

Town of Sharon Planning Board  
Meeting Minutes of 1/9/13  
Amended and Approved on 1/23/13  
Sharon Community Center  
Filmed by SCTV

**Planning Board Attendees**

Eli Hauser, Chair - absent	Anne Bingham
Rob Maidman, Clerk - absent	Pat Pannone
David Milowe, Vice Chair	Peter O'Cain, Town Engineer

**Other Attendees**

Slva Josyula 67 Bella Road	William Welch 59 Bella Road
Dmitry Belo 47 Bella Road	Ramanan Ramanatha 19 Bella Road
Giridhar Pottepalem 43 Bella Road	

**Chair Report**

Vice Chair Milowe called the Planning Board meeting to order at 7:30 PM and read the Chair's Report.

**Minutes**

Mr. Pannone moved to approve the minutes of 12/12/12 as written. Ms. Bingham seconded the motion. The Board voted 2-0-1 (Bingham) in favor.

**As Built Plan – Cattail Lane**

Mr. O'Cain stated that Town Meeting voted to accept Cattail Lane. The plan needs to be signed by the Selectmen, Board of Health and Planning Board to reflect what was actually built. The plan needs to be recorded at the Registry of Deeds. The Board signed the plan.

**Sidewalk – Deborah Sampson to East Street**

Mr. O'Cain informed the Board that the DPW was petitioned by town residents to build a sidewalk from Deborah Sampson to East Street. A survey will be done to determine any right of way. A public hearing will also be required as well as a scenic roadway hearing. Mr. O'Cain said he will bring more information to the board within a month.

**Bond Reduction Recommendation for Eisenhower Extension**

Mr. O'Cain requested that the surety bond for Eisenhower Extension be released and reduced to zero due to the completion of the Eisenhower Extension in the Eisenhower Extension Subdivision. The reduction is based on the fact that tree growth at the site is still strong after two years and the grass has adequately filled in.

Ms. Levitts will issue a letter to the Town Treasurer, requesting that the surety for Eisenhower Extension be reduced to \$0.

Ms. Bingham moved to accept the request of January 9, 2013 as per the memorandum from Town Engineer Peter O'Cain, to reduce the bond for Eisenhower Extension to \$0. Mr. Pannone

seconded the motion and the Board voted 3-0-0 in favor of the bond reduction.

### **Homeowners Agreement – Bella Estates**

Mr. O'Cain began the discussion by stating that Town Counsel said that the Town has no legal authority to intervene between the contractor and homeowners of Bella Estates.

Mr. O'Cain explained that the homeowners received a letter requesting payment of \$157 monthly to a homeowners association, yet the work is not complete. The homeowner's do not want to transfer to the HOA until the work is completed which is scheduled for August, 2013. An extension could be requested by the contractor at that time as well. He stated that the homeowners are unhappy with the way they have been communicated with.

Mr. Milowe asked the homeowners if they asked why the association was being created earlier than expected.

Mr. O'Cain said the contractor hired a firm to manage the homeowners association.

Mr. Belo of 47 Bella Road said he thought that after the infrastructure was done the HOA would be transferred. He said the residents are opposed to an association being created on their behalf.

Bill Welch of 59 Bella Road said there are still drainage issues and thought the association would be formed after everything was fixed.

Mr. O'Cain said that the developer needs to fulfill the requirements of the subdivision plan and it is bonded. He said there should be an account with \$5,000 so the town can access it if needed for such things as snow removal, septic pumping or storm drain issues. Mr. O'Cain also said that the homeowners contacted him and asked to speak to the Board however the board has no legal authority to take action. He said he referred the group to a land attorney in Stoughton.

Mr. Milowe stated that the Board has no involvement in this.

Ms. Bingham said that the letter was not on letterhead, there was no justification and asked Mr. O'Cain to determine the percentage of homes sold that allow for inception of HOA to be moved from the developer to the association.

Mr. O'Cain said that the agreement is to occur between the developer and the homeowner. The Planning Board is limited in its powers regarding this issue. He said the Town does not intend to own sidewalks, street lights or the road but would like the homeowner's agreement to get set up.

Mr. Milowe said that Mr. O'Cain will research the documents to determine the percentage of homes sold that allow for the inception of the HOA to be moved from the developer to the association. He also suggested that the information should be in the signed agreements within the purchase and sales documents.

It was stated that 6 of the 29 units at Bella Estates is bank owned. 4 are currently under construction. 19 homes are occupied.

Mr. O'Cain said he will continue to work on the drainage issues.

**Adjournment**

Ms. Bingham moved to adjourn at 8:20 PM. Mr. Pannone seconded the motion. The Board voted 3-0-0 to adjourn.

**Attachments**

1. January 9<sup>th</sup>, 2013 Bond Reduction Memorandum from Peter O'Cain for Eisenhower Extension.