

Town of Sharon Planning Board
Minutes of 8/0614
Amended and Approved on 8/13/14
Sharon Community Center
Filmed by SCTV

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

Guests

Stephen Benoit	Frank Gobbi
Kevin Weber, Tree Warden	Karen Stein, Audubon
Kate Connolly, Audubon	Dave Wluka
Cindy Amara	Adam Gendomanico - 6 Massapoag

Meeting Initiation

Chair Maidman called the meeting to order @ 7:35 PM.

Meeting Minutes

Ms. Bingham moved to accept the minutes of 7/16 as approved with corrections.
Mr. Pannone seconded the motion and the Board voted 3-0-0 in favor.

Public Hearing Everett Street

Mr. Blaszkowsky read the public hearing notice.

Mr. Blaszkowsky moved to open the public hearing and Mr. Pannone seconded the motion. The Board voted 4-0-0 in favor of opening the hearing.

Mr. O'Cain commented that as per the bylaw a public hearing needs to be held to remove trees. As part of the ANR plan, the Planning Board approved that the roadway could be built. Everett is a private way near the former Whaling Museum. He said the developer is now working on the northern end near Norwood Street. The trees proposed for removal are within the right of way. There are 23 significant large trees.

Tree Warden Kevin Weber said he compares the dirt road going into the woods on Everett Street to be like Old Post Road.

Ms. Bingham expressed her concern for the stone walls, and the fact that the developer did not present a surveyed plan showing the individual trees proposed for removal.

Mr. Benoit stated there are no stone walls in this area.

Mr. O'Cain displayed a PowerPoint presentation of different views of the proposed roadway and trees. A brief conversation ensued.

Attorney Amara commented that work in the right of way can be done. The Town has lawfully designated this as a scenic road. The Planning Board jurisdiction is in the right of way. In terms of the number of trees allowed to be removed, the Tree Warden has the jurisdictional obligation. The Planning Board can only decide about what is in the right of way.

Mass Audubon representative Kate Connolly said the Audubon owns 3 sides around this property. She wants her letter from August 1st on the record. She said anything can be a scenic road other than a highway. Her concern is that there are some trees on the Mass Audubon property that they do not want removed. She is comfortable with the survey that has been done but is concerned with the culvert and one large red oak that is close to the construction. This tree is not marked for removal.

Ms. Amara said that if damage is done to the tree when others are being removed then it is a matter between two parties and not a municipal issue.

Kate Connolly stated the Board has the discretion to not allow tree removals. She is concerned with the location of the roadway and says it is possible the road may be moved. She said she does not want the Board to vote until the Conservation Commission gives their final decision as to whether the road needs to be moved. This will prevent trees from being removed unnecessarily.

A discussion ensued about a gate on the property but Mr. O'Cain said he is unsure who has the legal rights to the gate.

Ms. Amara said that the Audubon is free to install a gate or change its location and that is a private matter. The Planning Board does not have jurisdiction on this or an obligation to act but can make this a condition.

Mr. Wluka, realtor for the developer said the gate is owned by NSTAR

Ms. Amara said the gate has nothing to do with the hearing this evening.

Mr. Frank Gobbi owner of the property said he wants to know who put the gate up. He said if the Planning Board does not allow him to remove the trees then he is being obstructed from his property. He said he cannot be refrained from taking the trees down and he has to pave the road to put the utilities in.

Ms. Bingham suggested the Board not vote until an order of conditions is received from the Conservation Commission and a surveyed plan with the trees to be removed, marked on the plan, is provided.

Mr. Benoit asked that the Board consider the application to remove the trees in the right of way. He is putting a short road in which is already on the plan and needs to remove enough trees to build an 18 foot road.

Mr. Gobbi said before the Conservation Commission is the amount of water generated not moving the road.

Mr. O'Cain said we approved the plan conditional on the Conservation Commission.

Mr. Blaszkowsky said if the location of the road is in play, we cannot make a determination.

Kevin Weber said he is concerned with the trees being taken down. Right now he believes it to be 23. He wants the Town to be compensated for the trees to be removed. He is looking for a stem to stem replacement cost.

Mr. Pannone said he does not have an issue with taking down marked trees and stakes. He thinks a decision should be made after the Conservation Commission ruling. He said one option is to vote and include the Conservation Commission decision as a condition or leave the hearing open.

Ms. Bingham wants to keep the hearing open until she sees a plan and the order of conditions from the Conservation Commission.

The Tree Warden stated he does not have the exact number of trees to be removed.

Mr. Maidman said that there is ambiguity so he suggests more discussion needs to be held. He asked that the parties resolve their issues amongst themselves in the interim period. He said there are matters of law, expediency and another board who affects what we do.

Ms. Bingham moved to continue the tree hearing until the order of conditions is issued by the Conservation Commission and we have a count of the actual number of jurisdictional trees on a plan identified. Mr. Pannone seconded the motion and the Board voted 4-0-0 in favor.

Public Hearing Massapoag Avenue and Decatur Streets

Mr. Blaszkowsky read the public hearing notice.

Mr. Blaszkowsky moved to open the public hearing and Mr. Pannone seconded the motion. The Board voted 4-0-0 to open the hearing.

Mr. O'Cain said that Massapoag Avenue is being repaired and sidewalks are being redone. These trees shown in pictures to the Board need to be removed.

A brief discussion ensued.

Mr. Blaszkowsky moved to close the public hearing and Mr. Pannone seconded the motion. The Board voted 4-0-0 in favor of closing the hearing.

Ms. Bingham moved that the trees needing to be removed on the landward side of Massapoag Avenue be removed to allow for the street improvement project. Mr. Blaszkowsky seconded the motion. The Board voted 4-0-0 in favor of the tree removal.

Bella Estates

A brief discussion regarding Bella Estates ensued. Mr. O'Cain will not be in attendance at the 8/13/14 Public Hearing meeting. He said the open big ticket items are the paving of the road and sidewalks and the vegetation. Mr. Hooper, Superintendent of the DPW will be at the meeting

Next Meetings

8/27, 9/10, 10/1

Adjournment

Ms. Bingham moved to adjourn the meeting at 9:10 PM. Mr. Maidman seconded the motion and the Board voted 4-0-0 in favor of adjournment.

Attachments

1. Picture of trees being removed for Massapoag and Decatur.
2. Public hearing notices for two public hearings described above.
3. August 1, 2014 correspondence for Kathleen E. Connolly of Murtha Cullina representing the Audubon.