

SHARON ZONING BOARD OF APPEALS MINUTES OF WEDNESDAY, JULY 14, 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, July 14, 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. Sam Reef was not present. Kris White, Building Inspector was not present. Mr. Garber, Chair, read Covid19 protocols per the Governor of MA and procedural ground rules.

7:04 PM –CASE 1879 – 15 Laurel Road – Paul Coles – Continued from June 23, 2021

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

New documentation: Conservation Commission (CC) Order of Conditions (OOC) dated July 13, 2021. Documentation submitted previously: 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.

Chair reviewed OOC.

Paul Coles and Cameron Gray fine with OOC.

Board members are satisfied with OOC.

Mr. Garber made a motion to accept the OOC. Seconded by Abe Brahmachari. Unanimously approved 4-0-0 (Garber, Brahmachari, Weiss, Young).

No abutters commented.

Applicant asked to close case.

Mr. Garber motioned to close Case 1879, 15 Laurel Road. Mr. Brahmachari seconded. Approved by unanimous roll call 4-0-0 (Garber, Brahmachari, Weiss, Young).

Mr. Garber motioned to approve Case 1879, 15 Laurel Road with standard conditions and Conservation Commission (CC) Order of Conditions (OOC) dated July 13, 2021, Bay Colony Group, Inc., Foxborough, MA booklet with a cover letter dated May 10, 2021, application dated May 13, 2021, plot plan by Bay Colony Group dated April 7, 2021, and undated architectural plans. Mr. Brahmachari seconded. Approved by unanimous roll call 3-0-0 (Garber, Brahmachari, Young).

7:19 PM –CASE 1882 – 26 Berkshire Ave – Mark Lovuolo -- New Hearing

Present for the applicant: Mark T. LoVuolo

Documentation submitted: application dated May 18, 2021 and Appendix A dated May 26, 2021; plot plan by Norwood Engineering Company, Inc., Norwood, MA dated November 6, 2015; architectural plans by Hagit Levy, Sharon, MA dated May 31, 2021; and Title 5 Official dated April 19, 2021

Mr. Garber read the legal ad as it appeared in the Times Advocate on June 23, 2021, and June 30, 2021; Board of Health letter from Kevin Davis dated June 8, 2021; and Conservation Commissioner's letter dated May 27, 2021.

Mr. LoVuolo proposed adding a second floor for three bedrooms and then using the first floor for living space. Plans proposed going from a ranch-style to a Cape.

Houses on either side are both ranches. Shadow casting unlikely. Height is going up from approx. 14 feet to approx. 22 feet. There are Capes in the neighborhood. House numbers 16 and 25 are Capes, and one Colonial at 47.

Board members interested in additional graphics of existing houses and of this house that would justify the request for additional height.

This proposal shows a fair amount of attic above, doesn't seem like existing neighbors have that. The applicant stated they are not increasing the height of the first floor at all. The one Colonial on the street #47 is substantially taller. Backyard is to the south. Google Street reviewed for idea of neighborhood.

Marlene Chused, 4 James Road, considered the proposal an improvement to the neighborhood.

House will remain a three bedroom per applicant. Architect said top of roof ridge will be 23 feet 2 inches.

Applicant requested to continue the hearing to July 28, 2021.

Mr. Garber motioned to continue the hearing for Case 1882, 26 Berkshire to July 28, 2021, as requested by the applicant. Mr. Brahmachari seconded the motion. Unanimous vote to approve 4-0-0 (Garber, Brahmachari, Weiss, Young.).

7:55 PM –CASE 1883 – 4 Lee Road – Artur Jorge Cardoso -- New Hearing

Present for the applicant: Artur Jorge Cardoso

Documentation submitted: an application dated May 19, 2021; plot plan by Charrette Land Surveying, Mansfield, MA dated April 12, 2021; and undated architectural plans without architect attribution. Mr. Garber read the legal ad as it appeared in the Times Advocate on June 23, 2021, and June 30, 2021; Board of Health letter from Kevin Davis dated June 8, 2021; and Conservation Commissioner's letter dated May 25, 2021.

Mr. Cardoso sought to convert existing deck/porch to a three-season porch, and relocate stairs that currently face the backyard to the side yard with a side entry. Drawings showed the 13.99 feet is existing deck at 13.99 feet and proposed is coming in to 13.86 feet, so slightly less nonconformity in proposed project.

Board members commented that it's not increasing the nonconformity. If anything the setback is getting better by a fraction. If BOH Agent has no issue, there is no concern about septic.

No abutters were present.

Applicant requested to close the hearing.

Mr. Garber motioned to close Case 1883 4 Lee Road. Seconded by Mr. Weiss. Unanimously approved by roll call, 4-0-0 (Brahmachari, Garber, Weiss, Young).

Mr. Garber motioned to approve Case 1883 4 Lee Road, with standard conditions including a plot plan by Charrette Land Surveying, Mansfield, MA dated April 12, 2021; and undated architectural plans. Mr. Brahmachari seconded. Unanimously approved by roll call 3-0-0 (Garber, Brahmachari, Weiss).

7:14 PM –CASE 1884 – 700 South Main Street – I.D. Sign Group Inc. -- New Hearing

Present for the applicant: Jamie Fisher, ID Sign Group Inc. Mr. Weiss recused himself from the hearing because of a prior relationship with the applicant.

Documentation submitted: an application dated May 20, 2021; sign specifications dated February 16, 2021.

Mr. Garber read the legal ad as it appeared in the Times Advocate on June 23, 2021, and June 30, 2021; Board of Health letter from Kevin Davis dated June 15, 2021, and Conservation Commissioner's letter dated May 25, 2021.

Mr. Fisher showed plans for internally illuminated, 36-inch-diameter rondel with translucent graphics on the face. Illuminated by LEDs. 10.5 square feet in total because sign copy will read "drive up and go" under the rondel. Sign is centralized over some parking stalls and a runner brings the groceries up to the car. Existing Shaw's sign is 67 square feet and below it says Starbucks with 22 square feet sign.

No abutters were present.

Applicant requested to close the hearing.

Mr. Garber motioned to close Case 1884, 700 South Main Street with standard conditions. Seconded by Mr. Brahmachari. Unanimously approved by roll call, 3-0-0 (Brahmachari, Garber, Young) Weiss recused, Reef not present.

Mr. Garber motioned to approve Case 1884, 700 South Main Street with standard conditions per sign specifications dated February 16, 2021. Mr. Brahmachari seconded. Unanimously approved by roll call 3-0-0 (Garber, Brahmachari, Young). Weiss recused, Reef not present.

8:38 PM -- Minutes:

Chair motioned to approve the June 23, 2021, minutes. Mr. Brahmachari seconded. Unanimous approval, 4-0-0 (Brahmachari, Garber, Young, Weiss).

Chair motioned to approve the Executive Session Minutes dated February 26, 2020, regarding the Denny litigation, Case 1844, 40 Harold Street. Mr. Brahmachari seconded. Unanimous approval, 3-0-0). (Garber, Brahmachari, Young).

Chair motioned to approve the Executive Session Minutes dated August 12, 2020, from the Denny litigation, Case 1844, 40 Harold Street Mr. Brahmachari seconded. Unanimous approval, 4-0-0 (Brahmachari, Garber, Young, Weiss).

Chair motioned to approve the Executive Session Minutes regarding the Denny litigation only, Case 1844, 40 Harold Street dated January 13, 2021. Mr. Brahmachari seconded. Unanimous approval, 4-0-0 (Brahmachari, Garber, Young, Weiss).

8:42 PM – Other Business: Appoint members of a Design Review Committee

For Sharon Gallery Site Plan Review, all requirements for Business District D apply -- which means it will be required to be a Major Site Plan Review including Design Review Committee per Sharon Zoning Bylaw Section 6320.

Chair motioned to approve Eli Hauser, Jim Berish, Rob Maidman, Keri Murray, Kim Oliver, and David Hearne to represent a Design Review Committee to advise the ZBA. Mr. Brahmachari seconded. Unanimously approved 4-0-0. (Young, Brahmachari, Garber, Weiss).

8:51 PM –Executive Session

Chair motioned for the Board to go into executive session to discuss litigation on the Library project., Case 1858, 1 School Street. Seconded by Brahmachari. Unanimously approved 4-0-0 (Garber, Brahmachari, Weiss, Young).

Chair announced that following executive session the ZBA will close out the meeting for the evening.

The meeting moved to Executive Session at 8:53 PM.

Respectfully submitted.

Approved: July 28, 2021