

SHARON ZONING BOARD OF APPEALS

MINUTES OF WEDNESDAY, July 26, 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, July 26, 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, Peter O'Ca in, Town Engineer, David Abbott, Building Inspector, Fire Chief Michael Madden, Deputy Dan Greenfield, Police Chief Steve Coffey, Robert Maidman, Planning Board, Richard Geleman, Town Counsel, Tom Houston, PSC 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 1911 - 144 Old Post Road (Sharon Gallery Phase 2) – continued from June 21, 2023

Case 1911A – 144 Old Post Road (Supplemental Application, Sharon Gallery Phase 2, Residential Condominiums)

Present for the applicant, Attorney Robert Shelmerdine

Mr. Shelmerdine stated that they aren't ready to go forward on these cases tonight and requested a continuance to the next regularly scheduled meeting which will be Wednesday, August 9th.

Motion:

The chair made a motion to continue Case 1911 & 1911A – 144 Old Post Road to Wednesday, August 9th, 2023.

Mr. Mehta seconded the motion. Approved by unanimous roll call vote 3-0-0 (Garber, Mehta, Wallenstein).

Case 1920 – 810 South Main Street, Sharon Marketplace Reconfiguration – continued from July 19th.

Case 1921 – 700 South Main Street, Sharon Marketplace PAD – continued from July 19th.

Present for the applicant, Attorney Robert Shelmerdine, Ken Cram from Bayside Engineering and Bill and Bob DePietri, Capital Group, owners of Sharon Marketplace.

Attorney Shelmerdine gave a brief introduction and history of Cases 1920 & 1921 and explained that they will be presenting a draft of the decision and go over the conditions that were discussed with Mr. Houston. Mr. Houston suggested that we let Fire Chief Madden and Police Chief Coffey express their comments or concerns before he presents the draft decision.

Chief Madden explained that he, Chief Coffey, and Deputy Greenfield had a discussion this morning and it appears that everything complies from a Fire Code perspective but there are a few questions from a public safety aspect. He inquired about the fire lane in front of the existing stores, and wanted to know how wide the road will be from the fire lane to the closest island. Mr. Houston presented the current plan and stated that the current dimensions is 27.5 feet and recommends that during final design that it be widened to 30 feet. Chief Madden stated it would be helpful to widen it to 30 feet. Chief Madden stated that Deputy Greenfield spoke to Attorney Shelmerdine regarding the 18-wheeler tractor trailers coming in and out of the property and it was mentioned that these vehicles can enter during off hours vs. peak hours and that should be taken into consideration.

Mr. Cram from Bayside Engineering addressed the widening of the fire lane as well as the handling of the tractor trailers entering/exiting the property, etc.

Chief Coffey stated his concerns regarding the tractor trailers taking a right out of the service entrance at Shaw's. He noted that didn't see anything shown on the plans. Mr. Houston stated that Bayside could provide a revised plan showing that right hand turn. Chief Coffey also mentioned that if you are heading north on South Main Street past the main entrance, both lanes are showing straight arrows, but he believes that it should be a right and straight arrow. Mr. Cram explained that those aren't lane use arrows showed on the graphic, they are for bicycle demarcation lines. Chief Coffey also expressed concern regarding assisted living facility just passed Gavins Pond Road, if traffic is backed up at that intersection is there a way to restrict left hand turns into the assisted living facility. Mr. Shelmerdine addressed this issue and directed it to Attorney Geleman, he explained that it was anticipated that once the roadway was brought to standards (Old Post Road), that the main entrance into the assisted living facility would be on Old

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Post Road and the access off of South Main Street will be emergency only. He stated he wasn't sure if that survived the original permit but that was the original intention. Mr. Garber explained that it was 7-8 years ago. Mr. O'Cain confirmed that what Mr. Shelmerdine stated was correct. Mr. O'Cain will check the decision to confirm.

Deputy Greenfield asked for clarification of the measurements on the swept path analysis. He asked what the dimensions are on the right side where the tractor trucks exit.

There was some discussion regarding the turn radius for the trucks exiting and entering the property.

Mr. Houston proceeded by going over the latest plans and the details of the decisions. He explained that they are in agreement with the provisions of both decisions. Mr. Houston explained the layout of the parking lot without the retail PAD and stated that he would be willing to go through the conditions of approval for the decision.

Mr. Garber asked the board members if they had any questions or comments.

Mr. Mehta stated that the designers, engineers, etc. will have to comply with all of the remaining requirements and some of the questions will be addressed in the detail design. He explained that he doesn't see any red flags at this point, and he is satisfied at this point.

Mr. Wallenstein stated that the Fire and Police Chief have thoroughly addressed any fire safety and traffic circulation concerns. He went on to discuss that Mr. Houston stated the need to almost double the catch basins for the stormwater collection and flow. He asked if that was agreeable to the component. Mr. Shelmerdine explained that they are committed to do what they need to do. Mr. Wallenstein also had some questions regarding the concerns that the Conservation Commission had.

Mr. Garber read an email sent earlier today from Josh Philibert, Conservation Administrator with several questions. Mr. Shelmerdine stated that Bayside Engineering responded to each of the comments in the best way he could at the time, and they will be ready to answer the questions on August 10 when they meet with the Conservation Commission.

Mr. Houston continued his review and presented the plan with the 5,000 square foot retail PAD (Case 1921). He explained that they had to remove some parking spots to accommodate the PAD and there is the possibility of a drive-through. The dimensions are approximate and may need to be refined for a drive through. He went on to explain that the plans are similar other than the addition of the PAD.

Mr. Houston then presented and reviewed the draft decisions. He stated that the decisions are essentially the same except the issues related to the PAD. He explained that the front part of the decisions list the documents that have been submitted and considered by the ZBA. Next each decision lists the approvals, waivers, site plan criteria etc. The last section is the actions that the board will take, etc. plus the specific conditions of approvals. These conditions of approval address many of the concerns from the Conservation Commission.

Mr. Garber asked Mr. O'Cain if he had any outstanding issues since they won't be deciding tonight. Mr. O'Cain stated that the conservation commission wants a more flushed out plan to figure out what the path will be. Mr. Garber asked Attorney Gelerman if he would review the decisions before the board decides and he stated that he would and that the board should review it as well.

Attorney Shelmerdine explained that these decisions are set up with timelines so that it is a phased decision. The Zoning Board gets through their portion then there are design requirements, etc. He explained that they need this decision to be signed so that they can begin working in the field and he's not anticipating any changes. Attorney Gelerman reiterated that they want sufficient time to review the document before deciding.

Mr. Mehta expressed that he agrees with Attorney Shelmerdine and that they could and should decide tonight. Mr. Garber explained that since they still need to go to the Conservation Commission before they can get a permit anyway and it would do the Board a disservice if we didn't take the time to read the decision in detail and don't want to be accused of not doing our due diligence and this can wait until the August 9th meeting. Mr. O'Cain stated that he does not want the board to vote on the decisions tonight. Mr. Wallenstein agreed and that he wouldn't vote on anything that he hasn't read.

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Mr. Garber asked the other attendees from the Town if they had any questions or concerns, they did not. He also asked if any neighbors or abutters had any questions or concerns, there were none.

Attorney Shelmerdine requested a continuance to August 9, 2023.

Motion:

The chair made a motion to continue Case 1920 - 810 South Main Street, Sharon Marketplace Reconfiguration & Case 1921 – 700 South Main Street, Sharon Marketplace PAD to August 9, 2023. Mr. Mehta seconded the motion. Approved by unanimous roll call vote 3-0-0 (Garber, Mehta, Wallenstein).

Respectfully Submitted