

**SHARON ZONING BOARD OF APPEALS**  
**MINUTES OF WEDNESDAY, October 27, 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 27, 2021, at 7:00 P.M. The following members were present as established by roll call: Abe Brahmachari, Joe Garber, Chair, Steve Weiss, Sam Reef and David Young. Also present from the town: Peter O'Cain, Town Engineer and Kris White, Building Inspector, Jim Berish, Design Review Committee.

**7:10 PM - CASE 1888 – 144 Old Post Road; 715 South Main Street; 715R South Main Street – Sharon Gallery – Ninety-Five, LLC-Continued from September 29, 2021**

Present for the applicant: Robert Shelmerdine, Esq. counsel for Ninety-Five, LLC, Thomas Houston, PSC, Michelle Carlson, Civil Engineer BL Companies, Matt Smith, President Norwood Engineering, and David Speigel, developer, Ninety-Five, LLC..

New documentation: 2<sup>nd</sup> Peer Review Response for Sharon Gallery/Costco PSC & DPW dated August 22, 2021. Documentation submitted previously: Correction Letter of Robert A. Shelmerdine dated July 23, 2021, and filed with Town Clerk on July 28, 2021; Traffic Report and Appendix by Bayside Engineering dated June 24, 2021; Landscape Plans by KDTurner Design dated June 30, 2021; Sign Package Plans by Arrowstreet Graphic Design & Viewpoint Sign and Awning dated June 30, 2021; Lighting Plan by Illuminate dated July 6, 2021; Master Plan by Bignell Watkins Hasser dated June 28, 2021; Norwood Engineering submission including: Site Plan Sharon Gallery 144 Old Post Road dated June 30, 2021; Plan of Land 144 Old Post Road dated June 30, 2021; Stormwater Calculations 144 Old Post Road dated June 30, 2021; Stormwater Management TOC: Checklist for Stormwater Report, Checklist Narrative, TSS Removal Worksheets, Contech Water Quality Unit Specifications, Illicit Discharge Statement, Drainage Volume Runoff Summary Table, Annual Stormwater Recharge Calculation., Construction Period Pollution Prevention Plan, Long-term Operation and Management Plan, BMP Inspection Form; Zoning Requirements Business "D" District dated June 30, 2021 from Norwood Engineering; Zoning Table Costco Wholesale Corp., June 25, 2021; Costco Site Plan by BL Companies, Hartford, CT dated June 25, 2021; Architectural Standards/Building F by Architects Collaborative Inc., Bignell, Watkins, Hasser Architects PC, dated July 1 2021.

Attorney Bob Shelmerdine, spoke on behalf of Ninety –Five, LLC and noted that have been working hard trying to get all the information the past month via internal zoom meetings and discussions with Tom Houston. The applicant requested a variance after speaking with Attorney Dick Gelerman, Town Counsel.

Mr. Garber asked if the report was final and Mr. Houston responded stating that he doesn't believe an additional report is necessary, that they are waiting on some technical issues that need to be resolved so they can tie up some loose ends.

Mr. O'Cain, Town Engineer, noted that he didn't see any show stoppers and said that they are 90% complete.

Mr. Berish, Design Review Committee asked if ZBA has the most recent and final works that were emailed on 8/20/21. He will resend to Jana Katz and copy Attorney Shelmerdine.

The chair discussed not closing the public comment.

Attorney Shelmerdine stated he is working to get a draft decision done by this weekend to the ZBA members. The written language has been vetted by the Peer Review team. November 3<sup>rd</sup> is the target date for distributing red line copies.

Mr. Spiegel stated he would like to try for 11/10. Mr. Houston expressed that it is not just decisions, the issue is taking in information after the hearing is closed. The design engineers should be able to have answers a week later.

Mr. Smith stated that they are finished and Ms. Carlson said they should be finished by the end of the day next Wednesday 11 /3.

Chair motioned to continue Sharon Gallery to 11/17/2021

Unanimously approved (3-0-0 Garber, Brahmachari, Weiss)

Ms. Katz will send continuance form to Bob.

Members discussed outstanding minutes to be approved.

The meeting adjourned 7:39 pm.

Respectfully submitted