

**SHARON ZONING BOARD OF APPEALS
MINUTES OF WEDNESDAY, JUNE 23, 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 23, 2021, at 7:00 P.M. The following members were present as established by roll call: Joe Garber, Chair, Abe Brahmachari, David Young, Steve Weiss, and Sam Reef. Kris White, Building Inspector was not present. Mr. Garber, Chair, reading Covid19 protocols per the Governor of MA and procedural ground rules.

7:00 PM –CASE 1879 – 15 Laurel Road – Paul Coles -- New Hearing

Present for the applicant were: Paul Coles, applicant; Camron Gray, Project Engineer

Documentation submitted: booklet from Bay Colony Group, Inc., Foxborough, MA with a cover letter dated May 10, 2021, an application dated May 13, 2021, plot plan by Bay Colony Group dated April 7, 2021, and undated architectural plans.

Mr. Garber, Chair, read the legal ad as it appeared in the Times Advocate on June 2, 2021 and June 9, 2021; Board of Health (BOH) letter from Kevin Davis dated May 28, 2021, and Conservation Commissioner's letter dated May 25, 2021.

Mr. Cole said the lot is nonconforming at 48,000 square feet, needs 60,000 square feet and it has wetlands in the rear of the property. They want to add a carport that is 16 feet by 24 feet. All four sides will be open, wood frame and standing metal seam roof. Mr. Cole showed architectural drawings. Required setback is 30 feet from street sideline setback.

Conservation Commission (CC) Order of Conditions (OOC) was approved on June 17, 2021 but this document was not submitted to the ZBA. ZBA is the last stop. Mr. Gray said they need to be picked up from the CC. They can submit the OOC at the next ZBA meeting if they want to continue the case. Mr. Coles will get the OOC to sharonzba@townofsharon.org.

No abutters commented.

Applicant asked to continue the case.

Mr. Garber motioned to continue Case 1879, 15 Laurel Road to July 14, 2021. Mr. Reef seconded. Approved by unanimous roll call 5-0-0 (Garber, Brahmachari, Weiss, Young, Reef).

7:25 PM –CASE 1880 – 23 Foxfire Drive – Brady-Built Inc. -- New Hearing

Present for the applicant: Kevin Kieler, Chief Designer, Brady-Built Inc.

Documentation submitted: an application dated May 14, 2021; plot plan by Anderson Surveys Inc., Hanson, MA dated March 4, 1993; second plot plan from Glossa Engineering Inc., East Walpole MA dated April 15, 2021; and architectural plans by Brady-Built Sunrooms, Auburn, MA dated January 5, 2021.

Mr. Brahmachari read the legal ad as it appeared in the Times Advocate on June 2, 2021, and June 9, 2021; Board of Health letter from Kevin Davis dated May 28, 2021, and Conservation Commissioner's letter dated May 25, 2021.

Mr. Kieler, architect for the applicant, showed two additions proposed for the rear side of the house. One was an 11 x 19 square foot sunroom/family room style addition and a second addition was for an 11x 14 square foot office space. When they were originally designing, the plot plan used was older than current one and didn't account for a sliver of the property sold to the abutters by the previous owners. Architect explained that a 10 x 13 square foot office would be virtually useless for two people, and making applicant have to conform meant starting over on engineering and design. Mr. Kieler was requesting a variance for one foot from the required 30 feet. Rooms were designed to match the shape and look of the house. The neighbor on the right-hand side supports the project per Mr. Kieler. He stated that the petition meets the purpose and intent of the bylaw and was not substantially more detrimental to the neighborhood because it was such a small request.

Chair said variances were one of the hardest thresholds to meet. And, Mr. Garber doesn't see how shrinking the office addition by one foot would mean no one could work in it. Argument for variances was that if the town hadn't granted the sale, it would be a conforming lot and would not need a variance per Mr. Kieler. Members need to see the hardship to grant a variance. Property conforms from the rear. Mr. Kieler said sunroom roofline was different from the rest of the house and the sunroom fits that bump out. So moving it would go into another roof line – he added that a cricket didn't work.

Chair said previous owner selling off the piece of land was not a hardship.

Member questioned whether project meets definition of a bedroom. Member concerned that approving variance would increase a nonconformity. Also, members wanted to see architectural floor plans of the house, the office addition, and the sunroom.

Board members wondered why not design a room that conformed to the 30-foot setback? Applicant agreed it was possible, but then the addition wouldn't look like the rest of the house. Members don't see the hardship. Applicant asked if they reengineer the room and met the 30-foot setback, would that also negate the need for a special permit? Chair said no.

Applicant said neighbor wanted to keep land purchased in 1993 for future building.

No neighbors were present.

Applicant requested to continue the hearing.

Mr. Garber motioned to continue the hearing to July 28, 2021, as requested by the applicant. Mr. Reef seconded the motion. Unanimous vote to approve 5-0-0 (Garber, Brahmachari, Weiss, Young, Reef)

7:56 PM –CASE 1881 – 117 Oak Hill Drive -- New Hearing

Present for the applicant: Christian Diamandis, Brookside Construction Group, Canton, MA

Documentation submitted: application dated May 17, 2021; plot plan by Joyce Consulting Group, Braintree MA dated November 4, 2020; and architectural plans by Blackbird Architecture, Quincy, MA dated October 12, 2020, (architectural plans were submitted to ZBA Admin. Assistant and Town Clerk on June 22, 2021).

Mr. Garber read the legal ad as it appeared in the Times Advocate on June 2, 2021, and June 9, 2021; Board of Health letter from Kevin Davis dated June 1, 2021, Conservation Commissioner's letter dated May 25, 2021, and Order of Conditions dated January 12, 2021.

Christian Diamandis, Brookside Construction, proposed erecting a 16 x 16 foot, four-season sunroom in place of a 38 x 16 foot existing raised wood deck, conventional framing and completely closed off from the house.

OOC showed proposed conditions. The existing raised wood deck will be completely demolished. A five-foot-wide landing and steps will go down to a stone patio. Conservation is okay with wetland buffer. Members don't have any questions.

No abutters were present.

Mr. Diamandis asked to close the hearing.

Mr. Garber motioned to close Case 1881, 117 Oak Hill Drive. Seconded by Mr. Reef. Unanimously approved by roll call, 5-0-0 (Brahmachari, Garber, Weiss, Young, Reef).

Mr. Garber motioned to approve Case 1881, 117 Oak Hill Drive, with standard conditions and conditions from the Conservation Commission application dated May 17, 2021, plot plan by Joyce Consulting Group, Braintree MA dated November 4, 2020; and architectural plans by Blackbird Architecture, Quincy, MA dated October 12, 2020. Mr. Brahmachari seconded. Unanimously approved by roll call 3-0-0 (Garber, Brahmachari, Weiss).

8:15 PM – Other Business:

Maria De La Fuente, Planning/Engineering Specialist, Town of Sharon, is working on a zoning chart “quick guide”. She is finding ambiguous language and would like to clarify things. Mr. White suggested Mark Bobrowski to assist with recoding zoning bylaws. Expectation for a town of Sharon’s size was about \$40 to 45k. Doing this offers a chance to take a comprehensive look about what we want and don’t want in town. For example, tiny homes were approved in MA this year and Sharon has no bylaws for that. Wind energy was another example of what is lacking.

Chair remembers Mr. Bobrowski did overlay district down by Shaw’s. Mr. Brahmachari recalled zoning being recoded about nine years ago, zoning bylaws put together by the Planning Board and the ZBA uses them as a reference. Inlaw suites could use addressing, along with solar and wind per members. Canton, Stoughton, Foxboro, Easton, and Norwood all hired Mr. Bobrowski in the past. A lot of ecode documents were not mentioned in the ecode, but were mentioned in the previous bylaws per Ms. De La Fuente.

Board member asked if the job needed to be put out to bid? Ms. De La Fuente will check with Mr. OCain and email answer.

Ms. De La Fuente said the top option for funding project would likely be the Henry Kendall fund. The planning and zoning boards need to agree to move forward on this. Then it would go to town meeting in October for a vote.

Ms. De La Fuente clarified that this would be recoding/rewriting the zoning bylaws. The business guides to permitting are already being done by Ms. De La Fuente, and she does that on her own time using existing laws. What she is talking about here is rewriting the laws. Members wanted to make sure all of the boards in town were consulted. She agreed that the Zoning Bylaws should be a comprehensive group project.

Chair finds a lot of redundancy in our code. Several members would oppose using town funds to make guides for businesses. Also, not ZBA’s role to authorize rewriting or fund a change; the ZBA is set to follow what is put in front of ZBA. Ms. De La Fuente said goal is to make bylaws legally clearer. The lack of definitions left loopholes. She wants a land use lawyer to take a look at it and close all the gaps. She is presenting this to the Planning Board tomorrow as well. Mr. Turkington advised her to get ZBA feedback. Ms. De La Fuente will email links to zoning bylaws for surrounding towns for members to review.

She was working on clarifying the accessory dwelling bylaw with Kris White, Peter OCain and Elizabeth Ellis. She will be presenting that to the Planning Board too.

Three different ways to fund it per her email from Town Administrator: 1) Kendall Fund specifically set aside for planning purposes for the Town (\$75 k left in it currently); 2) appropriation through capital planning subject to 2022 annual town meeting vote, but may be reluctance because it isn’t a fixed asset 3) a special appropriation from the Finance Committee reserve fund that will be voted on July 12.

Members were good with revamping to make anything clearer.

8:36 PM – 2R-4R General Edwards Hwy/990 Boston Providence Hwy, Case 1845 – Administrative

Mr. Garber moved that the Board authorize the Chairman to endorse the revised plan submitted for the La Quinta hotel, per Mr. Geleman’s email, the Chair noted that there were no changes to the Sharon side of the project and that the town’s engineer has reviewed the revised plan and has no objections. Seconded by Mr. Reef. Unanimous approval, 5-0-0 (Brahmachari, Garber, Weiss, Young, Reef).

8:39 PM -- Minutes:

Chair motioned to approve the June 9, 2021, minutes. Mr. Reef seconded. Unanimous approval, 4-0-0 (Brahmachari, Garber, Young, Reef).

Anticipated Upcoming Meetings: July 14, July 28, August 4, August 25, September 1, September 29

ZBA needs new members. Anyone interested can reach out to the Select Board or Town Administrator's office.

The meeting adjourned at 8:43 PM.

Respectfully submitted.

Approved July 14, 2021