



## **ZBA CASE #1858 - 1 SCHOOL STREET LIBRARY**

### **TABLE OF CONTENTS**

- 1. Addendum to the 1 School Street ZBA Application (Pages 1 to 3)**
  - a. Appendix A (Pages 4 to 5)**
  - b. Appendix B (Pages 6 to 8)**
- 2. Plan B Diagram (Page C-1)**
- 3. Water Resource Protection District Memorandum (Pages 1 to 6)**
- 4. Zoning Table (Page 1)**
- 5. Responses from 5/20/2020 ZBA Hearing (Pages 1 to 7)**
- 6. Neighborhood Concerns List (Pages 1 to 6)**

## **ZBA CASE #1858 - 1 SCHOOL STREET LIBRARY**

1. Addendum to the 1 School Street ZBA Application (Pages 1 to 3)
  - a. Appendix A (Pages 4 to 5)
  - b. Appendix B (Pages 6 to 8)



June 1, 2020

Dear Zoning Board of Appeals Members,

This addendum to the application is in two parts.

1. A special permit request under 4540 or exemption under 4521.  
All documents relating to that are in Appendix A and the attached Memorandum.

If the special permit or exemption is granted, then please review:

2. Attached chart and Appendix B.

In accordance with the letter by the Zoning Board's attorney, variances may be granted under MGL Chapter 40A section 3 per the following:

*"No zoning ordinance or by-law shall regulate or restrict the interior area of a single family residential building nor shall any such ordinance or by-law prohibit, regulate or restrict the use of land or structures for religious purposes or for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements."*

The IRS designation for a library can be seen in IRS Pub4838

Under Code B for Education the following are listed:

*Elementary, Secondary Education, K – 12; Kindergarten, Preschool, Nursery School, Early Admissions; Primary, Elementary Schools; Secondary, High School; Specialized Education Institutions; Vocational, Technical Schools; Higher Education Institutions; **Libraries**; Student Services; Organizations of Students; Alumni Associations; and others.*

Special permit and variances granted under MGL Chapter 40A will ensure that precedence is not set in the Town of Sharon for granting variances in residential districts for any type of building. It continues to restrict such variances to religious or educational purposes. This will maintain Sharon's unique integrity regarding zoning and the residential nature of the Town.

Moreover, per Attorney Gelerman's letter "Minimum lot size within groundwater protection district §4533: Because the lot itself is undersized, regardless of what use is proposed, any new construction or significant addition to the Property would require a special permit." This would be considered an existing conditions non-conforming condition.

If a Special Permit is not granted, the requirements of §4500 will also lead to:

- Loss of state grant
- Loss to taxpayers of approximately \$1 million plus interest on 1.7 mil.

- No new library for Sharon as voted at the May 2019 Town Meeting.

A library building can be built with a special permit but without variances as shown in the Plan B attachment. That building, however, would not be as designed - inspired by the original historic 1 School Street School as requested by the Historic Commission and Select Board. It would be essentially the same square footage as the submitted plan, but a smaller footprint with a full basement and would be 10 feet from the adjoining neighbors' lot line. The additional cost of the redesign would be similar to the costs spent to date (approx. \$1 mil) and the approx. \$1 mil spent to date would be wasted.

We hope that with your help we will have a new library for Sharon in keeping with the nature of our historic downtown and the homes surrounding 1 School Street.

Sincerely,

Cheryl Weinstein, Chair, on behalf of the Board of Library Trustees

**Variance Request Table**

<b>Zoning Bylaw Section</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Relief Requested</b>
Minimum front yard 2434	(1) 70' from North Main Street Centerline (2) 50' from School Street Centerline	52' +/-  30' +/-	Variance 6222
Percent of lot coverage per Residential District B 2433	25%	32% - an increase of 7 percentage points. Note: Impervious materials on site covers 33% of the lot. This is an increase of 18 percentage points or 120% over the 15% requirement. (does not meet requirements to exempt from groundwater protection.)	Variance 6222

## APPENDIX A

### SPECIAL PERMIT CONDITIONS AND WORKSHEET

1. That the use is in harmony with the general purpose and intent of the bylaw.

Whereas the intent and purpose of the groundwater bylaw is “ *a preventative measure for the purpose of preserving and protecting the Town's drinking water resources from discharges of pollutants and minimizing the risk to public health and the environment of the Town due to such discharge*”, the stormwater mitigation and septic system design is designed to meet and exceed town and state regulations to support the library development in accordance with the provisions set forth in the bylaw, A drainage report and an engineering memorandum within this document has been provided specifically outlining how the design meets the intent of the bylaw during and after construction .

2. That the use is in an appropriate location and is not detrimental to the neighborhood and does not significantly alter the character of the zoning district:

The town zoning regulations specifically allow this community service use on this site. The location has historically been a municipal building since the 1800's, mostly used for education, therefore, the use as a library (educational use) is appropriate. Additionally, the center of Town location was one which was particularly desired by Townspeople during the creation of the building program. Moreover, an average of approximately 25% of people bike or walk to the library, making this an ideal location. The location is only one block from the current location of the Library. The building has been designed specifically to preserve the character and original intent of the neighborhood and location by designing the front of the building with the look of the original School St. building and the remainder of the building is in keeping with the character of the neighborhood and the center of Town. Moreover, the current building provides adjoining neighbors with water run-off that floods their yards. The new building will contain that run-off and will improve the neighbors' property.

3. Adequate and appropriate facilities will be provided for the proper operation of the proposed use:

The facility for the proposed use and operation as a library has been fully vetted by the Massachusetts Board of Library Trustees and the Sharon Library Board of Trustees. Additional details about the facilities are outlined in the attached memorandum. The site provides adequate access, parking, utilities and landscaping that are appropriate for the allowed and intended municipal use.

4. That the proposed use would not be detrimental or offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials, visual or other nuisances:

The building will be no higher than any building that could be built by right on this location. A library is not a loud use of a municipal property and is quieter than others which may have machinery, playgrounds, smoke and other annoyances associated with public spaces. Furthermore, the Trustees have deemed that no program may go beyond 9:00 p.m. on the three days a week the library is open until 8:00 p.m. This is only for community room programming, not for any other spaces in the library, and only occurs if a program needs to go past 8:00, it is not standard. This timeframe was determined in discussions with the neighborhood with a further codicil that no persons may remain on the premises past 9:30 p.m. The applicant has taken measures to ensure that lighting does not reflect or illuminate any areas outside of the property including car headlights, and has additionally located the building as far away from neighboring homes as possible while

leaving what the applicant feels are sufficient setbacks from streets. Landscaping and fencing has been thoughtfully designed along all the parking areas. Enclosures and screening have been designed around the dumpster and other above ground utilities. The transformer has been moved away from view which normally would be at the street entrance. There are no outdoor activities programmed into the design.

5. That the proposed use would not cause undue traffic congestion in the immediate area:

No undue traffic congestion in the immediate area was concluded by the project's traffic consultant and the traffic report. The traffic for the Pleasant St/School St intersection has been studied and concluded to continue to remain at an "A" rating. The traffic through the center of Town remained acceptable. The site circulation through the site was made one way for ease and to avoid conflict on and off the site.

## APPENDIX B

### VARIANCE CONDITIONS AND WORKSHEET

1. The Variance must be with respect to particular land or structures.

Parcel of Land: 1 School Street

Structures: New Public Library

2. There must be circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located:

The shape of the structure was defined by the Historic Commission and the Select Board to conform with the historic nature of the area and to have a look of the historic building formerly located there. The building shape was also created to complement the neighborhood. A variance is required to accommodate this shape. A less pleasing and less historically sympathetic shape can be achieved without any variances, with additional costs, and the loss of the taxpayer money spent to date. Although a library can be constructed within the property and setback requirements of the zoning and 25% building coverage of the zone, the resulting building would not serve the community in the most effective way as the current design and would result in a much less desirable program. Plan B has been provided to show the feasibility of a zoning compliant building program.

3. Literal enforcement of the provisions of the bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant.

A literal enforcement of the bylaw would result in a hardship to the Town as the building would need to be fully redesigned, a cost close to what has already been spent. The redesign would take 10-12 months and there may be escalation costs associated with the delay. The Townspeople would also have spent approx. \$1 million with nothing to show for it. A redesigned building footprint would be smaller and include a full basement area not ideal for public library use, but the entire building would appear larger due to the shape required to accommodate the library building program. The building would need to be as close as 10 feet to neighboring residential lots. Townspeople and abutters may feel that these hardships warrant the variances.

The library building may not be smaller than the Library Building Program, or the Town will lose the grant, and will be required to pay back the money spent to date plus interest on \$1.7 mil.

Additionally, a library smaller than the building program would not be considered a fully functioning 21<sup>st</sup> century library. It is highly unlikely a fully functioning library for Sharon would ever be much smaller than currently designed since in 1978, the size per the population at that time for a design at the Wilbur School was a library of 25,000 sq. ft.

The library building may not be built in an alternate location or the Town will lose the grant.

Moreover, based on past studies and exploratory efforts, there are no alternate municipal locations available. Substantial funding would be required to purchase land - either land for sale (if any appropriate) or by eminent domain.

4. Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such bylaw.

Relief would be:

The purpose of the bylaw appears to be conformity. The proposed building would conform to the character of the neighborhood with an understanding that this site already has a municipal building with a history of longevity, purpose and zoning inclusion and the design of this building is based on



the original historic looking building. Additionally, 52 feet of frontage allows for a pleasing garden facing Main Street and is not unusual in the underlying district in other nearby parcels. Moreover that under MGL Chapter 40A the size and setbacks are reasonable.

Detriments would be:

A literal enforcement of the bylaw with respect to setbacks and lot coverage would result in a similar sized building appearing more massive, closer to abutters, and with added cost to the town.

The setback relief reduces the setback to the public right of way by approximately 20 feet closer to the road while providing more setback to abutting properties to their rear and sides.

Is it substantial

The detriments do not impact the ability of the Townspeople to enjoy a library which suits the needs and size of the Town. However, it will detract from the pleasing character of the Town center and will be located closer to adjoining abutters. Moreover, the additional cost is substantial.

Intent or purpose of bylaw section?

The intent of the setback and building coverage is to provide cohesive balance for developments. Because the site is a corner lot, it is burdened with two front yard setbacks which are more restrictive than back yard setbacks. As a result, to conform to zoning, it forces a larger building to be away from the road and back towards the neighboring properties and loses that balance. This is the detriment to pushing the building to 10 feet from abutting properties. Providing more distance to the sidelines and splitting the difference to balance the site on the corner achieves cohesive balance without a detriment to any one abutter.

Will the variance mollify intent or purpose above?

No. The Library is not a residential use but would be located in an otherwise residential neighborhood. In terms of services, materials, scale, and character, it is an essential and beneficial use in the community; therefore the effect on the neighborhood is substantially outweighed by the benefit to the Town and community in general. This reasoning can be understood with other municipal uses abutting residential uses in the same allowed zone. Recently the police, fire and DPW development of 10 acres abutting single family homes is an example.

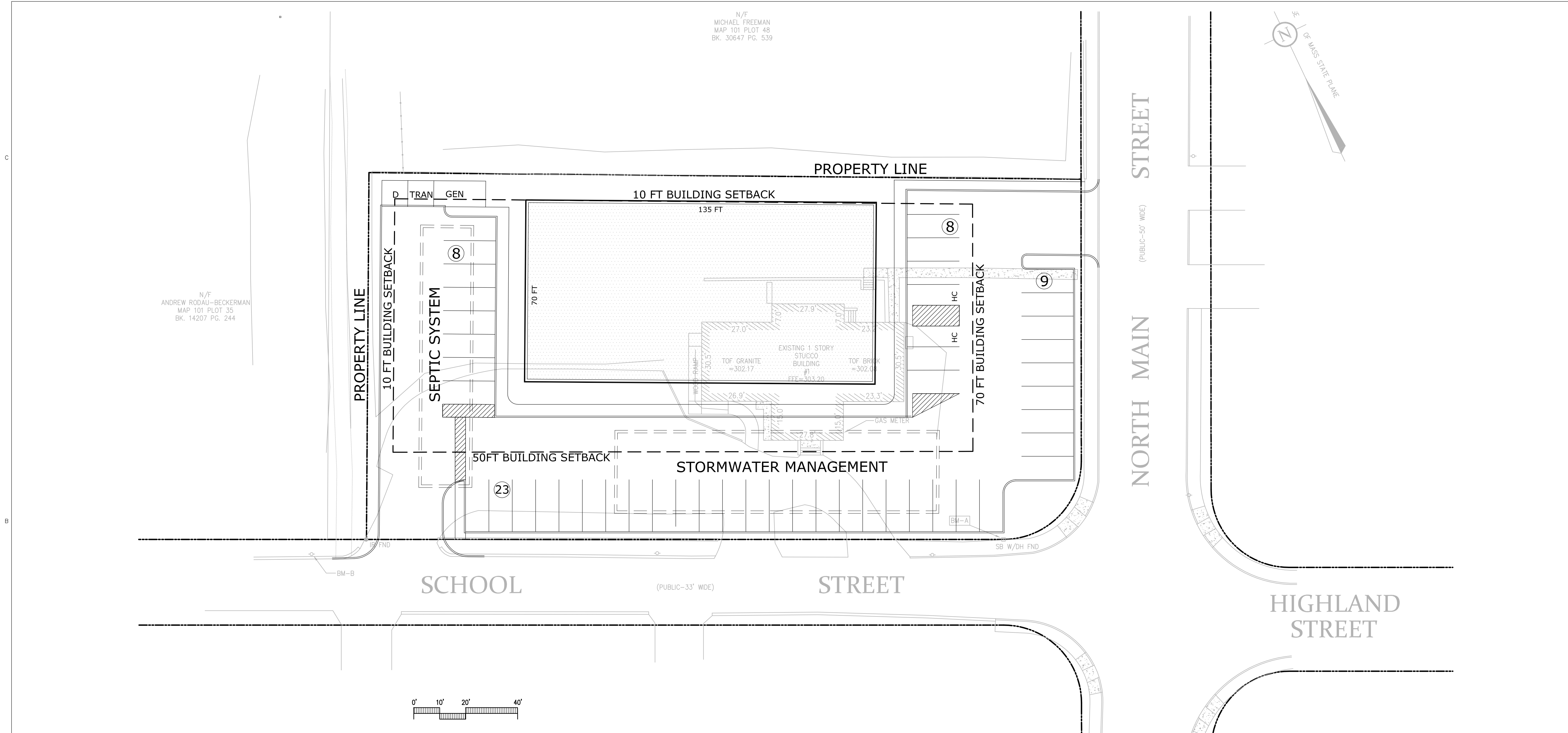
Is there any substantial derogating, (Lessening) of the intent or purpose; and if so, what is it?

This process began many years ago and has worked its way through concept, several rounds of funding, overwhelming town meeting support, a year of professional design and public process with many boards and committees. If there was another site available, the project would have explored that but it is clear, that is not the case. The building program is responsive to need and population. The site has been designed as sensitive as possible and continues to be tweaked as a result of suggestions encountered along the process. It is not possible to reduce the coverage below 15% and as a result, extraordinary measures were implemented to provide extraordinary stormwater recharge. The siting of the building is a result of thoughtful designing by several boards and committees throughout town and implemented by architects and engineers. As stated above, the site allows municipal and institutional uses and it has been used in this manner for generations. Extraordinary effort has gone into this plan by the community and it is felt by the project team that this is the best and most efficient use of the property to meet the overwhelming needs of the community for a library. The project team does not take the concerns of the abutters lightly and

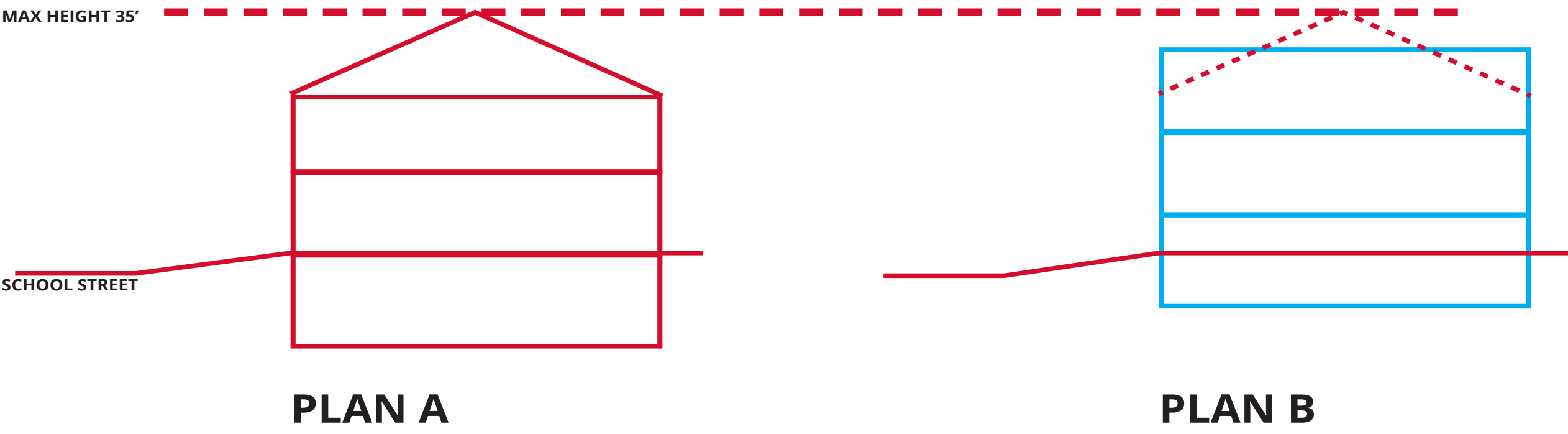
have worked very hard with the project design to provide a project with the least impact. As a result, variances are being requested to provide the required building program in an aesthetically pleasing manner with respect to building, site, setbacks to abutters and overall town investment for future generations.

## **ZBA CASE #1858 - 1 SCHOOL STREET LIBRARY**

### **2. Plan B Diagram (Page C-1)**



ZONING TABLE (ASSESOR MAP 101 PLOT 47)				
Zone: Single Residential District B				
Zone: Groundwater Protection District				
Use: Municipal Public Library				
	EXISTING	REQUIRED	PROPOSED	STATUS
Zoning:Single Residential District B				
MINIMUM LOT SIZE	38,293 SF	20,000 SF	NO CHANGE	CONFORMS
CONTINUOUS FRONTAGE	401 FT	66'-8"	NO CHANGE	CONFORMS
LOT WIDTH	274 FT	100'	NO CHANGE	CONFORMS
MINIMUM FRONT YARD	95 FT	70 FT FROM N. MAIN ST CENTERLINE	108 FT	CONFORMS
	54 FT	50 FT FROM SCHOOL STREET CENTERLINE	75 FT	CONFORMS
MINIMUM SIDE YARD	49 FT	10 FT FROM NORTH PROPERTY LINE	10 FT	CONFORMS
	128 FT	10 FT FROM WEST PROPERTY LINE	60 FT	CONFORMS
MINIMUM REAR YARD	NONE	10'	NO CHANGE	NOT APPLICABLE
% BUILDING COVERAGE	8%	25%	25%	CONFORMS
MAXIMUM BLDG HEIGHT	TBD	35' AND 2.5 STORIES	35' AND 2.5 STORIES	CONFORMS
PARKING		1 SPACE PER 600 GSF FOR RELIGIOUS AND PUBLIC EDUCATION INSTITUTIONS		
	21 SPACES	28,350+/-) SF X (1 SP/600 SF) = 48 SPACES	48 SPACES	CONFORMS
Special Petmit: Groundwater Protection District				
MINIMUM LOT SIZE	38,293 SF	60,000 SF/DWELLING UNIT	NO CHANGE	EXISTING: NO CHANGE
% LOT COVERAGE	33%	15%	81%	REQUIRES SP PERMIT
NATURAL VEGETATION	0%	40% MINIMUM	NO CHANGE	EXISTING: NO CHANGE
SEPTIC FLOW	TBD	6 GPD / 1,000 SFT LOT AREA 6 GPD X 38,293K SFT= 230 GPD	1,281 GPD	REQUIRES SP PERMIT



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FEASIBILITY STUDY  
SHARON PUBLIC LIBRARY  
1 SCHOOL STREET  
SHARON, MA

REVISIONS  
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CONFORMING LAYOUT PLAN

5/29/20  
C-1

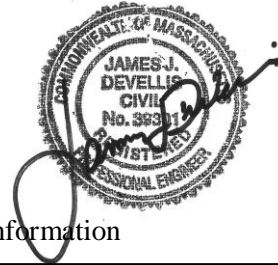
**ZBA CASE #1858 - 1 SCHOOL STREET LIBRARY**

- 3. Water Resource Protection District Memorandum (Pages 1 to 6)**



## MEMORANDUM

**Date:** May 29, 2020  
**To:** Town of Sharon Zoning Board of Appeals  
**Prepared By:** James J. DeVellis, PE  
**Project:** Sharon Public Library  
Water Resources Protection District Special Permit Information



In accordance with the current Special Permit application, this memorandum supplements the submission documents for the Sharon Public Library under current review for the Special Permit consideration.

The supplemental information is for consideration related to the Groundwater Protection District.

**Section 4532 Special permit uses: Within the Water Resources Protection District, the following uses are prohibited unless a special permit is granted by the Board of Appeals**

**d). Sewage generation exceeding six gallons per day per 1,000 square feet of lot area.** The site is 38,293 square feet. Six gallons per day per 1,000 square feet of 38,293 square feet equals 230 gallons per day.

Although not anticipated, the septic system has been designed per request of the town for the full 427 person occupancy each and every day, similar to a shopping mall providing spaces for the peak holiday parking demand needed only for a short time during the holidays all year long. In other words, it has been designed for the library to be filled to capacity every day and using the toilets.

The sewage generation design is 1,281 gallons per day.

**Section 4533 Minimum Lot Area: Groundwater Resources Protection District = 60,000 square feet**

The site is 38,293 square feet. Although the site exceeds the underlying zoning of 20,000 square feet, it is less than the 60,000 square feet (1.4 acres). The project is not changing the lot area resulting in an existing non-conforming lot size for the existing and proposed building. This is the situation for many of the lots in this immediate area which are below the 60,000 square foot area requirement.

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**Section 4534 Stormwater Management. Site shall comply with the provisions of the Stormwater Discharges Generated by Construction Activity General Bylaw of the Town and Mass DEP Stormwater Management Policy.**

The project has been designed to exceed the local and state stormwater regulations stated above. Specifically, the DEP stormwater regulations require a redevelopment project to meet current requirements to the extent practicable and this project exceeds every requirement for new development. Under the Town of Sharon requirements, the proposed stormwater runoff must match the peak rate of the 10-year storm runoff event storm event and the volume for the 1-year storm event. In both cases, the system has been designed to capture, treat and infiltrate on-site the 100-year storm event with virtually nothing leaving the site. Under current conditions, the existing building and pavement runoff leaves the site uncontrolled. The proposed stormwater system provides water quality catch basins and collects all of the runoff and recharges it into the ground for all storms up to and including the 100-year, 7-inch rainfall event. Under the town guidelines, the requirement is only for the 1-year volume and 10-year rate. The design provides extensive groundwater recharge above current regulations.

**Section 4535 Impervious Materials Coverage. Except by special permit from the Board of Appeals, impervious coverage shall not cover more than 15% of the lot. In evaluating a special permit for an increase in the total volume of stormwater runoff for the one-year frequency storm event will be recharged on site.**

Existing impervious coverage is 33% of the lot. Impervious coverage of 74% is proposed.

A 15 % lot coverage equates to 5,744 square feet which is not practical for most all allowed municipal uses. For a library, neither the building nor the parking would be able to comply with 15% coverage without a Special Permit as is the case for past projects. As

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the intent of the coverage restriction is to provide groundwater infiltration, while evaluating the restriction over the surrounding areas and past projects, it is understood that 15% coverage over a lot is restrictive enough that the provision to allow an increase is allowed conditionally on providing increased infiltration referencing a 1-year storm event. Although requiring and measuring for 1-year storm event equating to about an inch, this project evaluates all additional storms from a 2-year (3.4 inches) to a 100-year (7 inches) and infiltrates all of them completely on site and allows relatively nothing off site even though there is considerable runoff now under existing conditions.

**Section 4540 Special granting authority. A special permit shall be granted if the Board of Appeals determines after review and recommendation by other Town agencies that the intent of this bylaw are met. In making such determination the Board of Appeals shall give consideration to simplicity, reliability and feasibility of the control measures proposed and the degree of threat to water quality posed by potential failure of any proposed measures.**

The intent and purpose of the bylaw (4510 Purpose) is to protect the public health by preventing degradation of the groundwater. To this end, the following summarizes the measures to provide protection in a controlled and simple manner appropriate for a municipal project.

**Stormwater:** System has been conservatively over designed to decrease the runoff leaving a municipal facility (roof and municipal parking lot) currently that has no mitigation for water quality or quantity. The proposed system provides complete recharge for a 100-year storm event and reduces the runoff 95%, allowing only a strip of grass along the public right of way. Reference drainage report table below.

<b><u>PEAK RATE</u> of Runoff Leaving the Site:</b>								
Location	2-Yr Storm		10-Yr Storm		25-Yr Storm		100-Yr Storm	
	Exist (cfs)	Prop (cfs)	Exist (cfs)	Prop (cfs)	Exist (cfs)	Prop (cfs)	Exist (cfs)	Prop (cfs)
DP-1	1.07	0.04	1.78	0.07	2.18	0.09	2.90	0.13
DP-2	1.26	0.08	1.87	0.15	2.21	0.20	2.81	0.28
This represents approximately a 95% reduction in the runoff rate leaving the site								
<b><u>VOLUME</u> of Runoff Leaving the Site:</b>								
Location	2-Yr Storm		10-Yr Storm		25-Yr Storm		100-Yr Storm	
	Exist (ac ft)	Prop (ac ft)	Exist (ac ft)	Prop (ac ft)	Exist (ac ft)	Prop (ac ft)	Exist (ac ft)	Prop (ac ft)
DP-1	0.078	0.003	0.130	0.005	0.161	0.007	0.216	0.009
DP-2	0.081	0.006	0.123	0.011	0.147	0.014	0.189	0.020
This represents approximately a 95% reduction in the runoff volume leaving the site								

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**Stormwater System Maintenance:** Regarding simplicity and reliability, an Operation and Maintenance Plan has been detailed and provided to the town in the drainage report that details maintenance during construction and well after construction to assure longevity. The system is specifically designed with ease of use, easily understood and with minimal cost to maintain. Reference Operation and Maintenance section of the drainage report regarding description of system, schedule and anticipated cost to maintain in terms that are easily understood and practical.

**Septic System:** Regarding simplicity and reliability, the septic system is a proven system that is comprised of a concrete septic tank, a concrete distribution box and leaching area comprised of perforated PVC pipe and stone. The system is a gravity system with no pumping required.

It meets the (Title V) Massachusetts 310 CMR 15.000 State Environmental Code, Title 5: Standard requirements for the siting, construction, inspection, upgrade and expansion of on-site sewage treatment and disposal systems and for the transport and disposal of septage and the Sharon BOH requirements for Subsurface Disposal of Sanitary Sewage of the Regulations with no variances.

The septic tank and leaching system exceeds the setback requirements from the building and the property lines.

Groundwater Separation and Percolation Rate are exceeded. The bottom of the designed leaching system is 7 feet above anticipated groundwater. This separation exceeds the separation requirements of 4 feet separation per Title V and the 5 feet separation per Sharon BOH.

The soil was tested and has a percolation rate of 2 minutes per inch for Title V design purposes. Sharon BOH exceeds Title V minimum standards with a requirement to use a minimum of 6 minutes per inch. The system was designed using the slower soil percolation rate which provides a safety factor of 3 by using a slower percolation rate than the soil actually has.

Soil testing was performed by a licensed soil evaluator and system designer and inspected by the Sharon BOH.

The estimated design flow is based on the building being fully occupied by 427 people every day. Full occupancy of 427 people using 3 gallons of water per each person produced an estimated 1,281 gallons per day of septic flow. Although Title V is different from building code estimates, the firm of Robt. W. Hall Consulting Engineers, Inc. performed an independent analysis in March 2020 and estimated the library water usage (and resultant septic flow) at 612.8 gallons per day (engineering letter attached for reference). The Title V design estimate of 1,281 gallons per day is greater than the 612.8 gallons per day estimate of water use calculated by Robt. W. Hall Consulting Engineers, Inc. by a factor of 2.

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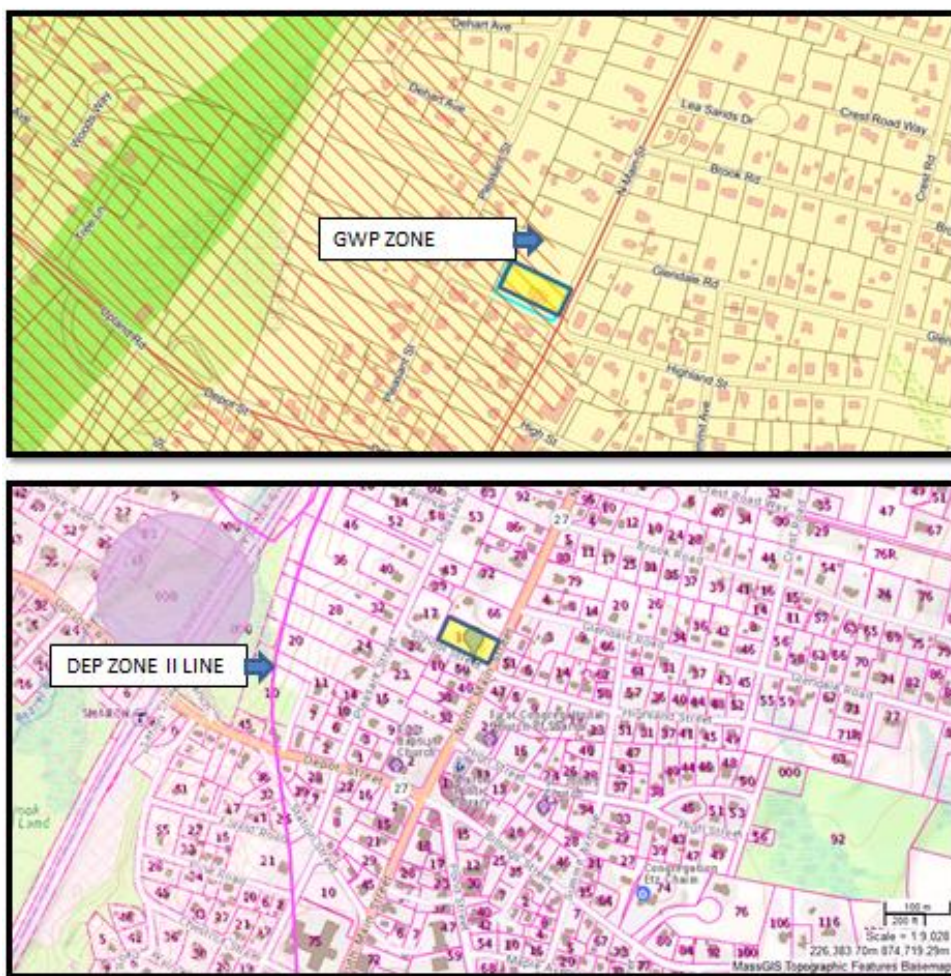
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The stated purpose of Title V, 310 CMR 15.000 is “to provide for the protection of public health, safety, welfare and the environment by requiring the proper siting, construction, upgrade, and maintenance of on-site sewage disposal systems and appropriate means of the transport and disposal of septage”

Based on the above referenced regulatory requirements, soil testing and design it is our professional opinion that the project will have no adverse impact on the groundwater under the site or on the flow from the site.

Although the site is on the extreme outer limits of town’s overlay watershed protection district as the last parcel in that district, it is well outside of any Zone I or Zone II protection zones which would necessitate secondary treatment. As the site is over 800 feet away from any state restrictive zone to public water supply, at the extreme limits of the town zone, designed to exceed groundwater separation requirements, designed with slower percolation rates than field measured resulting in a larger leaching area footprint, designed to maximum recurring occupancy, not on the edge extreme slopes and with over infiltration of water to supplement groundwater recharge, it is the opinion that this system will have no adverse impact on abutting properties or on the town of Sharon’s water supply.

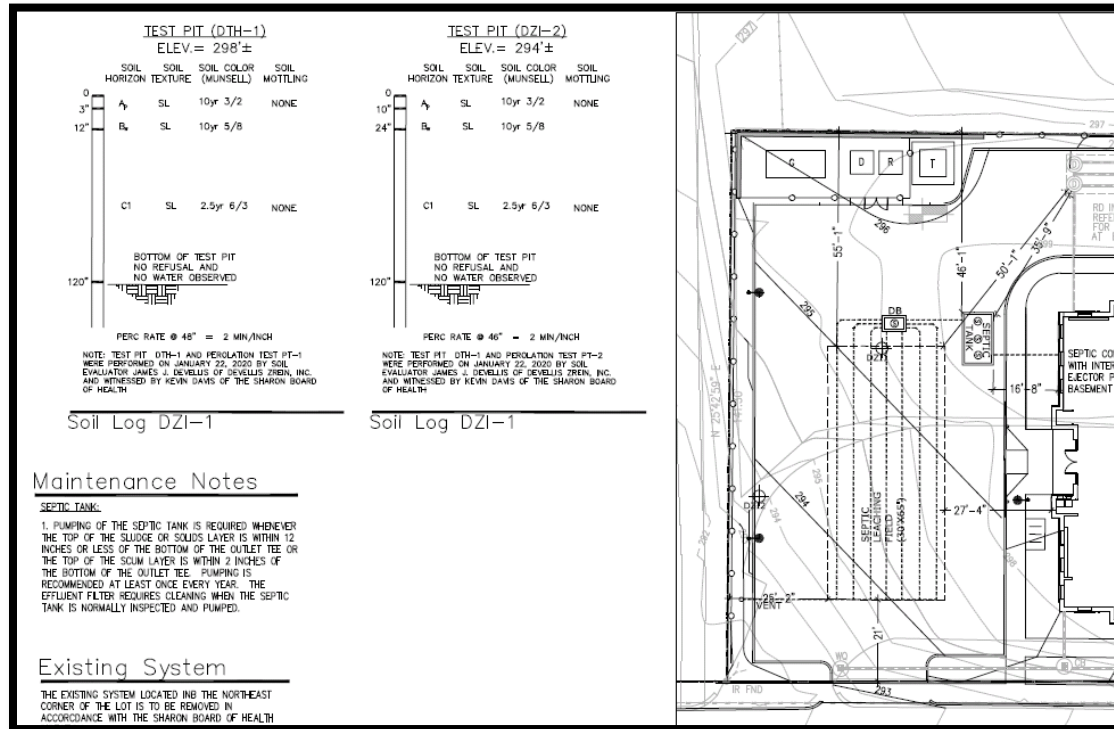


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## 4542 Submittals:

**Water Elevations:** Refer to test pits below for septic system and drainage systems and boring for building.



**A complete list of chemicals, pesticides, fuels and other potentially toxic or hazardous materials to be used or stored:**

None expected

**A complete list of potentially toxic or hazardous waste to be generated:**

None expected

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## **ZBA CASE #1858 - 1 SCHOOL STREET LIBRARY**

### **4. Zoning Table (Page 1)**

SHARON PUBLIC LIBRARY (MAY 29, 2020)

**ZONING TABLE (ASSESSOR MAP 101 PLOT 47)**

**Zone: Single Residential District B**  
**Zone: Groundwater Protection District**  
**Use: Municipal Public Library**

	Existing	Required	PROPOSED	STATUS
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**Zoning:Single Residential District B**

MINIMUM LOT SIZE	36,293 SF	20,000 SF	NO CHANGE	CONFORMS
CONTINUOUS FRONTAGE	401 FT	66'-8"	NO CHANGE	CONFORMS
LOT WIDTH	274 FT	100'	NO CHANGE	CONFORMS
MINIMUM FRONT YARD	95 FT 54 FT	70 FT FROM N. MAIN ST CENTERLINE 50 FT FROM SCHOOL STREET CENTERLINE	52 FT 30 FT	VARIANCE REQUEST VARIANCE REQUEST
MINIMUM SIDE YARD	49 FT 128 FT	10 FT FROM NORTH PROPERTY LINE 10 FT FROM WEST PROPERTY LINE	43 FT 82 FT	CONFORMS
MINIMUM REAR YARD	NONE	10'	NO CHANGE	NOT APPLICABLE
% BUILDING COVERAGE	8%	25%	32%	VARIANCE REQUEST
MAXIMUM BLDG HEIGHT	TBD	35' AND 2.5 STORIES	< 35' AND 2.5 STORIES	CONFORMS
PARKING	21	<sup>1</sup> SPACE PER 600 GSF FOR RELIGIOUS AND PUBLIC EDUCATION INSTITUTIONS 29,538(+/-) SF X (1 SP/600 SF) = 50 SPACES	30 (ONSITE) + 20 (OFFSITE) =5 0 SPACES	AS PROPOSED

**Special Petmit: Groundwater Protection District**

MINIMUM LOT SIZE	38,293 SF	60,000 SF/DWELLING UNIT	NO CHANGE	EXISTING: NO CHANGE
% LOT COVERAGE	33%	15%	74%	REQUIRES SP PERMIT
NATURAL VEGETATION	0%	40% MINIMUM	NO CHANGE	EXISTING: NO CHANGE
SEPTIC FLOW	TBD	6 GPD / 1,000 SFT LOT AREA 6 GPD X 38,293K SFT= 230 GPD	1,281 GPD	REQUIRES SP PERMIT

**ZBA CASE #1858 - 1 SCHOOL STREET LIBRARY**

- 5.    Responses from 5/20/2020 ZBA Hearing (Pages 1 to 7)**

## Answers to ZBA Questions of May 20, 2020

The following answers have been provided by LLB Architects, DeVellis Zrein Inc., Design Technique Owner's Project Managers, and the Sharon Board of Library Trustees:

1. In the formal application to the Zoning Board, have they reviewed the plans with the building inspector? Jim DeVellis said they provided all the documents to Mr. Kent for a complete application.

All documents were provided to Mr. Kent for a complete application.

2. **Applicability of Dover Amendment.** Mr. Brahmachari noted that a lot of areas on the application form are left incomplete including Appendix A. Mr. Brahmachari asked if there is a code analysis for this project? Mr. Fair confirmed the code analysis of the building was done and included with the design development documents submitted to building committee and building inspector. Mr. Fair said building use falls under an A3 assembly building. Mr. Brahmachari wanted to know why Dover Amendment is brought up if building falls under assembly?

Building codes do not pertain to everything that is happening within the building. Building codes are for the purpose of identifying the standards for the construction of a building, consideration of the occupancy and construction of the structure, and protection of public health, safety and general welfare. The IRS identifies libraries as educational in Internal Revenue Service publication 4838. The educational category includes elementary education, secondary education, preschool, college, junior college, **library**, etc.

3. **Hardships.** Also Mr. Brahmachari said Board has specific tasks to review for a building project based on the site that it sits on. Variance is not a personal decision, a variance is issued when a hardship is presented, so he sought comment on the hardship from the applicant.

While there is an option where the building may be built without a variance, the current design reflects aspects that were requested and considered advantageous. Options where the building was designed to meet the current zoning requirements were considered a hardship, and the building was placed in order to be as sensitive and commodious to the neighbors as possible, as well as having a façade as directed by the Select Board and the Historical Commission and to be a style in keeping with the neighborhood. There are additional financial considerations that Townspeople may consider a hardship. Attached please find a preliminary diagram of what this could look like (Plan B.)

4. Appendix A of Zoning Application appear incomplete

Attached in the previous section.

5. ZBA must still apply reasonable test to the special permits and variances requested. Regarding the Dover Amendment, which paragraph applies to this building with regard to Chapter 40A, Section 3.?

MGL Chapter 40A section 3 paragraph 2:

"No zoning ordinance or by-law shall regulate or restrict the interior area of a single family residential building nor shall any such ordinance or by-law prohibit, regulate or restrict the use of land or structures for religious purposes or for educational purposes on land owned or

leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements”

The library meets and exceeds all of the provisions of zoning bylaw Section §4500 (water resources protection district) to receive a special permit.

The two variances requested are for setbacks and lot coverage. The building is positioned nicely on the property allowing ample parking. For religious and public education in the business/professional district the parking requirement for this building would be 50 spaces. These are provided as 30 on site and an additional 20 located in front of and behind the Congregational Church. The building is also positioned as far away from abutting homes as possible while still maintaining adequate frontage which will contain the Deborah Sampson Garden.

6. Mr. Garber stated they need to confirm that there are no variances needed from the Board of Health.

The BOH does not need variances but referred to the requirements being met in the special permit.

7. The 42 municipal parking spaces in the town lot behind the Congregational Church are used for other entities in the town; what is the total capacity of the building and the number of spaces? The total number of spaces required per zoning for public education for a building this size in the business/professional district is 50. There are 30 on-site and 20 located off-site behind the congregational church and in front of the church on N Main St. Full occupancy of the building is 427 people.

8. Is the septic designed for total capacity of the building? If building was at full occupancy, would the septic system handle it?

Yes and Yes. The estimated design flow is based on the building being fully occupied by 427 people every day. Full occupancy of 427 people using 3 gallons of water per each person produced an estimated 1,281 gallons per day of septic flow. Although Title V is different from building code estimates, the firm of Robt. W. Hall Consulting Engineers, Inc. performed an independent analysis in March 2020 and estimated the library water usage (and resultant septic flow) at 612.8 gallons per day. The Title V design estimate of 1,281 gallons per day is greater than the 612.8 gallons per day estimate of water use calculated by Robt. W. Hall Consulting Engineers, Inc. by a factor of 2.

9. The lot cover ratio is five times over at 74%. Mr. Garber is concerned about increased traffic from School Street to Pleasant Street because it is a residential neighborhood. He thinks the entrance should be directly off North Main St. and the exit should be on to School Street with left-hand turn only onto North Main Street.



## Answers to ZBA Questions of May 20, 2020

The lot cover ratio is 74% per the requirements of the Ground Water Protection District (GWPD). If a special permit is granted, the lot coverage requirement per zoning is 25%. The building is at 32%, 7 percentage points over.

The traffic study identifies that the traffic at the School St /Pleasant Street intersection will continue to have an A rating. Although this is a residential neighborhood, it is surrounded on two sides by a state road, both of which have busy, center of Town traffic. Furthermore, this street has a long history as a cut through street for those wishing to travel North on Rte. 27.

If the entrance is directly off N Main St then headlights from cars will shine directly into abutters' living rooms, rather than at the church across the street.

10. Has there ever been a formal decision or guidance issued by the State for modification of the grant taking less money for a downsize building?

The MBLC has the question and we will send as soon as the answer is received.

11. Was there ever a resolution to grant application errors? It was the State that limited it, or no variances needed? What has the state said about this? Do they even know?

The MBLC has the question and we will send as soon as the answer is received.

12. Even if variances and special permits are issued, the likelihood of winning an appeal is unlikely. It might what is the court standing. Would also take a very long time in the courts. Might be longer than the grant allows?

The MBLC has the question and we will send as soon as the answer is received.

13. about municipal lot and if a crosswalk would be provided. Will there be any enhanced traffic/pedestrian crossing plans?

This is the jurisdiction of the Select Board. A crosswalk pedestrian activated signal was installed on 5/18/2020.

14. Is natural vegetation 0% now? Mr. Fine answered that because it is 0% now, no way to have natural vegetation percentage increase there.

Natural vegetation is currently at 0%. Cannot increase natural vegetation.

15. When exiting library will patrons be able to make a left onto N. Main Street or is it a right-hand turn only?

Jurisdiction of the Select Board but it is recommended to be right-hand turn only.

16. Will water stream on property be protected per a resident's question that was forwarded to Board? Mr. Young was only asking because a resident had asked.

Can find no evidence of a stream on the property. Resident will need to provide evidence.

17. For perspective Mr. Young noted the lot is 0.9 acres and building is 29,000 square feet. Town hall is on 1.5 acres and is a little over 16,000 square feet.

We do not agree that the above comparison puts it into perspective.

Above comparison:

## Answers to ZBA Questions of May 20, 2020

### Town Hall

Business district to  
Non ground water protection district to  
Office Building to  
8,000 sq. ft. footprint (50% of building) to  
Provides parking spaces to  
1.5 available acres to

### Library

residential district  
Ground water protection district  
Library  
12,000 sq ft footprint (41% of building)  
Provides parking spaces  
.88 available acres

A better comparison would be with 11 N. Main Street:

### 11 M. Main St.

Residential district to  
Ground water protection district to  
Library to  
Building covers 46% of lot to  
Does not provide parking spaces to  
.33 available acres to

### 1 School St.

Residential district  
Groundwater protection district  
Library  
Building covers 32% of lot  
Provides parking spaces  
.88 available acres

Moreover, comparing the proposed Sharon new library to other new libraries in the area, Sharon's is the smallest:

Sharon 29,000 sq ft	Westwood 32,000 sq ft
Stoughton 31,058 sq ft	Foxboro 34,000 sq ft
Walpole 34,925 sq ft	Canton 35,500 sq ft

18. That he seconded Mr. Garber's concern about the design being about five times the lot coverage.  
The lot cover ratio is 74% per the requirements of the Ground Water Protection District (GWPD).  
If a special permit is granted, the lot coverage requirement per zoning is 25%. The building is at 32%, 7 percentage points over.
19. He liked question about having exit not be onto North Main Street. He also wants to know if any traffic study was conducted for North Main Street effects?  
Yes. The traffic report has been forwarded to the committee.
20. Was there any outreach by the applicants to the abutters and/or direct abutters with regard to the potential size of what has been put forth in the plans? Any effort to alleviate concerns?  
The below is a general outline of outreach. Attached is the neighborhood concerns list. This gives an overview of the process and when the opportunities to influence the building program occurred and the outreach that was done. There is a gap between the time the grant was awarded and the time the grant began. This time period could have been as long as 10 years and was not known.

**May 2014:** The process with the community began with notification to the entire town via the warrant that the town would vote on proceeding with a feasibility study and applying for a planning and design grant to build a new library or remodel current library. That vote passed unanimously

- At this time anyone who wanted to be involved should have notified the trustees or library director.

## **Answers to ZBA Questions of May 20, 2020**

**Sep 2014:** Emails from the library and notices that a building and selection committee was being formed were sent to the community asking for people to apply.

- A great time for anyone who wanted to be involved to do so. Many people did.

**Nov 2014:** Another notification to the entire town via the warrant that the town would vote for authorization to spend \$25,000 for the study and accept a grant for the rest. 2/3 vote declared by moderator.

- Another great opportunity to get involved.

**Nov 2014:** Notices looking for a building program consultant, one selected

**Dec 2014 - April 2015:** The library building committee working with consultant sent out surveys, held meetings, did studies, gathering data in order to create the building program.

- This was the time for town input. Many, many people responded and attended the programs and we had a very good basis for designing the building program.

**June 2015:** Building program was approved by the state.

**Jun 2015 – Jan 2017:** Meetings were held by the library building committee that along with the architect, used the building program to design the building. Minutes of the meetings were posted on the library website along with other information as the grant process continued.

**May 2016:** Notification to the entire town via warrant to vote on approving the library project and applying for a construction grant. Passed unanimously.

**August 8, 2016:** Diagrams for a new library building at 1 School Street including indications of zoning variances required were presented at the Select Board meeting. The Motion to approve the use of 1 School Street as the primary site for the new public library was passed unanimously by the Sharon Board of Selectmen.

**Sep 2016 – Dec 2016:** when renderings were created, open houses were held in the library to display the plans and talk with people.

**December 20, 2016:** Parking Plan for the new public library at 1 School Street was presented and a Motion approved by the Sharon Board of Selectmen. Another Motion “to designate, for the grant’s purpose, 73 parking spaces as discussed, including the spaces at One School Street, along North Main Street and in the High Street municipal lot” was approved unanimously by the Sharon Board of Selectmen.

**Early 2017** held a meeting specifically for neighbors, invitations were sent by mail.

**May 2017:** Notification to the entire town via warrant to vote on approving the preliminary designs for a new library at 1 School St.

**July 2017:** Awarded \$7.5M

## Answers to ZBA Questions of May 20, 2020

**Feb 2019:** Notified by State would receive grant July 2019.

### **Feb 2019 – May 2019:**

1. Began meetings with SSBC
2. Met with DPW
3. Commissioned traffic report
4. Met with various Town and other committees
5. Held 3 open house/walk throughs at the current library.
6. Sent multiple letters/emails/postcards to all homes.
7. Trustees hand delivered invitations (mailings cost the taxpayer) for two abutter specific meetings.
8. Mike Berkley requested that Trustees come to his home and view his backyard. The chair did so.

**May 2019:** As promised the Trustees created a “New Library Neighborhood Subcommittee” (NLNS) after the ballot vote. 3 representatives of the neighborhood would come to meetings and work together with the Trustees to resolve neighborhood issues.

**June 2019:** The library project leaves the Library Building Committee and the Standing Building Committee is now in charge.

NLNS meeting - 1 neighbor came to the meeting. That neighbor then found they could no longer spend the time on the project. No neighbors came to any other NLNS or Library meeting after that, although NLNS was a standard item on the agenda in case someone showed up.

**November 2019:** 2 trustees had an informal meeting with 3 abutters.

**November 2019:** Mike Berkley requests that SSBC, architect, and OPM visit his yard. Architect and OPM each sent a representative.

**January 2020:** The Trustees arranged for a meeting between the architect, OPM and abutters. Several items were added to the concerns list. There were two additions of any note at this stage of the project: 1) to move the transformer which had newly been defined in the drawings and 2) to put updates on the Town website similar to what was done with the Town Hall project.

**February 2020:** SSBC addressed concerns from the January abutter meeting.

**To Date:** Abutters continue to attend SSBC meetings and voice opinions.

21. But he [Mr. Brahmachari] is looking at proposed building that is a lot larger than the lot can hold, why? He wanted a convincing argument about what is the hardship, and why are you asking the ZBA to give you permission to build a building that is substantially larger than the lot can support.

There is not a request to build a building that is larger than the lot can support. The project can mitigate all groundwater protection concerns and will mitigate these far better than the current building or buildings in the area, a move in a positive direction for our drinking water supply. We are asking permission to build a building on the lot which is 7 percentage points over the Single Residence B coverage in order to preserve the character of the neighborhood.

22. Will the library representatives put it in writing that the state is okay with the application errors? Ms. Weinstein and Ms. Amend both expect that the state would be willing to document that the state is okay with it. Ms. Amend added that it isn't even an error, as the form is for additions and other requests, too.

Same as question 11. The MBLC has the question and we will send as soon as the answer is received. Additionally, as Ms. Amend stated, the application was not in error. Furthermore, the applicants did not feel that the variances required were significant, particularly in comparison to the lot coverage and setbacks of the current library location.

23. (from Ruth Bekerman-Rodau) Lastly, if Dover does apply and if the ZBA does the balancing test and decides that the impact to the educational programming outweighs the impact to the street, the neighbors, the town, this will reduce the ZBA's future capacity to argue that the residential character of other town neighborhoods needs to be preserved.

Schools, churches and libraries are often found in residential areas. The Dover Amendment only applies in these cases. In our town we have schools in residential districts, groundwater protection districts, rural districts, etc. as well as multiple religious organizations in some of the same. The above argument could restrict religious and educational institutions, ie. Churches, Temples, and Schools to non-residential, non-GWPD, etc. districts.

24. Amy Baldwin 32 Pleasant Street, felt it was a poor plan for the lot. There will be a loss of privacy to many of the abutters. When Ms. Baldwin made a change their property they were told by DPW that they didn't need a permit, but to consider the neighborhood. Also, she believes there will be a five-time increase in traffic on School Street, she can follow upon this. And, finally, past municipal buildings on this spot weren't of this size and/or open until 9 PM at night.

1. The abutters live in a center of town location bordered on two sides by a state road. This building is specifically designed to be harmonious with the character of the neighborhood.
2. The Trustees are interested to see a traffic report from another independent certified traffic consultant which identifies five times the traffic. We take exception to the negative implication regarding the hired firm.
3. As it is currently, the building will be open 3 times a week until 8. There may be special programs restricted to the community room which occasionally end at 9:00.

25. comments from Ms. Beckerman-Rodau and Mr. Freeman regarding the serious zoning concerns and hopes important privacy, aesthetic, environmental, and septic concerns will be considered. Concerns have been discussed at many meetings with the above and as can be seen, have been taken into account. Moreover, the plan is for the building to be LEED Silver certified.

26. Colin Van Dyke, 23 Pleasant Street wanted clarification as to whether the Dover Memorandum was written on behalf of the applicant or to the ZBA? Mr. Brahmachari confirmed he has read the letter and he read it as an advisory to the ZBA from Town counsel about various variances being sought. Mr. Brahmachari clarified that he cannot answer to whether it was on behalf of the applicant. Mr. Garber added that the letter was directly to the ZBA and not the other way around.

Whereas both the Library and the High School are projects which come under the Dover Amendment, it would be prudent for the ZBA's lawyer to prepare the ZBA as to the applicability and use of the amendment.

## **ZBA CASE #1858 - 1 SCHOOL STREET LIBRARY**

### **6. Neighborhood Concerns List (Pages 1 to 6)**

Neighborhood Items For Consideration  
by: Library Board of Trustees

	A	B	C	D	E
1	Item Description	Committee	Date Added	Update	Update Date
2	Complete				
3					
4	Visual showing building in the neighborhood	Standing Building	4/17/2019	Shown at SSBC	4/30/2019
5	Lighting:				
6	Downlighting	Standing Building	4/17/2019	Discussed several times that downlighting would be used. Diagrams of the lighting were shown	
7	Explanation of exact lighting and baffling based on town hall lights.				1/7/2020
8	Car Light Protection	Standing Building	4/17/2019	Solved with fencing.	1/7/2020
9	Light spill concern	Standing Building	1/13/2020	Reiterated what was discussed previously.	2/4/2020
10	Height should be as low as possible	Standing Building	4/17/2019	Will be mostly level with school St. hill. The difference between the lowest section of School St and the site is approximately 3 ft.	4/30/2019
11	What will the elevation be	Standing Building	2/4/2020	Went over previously shown slides depicting elevations. No change from 4/30/2019	2/4/2020
12	Architectural Design in Keeping with neighborhood	Standing Building	4/17/2019	Historical Commission and SSBC created a design in keeping	4/30/2019
13	Fencing or barrier for sound and light	Standing Building	4/17/2019	6 Ft wood fence along the north and west property lines	1/7/2020
14	Fence or green barrier to block transformer or move it.	Standing Building	1/13/2020	Transformer relocated next to dumpster	2/4/2020
15	Fencing on all sides of building not just west and north.	Standing Building	1/13/2020	There will not be a fence on Main and School st. sides.	2/4/2020

Neighborhood Items For Consideration  
by: Library Board of Trustees

	A	B	C	D	E
1	Item Description	Committee	Date Added	Update	Update Date
16	Locate noisy equipment such as a/c or heating units away from neighbors	Standing Building	4/17/2019	Various plans presented during course of design phase. No issues	2/4/2020
17	Septic sizing concern	Standing Building	1/13/2020	Based on new testing and pending approval of the BOH, the septic size may be reduced. In any case, the ground perks for the septic flow that is required.	2/4/2020
18	Can the building be pushed back so the parking is in front	Standing Building	4/17/2019	Parking cannot be in front.	6/20/2019
19	Control runoff - do not exacerbate flooding issues in the area. Do not allow runoff to flow into yards or areas that will cause flooding or pooling.	Standing Building	4/17/2019	By law runoff/storm water must be contained on site. Detention chambers are under the site just to the left	4/30/2019
20	Concern of storm water runoff to neighboring properties	Standing Building	1/13/2020	Answer same as 4/30/2019. Groundwater and storm water will not be issues.	2/4/2020
21					
22	Request for a website during construction with updates	Standing Building	1/13/2020	There will be a mechanism to view updates provided by the OPM	2/4/2020
23	Concern that the library does not inform people of decisions.	Standing Building	1/13/2020	SSBC makes the decisions and all meetings are open. There is no information that the library has that is not being decided in an open meeting.	2/4/2020
24	Does the parking meet requirements	Standing Building	1/13/2020	Yes	2/4/2020
25	Comments that the traffic study should be redone	Standing Building	1/13/2020	No evidence of why this should be redone or what the concerns were. Closed.	2/4/2020



Neighborhood Items For Consideration  
by: Library Board of Trustees

	A	B	C	D	E
1	Item Description	Committee	Date Added	Update	Update Date
26	Can the library be smaller.	Library Trustees	1/13/2020	This has been addressed at many meetings. The size cannot be significantly reduced.	1/13/2020
27	Exercise sound creating generator during the day-time hours	Library Trustees	4/17/2019	Will only occur in daytime	4/24/2019
28	What is the duration of the construction project	Town administration	4/17/2019	up to 2 years from town meeting vote. That includes non construction time	4/24/2019
29	Traffic Study for School and Pleasant St.	Town administration	4/17/2019	Traffic study addendum completed and discussed.	4/24/2019
30	What sidewalks are part of the project	SSBC	2/4/2020	Sidewalks on school st and main st bordering the property.	2/4/2020
31	How will additional traffic mitigations be paid for	Town administration	4/17/2019	Will be in the usual town budget for maintenance and improvements	4/24/2019
32	Are any improvements planned for School St.	Town administration	1/13/2020	Not at this time. Signage such as stop sign must be petitioned in front of town select board.	1/13/2020
33	Concern regarding snow removal	Town administration	1/13/2020	DPW will address snow removal as needed. It will either remain on site or be removed off site if necessary.	2/4/2020
34	How will people cross the street	Town administration	4/17/2019	Most likely Some type of signed crosswalk.	4/24/2019
35					

Neighborhood Items For Consideration  
by: Library Board of Trustees

	A	B	C	D	E
1	Item Description	Committee	Date Added	Update	Update Date
36				1. Will install a rapid flashing crosswalk beacon, pedestrian activated both sides 2. new crosswalk on Main St by the Congregational Church high visibility signage both sides. 3.New crosswalk paint all four approaches on School/Main 4. New sidewalk on building lot	3/25/2020
37				Rapid flashing crosswalk beacon installed	5/18/2020
38					
39	Somewhat addressed - to be completed at the appropriate stage of the project				
40					
41	Landscaping a priority for a pleasing setting	Standing Building	4/17/2019	A pergola was added to soften the look. Landscaping somewhat addressed. To be completed at the appropriate time during project	2/4/2020
42	Request that foundation plantings along North and West sides be removed and possibly relocated to the South side to provide further buffer to School Street neighbors.	Standing Building	1/13/2020	To be discussed when landscaping is addressed.	2/4/2020
43	Closing Time for late night meetings	Library Trustees	4/17/2019	preliminary: late night closing at 9:00. People must vacate no later than 1/2 hour after closing.	4/24/2019
44	Educate patrons regarding available parking	Library Trustees	4/17/2019	Will be posted on website and in library.	4/24/2019
45	Turn lights off at a certain time	Library Trustees	4/17/2019	Can happen at 1/2 hour past close	4/24/2019
46	Request of what library hours will be	Library Trustees	1/13/2020	No change from 4/24/2019	1/13/2020

Neighborhood Items For Consideration  
by: Library Board of Trustees

	A	B	C	D	E
1	Item Description	Committee	Date Added	Update	Update Date
47	How will traffic be handled on pleasant and school streets	Town administration	4/17/2019	There is a transportation committee discussing train traffic. Will add to this	4/24/2019
48	Where will sidewalks be located that are not on the property	Town administration	4/17/2019	Will work with neighbors on this	4/24/2019
49				Sidewalk options were discussed with the neighbors. Further discussions to occur.	3/25/2020
50	Not yet addressed				
51					
52	Drive through drop box	Standing Building	4/17/2019		
53	What are the environmental impacts - carbon footprint?	Standing Building	4/17/2019		
54	Sign on property for no idling	Standing Building	4/17/2019		
55	Conduct a current state of the home (foundation, etc.) for all homes which may be impacted by the construction of the building. Agree on mitigation.	Standing Building	6/20/2019		
56	How will no parking zones be policed	Town administration	4/17/2019		
57	Parking on Pleasant and School Streets "residents only". At a minimum "no library parking" signs	Town administration	4/17/2019		
58	Trust fund established prior to construction to be used to resolve any damage to abutters	SSBC/Town administration	2/17/2020		