

**SHARON ZONING BOARD OF APPEALS
MINUTES OF WEDNESDAY, APRIL 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, April 14, 2021, at 7:00 P.M. The following members were present as established by roll call: Abe Brahmachari, David Young, Sam Reef, Mr. Garber, and Mr. Weiss were present. Mr. Brahmachari reading Covid19 protocols per the Governor of MA and procedural ground rules. Gail Schustek, ZBA Secretary, was not present and minutes were done from recording.

7 PM – 1 School Street, 1858-B, Sharon Public Library

Attorney Richard Gelerman, Gelerman and Cabral, LLC, had two comments to start the meeting:

- 1) He had anticipated library trustees would be filing an application for consideration of a report that came in tonight. The Trustees did not file any documents with the ZBA, so there is nothing the ZBA can act on. The legal ad was published in notice of the meeting in anticipation that there would be an application. The notice was put in first because of serious time constraints including the upcoming town meeting and the Library Trustee's commitments under the grant.
- 2) A written report was anticipated from Anders Dahlgren, Library Planning Associates, Inc., Normal, IL, who was hired solely by the town to provide an outside peer review of library trustees program and the project that came as a result of that. Mr. Gelerman nor the ZBA had received the document yet.

So, because there is no application and no report, there is no ability to proceed tonight. He requested ZBA reschedule hearing for this Tuesday, April 20, 2022, with an executive session to be held at 7 PM and the open meeting to begin at approximately 7:45 PM. The rush is in an effort to get the ZBA's information to the Finance Committee. But, if the ZBA doesn't get the peer review report and/or if Library Trustees do not file, a discussion cannot happen.

Ms. Weinstein, Chair, Sharon Library Trustees, commented that Trustees didn't do an application because they are in litigation, and because MA General Law Chapter 40A Section 16 needs ZBA and Planning Board vote (less one PB member) to open another meeting Ms. Weinstein stated that they cannot put in a new application. Ms. Weinstein urged Mr. Gelerman to speak with her counsel because she is not going to teach him the law. Mr. Gelerman said Ms. Weinstein's representation that she needs to teach him the law is beyond bounds. She agreed she should not have said that and apologized. He will continue to talk to her lawyer, Mr. Winner.

Mr. Reef is against rescheduling the meeting until the library acts and puts something in front of the ZBA. Mr. Gelerman said problem is if it isn't continued tonight to next Tuesday, when and if ZBA gets an application from the library trustees, it is going to be too late for the Finance Committee to make a

recommendation at town meeting. And that is, at the present an important part of this. Mr. Gelerman conceded Mr. Reef may very well be right, but only hope they have to resolve this thing is for the ZBA to look at Dahlgren's report and react to it. If the Library Trustees don't want to come before you, they don't have to. But, Mr. Gelerman would like the opportunity to talk to their counsel about that.

Leslie Amper, 182 Pond Street in Sharon, asked to get a bird's eye view. Mr. Brahmachari said it is up to the applicant to present their case. He cannot go into any kind of suggestion that may not become the final avenue. Mr. Gelerman reiterated the two points he made when the meeting opened as what needs to happen (see 1 and 2 above). Mr. Gelerman added if they don't happen litigation will go forward.

Ms. Weinstein asked Mr. Gelerman if it is possible to continue the hearing to another day? He responded it's possible it can be continued to April 20, 2021, and then to another night. But if it has to wait until April 28, 2021, it puts finance under pressure that they shouldn't be under with Town meeting on May 2, 2021. Ms. Weinstein said Mr. Winner was very adamant that they were not doing another application. Mr. Gelerman said if they leave it to 20th and they haven't worked it out they will either say so on the 20th or put it over to another day. Mr. Gelerman asked the board to vote.

Chair called on Mike Berkeley. How does litigation in MA land court affect the conversation here. Mr. Gelerman said yes, counsel is fully informed on everything that is going on. Mr. Berkeley asked would case need to be remanded back before the court before anything is done? Mr. Gelerman said before it gets remanded there has to be some understanding of what the remand is going to require. We are not there. So, they are proceeding with litigation, discovery was just completed. He understands the Trustees are going to file some re-judgement motion and Mr. Gelerman said he will respond to that. So this doesn't interfere with the litigation. It is a remand vs. an application is another way to proceed, but we haven't made that decision yet.

Mr. Reef is troubled by what he heard from Gordon Gladstone at SSBC meeting last night. It seems that, based on Mr. Gladstone's comments, he had some draft of the peer review. Mr. Gelerman can't comment on that. Mr. Reef noted that Mr. Gladstone was speaking about specifics about what was in that Peer Review at the Standing Building Committee meeting on April 13, 2021. Mr. Gelerman said he had spoken with Mr. Gladstone and he told him the substance of what the peer review expert, Anders Dahlgren, anticipated putting into the draft report. He added that Mr. Gladstone must've thought I actually had a document but I did not.

Board members expressed concern about moving meeting to Tuesday, April 20, 2021. Chair said two options: 1) is executive session only and 2) is exec session followed by general session at 7:45 pm. Vote needs to be voted by majority as an administrative matter, but you limit vote to those voting on this matter (Brahmachari, Garber, Weiss).

Chair wants to be as flexible as possible, so he is fine with continuing on the 20th. Mr. Garber has no concerns and can make the 20th. Mr. Weiss said he will follow Mr. Gelerman's recommendation even though Mr. Reef makes some really good points. Ms. Weinstein stated it's not that they don't want to come before board but rather by advice of counsel that they are not coming before the board. Mr. Weiss wondered if there is a way since Mr. Gelerman is suggesting it.

Mr. Gelerman stated the meeting has to be scheduled tonight so the folks who tuned into this meeting know when it is rescheduled so you don't need to go through the whole notice process again. Ms. Weinstein agreed the continuation would offer flexibility so library trustees can participate in the correct manner.

Ms. Weinstein referenced a letter from Trustees to the ZBA. Mr. Brahmachari stated that the ZBA is not here to speculate, but here to hear cases.

Mr. Brahmachari made a motion to have a ZBA executive session on April 20, 2021, at 7 pm and a general session at 7: 45 PM on April 20, 2021, to hear Case 1858, 1 School Street. Seconded by Mr. Garber. Voted by roll call: 3-0-0 (Brahmachari, Garber, Weiss)

Documents:

- ZBA members received over a dozen emails with majority expressing support for the library project.
- Letter and Zoning Map from Mike Freeman, 66 North Main Street dated April 12, 2021
- Email to ZBA members from Mr. Geleman terminating efforts to acquire the Freeman Property dated 04/15/2021

7:40 PM -- Introduction of Elizabeth Ellis, JD, new Town Planner

Rob Maidman, 52 Wilshire Drive, Chair of the Economic Dev. Committee, member of the Planning Board and active in several other boards in town introduced Elizabeth Ellis, JD as a part-time planner. She is charged with helping the town implement the master plan. A small steering committee will help guide her through the intricacies throughout town. Pasqualino Pannone added that the time line could be two- to twenty-years – beginning process on short, mid, and long term goals.

Ms. Ellis is a BC Law graduate with a masters in urban and environmental policy and planning from Tufts. At Tufts she had opportunity to help the town of Norfolk with their master plan and redevelopment of a former industrial site.

The master plan is available on the town home page: As written it is a living document. Mr. Pannone requested the ZBA select someone who can take an active role to help Elizabeth Ellis champion what the actual goals are. Mr. Garber agreed with Mr. Pannone that ZBA should select a board member to take an active role.

7:47 PM Vote on Minutes:

Mr. Brahmachari made a motion to approve the February 10, 2021 minutes. Mr. Weiss seconded Unanimous approval, 3-0-0 (Weiss, Brahmachari, Young)

Mr. Brahmachari made a motion to approve the March 10, 2021 minutes. Mr. Reef seconded. Unanimous approval, 3-0-0 (Reef, Brahmachari, Young)

Kris White, Building Inspector, welcomed Elizabeth Ellis to Sharon and said if Building Dept. can help in any way, reach out. He added that Peter OCain in Engineering department is a wealth of information too.

It was moved, seconded, and voted to adjourn.

The meeting adjourned at 7:53 PM.

Respectfully submitted.