

SHARON ZONING BOARD OF APPEALS MINUTES OF May 10, 2017

A regular meeting of the Sharon Zoning Board of Appeals was held on Wednesday, May 10, 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: Seth Ruskin, Abe Brahmachari, Barry Barth, Joe Garber and Steve Cohen (7:05).

7:00 P.M. Cumberland Farms, 433 South Main Street, Case No. 1753A – Continued Hearing

Mr. Troyer of Moriarty Troyer & Malloy LLC, applicant's attorney, explained that Cumberland Farm is seeking to modify one of the Conditions in the Decision of November 2014, in regards to hours of operation to remain at 5:00 a.m. to 10:00 p.m. The Condition was that after one year of operation the Board would hold a hearing to determine if the hours should be modified back to 6:00 a.m. to 10:00 p.m. hours of operation.

Mr. Troyer provided the Board with a copy of a notice given to the vendors stating permitted delivery times and a copy of a record of actual gas delivery times for the past five months. He stated that there were three times that a delivery took place outside the permitted hours and that he has not had complaints from the Building Inspector. He believes a 5:00 a.m. opening is a benefit to the town.

Mr. Robert Sweetman, the brother of an abutter (Linda Waller of 19 Walpole Street) expressed that a 5:00 a.m. opening is detrimental to the neighborhood due to lighting, noise and other nuisances.

Mr. Aaron Hahn of 25 Suffolk Road expressed his support of a 5:00 a.m. opening.

Mr. Brian Johnson of 18 Walpole Street stated he has no objection to a 5:00 a.m. opening.

Mr. Ruskin expressed observing the area while in operation and felt the noise was due to the car movement on Main Street.

Mr. Steve Rosenbaum of 16 Boyden Lane stated that he doesn't hear noise.

Mr. Viktor Kartashev of 534 S. Main Street, across the street from Cumberland Farms, stated that a 5:00 a.m. is too early due to music, doors slamming, and engines left on.

Mr. Garber questioned if the noise could be distinguished from Main Street versus Cumberland Farms.

Mrs. Kartashev stated that cars pull up at 4:30 a.m. in order to open at 5 a.m. and that closing at 10:00 p.m. is not actually at 10:00 p.m. She stated that the early opening affects their well-being.

The district manager for Cumberland Farms stated that there are 30 to 40 customers between 5:00 a.m. and 6:00 a.m. The store manager stated the lights come on at 5:03 a.m.

The Board asked if a compromise would be acceptable and it was declined.

Mr. Troyer agreed to place No Parking signs along the chain link fence.

The Applicant asked to close the hearing.

Mr. Ruskin moved to close the hearing. Mr. Garber seconded the motion. The board voted in favor of closing the hearing (5-0-0).

Mr. Ruskin moved to make the start time of Cumberland Farms at 5:00 a.m. permanent. Mr. Garber seconded the motion.

The board voted 2-1-0. (Ruskin and Garber in favor and Brahmachari opposed).

The motion failed and the start time of Cumberland Farms goes back to 6:00 a.m.

8:09 P.M. Donnell W. Murphy, Trustee of Sharon Park South Realty Trust, Case No. 1794, 1125-1225 General Edwards Highway – Continued Hearing

Mr. Macchi of Macchi & Macchi, LLC, attorney for the applicant, explained that Dan Merrikin of Merrikin Engineering, LLP will discuss plan modifications.

Mr. Merrikin explained that in response to Mr. Tom Houston's (of Professional Services Corporation, PC) Peer Review a traffic control sheet was added, a lighting sheet was added, changes to erosion control were made, construction staging changes were made, changes to the storm water management system were made, shade trees were added, and how earth work will be contained on site. Also, the ENF was filed and is almost concluded.

Mr. Merrikan continued to address other various points from the Peer Review.

Mr. Tom Houston will be at the next meeting in order to present his review to the Board.

Mr. Macchi on behalf of the applicant asked to continue the case to June 14, 2017.

Minutes:

Mr. Ruskin moved to approve the minutes of March 22, 2017. Mr. Barth seconded the motion. The board voted 3-0-0 to approve it.

It was moved, seconded, and voted to adjourn. The meeting adjourned at 8:40 p.m.

Respectfully submitted,