

SHARON ZONING BOARD OF APPEALS

MINUTES OF WEDNESDAY, May 10, 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 on 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, May 10, 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 Michelle Katapodis, ZBA Administrative Assistant.

Mr. Garber, Chair called the meeting to order at 7:00 PM. Mr. Garber, Chair, read Covid19 protocols per the Governor of MA and procedural ground rules.

Case 1912– 1200 General Edwards Highway – Continued from April 26, 2023

Present for the applicant, Attorney Ian Hedges.

Mr. Garber explained to Attorney Hedges that he was a waiting comment from Town Counsel on the motion. He stated that he had Attorney Hedges's edits.

Mr. Garber read the legal ad into the record. He also explained to the people attending the meeting that Attorney Hedges has taken over for Attorney Fishman, who has retired.

Mr. Garber also explained that there have been some complaints by abutters due to the odor.

Attorney Hedges explained that he had a conversation with Town Counsel, the Building Inspector, the Board of Health and folks on the applicant's side to discuss how this could be resolved going forward. They decided to reach out to an environmental engineering firm, so that they could do some testing and establish some sort of baseline that they could use as a starting point to mitigate the odor issue. Mr. Hinthorne was going to reach out to the CCC to provide some guidance as to how they have resolved these issues in the past as well. Attorney Hedges explained that Town Counsel has proposed the initial motion and he has provided some edits.

Mr. Garber asked the board members if they had a chance to review the motion. He emailed the motion to the board members and explained that the Town Counsel has approved it.

Mr. Hinthorne explained that there was a meeting last week and he did reach out to the CCC to discuss the issue. He explained that he will reach back out to the CCC to determine the next step as far as testing, etc. and that he read Attorney Hedges email regarding the process that they have come up with and we will go forward with that. As it stands, there is an odor and from a satisfaction standpoint, it's not satisfactory. Once he hears from the CCC he will reach out to everyone involved.

Mr. Wallenstein reviewed the motion, and his understanding is that they will get a year to work out the odor issue and come back for review. His interpretation is that this is a temporary permit extension.

Mr. Mehta stated that the temporary permit extension is fine. The threshold limits need to be established, which will probably come from the CCC and once the threshold is determined then the mechanical systems need to be adjusted. One year may be too long to fix it. Odor control is not that difficult once and once it's determined a solution should be quick.

Mr. Hinthorne explained that the understanding between the Town and the applicant that if this issue is resolved sooner, then that's much better but at least it's a 12-month inspection just in case there are extending circumstances that push it beyond 6 months. There was some discussion regarding a 6-month extension, but they didn't think that was enough time, but we hope it doesn't take that long to resolve.

Mr. Garber asked Attorney Hedges if he had additional comments and he explained that he did not.

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Mr. Garber read the motion prepared by Town Counsel.

Motion:

The chair made a motion to accept the 12 -month permit renewal Case 1912 – 1200 General Edwards Highway. Mr. Mehta seconded the motion. Approved by unanimous roll call vote 3-0-0 (Garber, Mehta, Wallenstein).

Ms. Laura Nelson, Edge Hill Road had a question regarding Case 1919 – Edge Hill Road, that it was her understanding that this is supposed to be a public meeting and there should be a Legal Ad posted in the paper today. She explained that she didn't see it. Ms. Katapodis stated that it should have been posted today and will be posted again on May 17th. Ms. Nelson was looking online and didn't see it. Ms. Katapodis stated that she had confirmation from the publisher. Ms. Nelson realized that she didn't scroll down but did in fact see that the Legal Ad was posted.

Mr. Garber stated that he did see an email that was sent to the board and that he hasn't had a chance to formulate a response.

Georgeann Lewis, 264 Edge Hill Road stated that she was the author of the email on behalf of the residents.

Mr. Garber explained that he can't speak about this case as it's not on the agenda but he will respond to the email and doesn't want to violate open meeting laws.

Ms. Nelson asked that if an email was sent to the Zoning Board, does it go to all of the board members? Mr. Garber explained that it goes to a general mailbox and Ms. Katapodis will forward to the other board members.

Meeting adjourned.

Respectfully submitted.