

Sherborn, Massachusetts

Special Town Meeting

October 17, 2023

◆ Please bring this notice with you to the meeting ◆

Middlesex ss:

To either of the Constables of the Town of Sherborn in said county GREETINGS;

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of Sherborn qualified to vote in Town Meeting to meet in the LINDQUIST COMMONS at DOVER-SHERBORN REGIONAL DISTRICT HIGH SCHOOL in DOVER, MASSACHUSETTS on Tuesday, October 17, 2023, at 7:00PM, at LINDQUIST COMMONS and to be adjourned, if necessary, to Thursday, October 19, 2023, in the DOVER-SHERBORN REGIONAL DISTRICT HIGH SCHOOL, GYMNASIUM to act on the following ARTICLES:

Sherborn Advisory Committee:

Special Town Meetings are called when one or more warrant articles are sufficiently timely that waiting until the spring Annual Town Meeting would be problematic. Special Town Meetings are relatively rare, with the last occurring in 2017.

This fall, one article in particular drove the desire for a Town Meeting: Article 5 pertaining to the establishment of the North Sherborn Water and Sewer District. The disposition of this article will have an important effect on development within the proposed North Sherborn district as well as elsewhere in Town. With a Special Town Meeting on tap, four other articles were put forward for this meeting as well. These include two housekeeping Articles that update the Town's Bylaws and make them compliant with State Law and current practice (Articles 1 and 2). Article 3 concerns the construction of the proposed roundabout at Maple and Washington Street. If this project is to be undertaken during the summer of 2024 (during school summer vacation), approval would be needed now in order to sign contracts soon enough to move the project forward. Article 4 is related to Article 5 in that it concerns one of the development projects that is within the proposed North Sherborn Water and Sewer District.

The Advisory Committee has spent a significant amount of time considering and discussing these articles and our recommendations here reflect that deliberation. We hope that you find the discussion and recommendations in this report useful. Town Meeting is the key venue for residents to have their say on these important articles, and we hope that you are able to attend and participate in this important Town Meeting.

*Dan Sichel, Chair
Michael Flanagan
Chelle Subber*

*Michael Winters, Vice Chair
Paul Pilote
Natalie Weare*

*Wassim Bassalee
Nora Lynch Smith
Penn Young*



From the Moderator:

Town Meeting Procedures

The New England town meeting is considered by many to be a model of the democratic process. To achieve this exercise in democracy in an effective and efficient manner, the moderator follows procedures that combine the general laws of the Commonwealth of Massachusetts, Sherborn by-laws, and rules of conduct developed by Sherborn's moderators over many years. By consistent application of these rules, our town meetings move smoothly, often expeditiously, and with the participation of all who wish to be heard.

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District Election
Vote on the new
Tri-County Vocational
Technical High School

**Tuesday, October 24,
2023**

Town Hall

12 noon to 8:00 p.m.

Motions

- All motions and amendments must be within the scope of the article under consideration.
- The Moderator will always recognize a member of the Advisory Committee for the main motion on each article.
- Non-routine motions (such as amendments) must be in writing for the Clerk's record.

Conduct of Debate

- You must be recognized by the Moderator.
- Once recognized, use one of the available microphones, and, before proceeding, state your name and address for the Clerk's record.
- Your comment should be specific to the substance of the motion on the floor.

Voting

- Voting will be done using electronic handsets. Voters will have 10 seconds from the instruction of the Moderator to record their votes, and the results of each vote will be displayed on the screen at the front of the auditorium. The Moderator will explain the voting process in detail at the start of the meeting and there will be a test run to ensure that all handsets are performing correctly.

Recommendations on Warrant Articles

ARTICLE 1. NOMINATION PAPERS

To see if the Town will vote to accept the provisions of M.G.L. Chapter 53, Section 9A for the purpose of establishing provisions for obtaining and submitting nomination papers for town office; or take any other action relative thereto. (*Select Board for the Town Clerk*)

Advisory Committee: This is a housekeeping article that assures that the Town is compliant with state law so that the final date for obtaining blank nomination papers for nomination to Town Office is 48 weekday hours before the time at which nomination papers are required to be submitted for certification.

We recommend favorable action. (9-0)

ARTICLE 2. DOG FUND

To see if the Town will vote to amend the General Bylaws by deleting Chapter 5, Section 4 in its entirety, which currently provides:

Dog Fund. All monies collected as fees, fines, charges, penalties and other like monies as set forth in this Bylaw shall be deposited in a Dog Fund established under the provisions of General Laws Chapter 44, section 53E.

and, further to re-number Chapter 5, Section 5 to become Chapter 5, Section 4; or take any other action relative thereto. (*Select Board for the Town Clerk*)

Advisory Committee: This also is a housekeeping article. Some years ago, the Town established a Dog Fund into which fees associated with dog licensing would be deposited. The fund is no longer used, and money collected from dog licenses are deposited into the general fund. Accordingly, by removing the fund from the Town's Bylaws, this article would make the Bylaws consistent with current practice.

We recommend favorable action. (9-0)

ARTICLE 3. ROUNDABOUT, OTHER TRAFFIC IMPROVEMENTS & FUNDING

To see if the Town will authorize the construction of a roundabout and other traffic improvements to the intersection of Washington Street and Maple Street, the plans for which are available for the public at the office of the Town Clerk and the Town's website, and to fund such roundabout and traffic improvements by:

- (1) transferring \$134,778.93 of funds initially borrowed to pay the costs of the Pine Hill Access Road Project pursuant to Article 10, Item 5 of the Warrant at the 2021 Annual Town Meeting, and \$35,372.29 of funds initially borrowed to pay costs of paving at the Transfer Station pursuant to Article 8, Item 7 of the Warrant at the 2013 Annual Town Meeting, which funds, in each case, are no longer necessary to complete the respective projects for which they were authorized to be borrowed, and by
- (2) the remaining balances of funds previously appropriated by the Town for this purpose,
- (3) any available funds from the Commonwealth pursuant to Chapter 90 allocations to the Town of Sherborn; and
- (4) the amounts of any available funding from any state or federal grants,

or to take any other action related thereto. (*Select Board*)

Advisory Committee: This article would approve construction and financing of the roundabout at Maple and Washington Streets. As noted in the Advisory Report prepared for the April 2022 Town Meeting (at which time \$150,000 for engineering work for this project was approved): "The intersection at Maple and Washington Streets has created traffic and safety challenges for years. Possible improvements have been studied by the Town since the early 1990s, and a roundabout is the

solution that would most benefit traffic flow and safety, increase pedestrian safety, and make the intersection ADA compliant.” Regarding financing, the total cost of the project is \$1,414,500, including the previously approved engineering work and a contingency. To pay for this, the article proposes reallocating unused funds from past capital projects, using highway funds the Town receives from the state, and relying on additional grants. With respect to additional grants, the Town has been awarded a Complete Streets grant of \$339,113 and the Town applied for another \$500,000 state grant, which, as of the time this report went to the printer, the Town appears very likely to receive. With these financing sources, no new borrowing would be required for this project.

We recommend favorable action. (9-0)

ARTICLE 4. MEADOWBROOK COMMONS PROJECT – PRELIMINARY DEVELOPMENT PLAN

To see if the Town will vote to approve the amended Preliminary Development Plan for the Meadowbrook Commons project located at 104 Coolidge Street, the original of which was approved in conjunction with amending the Zoning Map to EA for the subject property at the Special Town Meeting of December 5, 2017 pursuant to Section 5.6.3 of the Zoning Bylaw, said amendment being detailed in the Preliminary Development Plan dated August 15, 2023 on file in the office of the Town Clerk, or take any action thereon. (*Select Board for Planning Board*)

Advisory Committee: Meadowbrook Commons is a proposed 67-unit, senior housing community (age 55+) that would include affordable housing units. The proposed development is on Coolidge Street, adjacent to the Coolidge Crossing project referenced in Article 5 below. A Preliminary Development Plan for Meadowbrook Commons was approved at a Special Town Meeting in December 2017. The developer is requesting a 20.5 percent increase in the allowable total floor area of all units combined but no change in the number of units, the general layout of the site, or the protected open space. (If so inclined, the Planning Board could, on its own, approve a 10 percent increase in total floor area, while a larger increase requires approval of Town Meeting.) The change in total square footage would boost the average unit size from 2,034 to 2,452 square feet, though the expectation is that some units would be smaller and some would be larger than the average. The increase in allowable total square footage is the only change the developer is asking Town Meeting to approve as required by Zoning Bylaws, and the developer believes that this change will make the units more consistent with demands of the current housing market as compared with the market when the project was initially approved in 2017.

We recommend approval provided that the project is in compliance with the Zoning Bylaws of the Town, including the required number of affordable housing units. (8-0)

ARTICLE 5. NORTH SHERBORN WATER AND SEWER DISTRICT

To see if the Town will vote to authorize the Select Board to file a petition with the General Court to obtain special legislation to establish the North Sherborn Water and Sewer District, in substantially the form that is on file with the Town Clerk, such petition to include such other or additional provisions as the Select Board deems appropriate, provided that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court, the Select Board being hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, or take any other action relative thereto. (*Select Board*)

Advisory Committee: This article would authorize the Select Board to submit legislation for approval by the Massachusetts State Legislature that would create the North Sherborn Water and Sewer District (NSWSD). If approved, the establishment of this District would enable a connection to Framingham’s water and sewer services to bring water and sewer to properties within the District, with the total capacity of water and sewer determined by an Inter-Municipal Agreement between Framingham and Sherborn. (The boundaries of the District are denoted in the background material on the Town’s website, along with much other background information.) Initially, only the two large developments on Coolidge Street that were previously approved by the Town would connect to the provided water and sewer; that is, Meadowbrook Commons—the senior housing development referenced in Article 4; and Coolidge Crossing—the 40B development of 120 rental apartments (with 25 percent being affordable) that is adjacent to Meadowbrook Commons. Other properties in the District—including those abutting the segment of Coolidge Street within the District and properties on Meadowbrook Road—would

not be connected to the water and sewer infrastructure initially, but would have that option in the future, if they so choose, according to procedures described in the proposed legislation (draft available on the Town's website).

The developer of Meadowbrook Commons and Coolidge Crossing would build the water and sewer infrastructure and pay all the associated costs. Once completed, the developer would transfer ownership of the water and sewer infrastructure to the NSWSD. The Town would not own this infrastructure and would not be responsible for its management or costs associated with maintaining it.

To ensure that future needs of residents in the District who are not initially connected to the system are met, a "reserved capacity" of water would be designated that would cover the water and sewer needs of the two approved developments along with the potential needs of all other properties in the District in line with their existing land use at the time the passage of this article. This reserved capacity would ensure that, in the future, water and sewer would be available to every property in the District in accordance with its current use if an owner chooses to connect and cover the cost of connecting. (The Advisory Committee recommended that this reserved capacity include an allowance for organic growth of these properties such as, for example, adding a bedroom or an accessory apartment.) On top of the reserved capacity, a limited "excess capacity" of water and sewer above the reserved capacity would be available for future needs and development within the District, according to procedures described in the proposed legislation. (Note that the developer does not intend to lay pipes from Coolidge Street to Meadowbrook Road and so connections there in the future would entail the cost of laying pipes as well as individual hookups.)

Regarding financing and implications for the Town's finances, because the Town would not pay to build nor own this infrastructure, there would be no effect on Sherborn property taxes from the cost of its construction. Of course, Meadowbrook Commons and Coolidge Crossing would be expected to bring some additional students to Pine Hill and to the Middle and High Schools. That number, however, likely would not be large: Meadowbrook Commons would be an age-restricted senior-housing development and the apartments in Coolidge Crossing would be of modest size so likely would not add many students. At the same time, these properties would generate significant additional property tax revenue for the Town.

The District would be governed by five Commissioners. Two would be appointed by Sherborn's Select Board, one would be appointed by Sherborn's Water Commission, and two by the largest water and sewer users (initially both by the developer and subsequently one by the owner of the rental apartment complex and one by the condo homeowners' association. This arrangement is intended to provide a degree of accountability by the District to the Town.

Establishing the NSWSD and bringing water and sewer to this part of Sherborn are essential elements in completing Meadowbrook Commons and Coolidge Crossing, the two developments previously approved: Meadowbrook Commons by Town Meeting and Coolidge Crossing by the Sherborn Zoning Board. These two projects would increase the diversity of housing in Town and would add a significant number of new affordable housing units to Sherborn, consistent with the aspirations in the Town's most recent Master Plan and Housing Production Plan. Moreover, with these additional affordable units, the Town would reach the state-mandated goal of having 10 percent of housing units on the "Subsidized Housing Inventory." Once that goal has been achieved, the Town would be able to deny 40B projects if those projects were not consistent with the Master Plan and the Housing Production Plan. If this article is not approved and the Town remains short of the state's 10 percent goal, the Town would continue to have limited ability to control any 40B projects that are proposed. The development of the Coolidge Crossing rental project is vital in enabling the town to achieve its affordable housing goals because while the affordable ownership units in Meadowbrook Commons would contribute to the SHI overall, with a rental project, 100 percent of units (affordable + market-rate) count toward the SHI.

A draft of the proposed legislation is available on the Town's website. The Advisory Committee at its Public Hearing on September 27, 2023, was working with the draft legislation dated September 13, 2023, and the Advisory vote and recommendation were based on that version. The language in the legislation could change between the time of Advisory's Public Hearing and the October 17, 2023, Town Meeting. If the proposed legislative language were to change prior to Town Meeting, it is possible that some Advisory members would have a different position on this article than they did at the time of the Public Hearing.

We recommend approval provided that the definition of reserved capacity is adjusted to allow for future organic growth of properties in the District. (6-2)

Minority Report: The two Advisory members who voted against this article have reviewed the text of the proposed legislation as revised on October 4, 2023, and would vote for favorable action given those revisions.

Capital Budget Committee Report

Peter Moores (*Chairperson*), Coralinda Lincoln, Nora Lynch Smith

Article 3, Roundabout at Maple and Washington Streets. This article is to authorize specific funding, including the allocation of previously authorized capital funds, to construct the roundabout at the intersection of Maple and Washington Streets, whose engineering was approved at the Annual Town Meeting, April 2023.

Capital Budget voted 3-0 to recommend approval.

Report of the Sherborn Advisory Committee
2023 Special Town Meeting
Sherborn, MA 01770

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**RESIDENT
SHERBORN, MA 01770**

Please bring this report with you to
The 2023 Special Town Meeting
Tuesday, October 17, 2023, 7PM
Lindquist Commons
Dover Sherborn Regional High School