

**SHARON ZONING BOARD OF APPEALS  
MINUTES OF WEDNESDAY, October 13, 2021**

**Location of Meeting:** In compliance with the Governor's emergency declaration relative to the conduct of public meetings, the Town arranged to conduct board and committee meetings using Zoom video/audio conferencing in an effort to minimize the spread of COVID-19. Interested citizens received directions on how to attend the meeting remotely in the Agenda as posted on the ZBA website and the Town. This meeting was presented with the video and/or audio available for later broadcast. The Zoning Board of Appeals is focused on observing the spirit of the Open Meeting Law during this temporary emergency situation to assure accountability for the deliberations and actions of elected and appointed officials conducting the public's business.

A virtual meeting of the Sharon Zoning Board of Appeals was held on Wednesday, October 31, 2021, at 7:02 P.M. The following members were present as established by roll call: Joe Garber, Chair, David Young, Steve Weiss and Abe Brahmachari. Sam Reef was not present. Mr. Garber, Chair, read Covid19 protocols per the Governor of MA and procedural ground rules.

**7:05 PM –Sharon Public Library – October 13, 2021 Order of Remand from MA Land Court**

Present for the applicant: Gordon Gladstone of the Sharon Standing Building Committee and Cheryl Weinstein on behalf of the Sharon Public Library Board of Trustees.

The Chair began the meeting by reading the public notice.

The Chair stated that a decision may not be reached by the end of the night as there is an additional meeting this month and the goal is to cover many topics as there are many people invested in the decision.

*Dear ZBA:*

*First, we want to thank you for your service to the Sharon community and to acknowledge the pressure you've endured on all fronts, whether to approve, disapprove or condition the library project as proposed.*

*Second, we observe that while the ZBA is not responsible for the design of the library project, it has been asked - and will be asked again - to overlook the problems and remedy the unfortunate situation we're in, with Town entities litigating against one another. Unfortunately, whatever you decide, this matter is likely to be litigated further. The people of Sharon will spend more money trying to approve or block a project that should be a no-brainer for the community. And it would be a slam dunk had a more thoughtful design not overloaded a small lot with an enormous building. We continue to believe there is a better solution if only reasonable parties would agree to cooperate on a solution rather than adopt a win-at-all-costs approach to their follow Sharonites.*

*The ZBA made a difficult decision during its first review of the project. While we think the ZBA can and should reach the same ultimate conclusion and refuse to disregard the interests protected by the Town's zoning bylaws, we know that is asking a lot of you as individuals and as members of the Sharon community. This entire process has been deeply disappointing and we're sorry that you've been caught in the middle.*

*Colin and Liv Van Dyke*

*My previous letters to the Town of Sharon's Zoning Board of appeals have detailed why the library's requested variances are needed because the proposed structure is larger than the town needs, not because zoning laws are restrictive. My affidavit to the court described how the library has padded its service population estimates and how claims that the original building program did not include sufficient unassigned space are greatly overstated. In this letter, I will reiterate why your original decision was correct.*

*A building the size of the proposed library requires 75 parking spaces. Sixty percent of those spaces would be located a block away and across a busy road at the 29 North Main St. lot.*

*The required setback is 50 ft. from the center line of School St. Of course, pedestrians will not walk on the center line, but rather on the sidewalk. Library patrons who are not lucky enough to find on-site parking will have to traverse School St. with the sheer wall of the library looming just 8 feet from the edge of the sidewalk.*

	<i>Distance in Feet</i>	<i>Zoning Requirement</i>	<i>Requested Variance</i>	<i>Δ from Required</i>
<i>A</i>	<i>Setback</i>	<i>50.0</i>	<i>30.0</i>	<i>-40%</i>
<i>B</i>	<i>Distance from center line to curb</i>	<i>16.5</i>	<i>16.5</i>	<i>NA</i>
<i>C</i>	<i>Distance from outside of curb to building = A - B</i>	<i>33.5</i>	<i>13.5</i>	<i>-60%</i>
<i>D</i>	<i>Sidewalk (5' sidewalk + 6" curb per MassDot recommendations)</i>	<i>5.5</i>	<i>5.5</i>	<i>NA</i>
<i>E</i>	<i>Distance from edge of sidewalk to building = A - B - D</i>	<i>28.0</i>	<i>8.0</i>	<i>-71%</i>

*Pedestrian, including neighbors and the majority of library patrons, will feel the 71% reduction in the space between the sidewalk and the library building. Drivers on School St. will sense the 60% decrease in space between the curb and the building. The requested setback variance is not for an inviting porch or unassuming structure, but rather for a monolithic building that will dwarf the residential structures around it. The massive size of the building will heighten the impact of the setback variance.*

*I've heard this library referred to as a 50-year project. In fifty years, over half of the parking will still be off site. Crossing North Main St. with a stroller or toddlers will still be hazardous. Walking over a block in the cold and rain or snow will still be unpleasant. The proposed building will still be too large for the 1 School St. site. The Zoning Board can ensure that inadequate planning today does not saddle the town with a poor design for the next 50 years.*

*Clint Frazier*

*36 Pleasant St., Sharon, MA*

*October 13, 2021*

*To the Chair and Members of the ZBA:*

*As fourteen-year residents in Sharon, we have always been, and will continue to be strong supporters of the Sharon Public Library.*

*I am writing today to reaffirm our support of your May 2020 decision to deny the variances and special permits for this project.*

*The zoning relief that the Standing Building Committee is requesting for 1 School St. is outrageous. The Dover Amendment is not meant to eliminate sensible zoning restrictions. The Amendment states explicitly that the ZBA may still enforce zoning ordinances or bylaws that concern the seven subjects listed in the statute (height, yard size, lot area, setbacks, open space, parking and building coverage), provided that any such regulations are reasonable. The burden remains with the SBC to prove that such regulation of its proposed building use is unreasonable.*

*The only proof the applicant has provided that such regulation of its proposed building use is unreasonable is the fact that there is a hearing to request a combination of eight variances and/or special permits. This supports the argument that the building proposed is simply too big for the lot, among other issues. The individual circumstances of the owners cannot form the basis of their hardship request.*

*Reversing your decision would place the new library only a few feet from residential property lines and public streets and sidewalks. The setback, lot coverage, and vegetation requirements of the Zoning Bylaws exist for a reason, affording valuable “breathing space” that cannot be lightly traded away at the neighborhood’s expense even at the cost of the MBLC grant.*

*The proposed building variances and special permits would interfere with neighborhood use and enjoyment of our respective homes in many ways including privacy, open space, neighborhood safety and view – all concerns when addressing zoning. Our personal privacy, our sight lines, our pedestrian, and motor vehicle safety are all at risk if you allow them to overbuild on a lot that is less than an acre large. It will permanently and negatively alter the essential character of our neighborhood.*

*Granting the requested variances and special permits will adversely change the fundamental character of our neighborhood, Sharon’s Town Center, and the immediately adjacent historic district forever. The zoning relief that is being requested would be unprecedented if granted.*

*This project was subject to the ZBA balancing test by the SBC at the previous hearing, and the building failed that test. I urge the board to UPHOLD its decision to deny the variances and special permits again.*

*Thank you.*

*Michael Berkley  
39 Pleasant Street*

*Dear Distinguished Zoning Board Members-*

*I am writing to encourage you to uphold your previous ruling on the library plan for One School*

*Street because it puts an undue burden on the abutters. We have many concerns about this enormous building going into our residential neighborhood; construction noise and potentially damaging effects of the construction process on our home, light and noise pollution from use of the library, infringement on privacy from the many library windows, sewer and water runoff from the site as well as traffic and parking are just some of the problems. The traffic and parking will create a constant negative impact on our daily lives. Prior to the three hour parking signs being placed on our part of Pleasant Street we*

would find ourselves boxed into our driveway by commuters. This will be an exponentially greater problem with the introduction of a large capacity building ( that includes a 150 person meeting room) that has less than 40 parking spots. School Street and Pleasant Street are narrow with no sidewalks. The houses are close to the street due to being built prior to many zoning laws. The street are not made to handle two way traffic and street parking. Changing the street and sidewalks would cost the city more and further negatively impact our lives. Proponents of the new library plans may wish that library users will seek parking down the block and across a busy street near the old library but we can all guess what human nature will lead people to do - find something easier and more pleasant. Our street will become a de facto parking lot with cars circling, coming and going some days until after 9! This will interfere with the quiet enjoyment of our property. With so much traffic, the street will no longer feel safe to take walk on- something we like to do daily. The traffic and parking issue created by using an unsuitable lot for the library put an undue burden on the abutters and our neighborhood. Please continue to vote no on this library proposal.

*With Thanks-*

*Amy Baldwin*

*32 Pleasant Street*

*Dear Members of the Zoning Board,*

*My name is Peter Salisbury and I live at 27 Pleasant St. Sharon,MA. I am writing to oppose overriding your previous decision regarding the proposed library.*

*Please understand that I do not oppose a new library, nor one at the Main St./School St. location. What I oppose is the size and scope of the proposed building, it clearly overwhelms the property itself and the surrounding environment. I feel that to invoke the Dover amendment in this case is disingenuous given that it is only being requested to obtain the grant money that is only available for this structure. Sharon as a town can easily afford a smaller, more appropriate library, that will meet our needs and not so egregiously affect the environment and the surrounding neighborhoods.*

*Zoning regulations were put in place for good reason and with significant forethought, I really can't see overriding them when good alternatives exist.*

*Thank you for taking the time to read this, and for all the time and effort you have expended on this issue.*

*Regards,*

*Peter Salisbury*

Gordon Gladstone, the Chair of the Sharon Standing Building Committee read a short statement.

*Mr. Chairman:*

*My name is Gordon Gladstone, and I am chair of the Sharon Standing Building Committee –acronym SSBC.*

*Section 12.11-12.17 of the town by-laws established the SSBC and in its pertinent part makes the SSBC (quote) responsible for:*

A.

*Financial estimates;*

B.

*Design, including schematic design, design development, and construction documents (or equivalent documents) developed from the project goals established by the proposing board or committee' and*

C.

*All aspects of construction, including whatever is necessary to implement or complete a project.*

*The SSBC is named as the applicant because it considers part of its responsibility to secure the building permit which will allow construction to commence. Our partner in this endeavor is the proponent, the Trustees of the Sharon Public Library.*

*This matter has obviously been before the Zoning Board of Appeals and been the subject of a remand order from the Land Court. That aspect will be discussed subsequently by Attorney Brian Winner, counsel to the trustees.*

*The SSBC initially proposed a plan to the Zoning Board which required several variances which the Zoning Board denied. Other iterations have been proposed to the SSBC over the past months. Those alternative proposals have been reviewed by the SSBC and the project architect and the owner's project manager.*

*At its meeting last night, a joint meeting with the library trustees, the SSBC voted unanimously to continue to recommend the initial proposal submitted to the ZBA, which decision was also unanimously approved by the trustees in an advisory decision to the SSBC which has the final responsibility.*

*The decision was not taken lightly by the SSBC as it tried to balance the overwhelming community support for a library at this site with concern for the effect on the immediate neighborhood. In the judgement of the SSBC the original proposal is the best solution to the municipal and library needs of the 18000 residents of the town.*

*The architect for the project, Dray Fair of LLB Architecturs, will discuss the reasoning for the decision to go forward with the plan as originally submnitted.*

*Although the ZBA has its own responsibilities, it should be aware that it is that if this project goes forward in the spring of 2011 the costs will have escalated approximately 1.4 million over the project cost had it been granted the variance relief requested at the time of initial submission.*

*Gordon Gladstone*

Brian Winner, Counsel to the Trustees addressed the meeting, reading part of the court's decision after the judge annulled the case on summary judgment. Mr. Winner read from page ages 9, 10, 11, wanting to make it abundantly clear that this is not a do-over but a chance to get this right by the court's imposed December 2, 2021 deadline. He noted that Dover Amendment cases are difficult because of the balancing

test. Winner turned the floor over to Cheryl Rosenfeld, a Library Trustee who gave a history of the nine-year project.

According to Rosenfeld, in February of 2016, the Select Board discussed the School Street location for a new library but were in support of a renovation which the Historical Commission ultimately denied. Following the denial of the renovation of the current library located at 11 North Main Street, the Select Board came to the decision that if the library cannot utilize 1 School Street then there are no other options.

A library committee was established with its first task being to create a building program. The committee hired a consultant to help define the town's needs regarding a new library. In August of 2016, the Select Board approved the designs of a new facility to be built at 1 School Street. In 2017, the town submitted a grant proposal, the entire process being vetted and approved throughout the process. From 2014-2020 the trustees, library, and the SSBC held public meetings, open houses, walkthroughs, community presentations, and neighborhood meetings. Tom Houston was hired as a traffic consultant to assess if traffic patterns would negatively affect the area. In April of 2019, two meetings were held with abutters. Library Trustees and the SSBC began addressing neighborhood concerns immediately and continued to through May of 2020.

The building cannot be smaller than what was approved by the Massachusetts Board of Library Commissioner without losing grant funding. Many factors were taken into consideration in terms of planning and design: architectural design, community room location, property boundary fencing, and multiple traffic plans. All traffic plans were rejected based on a variety of issues including moving the building closer to school street, decreasing the amount of parking spaces, or increasing impervious surfaces.

The current plan has the entrance on School Street and the exit on N. Main Street to maximize parking and green space. In November of 2020 a denial decision was issued citing lack of parking. The Trustees came to a unanimous decision, the entrance would be on School Street with an exit on N. Main Street. Renovation of the current building would cost more than constructing a new one. Ms. Rosenfeld closed her remarks before yielding the floor to architect Drayton Fair stating, the Dover amendment requires evidence that any imposed conditions will serve a compelling public interest.

Drayton Fair briefly summarized the current plan. Locate the building on the southeast corner of the School Street site with landscaping in front of the building and at the intersection while maximizing parking. The traffic flow pattern was conceived to avoid having headlights project into windows on School Street houses. Fair continued to discuss size requirements for one-way and two-way driveways as they relate to the parking spaces and location of parallel parking spaces. Mr. Fair continued to describe two options, both based on the desire to have an ingress and egress onto N. Main Street.

Option 1 proposed no access onto School Street with the goal of minimally changing the plan. Moving the sidewalk and building closer to School Street would allow for this but it would be difficult for passenger cars to navigate the parking lot and utilize parallel parking spaces. Emergency vehicle access was also a noted concern with this option. Mr. Fair also explained that this plan would not include the desired landscaping on school street because of access to the parcel.

Option 2 described as similar involved leaving the building in the proposed location and moving the sidewalk six feet. This would create safety issues for cars navigating the parking lot as it would create a very tight space.

When the SSBC were asked to vote on options, they voted to continue to advocate for the current plan.

The Chair asked Mr. Gladstone and Mr. Fair about the potential of moving the building closer to N. Main Street and 24 ft off the rear property lane which would put the building 20 feet from N. Main Street. The Chair also asked about the possibility of keeping the ingress on N. Main Street and making a left hand only egress onto School Street. Mr. Fair noted that moving the building closer to N. Main Street could trigger additional zoning issues and that they would consider the left hand turn only exit of an egress onto School Street.

Mr. Gladstone provided some comments regarding parking, informing the meeting that parking in front of buildings was undesirable to the Planning Board and also what was decided for the Town's Master Plan. No one wanted to see parking on the N. Main Street or School Street sides. He agrees with the Chair that a left hand only turn off an egress onto School Street would be effective. He continued to note that the SSBC tried very hard to mitigate the effect of lighting on the neighborhood.

Mr. Fair replied that if the building were to be moved away from School Street and closer to N. Main Street, eight parking places would be lost.

Mr. Young asked about the possibility of adding a basement to reduce the footprint without reducing the square footage of the overall building. Mr. Gladstone answered that the additional \$900,000 needed for that alteration would have to come from Town Meeting. He expressed his desire to hear from the Chair of the Trustees, the project architect, and Counsel of the Trustees as the SSBC would be willing to consider these conditions if the ZBA were to grant the requested variances. Mr. Gladstone continued to say that the SSBC has taken neighbors' concerns very seriously and made every effort to minimize negative impacts to the neighborhood in relation to traffic patterns and lighting. While keeping a limited budget in mind, the SSBC wants to mitigate affects the new library would have on the neighborhood. Mr. Gladstone also expressed concerns about litigation from private citizens should the egress be located on School Street.

Mr. Brama Chari praised the Chair's idea and continued to summarize what had been asked of the ZBA: approve the project as is, approve the project with reasonable conditions, or deny the project. Mr. Brahmachari was in favor of granting the three special permits but against granting the additional two requested variances regarding lot coverage and proximity of the building to School Street.

Mr. Brahmachari shared his screen to describe alterations to the existing plan that would not require the ZBA to grant any variances. Mr. Gladstone and Mr. Fair expressed concerns about parking located on both N. Main Street and School Street as well as the feasibility for emergency service vehicles to access and navigate the parking area.

SSBC member Matt Grosshandler, resident of 113 Norwood Street spoke on his own behalf and not as a member of the SSBC. He was not in favor of putting parking at the front of the building as there would be a loss of parking spaces. He was not in favor of relocated the building because this would present complications for access for emergency vehicles.

The topic of compact car parking spaces came up while discussing ways to maximize the number of spaces in the lot. Cheryl Weinstein also contributed to this part of the discussion stating that she understands the aesthetic impact this building will have on the town but expressed major concerns about losing parking spaces.

The Chair clarified his remarks that he was suggesting the entire project, building and parking lot, be moved ten feet towards N. Main Street which would reduce the amount of green space but not the number of parking spaces. Ms. Weinstein expressed her distaste over having a sidewalk up against a building

with no buffer. She clarified her position on moving the building and parking lot ten feet closer towards N. Main Street: she was in support of it as long as it did not reduce the number of parking spaces.

Mr. Gladstone and members discussed relocating the condenser and the need for space since realistically the need to anticipate more people driving Sport Utility Vehicles rather than compact cars. It was also noted that Chief Wright has not seen plans and will review the final plan once submitted.

Mr. Weiss expressed concerns regarding moving the building towards N. Main Street and his desire to address lighting, landscaping, and move forward.

Mr. Reef praised the discussions as they offer a breakthrough in the planning process.

Mr. Gladstone stated no objection to moving the building ten feet towards N. Main Street.

Mr. Jim DeVilles, landscape architect, joined the discussion stating he is comfortable with the plan as is. He informed members and the public audience that there are extensive stormwater drainage systems that need to be taken into account. Additionally, the septic system and utilities would need to be moved, as would a 28 **inch** Maple tree in front on the shown plans.

Mr. Steve Smith, 1 Old Wolomolopoag Street, SSBC member asked to see a larger site plan to help him better understand what the additional ten feet would accomplish, should the building be moved towards N. Main Street.

Mr. Young asked that the final proposal be written down for ultimate clarity. Mr. Winner stated he was intentionally staying out of the discussions as the Trustees legal counsel because the bylaw states that the Trustees will ultimately follow the SSBC.

Leslie Amper, 182 Pond Street, stated her support for the library. She said she lives across the street from the High School and teaches music to children and looks forward to cultural events at the library like many other towns host.

Amy Baldwin, 32 Pleasant Street, commented that a multi-level building was insensitive to people pushing strollers or using assistance while walking or in a wheelchair. She expressed her disapproval for the expensive, poorly planned, and outdated proposals. She also expressed her concerns about preserving the historic neighborhood surrounding the proposed site.

Michael Berkley countered stating that no one there was discussing whether the town should have a library but he believes this plan does not have foresight as the building will max out the lot.

Walter Williams, 15 Margaret Road, said the existing library is falling down and lives are at risk. Secondly, there were only two sites available as options for building a new library and the one chosen is the larger of the two lots. Lastly, he urged members not to make perfect the enemy of the good and asked them to approve variances requested so the town can move forward and keep costs low.

Matt Lucci commented on the issue of aesthetics on N. Main Street, believing them to be very important. He asked if the public safety officials cannot approve the design, will the ZBA still approve the design as is or will there need to be another meeting and further discussion of additional changes. Mr. Garber answered that if public safety changes are required after Fire and Police Departments review the plan, ZBA and SSBC as well as trustees will go along with required changes.

Clint and Melissa Frazier asked if purchasing the Freeman land to increase the lot size was still an option. The chair referred the question to Town Counsel who informed the meeting that negotiations to purchase the land were unsuccessful. Town Counsel suggested the ZBA write down proposed conditions they



would attach to approving any special permits and/or variances ahead of the next public hearing regarding the library.

Mr. Mike Freeman and Town Council discussed the history of the negotiations regarding purchasing Freeman land.

Philip King of 18 Ashcroft Road asked about the relation between the existing driveway and the proposed new driveway.

Mr. Garber asked the Library Trustees if it would be acceptable as one of the conditions to limit the library hours.

Lee Ann Amend from the Library informed members and the public meeting that the library is mandated by the state to be open the number of hours that they currently operate Monday 10-6, Tuesday, Wednesday, and Thursday 10-8, Saturday 10-5, and closed on Sunday.

Mr. Garber discussed whether regulating signage is in the jurisdiction of the Zoning Board. Mr. Gladstone answered that at this time there was no guarantee as to what type of signage would be proposed.

Mr. Reef moved to continue the meeting in order to give time to Mr. Chair to speak with Town Counsel and the Trustees' Counsel and make final recommendations Town Counsel can then present to the Sharon Standing Building Committee. Members agreed to send Town Counsel in writing their recommendations.

Motion to continue the hearing to October 20, 2021 at 5:00PM.

Mr. Weiss seconded. Unanimous approval.

The meeting adjourned: 10:05 PM

Respectfully submitted.