

**SHARON ZONING BOARD OF APPEALS
MINUTES OF WEDNESDAY, JUNE 9, 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, June 9, 2021, at 7:00 P.M. The following members were present as established by roll call: Abe Brahmachari, David Young, Joe Garber and Sam Reef were present. Steve Weiss was not present. Kris White, Town of Sharon Building Inspector was not present. Kevin Davis, Agent of the Board of Health was present. Mr. Brahmachari, Chair, reading Covid19 protocols per the Governor of MA and procedural ground rules.

7:04 PM –CASE 1876 – 125 South Main Street – Harel Della Torres -- Continued Hearing

Present for the applicant: Harel Della Torres

New documentation submitted since May 26, 2021, meeting included: architectural plans from Hagit Levy Architecture and Design, Sharon, MA with multiple dates (labeled 1876-A in file); and an updated letter from Kevin Davis dated May 27, 2021

The confusing part of the last letter was about the number of bedrooms, but the Chair finds this letter from Kevin Davis clarified the number of bedrooms situation discussed at the last meeting.

Mr. Della Torres shared a photo of the front of his house. He also pointed out that there is no increase in the design flow of the septic system regarding gallons per day. Mr. Davis is a town official and we should all trust him when concerning his review and the future proposal that is in question. Applicant is concerned he may have not been able to communicate well to the board. Mr. Della Torre finds the house will be more appealing to the neighborhood with the project he proposes. He has landscape plans for the front including possibly a circular driveway.

Applicant would like to consider four-bedroom plans, so not ready to review three-bedroom plans. He would like board to consider four-bedroom plan. Conservation had no concerns with project. The board has passed many projects in the ground water protection district that were nonconforming because of the 60,000 sq. ft. zoning requirement. He would like the same.

Finally, applicant said changing his property from a three-bedroom with commercial to a four-bedroom with no commercial, if you read the BOH regulations, Chapter 275 Zoning is all around use of chemicals, commercial fertilizer, etc., nothing to do with the zoning. And if he goes to Section 4500 of ZBA bylaws? Applicant reads that the goal is to protect the public health by preventing "degradation of groundwater" Applicant argued he will be preventing degradation with his project. So he asked the board to approve his original plan that he submitted.

Chair appreciated well researched comments from applicant. Chair shared plans for consideration as four-bedroom project dated March 25, 2021 as submitted with the original package.

Board member recommended a special condition that four bedrooms and no commercial office allowed going forward.

Chair read letter dated May 6, 2021, from Kristian J Hodges, that supports the project. Kevin Davis, Health Agent for Town of Sharon and Assistant Town Engineer, commented that he can assist the board as needed with additional clarification.

No abutters present.

Mr. Brahmachari motioned to close the hearing for Case 1876, 125 South Main Street. Mr. Garber seconded. Unanimously approved by roll call 4-0-0 (Brahmachari, Garber, Young, Reef).

Mr. Brahmachari motioned to approve the Case 1876, 125 South Main Street with standard conditions and also one (1) special condition that the three-bedroom house with commercial space becomes a four-bedroom house with no commercial space, and Application filed April 20, 2021; plot plan by Level Design Group, LLC, Plainville, MA dated March 26, 2021; plans by Hagit Levy Architecture + Design, Sharon, MA, dated January 28, 2021. Mr. Garber seconded. Unanimously approved by roll call 3-0-0 (Brahmachari, Garber, Young).

7:35 PM -- Case 1878 – 29 Dunbar Street, Tova and Kenneth Sperber

Present for the applicant were: Tova and Kenneth Sperber; Farouk Youssef architect and Fredrick, contractor also present.

Documentation submitted included: application dated April 28, 2021; plot plan by D. O'Brien Land Surveying, Franklin, MA dated March 22, 2020; architectural plans by Farouk F. Youssef, AIA, Hull, MA dated March 16, 2021

Mr. Brahmachari read the legal ad as it appeared in the Times Advocate on May 19, 2021 and May 26, 2021; BOH letter dated May 20, 2021, and CC letter dated May 11, 2021.

Ms. Sperber showed board a photo of their standard 1950s split-level home. A nonconforming lot in Residential B Zoning District brings them in front of zoning tonight. Their plot is 11, 208 sq. ft., and they need 20,000 per zoning. Project is within all required setbacks. Addition will be 15 feet by 18 feet. The current screened-in porch will be demolished due to rot. They will rebuild in footprint of existing porch and add onto the dining room. They need the special permit to add a family room behind the dining room and a paved-stone-of-some-type patio. Definitely not a deck per applicant. No second floor to project. None of the bedrooms impacted at all.

Neighbors are not present, but they are on standby and supportive of the plans per Ms. Sperber.

Board members commented that applicant supplied a wonderful written synopsis of the project. No questions.

Farouk Youssef, designer, said removing old porch and adding new, energy-efficient space is a benefit to the neighborhood.

Chair said board members don't have many comments because applicant has done a great job.

Ms. Sperber asked to close the hearing.

Mr. Brahmachari motioned to close the hearing for 1878, 29 Dunbar Street, Seconded by Mr. Garber. Unanimously approved by roll call 4-0-0 (Brahmachari, Garber, Young, Reef)

Mr. Brahmachari moved to approve Case 1878, 29 Dunbar Street, with standard conditions and application dated April 28, 2021; plot plan by D. O'Brien Land Surveying, Franklin, MA dated March 22, 2020; architectural plans by Farouk F. Youssef, AIA, Hull, MA dated March 16, 2021. Seconded by Mr. Garber. Unanimously approved by roll call 3-0-0 (Brahmachari, Garber, Young).

8:44 PM – Other Business:

Board Reorganization: Joe Garber is interested to take the Chair position. Mr. Young and Mr. Reef have no issues. Mr. Brahmachari will continue on the Board. Mr. Garber will take over on June 23, 2021. Board members appreciated Mr. Brahmachari's efforts, and looked forward to Mr. Garber taking on the role as Chair.

Residency Waiver: The Select Board voted last evening to approve a temporary residency waiver for Sam Reef as an active ZBA alternate, including the ability to vote if necessary, until the current vacancy and the spot that Sam will ultimately vacate can be filled.

The ZBA Board is very grateful to Mr. Reef for his expertise and he will be missed.

8:00 PM -- Minutes:

Mr. Brahmachari made a motion to approve the March 16, 2021 minutes. Mr. Garber seconded. Unanimous approval, 3-0-0 (Brahmachari, Garber, Young).

Mr. Brahmachari made a motion to approve the May 26, 2021 minutes. Mr. Garber seconded. Unanimous approval, 3-0-0 (Brahmachari, Garber, Young, Reef).

Is August 4, 2021 at 7PM ZBA meeting an option since a quorum is not available for August 11, 2021 date? Yes, three members are available, Brahmachari, Garber, and Young.

The meeting adjourned at 8:06 PM.

Respectfully submitted.

Approved: June 23, 2021