

**SHARON ZONING BOARD OF APPEALS
MINUTES OF WEDNESDAY, MAY 12, 2021**

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, May 12, 2021, at 7:00 P.M. The following members were present as established by roll call: Abe Brahmachari, David Young, and Steve Weiss were present. Joe Garber and Sam Reef were not present. Kris White, Town of Sharon Building Inspector was present also. Mr. Brahmachari, Chair, reading Covid19 protocols per the Governor of MA and procedural ground rules.

7:03 PM –CASE 1875 – 12 Lyndon Road, Wilder L. Diaz and Natacha Diaz -- Continued Hearing

Present for the applicant: Joel Fishman, attorney, Stoughton MA

New documents included: Notice of Intent (NOI), applied Ecological Sciences, Norfolk, MA dated March 26, 2021; WPA Form 5 – Order of Conditions dated May 7, 2021 from CC; email correspondence from Joel Fishman, applicant's attorney, confirming by email responses from 1) Kevin Davis, BOH agent, no problems with proposed work regarding the wetlands setbacks dated May 10, 2021, 2) Peter OCain, P.E., Town Engineer, indicating that the Planning Board has no comment on the case and is deferring to the CC dated May 6, 2021, 3) Shannon McLaughlin, Planning Board Chair, also indicating that the Planning Board is deferring to the CC dated May 6, 2021.

Documents from previous meeting included: application filed on April 1, 2021, plot plan showing proposed addition by D. Obrien Land Surveying, Franklin, MA dated March 22, 2021; architectural plans by Thomas McGrath Architects, Milton, MA dated January 8, 2021; revised site plans by D. O'Brien Land Surveying, Franklin, MA dated April 1, 2021. Mr. Brahmachari also read a legal notice as it appeared in Times Advocate on April 7, 2021, and April 14, 2021; a letter from Kevin Davis, Board of Health agent dated April 6, 2021; and a letter from John Thomas, Conservation Commissioner, dated April 5, 2021.

Case continued from April 28, 2021. Mr. Fishman reviewed Conservation Commission (CC) Order of Conditions, specifically Special Conditions on page 10 with board including natural mitigation areas. CC approved project. Mr. Brahmachari noted that neither the Planning Board or Board of Health had any concerns as long as CC approved. Mr. Brahmachari showed the plot plan and Mr. Fishman noted that the leaching field is substantially closer (approx. 32 or 33 feet away) than the 58.8 feet from the addition to the brook. The house is further away from the leaching field than the leaching field is to the stream per Mr. Fishman.

Board members and building inspector have no comments or concerns to add.
No abutters present.

Mr. Fishman motioned to close hearing for Case 1875, 12 Lyndon Road, plans. Mr. Weiss seconded. Unanimously approved by roll call 3-0-0 (Brahmachari, Weiss, Young).

Mr. Brahmachari motioned to approve Case 1875, 12 Lyndon Road, as shown in application filed on April 1, 2021; plot plan showing proposed addition by D. Obrien Land Surveying, Franklin, MA dated March 22, 2021;

architectural plans by Thomas McGrath Architects, Milton, MA dated January 8, 2021; and revised site plans by D. O'Brien Land Surveying, Franklin, MA dated April 1, 2021, with standard conditions. Mr. Weiss seconded. Unanimously approved by roll call 3-0-0 (Brahmachari, Weiss, Young).

7:21 PM – 1845 2R-4R General Edwards Hwy/990 Boston Providence Hwy., Optima Hospitality Group, LLC -- Other Business

No new documents. Existing Site Plan from July 1, 2019

Procedural, not up for any vote. Applicant is requesting a signature on a site plan. Mr. Brahmachari wasn't familiar with process, so David Wluka, Optima Hospitality Group, was invited to tell the board what he needed. Case 1845 was approved by ZBA on December 9, 2020.

Mr. Wluka explained that he is here for a procedural issue. Covid slowed permitting process at Walpole Planning Board. They had no meetings, so the time for the hearing expired meaning the application was constructively approved. Limited site plan approval was then issued and signed by the Walpole town engineer. The Mylar site plan with the signature from the Town of Walpole is with the Sharon Town Clerk's office currently. Because it is from two towns, the registry of deeds needs signatures from both towns so any title search is not a mess. Per. Mr. Wluka, either Chair signs it or gives Sharon town engineer ability to sign it. Mr. Wluka stated that the plan has not changed and he has even confirmed that with his engineers and his attorney. He added that the board could sign it with special condition that it is the same constructively as the plan the ZBA approved. This is the last piece Mr. Wluka needed from either town in order to record this project.

Mr. Brahmachari is concerned about having to process this without a due review considering the dates on the documents do not match. Mr. Wluka said had Walpole changed anything on the plan Mr. Wluka would've had to come back to Sharon for modification.

Chair does not know that ZBA has authority to sign a permit. Mr. Wluka said Mr. OCain spoke to town counsel and ZBA could authorize town counsel to sign on behalf of the board if he is satisfied with it. Mr. Wluka indicated Mr. OCain was willing to do so. Chair mentioned that procedurally the ZBA members can only review a plan in open meeting. Member questioned whether this even is a board item since it isn't up for vote because it can be signed by the Chair or someone else. Mr. Brahmachari wondered is the existing decision could be attached, rather than adding a signature. Mr. Wluka can check with his attorney.

Members agreed, along with Mr. Wluka, that ZBA admin. will reach out to Dick Gelerman for a letter to authorize the town engineer, to review and sign the permitting that Mr. Wluka is requesting based on the decision produced back in 2019.

Mr. White tends to think it is a formality, but if the dates have changed on the plans maybe just need to have a confirmation on the plans that they match up.

No others were present to comment on this agenda item.

7:46 PM Vote on Minutes:

Member requested approval be moved to May 26, 2021 meeting allowing more time to review.

The meeting adjourned at 7:45 PM.

Respectfully submitted.

Minutes approved: May 26, 2021