

SHARON ZONING BOARD OF APPEALS

MINUTES OF WEDNESDAY, February 22, 2023

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, February 22, 2023, at 7:00 P.M. The following members were present as established by roll call: Joe Garber, Chair, Hemant Mehta, and Arnold Wallenstein. Also present for the town, Dana Hinthorne, Building Inspector and Tom Houston of PSC, PC.

Mr. Garber, Chair called the meeting to order at 7:04 PM. Mr. Garber, Chair, read Covid19 protocols per the Governor of MA and procedural ground rules.

Mr. Garber opened the meeting by reading the agenda and explaining that the meeting is the continuance for Case 1906 to review the draft decision.

Case 1911 & 1911A – 144 Old Post Road (Sharon Gallery Phase 2)

Motion:

Chair made a motion continue Cases 1911 & 1911A to April 12, 2023. Mr. Mehta seconded the motion. Approved by unanimous roll call vote 3-0-0 (Garber, Mehta, Wallenstein).

Case 1914 – 104 Massapoag Avenue

Present for the applicant Susan Dunbar and Basil Frost of Hisel Flynn Architects and Susan Yeon resident.

Mr. Garber read the legal ad into the record

Mr. Garber read a letter dated February 7, 2023, from Kevin Davis, Board of Health Agent and a letter dated January 23, 2023, from Josh Philibert, Conservation Administrator.

Ms. Dunbar presented the plot plan and explained that it is an existing non-conforming site and has a small bungalow on the property that is in disrepair. Because the parcel is slightly over 75' wide it is difficult to work with the side yard setbacks. They are requesting relief on the front yard setback and the side yard setbacks. Ms. Dunbar presented a clear diagram which indicates exactly what they are asking for. The rest of the project is complaint with the zoning district and bylaws. They are using an existing approved septic plan. They have coordinated the design to reuse that.

Mr. Garber noted that the proposed setback is staying within the original setback of the house and that the proposed setback is decreasing the non-conformity.

Mr. Wallenstein asked to go back to the diagram and Ms. Dunbar explained that the purple areas will be demolished, and the new building overlaps the existing building. Mr. Wallenstein confirmed that they are decreasing the intrusion into the south setback and the left side they are decreasing the front set back, as well as on the right side.

Mr. Mehta stated that the setbacks are approvable and that on a 75' wide lot there are limitations. It's not making anything worse that what it was, and he is fine with the proposed setbacks.

Mr. Dunbar presented the detailed design plans and elevations. She explained that the garage will be in the front, but the door will be on the side, so you will not see it from the front façade of the house. She explained that there will be a wooden fence and small patio area with a plunge pool. Mr. Wallenstein asked if the patio/deck was shown on the plot plan. Ms. Dunbar explained that it was not. Mr. Garber asked if it was attached to the house and Ms. Dunbar stated that it was. Mr. Garber explained that if the deck is attached to the house, it becomes start of the structure and that encroaches on the setback. He explained that this causes an issue and would require a variance not a special permit. Mr. Hinthorne confirmed that Mr. Garber was correct. Mr. Wallenstein asked Mr. Hinthorne if he has acted on this type of situation before. Mr. Hinthorne stated he would deny this. and he stated the pool may also be an issue. Anything attached to the house is considered a structure.

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Ms. Yeon stated she understands what they are referring to with the deck but was wondering if they remove the deck would it be ok to have an inground plunge pool with stone steps? Mr. Garber explained that it would have to be 10' off of the structure. Mr. Hinthorne stated since its an inground pool it is a permanent structure. Mr. Garber explained that they would have to come back with revised drawings and plot plan and that they cannot decide on the case tonight. He suggested keeping the case open and continue it to another date.

Ms. Yeon asked if it would be helpful to show the remaining plans and is there any location where the plunge pool could be relocated? Mr. Garber explained that they do not design and stated that it could go on the back, but they would have to deal with the septic tank. There was some additional discussion regarding the leaching field and septic tank location. Ms. Dunbar asked if a pool would ever count as an accessory structure. Mr. Hinthorne is going to look into it and see what information he can locate regarding the pool. Ms. Dunbar explained that she misunderstood.

Ms. Dunbar continued presenting the drawings and explaining the design. Mr. Wallenstein noted that the drawings were helpful, and it was a nice-looking design. Mr. Dunbar asked that if the raised deck portion wasn't there and the pool was an above-ground hot tub if that would be an accessory structure. Mr. Garber stated that since it's inground it becomes a permanent structure. Mr. Hinthorne stated that once they determine what they will do, he will research the issue and let them know.

Mr. Erik Quenzel, 160 Chapman Street in Canton and he represents a trust for 108 Massapoag Ave, commented that his family used to own the property for many years. He stated that he didn't have any objections to the new design and that it looks wonderful. He explained that there was some misunderstanding regarding the septic system and that there is a septic tank 10' behind the existing structure and a leaching field behind that. Mr. Garber asked Ms. Dunbar to explain where they will be relocating the septic tank, etc. Ms. Dunbar stated that they are going off of the prior owner and using the approved septic design that they had. Ms. Yeon said he might have been confusing because the prior owner had gotten approval from the Board of Health for the septic plan but he never had it constructed. Mr. Quenzel explained that he just wanted to inform them that there was a septic tank on the property.

Motion:

Chair made a motion continue Cases 1914 - 104 Massapoag Ave to March 8, 2023. Mr. Mehta seconded the motion. Approved by unanimous roll call 1 vote 3-0-0 (Garber, Mehta, Wallenstein).

Mr. Garber reminded Ms. Yeon to reach out to Ms. Katapodis, Admin Assistant for a continuance form.

Motion:

Chair made a motion to adjourn the regular meeting and begin Executive Session. Mr. Mehta seconded the motion. Approved by unanimous roll call vote 3-0-0 (Garber, Mehta, Wallenstein).

Respectfully submitted