

## SHARON ZONING BOARD OF APPEALS MINUTES OF April 13, 2016

A regular meeting of the Sharon Zoning Board of Appeals was held on Wednesday, April 13, 2016 at 7:00 P.M. in the Second Floor conference room at the Sharon Community Center, 219 Massapoag Avenue. The following members were present: John Lee, Seth Ruskin, Joe Garber, Abe Brahmachari, and Barry Barth.

### **7:02 P.M. Pat Pannone and Shannon McLaughlin: Planning Board**

Mr. Pannone and Ms. McLaughlin introduced the Sharon Complete Master Plan Initiative. They discussed doing research regarding long term planning options for the town. Various individual studies (Water Master Plan, Open Space Plan, Housing Production Plan, Post Office Square Plan) have already been done. They would like to layer these plans on top of each other and look at long term planning (i.e. 5 year plan or a 20 year plan) and identify goals. The Master Plan process would entail involving the community and getting input in terms of how folks see the town going forward. The initiative will be discussed at the Planning Board meeting on April 28, 2016, in the ballroom of the Community Center at 7:30 P.M.

### **7:07 P.M. Chevrat Nashim, Inc. ("CNI"), 9 Dunbar Street, Case No. 1786 New Hearing:**

Mr. Lee read the legal notice, the letter from Jim Andrews, Health Agent for Engineering, and the letter from Greg Meister, Conservation Administrator.

Mr. John McGowan, attorney for CNI, explained that his client is a religious organization seeking a special permit to facilitate a handicap accessible expansion of their Jewish ritual bath facility also known as a mikveh. There would also be an increase in lot coverage, which is currently at about 25% and about 600 square feet would be added. A bathroom would be added and the storage shed would be removed and storage would be integrated into the addition.

Mr. Lee and Mr. Ruskin stated that the only issue is setback and impervious coverage. It's unusual to have non-residential use in a residential area.

Mr. McGowan confirmed the building is viewed as an "other building" as per the by-laws. He also stated that the lot coverage is currently at about 25% and the addition of about 600 square feet would increase it to about 28%.

Mr. Lee stated that one way to remediate that issue is to have roof drains go into dry wells or underground drains. Another suggestion was to change the current parking into impervious parking (blocks that would allow water to permeate the ground) in order to reduce the parking surface.

Rabbi Sendor of Young Israel of Sharon explained that some rain water is collected off the roof for use in the mikveh pool which is done one time per year, as long as the water stays clean. The collector is sealed off when not needed.

Mr. Lee stated that the 600 square feet addition is increasing the nonconformity and asked the opinion of the board. Mr. Ruskin asked to hear from the neighbors.

Mr. McGowan stated he would like to consult with his client about this issue.

Mr. McGowan further stated that he would like to bring in the Dover Amendment, which gives zoning relief to religious organizations. This amendment was applied at the time of the first variance granted by the ZBA in 1980. In addition, he asked that this expansion be exempt from strict compliance of the bylaw under the American Disabilities Act ("ADA").

Mr. Lee stated that the board would like to make it work while being fair to all parties.

Mr. McGowan next discussed traffic and how the expansion would not necessarily increase it because the use of the mikveh is by appointment only.

Rabbi Sendor explained that the mikveh is a complex of three (3) pools. One is for immersion, which is in a dedicated room. The other two (2) pools are in a utility room. After the expansion there would be four (4) pools. The fourth pool would be an extension of one of the pools.

A discussion then ensued with the neighbors regarding parking and handicap parking as well as water runoff into the septic system.

Mr. McGowan stated the application does not include additional parking on the property.

Mr. Lee stated that the Board of Health does not require anything further and that extra drainage would be added.

One member of CNI shared a story that showed the need for a handicap accessible pool.

A member of the board of the temple, the owner of the property and Sharon resident, stated that he is only now becoming aware of these issues (parking, soil permeability, and water runoff).

Mr. Lee explained that part of a public hearing is to have issues come up and that things don't get resolved in one night.

A discussion ensued with the architect regarding walkways and handicap accessibility. The architect will make adjustments to the design.

A resident of Dunbar Street expressed 100% support of the expansion of the mikveh and related personal experience.

A further discussion ensued regarding lighting and a ramp. The architect stated that she will provide revised plans to address the lighting and ramp question as well as ADA compliance. She stated there will be no new lighting and no ramp.

Mr. Lee stated that this hearing will be continued and that a final plot plan along with architectural plans (existing and proposed) need to be provided.

The board expressed that they are supportive of the project but that the details need to be worked out.

Mr. Lee summarized the four (4) points of concern: storage shed to be removed altogether, parking requirement to be addressed with the Building Inspector, lighting, and impervious cover. Also, the new plot plan will show the removal of the walkway off Dunbar Street.

Mr. McGowan signed a letter stating that the hearing will continue on May 11, 2016.

#### **8:14 P.M. Bartek Konieczny, 451 Massapoag Avenue, Case No. 1782 Continued Hearing:**

Mr. Lee began by stating the next case is a continuation and asked the applicant to come forward to discuss where he stands. At the last meeting Town Counsel provided an opinion and the applicant sent a letter in response stating that he disagrees with the opinion.

Mr. Konieczny stated that he is seeking clarification that if he moves the structure within the buildable envelope there would be no more issues. He also doesn't agree with council's statement that there's no parking within the setback as the language in the bylaw is vague.

Mr. Lee stated that the structure cannot be within the setback and that the board judges these cases but can't tell him where to move it.

Mr. Konieczny stated that he will move the structure from its current location and would need time to make that happen.

The board and Mr. Konieczny agreed that by June 13, 2016, the structure will be moved.

Mr. Konieczny asked about the issue of parking and Mr. Ruskin responded by saying that parking is not an issue before the board at the time.

North side neighbor asked Mr. Konieczny where the structure will be moved. Mr. Konieczny stated that he plans to move the structure to the north side of his property keeping in mind the setbacks.

Mr. Lee reiterated that the issue before the board is that it needs to be moved outside of the setback which Mr. Konieczny agreed to do.

The applicant asked to close the hearing.

Mr. Lee stated that the Decision will say the applicant agreed to move the structure from its current non-compliant location by June 13, 2016.

Mr. Lee asked for a motion to close the hearing. Motion was made by Mr. Garber and Mr. Ruskin seconded the motion. The entire board voted to close the hearing.

The Decision was motioned by Mr. Brahmachari and seconded by Mr. Garber. The motion was voted 3-0-0 (Ruskin, Garber, Brahmachari).

**8:34 P.M. Alfred Mollitor, 18 Highland Street, Case No. 1781 Continued Hearing:**

Mr. Lee began by saying the next case is a continuance.

Mr. Mollitor showed the actual permit for the septic system along with an engineer's survey of property. The plot plan is the same and the septic design is superimposed onto it.

Mr. Lee read a letter from Jim Andrews, Health Agent, dated April 7, 2016, stating that permit No. 9811 has been issued to perform the upgrade.

Mr. Mollitor showed architectural drawings from the original application which is a rendering not a stamped plan. He explained the plan is to demolish the deck and build straight up and not get closer to the front line and to keep the existing roof line but to extend over. A final plan will now be done since there's a septic system permit.

Mr. Lee confirmed that the home will remain a 3 bedroom. The first floor will have a new office space, a bathroom will be added and a closet will be added.

Mr. Lee stated the conditions for the special permit will be: the opening from existing house into the new office will be larger than 36 inches (to show it's not a bedroom), the 3 bedroom home and will remain a 3 bedroom home, septic system will be installed concurrently with the renovations (as the addition is put on). No final permit will be issued until the septic system is built.

Mr. Mollitor stated that there's a full foundation under the deck and the extension will use the existing foundation if possible. He will work with Joe Kent, Building Inspector.

Mr. Lee confirmed the date of the plot plan dated January 28, 2016 and the Septic Plan is dated April 4, 2016 and the permit is Permit No. 9811.

Mr. Mollitor asked to close hearing.

Mr. Ruskin motioned to close the hearing and Mr. Garber seconded it. All the members voted to close the hearing (5-0-0).

Mr. Lee asked for a motion to approve the application with the standard conditions plus the four (4) special conditions stated above. Mr. Ruskin motioned to move the application and Mr. Barth seconded it. The motion was voted 3-0-0 (Ruskin, Brahmachari, Barth).

It was moved and seconded to adjourn the meeting. The meeting adjourned at 9:00 P.M.

**Other Business:**

Mr. Garber moved to approve the minutes of March 23, 2016. Mr. Ruskin seconded the motion. The board voted 3-0-2 to approve it.

Respectfully submitted,

Approved April 27, 2016