

SHARON ZONING BOARD OF APPEALS MINUTES OF WEDNESDAY, APRIL 29, 2020

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 29, 2020, at 7:00 P.M. The following members were present as established by roll call: Abe Brahmachari, David Young, Joe Garber, Sam Reef, Steve Weiss and Steve Cohen. Mr. Reef previously recused himself from 144 Old Post Road, Case 1855. Mr. Brahmachari opened meeting noting reasoning for virtual meeting and procedural ground rules.

7:01 PM- Jane & David Sullivan, Case No. 1857, 2 Cow Hill Road – Cont'd Hearing

Present for the applicant were: Nancy Allison, architect, Newbridge Architecture, Sharon, MA; Jane and David Sullivan, applicant. This case was continued from April 22, 2020.

Ms. Allison explained that the sliders in the in-law bedroom and the closet in the former upstairs bedroom which is to be modified to an office alcove in this project have both been removed from the renovation.

The applicant provided the following materials with application: Plot Plan by Charette Land Surveying, Mansfield, MA, dated January 21, 2020, and architectural plans including sheet numbers A-1 thru A-4 by Newbridge Architecture, Sharon, MA dated January 15, 2020.

Also additional/updated documents: new architectural drawing sheet A-0 dated April 29, 2020, by Newbridge Architecture, Sharon, MA. A letter from John Thomas, Conservation Commissioner dated April 27, 2020.

Mr. Brahmachari read a letter from the Conservation Administrator, John Thomas, dated April 27, 2020. The property is a three bedroom and shall remain a three bedroom should be added as a condition of the decision.

No residents wished to comment.

The applicant requested to close the case.

Mr. Brahmachari motioned to close the case. Mr. Garber seconded the motion. Board voted 6-0-0 to close the case (Brahmachari, Garber, Cohen, Weiss, Young, Reef).

Mr. Brahmachari motioned to approve Case Number 1857, 2 Cow Hill Road, based on the architectural drawing A-0 dated April 29, 2020 by Newbridge Architecture, Sharon MA, for the development of a habitable in-law expansion to a structure on a nonconforming lot with one (1) special condition that the three-bedroom property shall remain a three-bedroom property. Mr. Reef seconded the motion. The board approved by unanimously 3-0-0 (Brahmachari, Garber, Cohen).

7:15 P.M. Ninety-Five LLC, 144 Old Post Road, Case No. 1855, Sharon Gallery–Cont’d Hearing

This case was continued by applicant request from March 11, 2020, to April 8, 2020, and then at the ZBA’s request to April 15, 2020, and application’s request to April 29, 2020. Sam Reef recused himself at the initial meeting for this case.

Mr. Brahmachari noted that feedback from the developer regarding a Peer Review conducted by Mr. Houston of PSC was submitted to the town engineer and ZBA on Monday, April 27, 2020, and was uploaded to the ZBA Upcoming Applications page so Board and public could access the documents.

Newly received documents (hard copies being mailed, but currently electronic docs on website) included: sampling of pages 2, 5-7, 9-12 from Site Overview Phase 1 Sharon Gallery by Norwood Engineering originally dated January 14, 2020 and revised January 28, 2020, with pages currently included marked “Progress 4-24-20;” memo from Norwood Engineering, Norwood, MA dated April 24, 2020 with response to comments from PEER review; stormwater discharge reports; KTurner Design, Newburyport, MA landscape plans dated February 18, 2020; and Bayside Engineering traffic control documents.

Also present were Tom Houston, AICP, PE, President, Professional Services Corporation PC, Norwood, MA; Robert Shelmerdine, Esq., Sharon MA, attorney for the applicant; Rich Loeschki, architect, Bignell Watkins Hasser Architects PC, Annapolis, MD; Faik Tugberk, architect, Architects Collaborative Inc., Bethesda, MD; Matt Smith, Rich Hughes, and David Johnson from Norwood Engineering, Norwood, MA; Peter OCain and Erin Hooper, Town of Sharon DPW; Ken Cram, Traffic Engineer Bayside Engineering, and David Spiegel, Ninety-Five LLC, Norwood MA, developer for the project.

Mr. Shelmerdine, attorney for the applicant for the potential 750,000-square-foot Sharon Gallery shopping center stated they have received reports from town engineer, peer review consultant, Design Review Committee, CHA engineer representing a neighbor, and Planning Board. Their response from Norwood Engineering dated April 24, 2020, have been submitted to the Town and included traffic plans, responses from the engineer, and landscape plans.

Matt Smith, Engineer, Norwood Engineering, Norwood, MA said they have revised the layout and site plan and they will be submitting a revised full set (22 pages) of site plans and a full set of drainage calculations going forward. They agreed with almost every one of Mr. Houston’s comments and they will incorporate them into plans. Differences in site plan since last ZBA meeting included elimination of small retail building that was a too close to the wetlands, eliminating the need for that variance for that. Also, a parking area near the apartments will be done during Phase 1 rather than Phase 2 to provide better access to the apartments (building F on plans) and improve site circulation.

Rich Loeschki, architect, Bignell Watkins Hasser Architects, PC, same architectural firm from the first development planning 2008 to 2011, showed renderings labeled ZBA Presentation, April 29, 2020.

Architect said eliminating the 10,000-square-foot building can give more of a village green square idea (buildings C,D,E,F area). He showed a transit stop, a drive through possibility for Building F (apartments building), and enlarged landscaped islands with a crosswalk through the center of the parking area. There are renderings of some outdoor eating spaces, site lighting with LED fixtures, crosswalk planters and pots for landscape. The area where 10,000 sq. ft. building was eliminated became a drop off spot, and also a viewing place overlooking the environmental area.

Faik Tugberk, architect, Architects Collaborative Inc., specialize in residential and mixed use projects, showed slides and said they didn't repeat the "Traditional New England Vernacular", but rather of what he called transitional design that he hopes will show some longevity in terms of scale and proportion.

Design uses cementitious fiber siding board, brick, metal highlights, and other architectural elements they may use for waterproofing. Part of imagery is that brick and siding go in and out of each other to express different scales. Along the sidewalk, light fixtures, benches, trash cans, etc. were incorporated. The residential building becomes a focus because this is a symmetrical building with the main entrance siding coming to the base according to Mr. Tugberk. Masonry building bases are in different colors of grey. Corner module pops up and stands out a little more, and architect said these pieces serve as signals and gateways into the shopping area that is surrounding the parking lot and the port.

Mr. Brahmachari understood that the plan is still in the fine-tuning phase with Mr. OCain and Mr. Houston already making comments on that. Now that they have seen nice architectural presentation, he would like both of the developer's architects to look at Design Review Committee and Planning Board comments. Mr. Brahmachari would like an item by item response for those two reviews for our next meeting.

Mr. Loeschki said one comment from DRC had feedback about LEED requirements. They are not going by LEED, but rather Mass DOER requirements. The high performance building envelopes meet or exceed the MA DOER Requirements. The roof structures will be prepared to accept solar panels among other requirements.

Mr. Shelmerdine said his team needed to step back a bit and reflect on everyone's comments and then would like to meet in four weeks.

Mr. Brahmachari looked thru April 24, 2020, Norwood Engineering comments on the Peer Review from PSC and highlighted the following: Item 3: per irrigation management plan needs to be reviewed and approved by town engineer prior to building permit issuance; Item 4: this needs to be checked before issuance of permit, same for Item 5; Item 10 needs PSC to verify it...

Peter Ocain said things that should be on a plan should not be nailed down as part of the building permit. To wait later means town staff is chasing plans and not ideal from Town Engineer's standpoint, and he doesn't think it is onerous for developer to show bike racks and parking lot striping. The Chair agreed and continued with Item 12 to request a review of the lighting package during an upcoming meeting; and Item 13 to be included prior to building permit issuance; Item 21 fiscal impact memorandum needs to be submitted; Item 22 is that a code requirement? (Mr. OCain offered that he and Bayside engineers have spoken and are aware that Wolomolopoag light would be something the town would like to see.); Item 23 Ken Cram, Bayside and Mr. OCain in discussions regarding this item. Mr. OCain said they know he would like a signal at this location for offsite traffic mitigation signalization of Wolomolopoag Street. Item 26 applicant comment of "New England style" design in DRC. Peter said some of these are taken directly from the regulations, but not something DPW is intent on commenting

on; Item 28 Mr. Brahmachari would like reviewer to add language in the decision; Item 31 should be considered in the drawing or specification.

Peter OCain said the traffic and stormwater can be handled by PSC and the engineers offline and then come back if ZBA agreed. With respect to waste water item, Peter wants specific design for this project. The treatment works are biological systems and they require adequate flow for organisms to function properly, so Mr. OCain would like to see a phasing for these systems that allows for each field to be turned on as the project grows. Mr. OCain expects applicant will need to address these and refile with the DEP; this can be discussed off line. And if this is a multiple year project, he wants bonding for completion of the roadway, not to be negative to the applicant, but there have to be safeguards in place.

Mr. Houston's microphone was not operating when he was asked for comment, so Mr. Brahmachari opened discussion to board members. Mr. Cohen requested view of architectural plans and questioned approach to Market Basket from the side. David Spiegel said the configuration is how Market Basket specified the building should sit on the property. They will have signage on south side of building and pile-on signage on I95. Mr. Spiegel defined 25,000 square feet of discount retail and said an example would be like a TJ Maxx. Mr. Spiegel said he doesn't believe a dollar store would be appropriate for this complex. Mr. Cohen wondered whether the area along the stretch of road leading up to the entrance into the Sharon Gallery could be enhanced with trails and/or paths for green space, but as Mr. Spiegel pointed out, the developer does not own that land.

Mr. Brahmachari wants to remind applicant to have DRC comments sent to the architects to respond to DRC comments. Mr. Young said he agrees with waiting until applicant gets back to DRC before commenting, except he asked if developer has no tenant does builder build or not until they have tenants? Mr. Spiegel said buildings have flexibility for doctor office, dentist office, attorney, small food retainer, but large box stores like anticipated in 2008 are no longer viable. They will do the paving, but not building the buildings until they have contracts.

The two buildings architects have designed for is 24,000 retail sq. ft. with small retail under the 24 apartments (building F) and Market Basket (building A). All the other buildings are awaiting progress until there are other tenants. Mr. Young asked what happens if 6 years from now they don't need shopping center, but maybe they need recreational space, and is it an option? Developer said parking layout and overall symmetry are flexible. Buildings that are across from Building F would most likely be built up once F is rented. It would most likely fill up with dry cleaners, small restaurants supported also by apartments at Old Post Road. Mr. Young would also like to hear back on list of comments the Design Review Committee comments. Sam Reef recused himself from this case at the March 11, 2020 meeting and had no comments.

Kelly Killeen, PE, CHA representing BAC Whitefield, Sharon LLC apartment building at 135 Old Post Road did get to look at the package that was submitted by developer on Monday and the comments from Mr. OCain, that were submitted today. He requested to receive the next submittal from the developer. Mr. Killeen offered comments on document with revised site plan called architect's presentation including: request for variance for parking and layout for parking here still encroaches within the required setback and Mr. Killeen asked if they are laying the parking lot out again, why would they need that variance; also noted that any landscaping within that 20-foot required buffer certainly help us; queue line for Building C pharmacy also looks to encroach into that as well; now five entrances to the site and they want to know if exit will not be allowed here to reduce glare; revised layout pedestrian link to Old Post Road is missing sidewalk, crosswalk, anything for 192-units walking access to the site; lastly, he

requested an update with the status with MA DOT. Killeen filed for their entrance and would like the developer's engineers to provide comment to that.

Mr. OCain said Ken Cram at Bayside is handling the MA DOT filing. There was a question whether their filing followed the proposed contours of the roadway. CHA and Mass DOT had meetings on the temporary entrance that was proposed. Mr. Brahmachari encouraged applicant, specifically Norwood Engineering, to respond to those comments. Mr. Shelmerdine said they recorded the comments and if there is something they can do, they will.

Scott Hickey, 145 Old Post Road, expressed concern about access to his site and he wants to make sure there is a curb cut from the circle. Mr. Cram said original plans show a curb cut across from the original curb cut for 145 old post road. Mr. Hickey doesn't believe that is correct because there is an easement from 135 to 145. Mr. Cram said plan shows direct curb cut right from roundabout itself. Mr. Hickey wondered when it would be finished so they can access lot, and Mr. Shelmerdine said he will speak to team and get back to Mr. Hickey.

Richard Vazza, manager of apartment development at the Sharon Residences and a proponent of the Sharon Gallery said they are getting close to opening their facility. They do not have adequate access to the site. Per a 2007 memorandum, the mall developer is to provide that road. Mr. Vazza would like to have the development agreement for what is supposed to be provided for this site and how the road is going to be completed or not be completed, but not left at 80 percent complete. There has been no dialogue since the last meeting and he wants to make sure they are not waiting for one year or two years. Mr. Spiegel said they have an understanding that the residential developer was taking care of access to Sharon Residences development. If the developer doesn't finish the road, and the Sharon gallery developer will finish the road Mr. Spiegel said. Town engineer said he, Mr. Vazza, and Mr. Spiegel can take it offline with a virtual meeting. He apologized for delay in getting documents and will be in touch shortly. Mr. OCain also noted that except for a few hundred feet of road, there are two layers of binder and during construction the road will get a lot of wear due to heavy truck traffic.

Mr. Shelmerdine asked for a continuance to May 27, 2020. There may be other relief they need, an additional filing.

Mr. Brahmachari would like responses line by line similar to the Peer Review comments for both the Design Review Committee comments and the Planning Board comments either by Norwood Engineering or by the architects who are involved.

Mr. Houston commented that the stormwater design is governed by a number of town and state regulations and generally the design that has been submitted complies with the town and state requirements. The plan view that was submitted that has the stormwater collection and treatment system generally does comply with regulation and standard engineering practice. The calculations that were initially submitted were the core of what is required. One outstanding item is additional soil testing to confirm the design. Traffic meets fundamental requirements. Bayside has complicated but effective coordinated signal system. Mr. Houston is satisfied with the responses they received on Peer review and expected to have lingering questions resolved.

Mr. Brahmachari thinks comments from Killeen are all good comments and he would like Norwood Eng. To respond. Bob said they will take comments into consideration and if there are things they can do they will.

Mr. Houston gave highlight of responses he has received:

Stormwater #3602 design governed by 8:30 Blah all in all

Mr. Brahmachari asked for other comments.

David Hearne, 76 Brook Street, and a member of DRC for Sharon Gallery, asked about plans to review traffic in the shopping center itself since access and circulation are major consideration in site plan review process. Tom Houston said access and circulation of traffic is a legitimate consideration of the ZBA in major site plan review process. If there are particular concerns, Mr. Houston said he and the applicant's engineers can look at the adequacy of what is being provided for onsite circulation. A peer review for this would need to be requested by the Board. Mr. Hearne wondered what documentation applicant can provide regarding general traffic flow concerns within the development.

Mr. Heane's on-site circulation and traffic access concerns are: 1) on the Sharon Gallery plan the length of the two lane road from the back driveway to Whitney Place until you get to the rotary is an extended flow of single lane traffic in each direction and he wonders about the loading of traffic there 2) new plan seems to bottleneck very quickly to the north of building F heading towards the hotel 3) Market Basket layout done specifically by the retailer requires tractor trailers to make the egress around the rear left side of that building to get to that loading dock. It means they are traveling through the main parking lot in tight spaces with tight turns.

Tom Houston said capacity of a two lane road in Old Post Road is more than adequate to carry the traffic that will be generated by the project without any congestion on that road. The length of the lanes away from the intersection of south main street has the strip there so there will be a dual left turn lane coming from I95 turning left onto old post road. But, those two lanes only need to be long enough to merge those two lanes into one. Houston believes design on the way to the site is adequate. Mr. Hearne understood that two-lane road can handle 1800 or 1900 cars per hour without trouble, but he doesn't see the spacing for even a left hand turn lane. If someone is making a left hand turn someone is backing up behind them. If someone is coming up to that rotary, traffic is backing up behind them.

Mr. Hearne wondered about the internal flows for the site. Also, how many cars will come from that hotel per day/ per hour. Ken Cram looked at Old Post Road and Mr. Houston is correct the road has the capacity to handle the traffic. Mr. Cram said they will submit analysis of the driveways showing minimal queuing going into the site, may have a car or two waiting to leave the site. Typically, you find these "spine" type of roads from the roundabout to Building I because a wider lane will cause traffic to speed up, so newly proposed design is adequate to concept of acceptance into the community. The driveways break up the traffic per Mr. Cram and they can provide a memo summarizing their review.

Mr. Garber requested a drawing showing the entrance to the development. Mr. OCain said they have a Seventy-five Percent plan, eight Traffic Control Sheets from Bayside Engineering.

Mr. Killeen would like to know if a truck traffic circulation plan will be provided? Mr. Cram said they ran how truck traffic will work for an earlier site plan version and discussed with Market Basket designer, and the trucks won't travel in front of market basket but rather to the northeast, make a left at the discount retailer building and go to the back of the site to one set of loading doors. Otherwise they can come into the service road and leave the same way. For furthest doors they would turn right away from the building and use the spine road west of building B and exit there. Or, from others, shoot down service entrance road and out. Mr. OCain asked for turning radius report for CHA and the Town.

Mr. Crum said the other buildings will be small retail buildings with SU 30 or SU 40 trucks for deliveries, not tractor trailer trucks. Mr. OCain definitely wants crosswalks from apartments in the area to the shopping mall. Mr. Shelmerdine said they would look into it.

Motion to continue the Case 1855, 144 Old Post Road, Sharon Gallery to May 27, 2020, at 7 pm. Mr. Garber seconded. Board voted to approve 5-0-0 (Brahmachari, Garber, Cohen, Weiss, Young). Mr. Reef recused.

Motion to approve the minutes for ZBA meetings on April 15, 2020, and April 22, 2020. Seconded by Mr. Garber. Board voted to approve unanimously 5-0-0 (Brahmachari, Cohen, Weiss, Garber, Young, Reef).

It was moved, seconded, and voted to adjourn.

The meeting adjourned at 9:07 P.M.

Respectfully submitted

Approved May 13, 2020