

SHARON ZONING BOARD OF APPEALS MINUTES OF January 25, 2017

A regular meeting of the Sharon Zoning Board of Appeals was held on Wednesday, January 25, 2017 at 7:00 P.M. in the Second Floor conference room at the Sharon Community Center, 219 Massapoag Avenue. The following members were present: John Lee, Seth Ruskin, Abe Brahmachari, and Steve Cohen.

7:04 P.M Asif Khan, 6 Blair Circle, Case No. 1796, Continued Hearing

Mr. Lee stated that the case is a continuation of a proposal to build an in-law space into the existing house. As per Joe Kent's, Building Inspector, note the lot is in a cluster subdivision which allows a 20 foot setback. The proposed addition is about 21 feet.

The standard conditions would apply in addition to the following special conditions: the current 4 bedroom home will remain a 4 bedroom home and the in-law apartment will be accessed only through the common area of the house.

The applicant asked to close the hearing.

Mr. Brahmachari moved to close the hearing. Mr. Ruskin seconded the motion. The board voted in favor of closing the hearing (4-0-0).

Mr. Ruskin moved to approve the plans for Case No. 1796 at 6 Blair Circle with the standard conditions and special conditions mentioned above as per the following plans: Architectural plans by KTB Design dated May 8, 2016, and plot plan dated June 13, 2016, in a cluster development. Mr. Brahmachari seconded the motion.

The board voted 3-0-0 in favor of the plans (Lee, Ruskin, Brahmachari).

7:10 P.M. Four Daughters Compassionate Care Inc., 1200 General Edwards Highway, Case No. 1797, Continued Hearing:

Mr. Lee stated the case is a continuation. The draft decision prepared by Town Counsel was handed out to the board.

A discussion ensued about the hours of operation pertaining to the retail side of the marijuana dispensary.

The following was agreed to by the board and the applicant:

- The retail hours of operation will be from 10:00 am to 8:00 pm daily with the exception below.

- The exception is that the retail side of the dispensary will close during the hours access to Route 1 is restricted due to games/events held at Gillette Stadium/Patriots Place.
- The applicant may return to the board in the future requesting different hours.

Mr. Lee discussed how the opening of the dispensary could be considered detrimental to the neighborhood. The applicant agreed to monetary contributions to the town which could be viewed as a way to remedy the detriment. Other businesses do not make monetary contributions.

Mr. Gelerman clarified that the board does not decide if the dispensary is detrimental to the neighborhood since the decision has already been made at Town Meeting. The board's decision is to be based on site specific reasons only.

Mr. Brahmachari discussed the possible negative effects of the dispensary on the community and referenced a paper written by California Police Chiefs Association.

Mr. Rosen, COO of the applicant, stated that 25 states allow medical marijuana and some allow recreational marijuana. Every state has different laws and different enforcement of the laws.

Mr. Ruskin noted his appreciation for Mr. Gelerman's comments and agrees with comments made by Mr. Lee and Mr. Brahamachari.

The applicant asked to close the hearing.

Mr. Ruskin moved to close the hearing. Mr. Brahamachari seconded the motion. The board voted in favor of closing the hearing (4-0-0).

Mr. Brahmachari moved to vote on Case No. 1797 at 1200 General Edwards Highway as provided in the draft decision written by Town Counsel with the attachments, various conditions, and edits discussed. Mr. Ruskin seconded the motion.

The board voted 3-0-0 in favor (Lee, Ruskin, Brahmachari).

7:53 P.M. Cindy Siyuan He, 39 Ames Street, Case No. 1798, New Hearing

Mr. Lee read the public notice, a memo from Jim Andrews, Health Agent for Engineering, and a memo from Greg Meister, Conservation Administrator.

Ms. Siyuan He explained the plan is to add an extension in the back of the house, to make the kitchen larger on the first floor, and to enlarge one of the bedrooms and add a bathroom. The number of bedrooms would remain the same.

A discussion ensued about the nature of the lot which is nonconforming due to it being undersized and too close to the property line.

Janet Leibowitz of 43 Ames Street expressed support for the plans.

Mr. Lee stated that a special condition would be that the 3 bedroom home would remain a 3 bedroom home.

It was confirmed that the applicant is not adding a garage.

The applicant asked to close the hearing.

Mr. Cohen moved to close the hearing. Mr. Ruskin seconded the motion. The board voted in favor of closing the hearing (4-0-0).

Mr. Brahmachari moved to approve the plans for Case No. 1798 at 39 Ames Street applying the standard conditions and one special condition mentioned above as per the following plans: Architectural plans by T Design, LLC dated July 21, 2016, and plot plan dated October 21, 2016, showing the nonconforming nature of the property where the house is outside of the property line on the west side. Mr. Ruskin seconded the motion.

The board voted 3-0-0 in favor of the plans (Lee, Ruskin, Brahmachari).

Other Business:

Mr. Brahmachari moved to approve the minutes of January 11, 2017. Mr. Ruskin seconded the motion. The board voted 3-0-0 to approve it.

It was moved, seconded, and voted to adjourn. The meeting adjourned at 8:14 pm.

Respectfully submitted,

Approved February 8, 2017