

SHARON ZONING BOARD OF APPEALS
MINUTES OF WEDNESDAY, April 13, 2022

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 13, 2022, at 7:00 P.M. The following members were present as established by roll call: Joe Garber, Chair, David Young, Abe Brahmachari Arnold Wallenstein, and Hemant Mehta. Also present from the town: Kris White, Building Inspector. Mr. Garber, Chair, read Covid19 protocols per the Governor of MA and procedural ground rules.

Mr. Garber, Chair called the meeting to order at 7:01 PM.

CASE 1900- 20 Edgehill Road

Present for the applicant:

Mr. Garber read the Legal Ad that was published in the "Times Advocate" on 04/06 & 04/13/22, into the record.

Mr. Garber read, into the record, a memorandum from Kevin Davis, Agent of the Board of Health dated April 1, 2022.

"I have reviewed the ZBA Application for Hearing to construct a deck at 20 Edge Hill Road. According to the information provided, the proposed work adds no additional design flow nor imposes a less conformant setback to the existing septic system. Therefore, in light of the after mentioned facts, I have no concerns regarding septic at this time."

Mr. Garber read, into the record, a letter from Josh Philibert, Conservation Administrator, dated March 24, 2022:

"I have reviewed this application. I do not have any concerns about impacts to wetland resources from this project, and I have no objection to the work proposed under case #1900."

Mr. Lee introduced himself and explained that he was at the initial meeting on March 9, 2022, and that at that meeting the board requested a rendering of the billboard at the existing height of 60' for the current bylaw versus requested variance height in the application of 75'. He explained that he spoke to the engineers to get the rendering as close to what the board has requested. He presented an overlay rendering with a perspective of a person driving in that direction. The picture visually depicts what the engineer has to contend with to ensure visibility. Mr. Lee explained that it saves quite a bit of tree clearing.

Mr. Lee also presented a rendering of the highway profile which gave a detailed illustration of how much would need to be cleared. The blue line represents the proposed height of 75' and the purple line was at the 60' height. This was a depiction of how much of the trees would have to be cleared. He also explained that the exiting grade it steep but that many of the trees will be saved if the height of 75' is approved.

Mr. Garber noted that he was trying to save the trees and do a pruning rather than cutting the trees to the stumps. He explained that the visual was important and he was satisfied with the presentation. He opened the meeting to the board members for comment.

Mr. Brahmachari stated it was nicely explained and that he doesn't have any other questions.

Mr. Young reiterated what Mr. Garber said that if we go to 75' we just have to prune the trees less. He asked Mr. Lee why the sign was in that location and what was the sign for. Mr. Lee explained that he doesn't know the details of what the sign will show and that it will probably be sold. The signage itself is at a property owned by another client. It's a company that sells space for signs and that this will be a digital sign.

Mr. Wallenstein noted that the trees in the rendering were not the actual trees because they are all the same size but in fact the tree heights vary at the sight. But it does properly show the higher the sign the higher the angle which means you would be pruning less trees. He also asked if the billboard would be 2-sided and Mr. Lee answered, no. Mr. Wallenstein asked what the state DPW's restrictions were. Mr. Lee explained that the limits are shown on the triangular area on the rendering. Mr. Lee stated that this is a rendering by the engineer and that it was more of a relaxed view than what the reality it and it was a conservative depiction. Mr. Wallenstein referred back to the overlay rendering and noted that if the height was at 75', that there would still be quite a bit of cutting.

Mr. Brahmachari asked if it is located in the Light Industry District, and it was confirmed that it located in that district.

Mr. Garber opened the meeting to public comment and there weren't any comments. He asked Mr. Lee if he would like to close the hearing and answered yes.

Motion:

Chair made a motion to close Case 1893 – 2R & 4R General Edwards Highway. Mr. Brahmachari seconded the motion. Approved by unanimous roll call vote 4-0-0 (Garber, Brahmachari, Young, Wallenstein).

Chair made a motion to Vote to Approve Case 1893 with Standard Conditions. Mr. Brahmachari seconded the motion. Approved by unanimous roll call vote 3-0-0 (Garber, Brahmachari, Young.).

Case 1901 – 1 Heather Way

Present for the applicant:

Mr. Garber read the Legal Ad that was published in the "Times Advocate" on 3/23 & 3/30/22, into the record.

Mr. Garber read, into the record, a memorandum from Kevin Davis, Agent of the Board of Health dated March 31, 2022.

"I have reviewed the ZBA Application for Hearing to construct a deck at 28 Walnut Street. According to the information provided, the proposed work adds no additional design flow nor imposes a less conformant setback to the existing septic system. Therefore, in light of the after mentioned facts, I have no concerns regarding septic at this time."

Mr. Garber read, into the record, a letter from Josh Philibert, Conservation Administrator, dated March 10, 2022:

"I have reviewed this application. I do not have any concerns about impacts to wetland resources from this project, and I have no objection to the work proposed under case #1899."

Mr. VanLeer introduced himself and explained the project and that they are extending the first floor. He noted that there was an updated plot plan that was submitted which showed that the septic tank is being relocated. Mr. VanLeer went through the plans starting with the first floor. He explained that the left shows the existing conditions, and the right shows the proposed addition. Mr. Garber asked why it was on a clipped angle and Mr. VanLeer stated that was because it had to be 10' from the garage. Mr. VanLeer presented the second floor and stated that they are adding a staircase from the family room to the new master bedroom and to the new basement. He also stated that there are 4 bedrooms, and it will remain 4 bedrooms.

Mr. VanLeer presented the elevation drawings which illustrated that the addition would match the existing house conditions, etc.

Mr. Garber state that he was satisfied with the drawings and opened the comments to the board.

Mr. Brahmachari noted that it is a corner plot on Walnut and Edgewood< and it was a rather large substantial addition, and it would be nice to see an elevation from Edgewood. He also noted that the perspective drawing is showing a wrap- around farmers porch, but it's not show on the drawings. Mr. VanLeer indicated that it just shows the roof line. Mr. Brahmachari noted again that the farmers porch is not shown on the plot plan and that they want to see the plot plan with the new location of the septic tanks.

Mr. Garber asked Mr. White if they need to show the deck on the plot plan for approval. Since the deck is connected and has a roof it is part of the structure. Mr. White agreed that the deck needs to be added to the plot plan. Mr. Garber stated that the measurements would have to be from the deck to the garage because of the footings.

Mr. Brahmachari stated that since it's a corner lot both Walnut and Edgewood are at the front set back and he wants to see the setback no less than 23' and asked them to work on the geometry.

Mr. Young had a question regarding the access to the second floor. Mr. VanLeer showed him the access.

Mr. Wallenstein asked what the square footage of the existing structure versus the whole structure when it's done. He noted that visually it looks like they are doubling the size of the structure and it was a big expansion of non-conforming use. It noted it was nicely laid out. He also stated that it looks like the existing building setback is encroaching into the side yard a bit. Mr. VanLeer stated that the with the addition the first floor will be approximately 1404 square feet and that the existing is 761 square feet and with the addition on the second floor it would be 1200 square feet and that the existing is 770 square feet.

Mr. Garber explained that we can't close the hearing until we get an elevation from the Edgewood side and if they are going to do the porch it has to be in the drawing. Mr. VanLeer stated that will probably be off the table because the porch wouldn't meet the set back. Mr. Van Leer need to provide a revised elevation and a revised plot plan with the patio and the septic.

Mr. Garber asked when the next meeting was scheduled, and Ms. Katapodis stated that it was on April 27th and that she would send a continuance form.

Motion:

Chair made a motion to suspend the meeting to go into Executive Session. Mr. Brahmachari seconded the motion. Approved by unanimous roll call vote 4-0-0 (Garber, Brahmachari, Young, Wallenstein,).

8:26 returned to regular meeting.

Motion:

Chair made a motion to approve minutes from December 1, 2021. Mr. Brahmachari seconded the motion. Approved by unanimous roll call vote 3-0-0 (Garber, Brahmachari, Young).

Motion:

Chair made a motion to approve minutes from March 9, 2022. Mr. Brahmachari seconded the motion. Approved by unanimous roll call vote 3-0-0 (Garber, Brahmachari, Wallenstein,).

The meeting adjourned 8:30 pm

Respectfully submitted