

Town of Sharon Planning Board

Minutes of 3/16/23

Meeting held via ZOOM

Planning Board Members

Pasqualino Pannone, Chair	David Blaszkowsky
Rob Maidman, Vice Chair	Peter O'Cain, Town Engineer
Xander Shapiro	
Shannon McLaughlin, Secretary absent	

Other Attendees

Sonal Pai, Brian Collis, Mr. Devin

Meeting Initiation

Chair Pannone called the meeting to order (via ZOOM) at 7:02 PM.

Birch Hill

Mr. O'Cain said this was not approved within the approved timeframe required. Town Counsel worked with Mr. Devin to create discussion document. Mr. O'Cain recommended times for work at site. A bond is needed to be in place. Utilities need to be in place prior to the permit. There are a number of waivers in the decision. None stood out as a major issue. Mr. Devin negotiated with Mr. Gelerman to allow the PB to include typical conditions. All done to avoid litigation. The Planning Board reviewed boiler plate letter. Minor changes to the document need to be done. Letter is below:

[INSERT PLANNING BOARD LETTERHEARD]

February, 2023 Mr. Mark F. Hogan, Town Clerk

Sharon Town Hall, 90 South Main Street, Sharon, MA 02067

RE: Birch Hill Subdivision

Dear Mr. Hogan:

At its regularly scheduled meeting on March 2, 2023 the Sharon Planning Board (the "Board") voted 5 in favor, 0 opposed, to approve the definitive subdivision plan entitled, "Flexible Development Plan, Birch Hill in Sharon, Massachusetts", south of Prince Way, west of Dry Pond Road, north of Bay Road and east of Penny Brook Lane, dated March 15, 2019, as revised through September 10, 2021 (the "Plan"), as submitted by Birch Hill Trust Corporation, 335 Washington Street, Suite 203-4, Boston, Massachusetts 02108 (the "Applicant"), as prepared by SITEC, Inc. of Dartmouth, Massachusetts. The Applicant sought waivers from the Land Subdivision Rules and Regulations of the Planning Board. The waivers granted are delineated in paragraph 7 of the Decision section of this Decision.

On April 7, 2022, the Applicant filed with the Town Clerk an Application for Approval of a Subdivision Plan. On May 19, 2022, the Applicant came before the Board to discuss review of the Plan.

Findings

1. The application is property identified on the Sharon Assessors Map as (1) Parcel # 065-085-000; (2) Parcel # 065-093-000; and (3) Parcel # 065-088-000, and is bordered by Prince Way, Penny Brook Lane, and Bay Road (the "Property"). The Property is currently owned by both the applicant, Birch Hill Trust Corporation and Bay Road Woodland Trust. which joined in the application.

2. The Property is located in the Single Residence A Zoning District.

3. The Plan shows the development of the property with eight (8) single-family house lots and adjacent land owned by the Applicant that is not part of the subdivision.

Decision

The Board approves the requested subdivision, subject to the following conditions:

1. That except to the extent that waivers are specifically granted hereunder in writing, all subdivision improvements shall conform in all respects with the requirements of the Land Subdivision Rules and Regulations of the Planning Board of the Town of Sharon (the "Regulations"), dated February 26, 2014.

2. That all subdivision improvements shall be constructed within four years of the date of endorsement. Extensions may be requested by the Applicant, in writing, pursuant to Section 3.3.7.2 of the Regulations. Failure to request such an extension shall result in notification to the Building Inspector that no further building permits may be issued.

3. Gas, electric, cable, water, telephone mains, roadway drainage and the base course of asphalt on the roadway and sidewalk must be installed prior to issuance of any building permit; no exceptions shall be allowed. Streetlight, cable, electric, gas and telephone must be installed and operational for each lot prior to the issuance of a Building Permit for that lot. The base course of asphalt on the sidewalk must be installed prior to the issuance of the first Building Permit. All street signs must be installed prior to the first certificate of occupancy.

4. Any access or utility easements required to perform work as part of the project must also be provided to the Town Engineer. All easements related to the project should reference the Plan and must be recorded at the Norfolk County Registry of Deeds with the Plan. Proof of the recorded documents must be submitted prior to the issuance of Building Permits.

5. The Applicant must submit and record Form H covenant documents prior to lot clearing, other than lot clearing for road construction, including grading and staging and stockpile areas. Building permits may only be issued for lots that have a recorded Form H covenant and have an approved release from the Planning Board. Applicant shall post a bond or financial security in an amount to be determined by the Town Engineer, prior to issuance of any lot release. Such bond or financial security shall include an additional 50% maintenance fee, as security for the Town in the event that subdivision is not completed within the approved time frame. Prior to the determination of the amount of the bond, the Town Engineer shall notify the Applicant and provide the Applicant an opportunity to review and comment, but the determination of the final amount shall be made by the Town Engineer and approved by the Planning Board.

6. The Applicant will submit final plans in mylar and electronic format, which must be approved prior to issuance of building permits or site work at the Property. Plan changes must be addressed and approved by the Town Engineer prior to the issuance of Building Permits or any site work, including clearing.

7. Having found them to be in the best interests of the Town, the Planning Board voted to allow the following waivers from the Regulations:

Section Required Requested / Granted

§340-3.3B(25). Traffic Control and Signage plan. A traffic control and signage plan shall be provided showing pavement markings, signs, and, where appropriate, channelization and traffic signal controls. Applicant will install stop signs and street name signs at the intersection of Road B and Bay Road, and the intersection of Road A and Prince Way. Other than that, request for waiver in terms of no pavement markings or additional signage.

§340-3.3D(1). Test Pits, borings or soundings Test pits and borings, where required, shall extend to a minimum depth of 20 feet below existing grade Due to consistent soil strata, a waiver of the minimum pit depth of 20 feet is requested.

§340-3.D(2). Soil and Groundwater Tests. Three test pits per infiltration system. The recharge/detention system for Street A has 5 pits within 60 to 80 feet of the system. The test pits are on all sides and depict consistent soil strata. A waiver of the required 3 test pits in the system is requested.

§340-4.2B(4). Street Intersection Separation Requirements. Streets shall be laid out so as to intersect with adjacent streets or adjacent subdivision land at intervals of at least 500 feet from other subdivision or non-subdivision streets. Waiver of 500' requirements for Street B, which is proposed approximately 450 feet from the centerline of Dry Pond Road.

§340-4.2E(1). System of streets; number of lots. For a system of streets connect to other streets at only one point, limited to 10 lots. Waiver to allow more than 10 lots; Street A and Prince Way will serve the existing 8 Prince Way lots, plus the 5 lots proposed with frontage on Street A

§340-4.2E(5). Traffic Island Dimensions There shall be a traffic island in the center having a diameter of 25 feet and shall comply with either (a) Island Landscaping or (b) Alternative island landscaping. There is a conflict between the Town's Schedule Q for cul-de-sac right of way and island dimensions versus the Subdivision Regulations. Schedule Q specifies a minimum right of way of 56 feet, versus a minimum traveled way radius of 44 feet and a minimum island diameter of 40 feet for the island. The Subdivision Regulations specify an island diameter of 25'. The design meets Schedule Q; a waiver from the Subdivision Regulations, if necessary, is requested to allow as shown on the plan

§340-4.2F(1). Center-line grade. The center-line grade for any street shall not be less than 1 and 1/2 % A waiver is requested to allow the centerline grade of Street B to be 1% versus 1 and 1/2 %

§340-4.2G(5). Embankment Embankments within or adjoining the right-of-way shall be evenly graded and pitched at a slope of not greater than four horizontal to one vertical. A waiver is requested to allow 3:1 side slopes versus the required 4:1 and to allow a rip-rapped 1:1 slope along a portion of Street B with a guardrail versus a retaining wall.

§340-4.2I(3). Guardrails. Guardrails shall be required whenever the slope is graded then four horizontal to one vertical downhill. A waiver to not require a guardrail for the 3:1 side slope areas. A guardrail is proposed where the slope exceeds (2:1 is steeper than 3:1, is exceeds correct term?) 3:1, including where a retaining wall is proposed. Guardrails are required if there is more than a 4-foot vertical drop where a retaining wall is proposed or the slope .

§340-4.3A(1)(a)[2]. Sidewalks. For minor streets, sidewalks shall be required on both sides of the street. A waiver is granted to allow sidewalks on just one side of the street.

§340-4.4B(2). Water System – water pipes and related equipment. Dead-end water mains exceeding 500 feet in length are not permitted. A waiver is granted to allow the dead-end water main on Street A exceed 500 feet as measured from the intersection of Prince Way and Castle Drive.

§340-4.5D. Stormwater – Geotechnical Testing. (1) Soil boring logs; (2) In-situ field bore hole permeability test data; (3) minimum of one A waiver of the geotechnical requirements of this subsection is granted due to the extensive number of test pits and percolation tests monitoring well; (4) groundwater elevation completed to date (37 test pits; 21 percolation tests)

§340-4.5G(6)(g). Subsurface absorption system. Subsurface absorption systems serving land subdivisions shall be provided on separate lots not part of any building lot. A waiver is granted to allow the detention / recharge system for Street A to be located within the right-of-way as opposed to being placed on a separate lot.

§340-4.5G(6)(i)[3]. Subsurface absorption systems; Building cellars or basement Subsurface absorption facilities shall comply with minimum setbacks of 100 feet for Building cellars or basements. A waiver of the 100' cellar separation of a road recharge system from a cellar to allow a minimum 50' separation is granted. The system as designed is a combination recharge / detention system and only a portion of the inflow will be recharged. The majority of the flow will be detained and slowly released to the down gradient wetland areas.

§340-4.5G(5)(k) Surface stormwater basins, including surrounding maintenance access berms, shall be provided on separate lots not part of any building lot. A ten-foot-wide minimum access and maintenance easement shall extend from the public way to the stormwater basin lot. This waiver is needed to allow the outfall from the subsurface drainage system in the cul-de-sac for Road A. A drainage easement is located on the lot line separating Lots 3 and 4.

Table 1 – Roadway Alignment 2% A waiver is granted to allow a slope of 2.22% for the roadway versus the 2% maximum at the intersection with Prince Way.

8. As per §340-3.3F(1)(e) of the Land Subdivision Rules and Regulations, “[T]hat the conveyance of lots from the original bond or surety provider/owner to another party shall not alleviate said owner of full responsibility for completion of infrastructure improvements secured at the time of the original subdivision approval. Furthermore, any conveyance document for any lot must stipulate the owner’s right to access and work on property conveyed for the purposes of completing infrastructure secured and approved by the Planning Board. The aforesaid must be included in all definitive plan decisions of approval by the Sharon Planning Board and must be approved in writing by the owner/applicant.”

9. The Applicant shall, upon completion of all work, and prior to final bond release, submit an “As-Built Plan” to the Town Engineer for review and approval. Final bond release will not proceed until a complete “As-Built Plan” is approved and all bounds and other infrastructure shown on the Definitive Subdivision Plan have been completed. As-built plans requirements are delineated in §340-3.3K of the Land Subdivision Rules and Regulations of the Planning Board.

10. Final Approved Definitive Plans must be recorded at the Registry of Deeds prior to the commencement of any construction, excluding tree clearing. Proof of filing will be submitted to the Town Engineer.

11. Erosion and sedimentation control measures must be installed prior to lot clearing or as agreed by the Conservation Agent and Town Engineer and in accordance with the Conservation Commission Order of Conditions dated October 15, 2020.

12. If more than 25 cubic yards of soil are removed from the site, an Earth Removal Permit will need to be obtained. Topsoil cannot be removed from the Town of Sharon, as per Article 12A of the General By-Laws of the Town of Sharon.

13. No work within wetlands will be allowed without the prior written approval of the Conservation Commission. No work within the Wetlands Buffer Zone will be allowed without the prior written approval of the Conservation Commission and without 48 hours prior notification to the Sharon Conservation Agent, Josh Philibert.

14. The applicant will mark the limit of clearing with orange marking tape around the entire area to be cleared on each lot prior to commencement of clearing. The applicant will have all clearing approved by the Conservation Agent and/or the Town Engineer prior to commencement of clearing to ensure that it is in compliance with the limit of clearing as delineated on the Definitive Subdivision Plans.

15. Final Approved Definitive Plans, prior to the issuance of building permits, must include street name signage and stop signs for both roadways.

16. Pursuant to Sharon Town Bylaw Section 230-18, Applicant shall submit a Stormwater Pollution Prevention Plan in compliance with all requirements of the aforementioned Bylaw. This Plan must be approved by the Town Engineer and Conservation Agent prior to the commencement of any site work.

17. Any blasting for ledge removal shall require a permit from the Sharon Fire Department as well as compliance with their applicable standards.

18. The Applicant shall submit a septic design plan and as-built plan for all lots and shall not commence work until the Applicant receives approval from the Sharon Board of Health.

19. On the Final Approved Definitive Plans, the light pole shown in the middle of the drainage infiltrator on "Contour Sheet #2" must be removed from the cul-de-sac island completely and relocated within 15-20 feet of the driveway on Lot 3.

20. The Applicant shall submit all required Subdivision Forms, as determined by the Planning Board Rules and Regulations.

21. The Applicant shall record Subdivision Form H at the Norfolk County Registry of Deeds prior to the commencement of work at the site. Release of the covenant is conditioned upon completion of all the infrastructure items included in this Decision.

22. No lot clearing or grubbing may commence until approved by the Town Engineer and Conservation Agent. Limits of clearing shall be marked with caution tape or in a manner approved by the Conservation Agent.

23. No work may commence before 7:00 a.m., or continue after 5:00 p.m. Additionally, no work shall be allowed during National Holidays, or on Sundays, excluding interior work. .

24. If the Applicant requests the roadway to be approved as a public way, the Applicant shall agree to a further Planning Board public hearing and input.

The approval of the Definitive Subdivision Plan and issuance and recording of this Decision does not constitute approval to the Applicant to commence construction. The Applicant must still obtain requisite approvals from the Conservation Commission, Building Inspector and Board of Health as needed for any and each of the eight lots shown on the Plan.

[INSERT EFFECTIVENESS / SIGNATURE LANGUAGE]

Mr. Blaszkowsky moved to approve the Definitive Subdivision Plan Flexible Development Plan in Sharon, Mass. Peter O'Cain to sign as Agent of the Board. Dates need to be corrected. Mr. Shapiro seconded the motion and the Board voted 4-0-0 in favor of approval.

Planning Board Term

Mr. Maidman drafted the following for the Board to review and edit regarding the Planning Board term.

Following is a suggested text for PB consideration for the March 16 meeting agenda. As the Government Study Committee adopted our recommendation, we need to read something at TM. This should be a reasonable starting place for editing and subsequent vote.

The Planning Board (unanimously) endorses the Select Board proposal for reducing the terms of office from 5 years to 3 years. This initiative seeks to expand participation interest and therefore enrich the Board's diversity. Planning Board scope of work ranges from statutory document approval to complex, long-term project planning and execution. Enacting this item should further the Town's long-term objective to increase citizen participation in municipal affairs.

We directed Chair Pannone to tell the Governance Study Committee who told the Select Board that we voted to accept the 5 to 3 year PB term reduction. SB wants to do as a warrant item for Town Meeting. At the last meeting there was a discussion regarding what we should do. If we set to three years and someone wants to continue they can run again.

Mr. Blaszkowsky said to keep the first sentence in Mr. Maidman's email.

Mr. Shapiro said short and sweet is good. Letter of endorsement is the right way to go.

Mr. Pannone said Rob what you wrote makes sense. Its already clear we believe planning is a long term process but do understand term durations and want interest for participation. He said this is fine to submit to Town Meeting.

Mr. Pannone said the vote is whether to support the motion of term reduction.

Mr. Blaszkowsky said most of what's read at Governance Committee is building castles in clouds without facts. No evidence that shorter terms means more candidates. In 11/21 it made sense to have longer terms to projects. He is not sympathetic to the article.

Mr. Maidman moved to accept Mr. Pannone's proposal to vote on whether we should endorse the proposal or not and we should. Mr. Shapiro seconded the motion. Blaszkowsky yes, Shapiro yes, Pannone yes, Maidman, yes. Vote was 4-0-0 in favor of approval.

Mr. Pannone's recommendation to Brian Collins is to get a more comprehensive view and to reach out to Ms. McLaughlin for her point of view so the public has a total understanding of how the total Board feels.

Diamond Residences

Mr. O'Cain said he is chasing the contractor to complete the project. He has sent a punch list each month to complete work. He is worried about it being completed. We have an \$890,000 bond in place. He doesn't want the town to compete the work as it's a tricky subdivision. 2 members of LLC made arrangements with the contractor to do work. If owner walks away, it leaves cost on contractor not LLC. Finger pointing is being done. We cannot do much but talk to Gelerman to see if we can rescind the extension and if no activity, threaten bond.

Meeting Minutes

Deferred to next meeting.

Other

Mr. Pannone asked Mr. O'Cain if there is anything on the horizon?

Mr. O'Cain said assisted living on High Plain Street - 95 units. This would go to the ZBA he said. They did soil testing. He did not receive any plans. No details on drainage.

40 B on North Main was approved by ZBA. Another one coming on Edgehill Road on the Canton Line.

Both High Plain Street and North Main were submitted to the Select Board as initiative projects and approved. Once SB approves as LIF it goes to the ZBA. WE will then receive plans.

Mr. Maidman said when submitted as LIF the PB is not involved.

Next Meeting Dates

4/27

Adjournment

Mr. Maidman moved to adjourn at 7:39 PM. Mr. Blaszkowsky seconded the motion. The Board voted 4-0-0 in favor of adjourning.