

# **SHARON ZONING BOARD OF APPEALS**

## **MINUTES OF WEDNESDAY, October 19, 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 Thursday, October 19, 2023, at 6:00 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'Cain, Town Engineer, David Abbott, Building Inspector, Deputy Fire Chief Dan Greenfield, Tom Houston, PSC.

Mr. Garber, Chair called the meeting to order at 6:08 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)**

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

#### **Case 1911B – 144 Old Post Road (715&715R South Main Street)**

Present for the applicant Ninety-Five, LLC, Attorney Robert Shelmerdine, Matt Smith, Rich Hughes and Alex Grapland of Norwood Engineering

Mr. Shelmerdine introduced himself and gave a brief history of what himself and Mr. Houston have accomplished to regenerate the Decision since the last meeting, 10/11/23. He is fine and feels the changes are good. He noted on Condition 40, pertaining to loam removal, that the by-law does not include business districts. Mr. O'Cain reviewed the by-law and agrees with Mr. Shelmerdine.

Mr. Houston presented the items and edits of the latest Draft Decision. He moved some of the conditions and added time limits on certain items.

Mr. O'Cain mentioned the fact that the DPW will not be aware or informed when units are sold and would like some kind of Certificate of Occupancy or trigger to be available and Mr. O'Cain be informed when units are sold. The language will be added to notify the Building Inspector or Town Engineer.

Revisions made by the Fire Department pertaining to auto-turns and fire hydrants were added. Mr. Smith commented that they will comply with these conditions.

Mr. Wallenstein questioned Condition 49 and if the language could be left the way it is. Mr. Houston suggested adding Condition 13 as an attachment.

Mr. Garber referenced page 7 pertaining to the Variances and the fact that all can be voted as a lump sum. Mr. Wallenstein agreed.

Mr. Garber opened the floor to town residents and a butters.

Don Williams, Sharon resident, representing the American Legion, reported that they had a very productive meeting with job site supervisor along with a couple of representatives from Mr. O'Cain's office. They discussed the parking lot impact issues and are very confident that everything will come through.

Laura Nelson, Sharon resident questioned whether any of the units will be age restricted. Mr. Shelmerdine responded that none will be age restricted and explained the specific numbers of affordable units as well.

Mr. Garber mentioned a social media page showing a color rendering plan and questions from residents. Mr. Smith will send a copy of plan to Mr. Shelmerdine.

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### **Motion:**

The chair made a motion to vote on approving the Variances on page 47, 2-15. Mr. Mehta seconded the motion. Approved by unanimous roll call vote 3-0-0(Garber, Mehta, Wallenstein).

### **Motion:**

The chair made a motion to vote on approving the Special Permits on page 47, 16-18. Mr. Mehta seconded the motion. Approved by unanimous roll call vote 3-0-0(Garber, Mehta, Wallenstein).

### **Motion:**

The chair made a motion to vote on approving Waiver on page 48, 19. Mr. Mehta seconded the motion. Approved by unanimous roll call vote 3-0-0(Garber, Mehta, Wallenstein).

### **Motion:**

The chair made a motion to accept the Findings on page 48, 20 & 21. Mr. Mehta seconded the motion. Approved by unanimous roll call vote 3-0-0(Garber, Mehta, Wallenstein).

### **Motion:**

The chair made a motion to approve the Major Site Plan Approval on page 46, 1. Mr. Mehta seconded the motion. Approved by unanimous roll call vote 3-0-0(Garber, Mehta, Wallenstein).

Mr. Shelmerdine thanked everyone involved for all of their hard work and efforts. He feels the town is going to be greatly benefited by this project.

Mr. Garber expressed his thanks to the board members and everyone involved for their efforts, hard work and willingness to attend extra meetings. He also thanked Sharon TV for being so accommodating.

### **Motion:**

The chair made a motion on the Major Site Plan Approval for accepting Conditions 1-54. Mr. Mehta seconded the motion. Approved by unanimous roll call vote 3-0-0(Garber, Mehta, Wallenstein).

Meeting Adjourned 6:50 p.m.

Respectfully Submitted