

PLANNING BOARD



19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

MINUTES February 11, 2015

Members Present: John Higley (Chairman), John Stevens, Eric Johnson, Marian Neutra, Chris Tullmann, Associate Grace Shepard, and Town Planner Gino Carlucci

Members Absent: None

Others Present: Ed Rose, Susan Tyler, Alex Dowse, Jim Murphy, Kitty Sturgis, Amy Lawler, Peter Liffiton, Eliot Taylor, Bob Murchison, Patricia Weller, Maryanne Clancy, Alan Rubenstein, John Marthinsen, Judith Strang-Waldau, Andrew Consigli

John Higley called the meeting to order at 7:08 p.m. in the Sherborn Town Hall, Room 204A

ZONING ARTICLES (*Reference Documents #1, 2, 3*)

The Planning Board opened the public hearing on three zoning articles to be voted on at the 2015 Town Meeting. John Higley moved that the hearing on all three articles, after thorough discussion tonight, be continued to the next Planning Board meeting on February 25, 2015 at 7:00 p.m. The motion was unanimously approved.

Outdoor Entertainment at Restaurants

A vote in favor of this article would result in amendments to Section 3.2 (18) of the Zoning Bylaw, specifically allowing no more than two outdoor entertainment events, held for the purpose of fundraising for non-profit civic or charitable organizations, per restaurant per year.

Alan Rubenstein, the Chairman of the Zoning Board of Appeals (ZBA), expressed the ZBA's support for this amendment as a way to legitimize the annual Sherborn Brewfest. He clarified that the ZBA's practice of granting a special permit for Brewfest to the Sherborn Business Association, rather than to the Sherborn Inn where the event is held, is legal as there is no prohibition on non-profit groups being allowed to hold outdoor entertainment events. However, the opinion of the current ZBA is that the intent is not to find a loophole under which this would be allowed. Instead, the Bylaw should be amended to fully and explicitly grant such outdoor entertainment at restaurants. Alex Dowse, the President of the Sherborn Business Association, emphasized that 100 percent of the funds raised at the Brewfest event go back into the community. He expressed the Sherborn Business Association's support of this zoning article amendment and its desire to continue to hold the Brewfest at the Sherborn Inn.

Eliot Taylor detailed his opposition to the amendment and reiterated his concerns about noise, traffic, sanitation, and light pollution created by such events. He also addressed concerns in how the ZBA will be limiting the number of events. Susan Tyler stated that she supports the amendment, but was curious how the ZBA had arrived at two as the number of outdoor entertainment events to be allowed. Mister Rubenstein responded to those concerns by clarifying that it is two events per restaurant per year and that the limitation to two was selected because of attempts to make this an acceptable amendment to those who may be opposed.

John Higley stated that article amendments address changes in the Town over time. He appreciates the concerns of those opposed to this particular change, but feels that the language proposed by the ZBA is appropriately restrictive and makes acceptable provisions to mitigate things such as noise, light and traffic associated with outdoor entertainment events at restaurants. A vote of the Planning Board was unanimous in support of the language of this warrant article.

EA Zoning Occupancy and Open Space

This is a citizens' petition to amend Section 5.6.5 Special Permit Requirements, Subsections (c) and (h) of the Zoning Bylaw.

The proposed amendment to Subsection (c) would require that 25 percent of the units in EA-zoned developments that are not age-restricted must be occupied by low- or moderate-income persons. Marian Neutra and Grace Shepard agreed that the language of this article needs clarification. Toward that goal, Planning Board members will compose and share their revised language for this article at the next meeting, to be held on February 25, 2015. This issue is continued.

The proposed amendment to Subsection (h) would allow setback areas to be included as open space, provided that the total open space exceeds 50 percent of the total parcel area. Again, the Planning Board expressed concerns with the language of this article. Marian Neutra suggested that, where the article uses the term "yard," it should instead say "setback area." This issue is continued to the next meeting of the Planning Board, where further discussion and clarification will take place.

Jim Murphy suggested that Subsections (c) and (h) should be separated and the amendments to both should not be considered in one single vote. John Higley agreed with that sentiment.

Preliminary Development Plan for 59 North Main Street

Neither the property owner nor the developer were present at tonight's meeting. Additionally, as of the time of the meeting, Gino Carlucci had not received preliminary development plans for this project and reports that he has little confidence that an agreement will be reached between the land owner and the potential developer in time for any development plans to be considered at the 2015 Town Meeting. As this property will require a zoning change to be included in the Elderly and Affordable (EA) district, a preliminary development plan is required, which must be presented at Town Meeting and pass with at least a two-thirds vote. In order for that preliminary development plan to be held to vote at Town Meeting, it must first be presented to the Planning Board, which must hold a public hearing, and the final version of the Preliminary Development Plan must be filed with the Town Clerk at least two weeks prior to Town Meeting. The Planning

Board must then make a report to Town Meeting. Because of this strict timeline and the lack of action on the matter thus far, it is unlikely that the issue will be heard at the 2015 Town Meeting.

An abutter to the property, Maryanne Clancy, presented an extensive list of concerns, including those of an environmental and aesthetic nature, in regards to very early plans for the construction of condos at the site of 59 North Main Street. She expressed support for affordable housing in the Town of Sherborn, but also support in the managed growth of the Town, and encouraged the development of single family homes as opposed to condos for this property.

ABBHEY ROAD PUBLIC HEARING (*Reference Documents #4, 5*)

The public hearing for the special permit application for the Abbey Road project at 2-4 North Main Street was continued at tonight's meeting. The property owner as well as the designers and the lawyer for the project were present, and the development plans were reviewed for the Board with the assistance of site plans. The Planning Board was also given the peer review document, as completed by Loon Environmental LLC, of the Environmental Health Impact Report, the Stormwater Management Report, and the Site Plans for the project.

Eric Johnson insists on seeing the inclusion of a sidewalk on the east side of North Main Street, from Village Way to the train tracks, and will not support the special permit without this inclusion. While Bob Murchison does not recall any previous conversation about his having to pay for the sidewalk improvement, he is in support of a sidewalk at that location and is willing to provide an easement to the Town for a sidewalk to be built. An issue with the location of the sidewalk is the presence of a stone wall, a portion of which would need to be moved in order to place a sidewalk. This issue may need to be considered by the Historic District Commission. Mister Murchison is concerned that this issue could potentially stall the entire project. To that end, members of the Planning Board encouraged the developers and architects to be proactive and to formulate plans and measurements into a presentation for the Historic District Commission's review and consideration to push this issue along. Marian Neutra asked why the developer should be required to seek review by the Historic District Commission, given that he has expressed willingness to cooperate with the Town regardless of the decision on the sidewalk and stone wall, and to undertake moving the wall back if requested by the Town. She expressed the opinion that it should be the responsibility of the Planning Board and the Historic District Commission to come to an agreement on the sidewalk issue and that this should be done as soon as possible so as to avoid stalling the project.

The developers are to return with the landscape plans signed by a licensed landscape architect, a letter from the peer reviewer stating the project's ADA compliance, and the results of a hydrogeologist's slug test. Additionally, they were advised to take measurements of the stone wall and the area around it. Gino Carlucci will send a letter to the abutters of the property informing them of the hearing, and John Higley will reach out to the Historic District Commission about the possibility of a joint meeting on the issue of the stone wall. John Higley remarked that great progress was made during this hearing, and that it is continued to the next meeting on February 25, 2015 at 8:00 p.m.

GENERAL PLAN UPDATE WORK GROUPS

The Chairs of the three General Plan Update Work Groups were scheduled to meet on February 12, 2015. However, due to weather-related issues, the meeting is postponed. Mister Higley will email the Planning Board and Work Groups regarding the rescheduling of this meeting.

Marian Neutra reported on the progress of the Built Environment Work Group. This Group worked on their guiding principle and reached a strong consensus on it. In the Group, they also completed an outline of goals, recommendations, strategies, and actions, and will work in small teams to particularize the details of each section.

TOWN CENTER WATER OPTIONS REQUEST

Eric Johnson drafted a two-page letter in response to the Town Center Water Options Request. Copies of the letter were given to the Planning Board members who will read and review it in preparation for a discussion on the topic at the next meeting. The letter will also be provided via email to the Board.

2014 ANNUAL REPORT

Some minor grammatical edits were made to the 2014 Annual Report. No official vote was necessary.

MINUTES

The minutes of January 14, 2015 were unanimously approved as amended.

The meeting adjourned at 11:10 p.m.

Respectfully submitted,

Samantha Shepherd
Planning Board Clerk

DOCUMENTS REFERENCED DURING THE MEETING

1. A document detailing the article to amend Section 3.2 (18) of the Zoning Bylaw to allow restricted outdoor entertainment at restaurants
2. A document detailing the citizens' petition article to amend Section 5.6.5 Special Permit Requirements, Subsections (c) and (h) to define EA affordable unit parameters, and allowing open space to include setback area in certain cases
3. A document detailing the article to amend the EA district and a preliminary development plan for 59 North Main Street
4. The peer review documents from Loon Environmental LLC on the Abbey Road project
5. A January 9, 2015 memo to the Planning Board from Gino Carlucci including the updates to the fulfillment of requirements for special permit approval