

Town of Sharon Planning Board
Minutes of 6/19/13
Amended and Approved on 7/31/13
Sharon Community Center
Filmed by SCTV

Planning Board Attendees

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

Other Attendees

Eric Tchetgen 63 Bella Road	Arvind Kaul 7 Bella
Badri Ramanujachari 52 Bella	Dmitry Belov 47 Bella
Rahul Kulkarni 48 Bella	Christine Madore - MAPC

Opening

Chair Pat Pannone called the meeting to order at 7:35 PM and read the Chair's report.

MAPC

Christine Madore of MAPC came to the Board to present the 5 year update to the South Coastal Rail project. She said that the map designed in 2009 has been updated. The project was initiated by Governor Deval Patrick to assess open space, preservation impact and local development areas that are of priority to the communities as part of the South Coastal Rail Plan. The South Coastal Rail line is being designed to go to New Bedford and Fall River and will go through Canton and Stoughton. They are assessing the economic development to be brought to municipalities along the corridor and to protect the "protected" land. The Governor wants towns to identify areas of development and conservation. There is state funding available for areas important to preserve and develop.

A brief discussion of the existing map and its boundaries occurred. Ms. Bingham was concerned with the size of the 40R district that was depicted on the map specifically. Mr. O'Cain explained that the colored portion of the map should end at Shaw's Plaza and should not include the housing or pond behind it.

Ms. Madore discussed the grant that is currently available and provided the Board with an application. The deadline for the application is 6/30/13. This is a grant for technical assistance. It would include any updates needed for transit oriented developments in the center of Town.

Chair Pannone said it would be useful to know the next grant deadlines and what is available. Mr. O'Cain said that grants arise each year. He said he is interested for grants related to infrastructure for example Maskwonicut Bridge. A brief discussion ensued.

The final map will be completed by mid July.

Mr. Pinkowitz asked that an updated PDF of the map be sent to the Board.

Ms. Madore said the next steps are to make the map revision. She also mentioned that MAPC will host a public regional meeting in July and that all are welcomed to attend.

Minutes

Mr. Maidman moved to accept the minutes of 6/5/13. Mr. Pinkowitz seconded the motion. The Board voted 3-0-1 (Bingham was absent and abstained).

Bella Estates Discussion

Mr. O'Cain began by stating that the DPW did work at the property to stop the runoff at Cheryl Drive during the recent rain storm. In addition building permits have been stopped. He said he was supposed to have received an update from Attorney Gelerman regarding the developer's plan but as of tonight's meeting it had not yet been received. He said that he visited several homes and saw cracked foundations, poor drainage and some window wells filled up.

The owner of 7 Bella Road, Arvind Kaul, asked about the existing bond. Mr. O'Cain said that the Planning Board approval for the subdivision terminates on 8/5/13. He mentioned that a state law was passed out of the economic crisis that may give the developer a two year extension. This was told to Mr. O'Cain from Attorney Gelerman. He will obtain further clarification.

Ms. Bingham expressed her dissatisfaction with the entire Bella project and suggested to the degree to which there are exemptions they should be applied against the developer and she said not to allow them an extension. She said it's bad for the abutters and the infrastructure.

Chair Pannone asked if the catch basins were cleared and Mr. O'Cain said that the DPW did.

The owner of 7 Bella Road, Arvind Kaul, asked that the developer and Attorney Shelmerdine attend the next Planning Board meeting. He wants to see them face to face.

Mr. O'Cain said he will ask Attorney Gelerman to please provide a written response that he can forward to the residents and the Planning Board that summarizes the rights, duties options and obligations regarding the Bella Estates subdivision. He also asked him to provide support on the foundation hole backfill issue and what he can legally do to address the problems and/or how the developer can be forced to act.

Prior to the meeting, Mr. O'Cain forwarded an email to the Board from Attorney Gelerman which said "I spoke with Scott Hickey and he has promised a schedule not later than 5:00 p.m. today. I'll send it along as soon as I get it. Also, Scott raised some concerns about possible future damage being done to the finished road and the sidewalks by the owner/builder of the five lots that are under construction. I'm hoping to be able to work that out with Bob Shelmerdine and will keep you advised."

Ms. Bingham discussed that email.

Mr. O'Cain said that 6 lots are held by the developer and 1 lot is owned by the current bondholder. The new owners of the six lots have the same attorney as Mr. Intoccia had.

Mr. Pannone asked if Joe Kent is issuing building permits and Mr. O'Cain replied that he is not.

Ms. Bingham asked when the work was stopped and Mr. O'Cain said about two weeks prior. The only leverage the town has to force subdivision completion is to place a stop on work at the one home or to pull the bond. Unfortunately, Town Counsel is stating that State law requires the Town to provide an extension.

Mr. Belov of 47 Bella Road said it was discouraging news that the developer could get an extension. He reiterated there are missing sidewalks, no lights and things are not safe.

Ms. Bingham said that within the permit extension act there has to be a public health and safety exemption.

A brief discussion occurred amongst a few residents of Bella Road who expressed their dissatisfaction.

Mr. Maidman asked if there is a public violation to have an open foundation. Mr. O'Cain said he is waiting to see what Attorney Gelerman has to say.

Ms. Bingham said a fence should be put around the foundation. She asked Mr. O'Cain if they had contacted him regarding plantings and he said no.

Ms. Bingham said that she thinks the town's potential liability is more important than the private ownership of the foundation.

Mr. Belov of Bella Road asked Peter O'Cain that the Town do the remaining work and present the developer with a bill.

Mr. O'Cain said that as far as he is aware, it's not the Town's property and we cannot enter private property and perform work, unless the bond has been pulled or Town Counsel advises that we can do so.

Adjournment

Ms. Bingham moved to adjourn the meeting at 8:31. Mr. Pinkowitz seconded the motion. The Board voted 4-0-0 in favor.

Attachments

1. South Coastal Rail document