

SHARON ZONING BOARD OF APPEALS MINUTES OF WEDNESDAY, JULY 8, 2020

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 in 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 8, 2020, at 7:00 P.M. The following members were present as established by roll call: Abe Brahmachari, David Young, Joe Garber and Steve Weiss. Steve Cohen resigned from the Board and Sam Reef was absent. Mr. Brahmachari opened meeting noting Covid19 protocols per the Governor of MA and procedural ground rules.

7:02 PM- 23 Berkshire Ave, Case No. 1860 Boston Hammer Inc. -- New Hearing

Present for the applicant were: Paul S. Wood, Sr., Boston Hammer, Inc., Canton, Ma

Mr. Brahmachari read the legal notice. Applicant seeks findings and a special permit relative to a proposed detached one-car-garage structure on a nonconforming lot.

Materials presented included an application for hearing dated June 4, 2020, Plan B Proposed Detached Garage dated May 4, 2020, by RIM Engineering Co. Inc., Mansfield MA; and S1-Structural and A1-Aerial, Plans Section, Elevs by Narlee Design, East Walpole, MA both dated May 7, 2020.

Project is an 18- x 20-square-foot single-car garage. There is a leeching pit at the rear of the property so garage has to be situated in the front setback. Chair confirmed applicant is matching 24.8-foot existing front setback so project will not be any worse in nonconformity. Applicant agreed garage is in line with existing structure of the house.

Chair read the Board of Health letter dated June 16, 2020, from Kevin Davis and the Conservation Commissioner letter dated June 11, 2020, from John Thomas.

It is also 10-feet away from septic and 12-feet away from housing structure. Board member suggested that the conditions include the garage remains a detached garage and won't ever be connected by a breezeway.

Applicant requested to close the hearing.

Chair motioned to close Case 1860, 23 Berkshire Ave. Mr. Garber seconded. Motion approved unanimously 4-0-0 (Brahmachari, Garber, Weiss, Young).

Chair motioned to approve Case 1860, 23 Berkshire Ave. building a one-car detached garage per plan by Boston Hammer, Inc., Canton, MA dated May 4, 2020, with one (1) special condition requiring that the

garage remain a detached garage. Mr. Weiss seconded. Motion approved unanimously 3-0-0 (Brahmachari, Garber, Weiss).

7:24 PM- Sharon Standing Building Committee, 1 School Street, Case No. 1858, Library -- Continued Hearing

Present for the applicant were: Gordon Gladstone, Sharon Standing Building Committee; James DeVellis, PE, civil engineer, DeVellis Zrein Inc. (DZI), Foxboro, MA; R. Drayton Fair, Principal LLB Architects, Pawtucket, RI; John Sayre-Scibona, President, Design Technique, Inc.; Cheryl Weinstein, Chair, Sharon Public Library Board of Trustees, Sharon, MA; Brian Winner, Esq., Mead, Talerman, and Costa, Millis MA, attorney for the applicant

Also present: Richard Gelerman, Esq., Gelerman and Cabral, LLC, Norwood, MA, representing the Town of Sharon

The applicant previously provided the following materials: Memorandum dated April 9, 2020, summarizing the Septic System design plans for the proposed library, a Drainage Report and Stormwater Management Plan dated April 14, 2020, from DZI, Inc.; architectural and plot plans originally dated March 25, 2020, and updated April 16, 2020, from DZI and LLB Architects; Memorandum to ZBA from Gelerman and Cabral, LLC dated April 22, 2020, RE: One School Street – New Library Project. Documents for consideration for the June 10, 2020 meeting included: MA Board of Library Commissioners letter dated May 28, 2020; undated design technique, ZBA CASE #1858 – 1 School Street 35-page email submission from June 4, 2020 in response to ZBA questions; Transportation Impact Assessment Proposed Sharon Public Library, Sharon, MA prepared by Tom Houston, PSC, March 5, 2019; and Pleasant St. / School St. Intersection Supplemental Analysis dated May 1, 2019 by Tom Houston, PCS, Foxboro, MA.

Newly added documents for consideration for the July 8, 2020 meeting included: a letter from Lerner Ladds Bartels, Pawtucket RI RE: Case #1858 – 1 School St. Sharon Public Library dated June 25, 2020, and a letter from Gordon Gladstone, applicant, Sharon Standing Building Committee Chair, received via email Wednesday, July 1, 2020.

Mr. Gladstone introduced attorney Brian Winner, Esq., Millis MA whose specialty is town counsel, city solicitor and land use work. Mr. Winner was hired by the Sharon Public Library Foundation to advocate for the project. Mr. Winner framed three principle topics 1) summarize what is before the board 2) what is the scope of the board's review w/ regard to Dover and 3) where are we going and where do we go from here?

- 1) Attorney Gelerman addressed some of these issues with regard to the Dover Amendment. He advised that the library certainly falls under the Dover Amendment under Chapter 48, Sect. 3, and this use brings it within a certain state statute that then triggers certain protections. What is different about reviewing a Dover protected use is how the board goes from the written requirements to reaching a decision on a Dover Amendment protected use. Nuance is that this is state law, so this isn't something that the town or the applicant chose to invoke or seek protection under. It applies to a case like this and it is not up to the Board or the applicant to make the decision.
- 2) Mr. Winner underscored that each project and applicant stands on its own, there isn't really a strong precedential value with Dover Amendment. A great deal of case law explains a concept

that you don't look at the reasonableness of what town meeting did in applying that bylaw, but rather the reasonableness of applying that bylaw as it applies to a particular Dover project, meaning if it prohibits the project then it violates Dover. If it has the effect of undermining the project and the viability of the project, or impeding the project goals and parameters, then it violates the Dover Amendment.

- 3) ZBA needs to consider if application of the regulation is reasonable, whether it advances a demonstrable public interest. What is the benefit of doing the project? If some relief is granted or not granted what is the public interest being advanced here? Is it demonstrable on the record? Are we able to articulate in that shape what that public interest is?

Mr. Winner added that an April 22, 2020, opinion from Sharon town counsel details many of these points including that the library case applies stated Mr. Winner. He outlined pages 6-7 discussing specific bylaw provisions identified in the application. Dover Amendment applies because the project will be unfeasible, Mr. Winner's analysis said. This Memo doesn't mention the variance criteria, but the same analysis would apply with Dover protection per Mr. Winner. Shape, topography, soil conditions do not apply to a Dover project.

How does the board know 1) if it undermines the project 2) what is really be asked by the board?

- 1) Voted on ballot, grant program, etc. library design can't change at this point without essentially restarting and forfeiting 7.5 million in grant funds and starting process over. Memo from town counsel on town meeting vote to that effect (look this up). At this point the project is essentially written in stone, so any strict application of the provisions board is considering would essentially require a redesign, so is essential a denial of the project.
- 2) Regarding what the board should do in its deliberations the ZBA's own town counsel is the person for this. Mr. Winner said this kind of relief can be granted with justifications for relief reference to the Dover Amendment and justification that a strict application would undermine the viability of the project. Or, the Board could also find that no relief is required due to the Dover protected use.

In closing Mr. Winner suggested that the ZBA isn't the proper forum to be designing or re-visiting considerations that went in to proposing a use like this of the Dover Amendment. The fundamental question before the board is can the requirements be applied without undermining the project?

Jim DeVellis reviewed the site plans by DZI dated May 2020 for the meeting attendees. DeVellis showed site plan sheet C-10 and reviewed setbacks required and provided. The building coverage of the structure requirement is 25%; this building is 32%. Mr. Fair showed site plans reviewing outdoor view, basement/lower level; main level; and upper level.

Meeting opened to Board comments. Chair explained responsibility is to look at building project in terms of its bulk and height at 1 School Street lot. This discussion is not about whether or not the town can have a library; that is a separate discussion. Site is in single residence B in Groundwater Protection District. Per Section 2312.b of zoning bylaws a municipal building is allowed in this municipal lot, so if the thought process behind Dover Amendment is to have a library use in this particular zone Mr. Brahmachari doesn't understand why and looks to applicant for rebuttal.

Chair reviewed items to be considered using the legal ad as a reference. He noted that for the first item, no matter what size municipal building built on this lot this relief will be required by default. Item four, percentage of lot coverage per Sect 4535 requires pervious surface to be 15% because it is zoned for

residential, and no matter what size municipal building is built this relief will be needed. Item five regarding vegetative cover with a municipal building it will likely be less than with a residential building.

Mr. Brahmachari wants to focus on items two and three from legal ad. Item 2 regarding the minimum front setback per Section 2434, with the corner lot the applicant is seeking a variance on both sides by quite a bit. And item 3 is percent lot coverage -- 25% is allowed and proposed footprint is 32% lot coverage. Mr. Brahmachari noted the overage on lot coverage is not a lot, and within striking distance, but applicant is over what is approved by the code.

Chair can see building is designed with a certain amount of programming in mind but asked for explanation from designer on what necessitates the program requirements including: 100-person conference room, expansive lobby space, and a large meeting room.

Mr. Fair explained that four or five years ago a strategic plan was developed by library and trustees, building program researched with feedback from the public, and standards set by the MA Board of Library Commissioners. The program was then submitted to the MBLC and approved about four years ago. A feasibility study followed and reviewed all of the spaces during public meetings and voted on by the town in order to proceed. That feasibility study was then submitted to the MBLC and resulted in town receiving a grant.

Chair asked Mr. Fair if in his experience libraries are designed with large meeting rooms, or has he designed libraries without? The program room in this design is one of the smaller ones Mr. Fair has designed. Community rooms are essential for library programming and community use. And, to second question, Mr. Fair stated that lobby space is sized to accommodate the circulation desk, book holds, self-checkout, and meeting room entryway. Mr. Winner pointed out that the MBLC letter dated May 28, 2020, addressed the question regarding what the program requirements are and whether changes can be made in the process. He said the second paragraph referenced that very MBLC rarely if ever allowed a change to be made once the grant has been given. He cited a Shrewsbury case where mechanical space only was reconfigured, and others were denied. Letter also mentions that any breach of the contract regulations and/or assurances on the part of the town will require a return of all funds dispersed by the state including any accrued interest. Mr. Winner read it as a "stern" letter regarding the grant.

Mr. Garber asked Mr. Gelerman if Dover Amendment had been applied for a library previously. Mr. Gelerman said a library is a municipal building, but there is not a question that the library is an educational use and Dover Amendment protections run to educational uses. And, he replied that Mr. Garber may not see any cases applying Dover to libraries because it may not have happened.

Regarding ground coverage, combining parking and building gets to over 76% total lot coverage. Member said had everybody come to ZBA previously the Board would have said the project wouldn't fit on the lot. Mr. Garber heard that the library representatives have been in touch with State Representative Lou Kafka's office and that they are willing to support any plan modification presented to the MBLC. Ms. Weinstein said it was not true that the Library reps have been in communication with any office, and it is not true that the library wishes to undermine the purpose of the state in the building of the libraries. She reiterated that it is absolutely not true. Mr. Gelerman noted that the town through Mr. Heitin, Select Board Chair, had made overtures with the town's governmental representatives seeking a meeting before the MBLC. Ms. Weinstein interjected that the trustees have responsibility for the library and the Select Board doesn't have standing in that she doesn't think. Mr. Garber said even if

the library representatives reduced the size of the building, he thinks it will still be too big for this nonconforming lot. He isn't really convinced that the Dover Amendment can override zoning in the town on a municipal building. A residential building this size on the lot would not pass in his opinion.

Mr. Weiss was concerned about the proposed lot coverage in the Groundwater Protection District being five times what is allowed. Mr. DeVellis said they are required to mitigate the storm water for a one-year storm when going over 15% lot coverage and they have mitigated for a 100-year-storm event so even though coverage is 76%, not 15% allowed by zoning, run-off is zero as shown in the drainage report as discussed in past meetings. Current lot coverage is 33% and all of the rain coming on the site now and all of the runoff is running onto the road and the abutting properties.

Mr. Winner responded to comment about applicability of the Dover Amendment. A municipal building and a library is one protected use, but he asked board to consider if this was a church. A church could have 90% lot coverage and town could not include any questions about local vetting process or what the merits were at all per Dover Amendment. When you have a Dover protected use it requires a board to look beyond the strict language of its zoning bylaw and look more globally at the use that is being proposed and whether or not an amount of bylaws can survive being applied in a way that doesn't invalidate or undermine the project. He noted that a Dover project could be anything, and not required to knock on any doors around town, so it is really a moot point ultimately.

Mr. Gordon emphasized that Counsel to the ZBA has said that the Dover Amendment applies and he doesn't understand the debate. Chair said Dover Amendment doesn't automatically give dimensional relief since it's a municipal building which is already approved by the zoning bylaws of Sharon, so what is the purpose of invoking the Dover Amendment?

Mr. Gelerman clarified that the fact that it is a municipal building is not relevant to the Dover Amendment. The educational use, whether a municipal building or owned by a private organization, is a protected use. The fact that the bylaw does or doesn't allow the use is of no significance Mr. Gelerman added. The question before the zoning board is, since you are stuck with the use and it is imposed by state law, whether or not the building has to be the size that it is and can you apply the strict requirements of the zoning bylaw. You don't have to. Those are fair issues for you to look at. Does it have to be this size? The applicant's counsel has said size is set in stone. Architect explained process it has gone through with the state board. In an effort to reach a reasonable accommodation you have a right to look at those dimensional questions, and the dimensional questions go to is it absolutely necessary for a library to exist on that site at this dimension.

Mr. Young's overall perspective is that town hall is 8,000 square feet on 1.5 acres. Library is 12,000 square feet on a .88 acres. Plan B discussed from last meeting showed 9,500 square foot building footprint. Ms. Weinstein previously mentioned the building needs to be 25,000 sq. ft. and Building B was 28,000 sq. ft. bringing a smaller foot print and more accommodating to that size lot. Mr. Young heard no mention of plan B tonight or any accommodations. He suggested using Community Center for some meeting space. Also, he said that while Stoughton and Canton were used as comparisons at last meeting, they are larger communities and not equal comparison to Sharon.

Mr. Gelerman explained that the board needs to determine whether or not the size of the project is set in stone. If there is no willingness on the part of applicant to try to make an accommodation to those issues, all board members have asked for some accommodation, but nothing is forthcoming so he advised that ZBA has to say yes or no to this particular building. He suggested it would be helpful if the

ZBA could conduct a Peer Review as to whether you can have a library at a smaller scale as a viable project. Mr. Gelerman agreed with Mr. Winner that if whatever ZBA imposes prohibits the use of this library you can't do it, but if what you propose can accommodate a library that can meet the community's needs than Mr. Gelerman thinks the Dover Amendment allows the board to do that.

Mr. Gladstone said Plan B being a plan is a misnomer, was a draft just to show that a building could be placed on that site as of right. It was never meant to show a design that the library trustees were in anyway interested in. Also, town's own counsel, so ZBA counsel, has opined that the Plan B sketch is so far afield from what was approved at town meeting it would not be allowed. Mr. Gladstone asked Mr. Gelerman to clarify that aspect. Mr. Gelerman responded that his understanding is that Plan B was just a sketch and never really intended to be the project. He emphasized that it is possible a project can be accommodated that is within the intent of the town meeting vote. The issue is whether or not with a town meeting vote you can do something similar to that, if it is very dissimilar the vote is not supported. There can be an accommodated plan but it is not what plan B was. But that doesn't preclude Mr. Gladstone from trying to reach an accommodation of some other plan that is closer to the vote.

Mr. Winner chimed in that the board probing if there is remaining flexibility or if a possible plan B was ever proposed gets afield of the question in front of the board as to whether or not you can apply the bylaw as written to this project without undermining the project. Mr. Winner said board is probing around the edges to see whether or not the project can be amended. Mr. Winner has heard the term reasonable accommodation made, but we have a number of decisions from the land court, the trial court, all the way up to the appeals court and the Supreme Judicial Court where communities have attempted to do exactly that and tried to push back and grant the project subject to a condition that the bulk be reduced, or the configuration of the project be reduced so it is more consistent with frontage. Mr. Winner mentioned cases involving Tufts, BC, Brockton, Campbell vs. City Council of Lynn and said in every one of those case when the town or city pushed back and said we just think it's too big and we think you could probably do something similarly useful but just in a different way, the court overturned those decisions and said the Dover Amendment prohibits that sort of exercise of discretion by the local Board to impose those conditions on a Dover protected use. One of the phrases used in Tufts College case was "those kind of conditions substantially diminish or detract from the usefulness." Whether project is designed for scope and utility are not issues the zoning board gets into. The City of Lynn "the application of such regulations is permissive at best and suspect at worst." And that is the analysis the courts undertake with suggestions to just move it back a little bit or just shrink the footprint, or amend the geometry. Going down this rabbit hole too far forces applicant in a position to look at program parameters and design parameters all over again. And, there is no alternative analysis required here. The library hasn't proposed one so we really are back to the plan in front of you concluded Mr. Winner.

Chair said large projects often have a peer review. Bulk of discussion today is about variance for lot coverage and variance for setback. Mr. Brahmachari asked applicant if they have any interest in having a peer review firm look at the lot size and size of the building. Before applicant answered, Mr. Garber asked Mr. Gelerman if the square footage was mentioned to the residents of the town when the library was discussed at town meeting.

Mr. Gelerman said it can be an accommodated plan, but that was not what Plan B was. That doesn't preclude Board from trying to reach some other plan that is closer to the vote. Mr. Gelerman would have to go back to record of meeting to find out if square footage was presented. Mr. Gelerman said he doesn't know the specifics of the town meeting vote, but when he looked at whether or not plan B would be within the confines of the vote, the record around the vote showed the plan B (which was only

an illustration shown) would not meet it. A review of proceedings record would be needed to garner whether square footage was recorded this is something the board can consider.

Mr. Garber asked if Mr. Gelerman was suggesting ZBA members ignore the zoning bylaws and Mr. Gelerman responded that yes he was suggesting this. He added in considering a Dover Amendment case, ZBA is not bound by the strict requirements of the zoning bylaw. It is not the special permit test or the variance test. The question is whether or not the project can be accommodated without modifying the library. So you don't apply the special permit requirements, you don't apply the variance requirements. You apply a different test asking is it reasonable to require some form/extent of compliance with town bylaws. It doesn't have to be in full compliance and if the library trustees are willing to, you could try to work out a reasonable accommodation.

Mr. Gelerman explained that whether or not need for variances and/or Dover Amendment were discussed at Town meeting, the use of property is protected by state law and it does override local zoning whether or not the square footage or a need for variances were mentioned at town meeting, it doesn't impact a board's obligation to consider the use and the dimensions, whether they are reasonable.

Mr. Gladstone added that to Mr. Gelerman's point that the entire record has to be considered, the design of the building, while it may not have been articulated in square footage, was presented at town meeting and around town for many months. Any suggestion that town meeting didn't know what they were voting for is inappropriate Mr. Gladstone said. Also, from the Sharon Standing Building Committee's perspective, in some context there already was a peer review by MBLC and based on their review they put up \$7.5 million so the town could build this library. Much of this discussion is way off point per Mr. Gladstone.

To a board member's question regarding whether the state realized a variance would be required and realized the size of the building in relation to the size of the lot when the project got commitment from the state, Mr. Winner answered that this question is addressed specifically in the May 28, 2020 letter to the board. And he read portions, "The MBLC has been kept abreast We believe the library answered the variance and zoning questions in good faith during the application process. Zoning issues are local issues, and, given the recent information regarding the errors within the application to the Zoning Board, the outcome of the grant application would not have changed." Mr. Winner added in reference to Mr. Gladstone's comments earlier, in terms of the peer review the project has been vetted and the MBLC has counsel and has staff and it is a state entity. There have been a lot of professional team members from the state side and the local side who have reviewed this. Mr. Gladstone said he wouldn't be interested and he believes Ms. Weinstein was shaking her head in the negative as well. Mr. Winner wondered how a peer review would advance the conversation. He can't imagine it would be to review the state's requirements because the state has done that, they are satisfied and they have stated what they have stated, that's it. Applicant has no control over state's requirements and reviewing anything on the local end circles us back around to town meeting looked at this, plans have been vetted and designed, it went to ballot, it went to the state. This project has not suffered from a lack of attention. He is not sure what a peer review would add to it and/or who would pay for it. Peer review would add another municipal cost to the project for a question that has been answered more than once.

Chair offered that peer review he mentioned it would not be about the design but about the programming requirement, do we really need that many conference spaces when town has other conference spaces? In terms of the funding part he would defer to Mr. Gelerman. Mr. Gelerman thinks

peer review is relevant and could advance the project. It determines whether or not building has to be as dense or as large as it is, or if it can be smaller. So you haven't destroyed the project, but the project can go forward on a smaller scale is a relevant question and the Dover Amendment allows you to seek peer review. It is true that the MBLC would pay for that, which is the town. The town has other meeting spaces that will accommodate the public and that is an issue and a peer review to look at that could come up with a solution yet. It is in Sharon, we have a Community Center and we have a new Town Hall. Is it necessary for a library to have this kind of space is a relevant question?

John Sayre-Scibona said MBLC based their grant on the program as submitted to the ZBA. Any reduction in spaces or size of the building would most likely revoke the grant and the grant would need to be repaid.

Mr. Winner said a peer review is Pandora's Box because they are looking at constructability, usability of spaces, other spaces in town, and financial feasibility of the project.

Chair said ZBA does not look at the financing constraints in decision making. And, Chair asked Mr. Gelerman to inform Board of any information on reapplication process to the state. Mr. Gelerman said one option is for the board to continue the hearing and give interested parties the opportunity to meet with the MBLC. Mr. Gelerman's understanding is that they are perfectly willing to do this and also that due to the pandemic there's no more funding to the libraries for next year so MBLC may be happy to share some costs. But, with respect to what the applicant has said, it's nice to find out independently that this is the case.

Lauren Stara, library buildings specialist joined the meeting to speak on behalf of the MBLC and offered to answer questions about MBLC's response to questions of peer review and reducing the scope and those kinds of things immediately. The answer is that it is in state regulation of our program that the grants are based on the library building program as written and accepted by us in 2014. This is six years ago. Any reduction of program elements from this project would nullify the project and the town would be required to pay back the disbursement that Sharon has received so far. Mr. Sayre-Scibona looked to ensure ZBA members understood Ms. Stara has reviewed the drawings and the program along with her team so she is speaking for the state, and recommended this grant to the MBLC commissioners.

Mr. Gladstone understands strictures in which board has to work under, but board also needs to be mindful of overwhelming approvals of library at town meeting and at the ballot. Mr. Gladstone's memo outlines the loss of dollars to the town if this project is not allowed to go further. He is speaking for the standing building committee. Mr. Winner explained the use of this building is clearly within the Dover Amendment and if the ZBA applies whatever standards they want to apply that make the ability of this project to go forward they will be going against what he believes has been represented as rather considerable and consistent court decisions. Mr. Winner added one thing he finds helpful at end of public hearing process is seeing what a draft decision would look like as a tool advancing the board's analysis.

Mr. Garber read zoning bylaw purpose and authority in M. G. L. 40A Article 49 because in reviewing many emails he was disturbed by a comment saying 'failure to approve the variances is a denial of the wishes of the voters of Sharon and is a dereliction of board's duty'. He said the board is responsible to the best interest of the town, not the voters.

Mr. Gelerman said the town meeting vote and the ballot is informative, but the ZBA is not bound to do what the town meeting voted. Mr. Winner said you read the introduction to zoning, but also read Chapter 48 Section 3 as that is a law that you are obligated to apply. The Zoning Act Dover Amendment supersedes the zoning bylaw of the town.

Colin Van Dyke, 23 Pleasant Street, said it is unfortunate ZBA wasn't asked to weigh in previously and project spent \$1 million of town money at risk. Applicant is asking for relief from town zoning bylaw. Nothing in Dover talks about protecting state grant money.

Matt Grosshandler, 113 Norwood St, is a member of Standing Building but not speaking in that capacity but as a resident of Sharon. He asked that board considers in its decision maintaining the aesthetic qualities of the community. Project is adjacent to historic neighborhood and vetted by historic commission. To overlook that would be a mistake and at what cost and who really wins with a project where function overdoes form if it is changed?

Mr. Brahmachari thanked everyone who had come to the meetings and sent emails. Purpose of this board's decision is whether they can build a certain size construction project on a piece of land, size of the project, specifically encroaching setbacks and lot coverage. It is not to consider a library per se. Board has not seen any effort by the applicant to make revisions to address those concerns. Chair sees room for improvement by using full basement and/or thinking about requirements for conference rooms and such. Also by reducing building lot coverage they could achieve getting closer to parking required by the project especially considering indentation of the building. Chair hasn't seen enough argument in favor of the two variances that the applicant is seeking for front setback and for 25% lot coverage items. He has not seen any addressing of the concerns of the size of the building from the applicant.

Mr. Garber summarized his concerns as almost everything they are asking for is a variance. It is still a residential lot that is nonconforming and they really haven't addressed the concerns of a few neighbors who are going to have a very large structure stuck right in their eyes. It is not considered the center of town, but is in a historical district and falls under historical review as well. He is not comfortable with an 80% lot coverage and the setback is more than the ZBA would give any other resident who came before us. He knows people are saying the Dover Amendment doesn't set precedent, but he sees this as opening the town up to a lot of stuff in the future.

Mr. Weiss agrees the setback is a lot and added that Dover sets a precedent.

Mr. Gladstone asked for a vote, closing the case.

Mr. Brahmachari made a motion to close Case 1858, 1 School St., Sharon Public Library Seconded by Mr. Garber. Board approved the motion unanimously 4-0-0 (Brahmachari, Garber, Weiss, Young).

Motion to approve the petition of the Sharon Standing Building Committee seeking lot dimensional relief from the dimensional requirements of the Sharon Zoning Bylaw for the proposed Sharon Public library in Case No. 1858, 1 School St. Sharon Library as follows:

1. Minimum lot area, Section 4533, Special Permit, S4540, 4521
2. Minimum front yard, Section 2434, Variance, S6222
3. Percentage lot coverage, Section 2433, Variance S6222

4. Percentage lot coverages, Section 4535, Special Permit, S4540, 4521
5. Natural vegetative cover, Section 4535, Special Permit, S4540, 4521

Mr. Garber seconded the motion.

Chair asked separately for each item. All in favor to approve say aye:

1. Minimum lot area, Section 4533, Special Permit, S4540, 4521 Board denied 2-0-1 Brahmachari aye; Garber nay; Weiss; aye.
2. Minimum front yard, Section 2434, Variance, S6222 Board denied the motion 0-0-3 (Brahmachari nay; Garber nay; Weiss nay)
3. Percentage lot coverage, Section 2433, Variance S6222 Board Denied the motion 0-0-3 (Brahmachari nay; Garber nay; Weiss nay)
4. Percentage lot coverages, Section 4535, Special Permit, S4540, 4521 Board denied the motion 2-0-1 (Brahmachari aye; Garber nay; Weiss Aye)
5. Natural vegetative cover, Section 4535, Special Permit, S4540, 4521 Board approved the motion 3-0-0 (Brahmachari aye; Garber aye; Weiss aye)

Chair makes a motion to approve the minutes from June 24, 2020. Seconded by Mr. Weiss. Unanimous vote to approve 4-0-0 (Brahmachari, Garber, Weiss, Young)

The meeting adjourned at 9:36 P.M.

Respectfully submitted

Approved August 12, 2020