

Horizon For Youth Reuse Committee

Sharon, Massachusetts

Meeting of November 4, 2010



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In Attendance: members: Mike Bossin, Gary Bluestein, Jay Bronstein, Guests Selectman Richard Powell, Town Counsel Richard Gellerman, Attorney Cindy Amare

1: 5:30 **Meeting called to order.**

2: 5:31 Discussed newly reformed committee by Sharon Selectmen that will include Mike Bossin, Jay Bronstein and Gary Bluestein. The committee is being asked to consider the following as it was outlined by Town Counsel in a letter Attorney Lisa Whelan sent on October 13, 2010 :



To: Horizons for Youth Reuse Committee
From: Richard A. Gelerman, Esq.
Date: October 13, 2010
Subject: Horizons for Youth
Everwood Lease Revisions

As requested, below is a list of the types of things that the Horizons for Youth Reuse Committee should consider when revising the terms of the Everwood Lease. As we discussed, the Committee should consider the following issues when amending the Lease to include certain conditions on the use of the property. While the Committee is not granting a special permit under zoning laws, the parties agree that its review should encompass zoning-type issues which would ordinarily be considered under special permit review. We have compiled a list of those issues based on the existing applicable zoning requirements.

The Horizons for Youth (HFY) property is located in the R-2 zoning district and is also located in the Surface Water Resource Protection District (WRPD). Although camp uses are not specifically allowed in the R-2 zoning district, we are operating under the basis that it is a pre-existing nonconforming use.

Pursuant to Section 4540 of the Sharon Zoning By-Laws, in reviewing special permits in the WRPD, the Special Permit Granting Authority ("SPGA") shall "give consideration to the simplicity, reliability and feasibility of the control measures proposed and the degree of threat to water quality posed by potential failure of any proposed control measures." Also, under Section 4543, the SPGA can exempt a location within the WRPD from the requirements of the WRPD if the applicant demonstrates that the development or use sought will not adversely affect the groundwater because:

- (1) that the location is not within the surface watershed of Lake Massapoag;
- (2) that its groundwater is not part of the groundwater regime of Lake Massapoag; and
- (3) that development at the location will have no significant adverse impact upon Lake Massapoag.

Since the property is on Lake Massapoag, I'm assuming that the above criteria are not going to be met and that the SPGA would not be able to exempt the property from the WRPD requirements. In that case, Section 4544 would apply. Under that section, subject to the "normal" special permit criteria of Section 6313, a special permit for use within the WRPD may be granted only if the SPGA determines that "the use of the location, including on-site waste disposal and other on-site operations, will not cause surface water quality at down gradient streams, ponds or lakes to fall below Federal or State standards for Class B surface water as set forth in 3114 CMR 4.00: Massachusetts Surface Water Quality Standards."

As for the standard special permit review procedures in Section 6300 of the Zoning By-Law, those are as follows:

Section 6312: The SPGA shall not approve any application for a Special Permit unless it finds that in its judgment, all the following conditions are met:

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- a. The specific site is an appropriate location for such a use, structure or conditions;
- b. The use as developed will not adversely affect the neighborhood;
- c. There will be no nuisance or serious hazard to vehicles or pedestrians;
- d. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

Section 6313. In approving a Special Permit, the SPGA may consider, but is not limited to, the following:

- a. Requirement of street side or rear yards greater than the minimum required by this By-Law.
- b. Requirement of screening of parking area or other parts of the premises from adjoining premises or from the street, by walls, fences, plantings or other devices.
- c. Modification of the exterior features or appearances of the structure.
- d. Limitation of size, number of occupants, method or time of operation or extent of facilities.
- e. Regulation of number, design and location of access drives or other traffic features.
- f. Requirement of off-street parking or other special features beyond the minimum required by this or other applicable By-Law.
- g. Adequacy of method of sewage disposal, source of drinking water and drainage.
- h. Requirements to ensure the adequacy of utilities and other public services.
- i. Measures to minimize adverse impacts on public and private water supplies.
- j. N/A [refers to Business District D]
- k. If within the Surface Water Resource Protection District measures to minimize cumulative impacts on Lake Massapoag and its tributary streams, including consideration of nitrate-nitrogen loadings and other chemicals as specified by State and Federal regulations for surface water.
- l. N/A [refers to Ground Water Resource Protection District]
- m. Requirements for inspection and monitoring of any condition of the Special Permit in order to determine compliance with the terms of the Special Permit.
- n. For Special Permits under Section 4535 [impervious materials coverage], the adequacy of proposed method and supporting evidence of the ability to recharge, on-site, any increase in the volume of runoff from an impervious area, and/or the adequacy of proposed method and supporting evidence to recharge the underlying groundwater deposit and minimize sedimentation of surface water.

As we discussed with the Board of Selectmen, the Committee can consider septic related issues and concerns and can impose conditions to require Everwood to minimize the impact of the use on water and sewer facilities. It should also confirm the capacity of the system and the estimated usage and, if necessary, include provisions for maintenance and/or improvements required to comply with the zoning protections afforded above, notably, protection of the surface waters and Lake Massapoag.

The Committee should also know if it needs expert assistance on any of these issues, we are available to the Committee; it may also enlist the assistance of consultants such as Tom Houston of Professional Services Corporation, PC, and Eric Hooper and Peter O’Cain of the Sharon DPW.

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3. 6:15 Using the request as an outline it was decided that a list would be created for the next meeting that we could discuss and send on to Everwood so that they could respond to the committee at a future hearing. It was also decided that we would seek professional input from outside our committee as needed.
4. 6:45 Committee form: It was voted unanimously that all three members would be considered TRI-Chairman
5. 6:55 **Old Business** —
None
6. 6:56 **Motion to Adjourn** —
Mike Bossin second Jay Bronstein, unanimous vote

Respectfully Submitted
Gary Bluestein

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