preliminary Development Plant for proposed project "Abbey Road" – an over-55 housing community. The PDP included a map of the lot, storm drainage plans, driveway specs, a landscape plan, drawings of the proposed units, and other details.

John Stevens moved to declare that the proponent had provided sufficient data as required by 5.6.3 and that the Board would support the PDP at Town Meeting. Charles Yon seconded the motion and it voted to pass 5-0.

John Higley closed the hearing at 9:20 p.m.

SHERBORN HISTORICAL COMMISSION (Reference documents 5 and 6)

The Historical Commission presented a warrant article for a bylaw to enforce minimum maintenance of abandoned or neglected buildings. According to the language of the bylaw, if a building is abandoned or neglected to the point of needing maintenance, the property owner will be given a 60-day notice. At that point, the owner(s) must respond with a plan to repair the building or be subject to up to a \$200 per day fine. The Historical Commission will discuss with town counsel whether the Planning Board should be involved in the enforcement process, as is indicted in the current language of the bylaw.

The Board suggested changing some of the language to specify that the bylaw is limited to abandoned buildings that are severely neglected or blighted. The overall feeling was that the Board will support the article as amended.

TOWN CENTER REPORT

There were no updates to the Town Center Report.

HOUSE DOCKET #3216, AN ACT PROMOTING THE PLANNING AND DEVELOPMENT OF SUSTAINABLE COMMUNITIES (*Reference document #7*)

The Board discussed the bill, which supports land use reform. It is very similar to its predecessor - CLURPA. John Higley drafted a letter of support addressed to the representative and senator promoting the bill.

Charles Yon motioned that the Board should support the bill and send the letter. Robin Perera seconded the motion and it voted to pass 5-0.

OTHER BUSINESS THAT MAY COME BEFORE THE BOARD

Green Communities Grant/ESCO Contract/Solar Opportunities: Gino Carlucci received paperwork regarding grants for hiring owner's agent for two energy activities.

CRWA/MAPC "Smart Sewering" project: Gino Carlucci communicated with CRWA requesting the next meeting and suggested the next meeting be in May after the town meeting. Moving forward, CRWA suggested Sherborn establish a specific sewer feasibility committee.

Cell Tower Project: An application was submitted for the cell tower project. The applicant will need a special permit from the Planning Board. The applicant will also need a variance from ZBA because of the height of the proposed tower. A joint hearing with the ZBA is scheduled for 3/27.

Rail Trail: Sherborn is part of a consortium of abutters of the trail. There was a meeting in Milford where abutters and MAPC discussed the status of the trail: Ashland is working to determine the location of the trail and Hopkinton will need to negotiate with land owners to finalize this section of the trail; and Milford's experience getting permission to put the trail under power lines may prove useful to Sherborn as an alternative route to the railbed north of Whitney St.

New Zoning Article: The Board of Selectmen will discuss and revision to the proposed article seeking to ban marijuana dispensary by replacing the ban with a moratorium.

113 Western Avenue (*Reference document #8*): The Board received a letter from the property owners expressing their intent to sell and have the property retain 61B classification.

MINUTES

February 13, 2013 – John Higley moved to approve the minutes as amended. John Stevens seconded the motion and it voted to pass 4-0-1. Charles Yon abstained as he was not in attendance at the meeting.

February 27, 2013 – Charles Yon moved to approve the minutes as amended. John Stevens seconded the motion and it voted to pass 5-0.

The next meeting of the Planning Board will be March 27, 2013.

The meeting adjourned at 9:43 p.m.

Respectfully Submitted,

Jessica Pettit

Clerk

DOCUMENTS REFERENCED DURING THE MEETING

1. Massachusetts General Laws: Chapter 40A, Section 16
2. Town of Sherborn Board of Appeals, Notice of Decision #21303
3. Letter from the Sherborn Business Association to the Planning Board, "Request to Reapply to ZBA for Special Permit," dated March 1, 2013
4. "Abbey Road - an Over-55 Community," dated March 13, 2013
5. Email from the Historical Commission to the Planning Board, "Warrant Article," dated March 9, 2013
6. Warrant Article "Chapter 27. Minimum Maintenance of Abandoned and Severely Neglected Buildings"
7. Draft letter to Senator Wolf and Representative Kulik expressing support for the Act Promoting the Planning and Development of Sustainable Communities
8. Letter from Jennifer and Peder Hardiman, dated March 4, 2013

