

Town of Sharon Planning Board  
Minutes of 1/8/14  
Amended and Approved on 2/12/14  
Sharon Community Center  
Filmed by SCTV

Planning Board Attendees	
Pat Pannone, Chair	Ben Pinkowitz
Anne Bingham - absent	Peter O'Cain, Town Engineer
Rob Maidman	
David Milowe	

Other Attendees	
Tom Houston	Steve Benoit, Moosehill Development
Ken McKenzie, Everett Street	Christine Turnbull, Mass Audubon
M and G Galvin, 284 Everett Street	Gene Flynn 292 Norwood Street

**Meeting Initiation**

Chair Pannone called the meeting to order at 7:30 PM and read the Chair's Report.

**Minutes**

Mr. Milowe moved to accept the minutes of 11/20 and Mr. Maidman seconded the motion. The Board voted 3 -0-0 in favor of approval.

**ANR – Everett Street**

Ken McKenzie and Steve Benoit of Moosehill Development came before the Board with an ANR Plan and a Form A for Everett Street. Everett Street is currently a gravel road on the westerly side of Norwood Street.

Mr. O'Cain said that they will need to file plans with the Board of Health for the septic systems proposed.

Chair Pannone asked Mr. O'Cain if he wants the Board to review this as a private or public road. Mr. O'Cain said he cannot find an Order of Taking recorded at the Town Clerk's office or the Norfolk County Registry of Deeds that the road was accepted by the Town of Sharon, so it is a private way. It is a dirt road and some of the road is not currently located within the right of way. An improved roadway is needed in order to build houses there. Mr. O'Cain said the question is do we have adequate frontage if we don't have an improved road. With Mt. Fern, the Planning Board worked with the developer to set requirements on improving the roadway, so that adequate frontage existed for future homeowners. This is not a subdivision by the State definition, so the Planning Board will need to have the developer submit a roadway plan prior to the approval of any Building Permits by

the Building Inspector. He said a turnaround is needed in the roadway for emergency vehicles and delivery trucks. According to the regulations, an 18 foot wide paved roadway is required. Drainage and utilities must also be part of the design submitted.

Mr. Pannone asked if a line of sight is needed and Mr. O'Cain said it is not needed because there is an existing roadway and under the ANR process the Board doesn't have the legal ability to approve or deny an existing roadway.

Mr. Milowe asked if there is enough visibility on Norwood Street.

Mr. McKenzie said they will be improving the line of sight.

Ginny Galvin of Everett Street said visibility is not good.

Gene Flynn of 292 Norwood Street said the intersection is dangerous.

Christine Turnbull of the Massachusetts Audubon Society said it's a private road and asked if the abutters own the road. She said the Society owns part of Everett Street and is concerned with the effects on the wetlands, the boundary lines and she does not want infringement on the Society's land.

Mr. O'Cain said the developer will be required to stake out the private way, so the limits will be known. He said the developer will also have to submit a stormwater pollution prevention and an erosion control plan, as per Article 38 of the General By-Laws.

Mr. Benoit said he will not destroy the land.

Mr. O'Cain said there is no Order of Taking on the street. The road is shown on many existing plans dating back to the mid-eighteen hundreds. He can only deduce it's a private way and there is no accepted layout for the roadway. In Massachusetts, adjacent abutters to a private way have access rights and rights to bring in utilities. Adjacent abutters also own to the centerline of the private way, so adjacent abutters should be provided some say in the development of the roadway.

Mr. O'Cain explained that the ANR process determines that the lots meet dimensional requirements but legally, the Board is simply voting that no new roadway is being created. The Planning Board has 21 days to approve the plan from the date of submission. One route is that the Board can approve or deny this plan and then the developer needs to return with a roadway plan at a future date.

Mr. Milowe asked if there is something we can do in terms of ensuring visibility on Norwood and Everett Streets.

Mr. O'Cain said that the line of sight required is 200 feet, if there is a 25 mph speed limit in that location. Trees can be cut back within the right-of-way to improve line-of-sight but tree trimming in the utility lines must be done by NSTAR.

Mr. Galvin asked about school buses and Mr. McKenzie said they have plenty of room to create a turnaround at the end of the street. Mr. Benoit said some of the vegetation needs to be cleaned up.

Mr. Milowe asked if when a street is private, it is the intent that the roadway becomes public. Mr. O'Cain said it can't be a public road unless there are sidewalks and the street is 22 feet wide and meets the other requirements of the Planning Board's regulations. If the intent is to make the roadway public, the Board should only approve a roadway improvement that meets those requirements.

Mr. Milowe said as the road will likely stay private, the issue is where does the school bus go?, The bus stop would need to be paved.

Mr. O'Cain said if there is a subdivision filing then we get a traffic plan, because it's an ANR filing, we cannot address this. He said it is the Planning Board's responsibility to determine whether frontage exists and whether a new roadway is being created. Mr. Milowe asked when the homeowners agreement needs to be done and Mr. O'Cain said it's an ANR and the Planning Board does not address this either.

Mr. Maidman asked if there were stone walls and Mr. Benoit pointed them out on the plan provided. Mr. Maidman said he wants every effort made for Moosehill and other abutters to work with the developer.

Mr. O'Cain said he needs calculations on the runoff as part of the roadway design filing.

Christine Turnbull of Mass Audubon said erosion to the wetlands and streams is regulated by the state. Runoff is a huge concern. Traphole Brook is a cold water fishery with brook trout, which is a huge treasure to the entire state. She wants to ensure that environmentally sensitive construction techniques are used.

Mr. O'Cain said a Conservation Commission filing is needed for any proposed roadway or construction work within resource area buffers.

Mr. Milowe moved to accept the ANR dated 12/7/13 and revised 1/6/14 for Moosehill Development Corporation 232-264 Norwood Street, Sharon MA. The second component of the approval is that the applicant will come back with a roadway plan to be approved by the Planning Board and the Conservation Commission prior to the issuance of building permits. A public hearing for the

scenic roadway work is required and the developer will need to file stormwater management plan for each lot prior to issuance of building permits and a plan for the roadway construction.

Mr. Maidman seconded the motion and the Board voted 4-0-0 in favor of approval.

### **Bella**

Mr. O'Cain said he spoke with Scott Hickey of Bella Estates and the sidewalks are done, catch basins are not clean yet and the bases of lights are too high and need to be lowered. They have been in weekly contact. There are no building permits being issued, until scheduled tasks are completed. Camlin has put sod down and it looks better. He said the erosion level has gone way down and he thinks it's in much better shape.

### **Planning Board Regulations Edits**

Mr. O'Cain said that he gave his edits to Mr. Houston and they will be incorporated within the document to be discussed on 2/12/14 at the Public Hearing. Chair Pannone asked that he changes be clearly marked.

### **Other Items**

1. Mr. O'Cain mentioned that the owner of Mandarin Taste is working with an engineer to create a small shopping area around her property to include the empty funeral home.
2. Mr. O'Cain said there is no news on Rattle Snake Hill. Their engineers he said have asked for water data and this is being analyzed. With reference to Rattlesnake, there is a question of paving Mountain Street, as it is in a priority habitat.
3. Mr. O'Cain said there is no news on Sharon Commons. He has received a lot of questions regarding assisted living site.

### **Adjournment**

Mr. Milowe moved to adjourn the meeting at 8:30 PM. Mr. Pinkowitz seconded the motion and the Board voted 4-0-0 in favor of adjournment.