

Town of Sharon Planning Board  
Minutes of 7/16/14  
Amended and Approved on 8/6/14  
Sharon Community Center  
Filmed by SCTV

<b>Planning Board Attendees</b>	
Pat Pannone	Ben Pinkowitz
Anne Bingham	Peter O'Cain, Town Engineer
Rob Maidman	David Blaszkowsky

Guests

Michael Khoury	Marcia and Michael Uretsky
Melinda Brandt	Jeanne Chin
Judy Anderson	Ken Olum
Svetozar Kashev	Ted Schnitzer
Sandra Widland	Nancy Wluka
Mike Sherman	Steve Winter
Bob Buonoto	Siva Josyula
Bill Luelon	Dmitry Belov
Susan and William Brandt	Joshua Brandt
James Spoto	Mark Fantasia
Cindy Amara	

**Meeting Initiation**

Chair Maidman called the meeting to order.

**Meeting Minutes**

Minutes of 6/25 were deferred to next meeting.

**Massapoag bike/signage work and plan**

Christine Madore of MAPC presented the Lake Massapoag bicycle/signage plan to the Board through a power point presentation.

The project is supported by the South Coast Rail Corridor Plan. She stated that in 2014, Mass Dot awarded funds for the Economic Development to leverage natural resources to drive economic activity. The setting is the loop around Massapoag Lake. The existing condition is that there is 42% protected open space. One third of the open space is owned by the Town. She said there are 502 historical properties registered by the Massachusetts Historical Commission. There is 40 miles of scenic roadways and an expansive trail network.

She said there is a strong connectivity in town using the lake as a starting point. She then showed graphics of the existing signage and then explained that there are two options. The first option is if there is not enough width you need a shared

lane marking and signage. This is called a sharrow. The second option is to create a bike lane and signage if there are enough feet to restripe. The FHA recommends a bike lane width is 4 to 5 feet. The combination allows for a bike lane and a sharrow, a sharrow in both directions or a bike lane in both directions. The 4 segments are Massapoag, Lakeview, East Foxboro and Beach Streets.

Mr. Pannone asked if there is any potential to expand the network to the train station and center of Town. A conversation ensued regarding options. Ms. Madore explained that the grant is for technical assistance. After the plan is developed more funding can be justified. The Town can also use CPA funds and the state has a few grants.

Mr. Maidman asked if there is any data on where sharrows are and the allowed speeds. Ms. Madore said the speeds are associated with classifications. Sharrows are installed if they can fit in the bike lane. She said signage is important so drivers can be notified.

Mr. Maidman said there are places on the route without sidewalks and you have potential walkers and cyclists converging and diverging. Ms. Madore said this can be addressed through signage.

Mr. Pannone suggested that expansion be included as part of this. A question arose asking if a bike lane is created, is parking allowed or restricted. Ms. Madore said she would research this.

Mr. Pinkowitz asked what the enforcement on the bike lanes is. Ms. Madore commented that in urban areas like Somerville it is illegal to park in the bike lanes. She said that MAPC does do studies on parking spaces.

With reference to signage and way finding the gateways would have signage that can be designed by the community residents. Trail markers are important to make more prominent and encourages directional signs to the destinations in town like trails, train station library and restaurants. The kiosks can be upgraded to be more educational. Signs can incorporate fitness to encourage use and promote town pride.

Ms. Bingham said she sees the advantage to having signs but not cluttering them.

Mr. Blaszkowsky thinks this is a tourism opportunity.

Mr. Maidman likes the idea of sign kiosks near the train station.

A question was asked by Nancy Wluka of 64 Massapoag Avenue as to whether this will postpone the repairs of the road. Mr. O'Cain said it would not as this is only in the planning stages.

Ms. Madore will look at the applicability of Norwood Street being bicycle eligible.

Concerns were raised regarding sharing the road with runners as well.

Ms. Madore said the next steps are to take all input and produce a rough set of suggestions. She wants to set up a community discussion, sign design and location of the signs. A public hearing will be needed as well.

Mr. Blaszkowsky suggested a blurb about this opportunity, be placed in the Sharon Advocate. Ms. Madore said the website to look at is [bit.ly/massapoag](http://bit.ly/massapoag).

### **Bella Estates**

Mr. Khoury representing 155-157 holdings came before the Board to discuss the punch list of items requested by Peter O'Cain in his June 4, 2014 letter. The questions from Mr. O'Cain and the answers from Mr. Khoury are below.

- 1) Install 1-1/2 inches of bituminous concrete asphalt for the entire roadway – finish course. No paving may commence until the roadway is swept.

The roadway will be swept and final course applied on or before August 31, 2014, the deadline set forth in Section 4 of the Minutes of the Special Permit Modification Hearing from September 2013 (the "Modification Agreement") – see attached

- 2) Install 1-1/2 inches of bituminous concrete asphalt for the entire length of sidewalk – finish course. No paving may commence until the roadway is swept.

Our client intends to complete that on or before the August 31, 2014 with the same contractor who is applying the final course.

- 3) The detention basin has eroded along the north slope and needs to be re-established with soils suitable for a basin.

Under Section 3 of the Modification Agreement, our client was required with respect to the detention basin to:

- (a) remove sediment deposits from the detention basin ;(b) pump out turbid water within the basin through a series of floc logs and let treated water back in to detention basin;
- (c) add floc logs around the inlet and outlet of the detention basin; and
- (d) add floc logs and PAM along the level lip spreader

All of the above items have been completed. The cost to undertake this work on the detention basin was quoted at \$7,500. Our client went beyond this at the request of the Conservation Agent and installed 88 tons of trap rock, 72 yards of bank stone and reloaded the edges at the cost of an additional \$8,000 in time and materials.

The wearing down of the north side of the retention basin is a maintenance issue and should be the responsibility of the fully formed and funded homeowner's assn. This erosion may happen from time to time and the homeowners need to take responsibility for this maintenance item of the common area benefiting the development. Soil replacement due to erosion is specifically addressed or agreed to in the Modification Agreement and, as a likely recurring maintenance issue, is properly an issue for the homeowners' association to deal with.

- 4) All the landscaping required by the plan must be installed per plan, unless the plan change is approved by the Planning Board. Also, plantings required by legal agreements must also be installed.

As we have outlined in the attached letter to your office, we have asked for an extension of implementation of the landscape plan that was revised in June 2014 with the input of the Planning Board and the Bella Estate residents. Further, since any plantings done in the heat of the summer will almost certainly burn out, we had discussed with you and members of the Planning Board a request for extension of the deadline for completion of the landscape plan, just recently revised to October 15, which we understand that you support perhaps with the support of members of the Planning Board

- 5) All survey bounds need to be installed.

Our client reports that the survey bounds will be completed following the roadway sweeping and finish coursing. They cannot be done before the roadway work is completed.

- 6) The subdivision as-built plan needs to be completed.

An as-built plan cannot be completed until the roadway work is done.

- 7) All guardrails need to be installed.

Substantially all guardrails have been installed last fall at the subdivision have been timely installed - the only item that remains is an approximate 60 foot stretch of guardrail along the unused access road that our client's fencing contractor DeLucca Fencing missed due to brush cover in place at the time the rest of the guardrails were installed. Our client, a representative from DeLucca Fence, and Peter O'Cain met at the subdivision and agreed on a plan to the

guardrail that was installed last Fall and install the missing 60 feet of guardrail. This final guardrail install will be completed in the next couple of weeks and to ensure that this small portion of remaining work can be completed, our client delivered to the Building Department on June 5 a check to the Town of \$1,000 which funds will more than cover the expected \$500-\$600 cost of the remaining guardrail to be completed.

- 8) The retaining wall shear posts need to be installed between Lots 1 and 7 or a letter modifying their requirement must be provided by a Registered Structural or Geotechnical Engineer.

This item was not contemplated under the September 2013 Modification Agreement agreed to by the Planning Board and our client. However, our client is contacting a structural engineer to determine what will be required

- 9) The plan calls for handrails or a chain-link fence along portions of the retaining wall. Any section 4 feet in height or more must have a handrail installed by the State Building Code.

This item was not contemplated under the September 2013 Modification Agreement agreed to by the Planning Board and our client. However, our client is contacting a structural engineer to determine what will be required as the area in question is not easily accessed.

- 10) Areas of erosion along the Huntington Avenue side of the subdivision must be addressed and vegetated.

Our client assumes that Mr. O'Cain is speaking of the area directly behind the houses / retaining wall and not the slope. Our client intends to address this in connection with the revised landscaping plan addressed in the attached letter to Mr. O'Cain

- 11) The swale along Lantern Lane must be cleared of all stones and debris and weed whacked.

Our client intends to address this in connection with the revised landscaping plan addressed in the attached letter to Mr. O'Cain

- 12) Once the above work is completed, the silt sacs must be removed from all catch basins and the roadways must be cleared of all soil dams and debris. Any basins that have sediment in them must be cleaned again.

Our client reports that this clean-up work will be completed following the roadway sweeping and finish coursing.

- 13) All remaining silt fences, hay bales, equipment, boulders, soil piles, porta-johns, building materials and trash must be removed from the site. In short, anything not on the approved plans should not be left at the site.

This work will be done once the roadway and landscaping work is completed – these elements are there at the request of the Conservation Commission or in accordance with applicable conservation regulation practice and should not be removed until all work is done by our client.

- 14) All street lights must be installed as per plan and operating.

All street lights have been installed, wired and tested as fully functional – our client's electrical contractor, Anderson Electric, has requested that NSTAR now install their meters and power up the lights – NSTAR confirms that it will come shortly, but we cannot control NSTAR's scheduling. Contrary to what we understand the Planning Board was informed of, our client reports that it has no moneys due at the moment to either Anderson Electric or NSTAR.

- 15) All traffic signs, including trail parking signs must be installed.

Our client reports that these signs will be installed following the roadway work.

A discussion ensued regarding the questions and responses. Mr. Khoury said that one deadline they did not keep was the landscaping plan. He asked for an extension stating it was due to the residents' requests. He requested October 15th as a deadline as planting cannot occur now.

Mr. Maidman said he is concerned with this missed deadline. He said there is a pattern of missing deadlines by this developer.

Ms. Bingham said she was at the June meeting with the developer and residents and is not going to agree to another extension as a matter of principal.

Mr. Pannone said he is interested in what the residents want.

Mr. O'Cain said if we pull the bond and had the money today plantings could not be done until September.

Ms. Amara said the bond cannot be accessed unless something comes due.

Mr. Blaszkowsky asked what assurance there is that the plan will be completed on time.

Mr. Khoury said the plan was created by Mr. Mirrione, the original owner. He said they now held off because of suggestions from the residents and that is why the July deadline was not met.

Ms. Bingham and Mr. Maidman both stated that the lighting and fencing is not completed either. Mr. Maidman is also concerned about what assurance will there be.

Mr. O'Cain summarized that there is a trust issue. With another form of surety, the Board would have recourse.

Mr. Khoury said the 60 feet of railing will be completed and said the town can use the \$1,000 that the building inspector is holding as surety.

Mr. Maidman said that you are asking for an extension for something that should have taken place. You have to provide certainty that this will happen, Your track record is not good according to the schedule and you are not providing guarantees.

Mr. Khoury said the issues with the current plan became evident in the spring. He said his client spoke with Mr. O'Cain and set a meeting with the residents.

Dmitry Belov of 47 Bella said communication with the developer has been ignored, there have been to many broken promises.

Mr. Khoury said they have identified the problems and fixed it on the plan. There have been a lot of complaints but that was Intoccia and prior developers. .

Attorney Amara said the first issue before the Board is whether regardless of timing, what does make sense, the landscape plan from 2009 or the plan out of recent facts and input. The Board needs to have a hearing on this issue. The second point is we have not heard anyone say plant now. If we take the bond now for violation of not completing the work, it cannot be done now. The third issue is there is no trust. The fourth point is 9/15 needs to be the drop dead date and fifth, the weather could delay.

Mr. O'Cain said you cannot plant until the last week of August and you need to plant through the end of September there is a one month window. The ultimate problem he said is there is no trust. He suggested a cash surety be placed in an escrow account for the Board to build trust. He also commented that there is an August 31<sup>st</sup> deadline for the road.

Mr. Khoury said they have not asked for a reduction in the bond so isn't that trust.

Ms. Amara said her concern is that the Board needs to act in advance to consider if it will modify the plan.

Mr. O'Cain said it is up to the residents as to what they want planted. He asked if there is a way to make the new plan a version of the old plan.

Mr. Khoury said the roadway will be completed by 8/31. The bond of \$428,000 will stay in the full amount and covers more than what is remaining.

Ms. Amara said in summary all believe changes to the previous landscape plan might be more desirable. The Board has expressed extreme concern regarding surety. The Board is open for creative means to address concerns. There is a question of timing. A public hearing is needed for timing deadlines. The concern is if we wait until 8/27 for the hearing, it would be up against a deadline to make it impossible to do plantings. The question is how we do that.

Mr. Blaszkowsky moved that the Planning Board votes to notice and hold a public hearing on 8/13/14 for the purposes of determining whether to Amend or Modify the Revised Special Permit Conditions to the Modified Special Permit Decision, dated September 2013 ("Conditions") issued to Bella Estates for construction related activities at 155-157 North Main Street, Sharon, MA, or to take any other action as may be appropriate. Mr. Pinkowitz seconded the motion and the Board voted 4-0-0 in favor.

Mr. Blaszkowsky moved for the establishment of consultant fees for completion of the Bella Estates subdivision ("Project"). In accordance with the provisions of M.G.L. ch. 44, § 53G, the rules of this Board, and the terms of the representations made to this Board by or on behalf of the developer/applicant, the Board votes to engage the services of Gelerman and Cabral, LLC to act as the legal consultant to the Board with regard to completion of the Project commonly known as Bella Estates.

The Board determines that the initial sum of \$1,500.00 should be placed with the Town Treasurer to be expended in accordance with the provisions of M.G.L. ch. 44, § 53G. Mr. Pinkowitz seconded the motion and the Board voted 5-0-0 in favor.

#### Resident Issue

Mr. Brandt purchased a lot in 2013 with an existing road. It was purchased based on being approved. 8 acres were purchased and 3 were donated to the Town. He submitted a plan and said approval not required as it was not a subdivision. Mr. Kent took the position that the lot is subject to regulations governing the subdivision and will not grant the foundation permit.

Mr. O'Cain said that Mr. Brandt had an existing approved lot and then Mr. Benoit came and bought 6 lots and was required by the Planning Board to improve the roadway to obtain adequate useable frontage. , Mr. Brandt has never been subject to the work that Mr. Benoit is required to do.



Mr. Pinkowitz moved to allow the Building Inspector to allow permitting. Mr. Blaszkowsky seconded the motion. The Board voted 5-0-0 in favor.

**Next Meetings**

8/6, 8/13, 8/27

**Adjournment**

Ms. Bingham moved to adjourn the meeting at 10:15 PM. Mr. Pannone seconded the motion and the Board voted 5-0-0 in favor of adjournment.