

SHARON ZONING BOARD OF APPEALS MINUTES OF OCTOBER 2, 2018

A regular meeting of the Sharon Zoning Board of Appeals was held on Wednesday, October 2, 2018 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, Steve Weiss, and Steve Cohen.

7:00 P.M. Sharon Residences, LLC, 635 Old Post Road – Continued 40B Modification Request of Amended Comprehensive Permit (Conditions for Landscaping, Lighting, Local Preference)

Request for Modification of Condition #34 (Local Preference)

Mr. Ruskin explained that the Housing Authority advised that they are in favor of preferences but are not willing to pursue it. Town Counsel and the Selectman also advised that they do not support the condition.

The Board needs to vote if the modification is substantial or insubstantial.

Mr. Devin said that the Certificate of Action is filed separately for each condition.

Mr. Ruskin moved to grant the request for modification of condition #34 of the Amended Comprehensive Permit under MGL Chapter 40B, Sections 20-23 dated July 22, 2005, and determined that it is insubstantial. Mr. Brahmachari seconded it. The Board voted 3-0-0 (Ruskin, Brahmachari, Cohen) in favor.

Request for Modification of Condition #39 (Lighting)

Mr. Ruskin explained that the applicant proposed that the Board votes the modification as insubstantial.

Mr. Ruskin explained that Mr. Peter O’Cain, Department of Engineering, advised that the modification is insubstantial and that he would work with the applicant on a plan.

Conversation regarding the lighting ensued amongst those present: The Board members; Jaros Ward, project manager; Muzaffer Muctehitzade of Zade,

Associates; abutters, Mr. Lee of 509 Old Post Road, and Mr. Delaney of 859 Old Post Road; Mr. Devin, attorney to the applicant; and Eric Dias, PE of Strong Point Engineering.

Concerns were expressed about the height of the lighting poles and how to shield neighbors from the light.

It was expressed that the applicant will work with the Town Building Inspector and Department of Engineering.

Town Counsel advised Mr. Ruskin that the Board should approve a plan.

It was agreed that a final plan would be viewed at the next hearing.

Mr. Robert Devin, attorney to the applicant, agreed to extend the time within which the Board must make a determination whether the modification request is substantial or insubstantial. The Board agreed to extend the period to October 25, 2018.

Mr. Devin, on behalf of the applicant, asked to continue the hearing to October 24, 2018.

Request for Modification of Condition #39 (Landscaping)

Mr. Ruskin explained that the Town Building Inspector, Mr. Kent, advised that the modification is insubstantial but he had concerns and that he would work with the applicant on the landscaping.

Mr. Ruskin read an email from Mr. Peter O'Cain of the Town Department of Engineering dated October 2, 2018. Mr. O'Cain suggested that the applicant submits a new landscaping plan.

Conversation ensued regarding the height and location of the trees.

Ms. Laura Knosp of Ryan Associates Landscaping Architect explained the current proposed plan.

Abutter, Mr. John Lee of 509 Old Post Road, did not agree with the current plan.

The Board suggested that the applicant return with a complete plan after working with Mr. Kent and Mr. O'Cain.

Mr. Robert Devin, attorney to the applicant, agreed to extend the time within which the Board must make a determination whether the modification request is substantial or insubstantial. The Board agreed to extend the period to October 25, 2018.

Mr. Devin, on behalf of the applicant, asked to continue the hearing to October 24, 2018.

Minutes: Mr. Ruskin moved to approve the minutes of September 26, 2018. Mr. Brahmachari seconded the motion. The Board voted 3-0-0 to approve it.

It was moved, seconded, and voted to adjourn.

The meeting adjourned at 8:15 P.M.

Respectively submitted