

# **SHARON ZONING BOARD OF APPEALS**

## **MINUTES OF WEDNESDAY, February 15, 2023**

**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, February 15, 2023, at 7:00 P.M. The following members were present as established by roll call: Joe Garber, Chair, Hemant Mehta, Arnold Wallenstein, and Michelle Katapodis, Administrative Assistant. Also present for the town Peter O'Cain, Town Engineer, Dana Hinthorne, Building Inspector.

Mr. Garber, Chair called the meeting to order at 7:00 PM. Mr. Garber, Chair, read Covid 19 protocols per the Governor of MA and procedural ground rules.

Mr. Garber opened the meeting by reading the agenda and explaining that the meeting is the continuance for Case 1906 to review the draft decision.

### **Case 1906 – 299-303 North Main Street – Continued from February 8, 2023**

Present for the applicant: Attorney Mike Khoury of Maddoff & Khoury, LLP representing Yuriy Lande, Applicant.

Mr. Khoury went over the draft decision explained that there were minor changes. Such as the date of the preliminary objection by the abutters was inserted and on page 4, the voting members were corrected. He also stated that the date of the vote was change to February from January. Mr. Khoury also stated that he changed the reference to Bylaws to Bylaw. Mr. Wallenstein mentioned that it is not clear if they are referring to the new bylaw or the older codes. Mr. Khoury stated that he would add language noting the date that the new bylaws went into effect, which was at Town Meeting on May 2, 2022. The dates of publication as well as the date of the closure of the public meeting were added to page 5. On page 6 they added the percentage of the available affordable housing units. The second paragraph on page 8 clarified the conclusion of the traffic study and on page 9 they added language suggesting that MCO Housing Services would function as the monitoring agent, similar language was added on page 10. There was discussion regarding the waivers no longer being applicable under the new bylaws. Changes were made throughout to reference the new bylaw codes and subsections. Per Mr. O'Cain's direction on page 14, they added that the SWPPP be submitted to the conservation commission. A new section (u) was added to page 16 stating that the applicant is required to post a surety in cash or performance bond adequate to cover the complete all of the infrastructure and no work may commence until the bond has been provided to the Town Engineer and Town Treasurer for approval. Also added were subsections (v), (w), (x) & (y).

There was discussion regarding the final set of construction drawings and if we could vote on the decision without them. It was determined that the board can vote on the waivers and add a condition that the report needs to be cleaned up and delivered back to the town officials and add a stipulation that before anything can go forward, they would need a full set of stamped construction plans to the Town Engineer and PSC.

Subsection three on page 17 was removed because Mr. O'Cain confirmed that a Groundwater Discharge Permit is not needed. Also, on page 17, language regarding the working hours was added to read that "No exterior work including equipment startup or delivery truck idling shall be allowed prior to 7:00 AM or after 5:00 PM Monday through Friday, prior to 8:00 AM or after 5:00 PM on Saturday, and no work shall be allowed on Sunday or any legal holidays." On page 18 language was added regarding the wetlands to the rear which are not part of the development property, that the applicant shall prepare and endorse and a agreement and deed in a form acceptable by the Town.

This concluded the changes made from the original draft. Mr. Garber opened it up to the board members. Mr. Mehta stated that we have been discussing these waivers for some time and after thorough review things have been resolved and we are ok to work on it. Mr. Wallenstein asked a procedural question regarding the vote; he was inquiring if the board would have to see a final version before making the vote since this is still in draft form. Mr. Garber explained that we can vote on it tonight for the record, but the final document will not be effective until the board members have signed it.

# SHARON ZONING BOARD OF APPEALS

## MINUTES OF WEDNESDAY, February 15, 2023

Mr. Garber asked if there were any butters or others that had any questions or comments. Mr. Matt MacDonald, 237 Edge Hill Road, stated that he had a few questions, and most were answered. He inquired about the affordable lottery, he asked if there was preference to town residents. Mr. O'Ca in answered that those conditions can be written into a lottery plan and that it has been done on other projects. Mr. MacDonald explained that its nice to give people an opportunity to stay in the town. He also applauded the work by the members of the board and the town official's work on the project and thinks it will be great for the town. Mr. Garber asked for clarification on who would be writing the condition for the lottery. Mr. O'Ca in stated that the ZBA can write it into the conditions and specify percentages of town residences and employees. Mr. Khoury will work with the housing board to figure out the appropriate percentages.

Since there were no other comments from the public, Mr. Garber made a motion to vote on the waivers listed in Section C.

### **Motion:**

Chair made a motion to vote on each waiver individually. Mr. Mehta seconded the motion. Approved by unanimous roll call vote 3-0-0 (Garber, Mehta, Wallenstein).

Mr. Garber read Section C Waivers Granted as follows:

By majority vote, the Board reached decisions on requests for waiver of certain provisions and requirements of the Bylaw and the provisions of the other Sharon Municipal Code and to issue Comprehensive Permits pursuant to the authority granted under Sections 20 through 23 of Massachusetts General Laws Chapter 40B, Sections 6.5.8, 10.3.2(5) and 10.5.1 of the Bylaw, and otherwise. All waivers are subject to the Conditions of Approval, set forth in this Decision.

1. The Applicant has requested that this Board grant a waiver to permit the 15-unit condominium Project in a Single Residence A district established under Section 3.2.1 and 3.2.2 of the Bylaw (Zoning – Permitted Residential Uses).

**Vote on Waiver 1** - Approved by unanimous roll call vote 3-0-0 (Garber, Mehta, Wallenstein).

2. **INTENTIONALLY DELETED**

3. The Applicant has requested waiver of strict compliance, as permitted under Section 6.5.8 of the Bylaw, with respect to the provisions of Section 6.4.4 (12) of the Bylaw which limits building construction and grading within 100 feet of bordering wetlands to permit the construction and grading of the Project.

**Vote on Waiver 3** - Approved by unanimous roll call vote 3-0-0 (Garber, Mehta, Wallenstein).

4. The Applicant has requested a waiver of strict compliance with respect to the provisions of Section 5.06(B) of the Conservation Commission Rules and Regulations of the Town of Sharon to permit the alteration of land necessary to complete the Project within a 100-foot buffer zone of an applicable wetlands resource area.

**Vote on Waiver 4** - Approved by unanimous roll call vote 3-0-0 (Garber, Mehta, Wallenstein).

5. The Applicant has requested Board approval (following approval of the Town's Board of Health previously granted) of a waiver of strict compliance with respect to the provisions of Chapter 300, Section 7.5(F)(2) of the Sharon Municipal Code (Minimum Requirements for Subsurface Disposal of Sanitary Sewage) to permit which reserve areas between the leaching trenches serving the septic systems of the Project.

**Vote on Waiver 5** - Approved by unanimous roll call vote 3-0-0 (Garber, Mehta, Wallenstein).

6. The Applicant has requested Board approval (following approval of the Town's Board of Health previously granted) of a waiver of strict compliance with respect to the provisions of Chapter 300, Section 7.7(C) of the Sharon Municipal Code (Minimum Requirements for Subsurface Disposal of Sanitary Sewage- Depth to groundwater) to permit mounded leaching systems to achieve necessary separation from groundwater.

**Vote on Waiver 6** - Approved by unanimous roll call vote 3-0-0 (Garber, Mehta, Wallenstein).

# SHARON ZONING BOARD OF APPEALS

## MINUTES OF WEDNESDAY, February 15, 2023

7. The Applicant has requested Board approval (following approval of the Town's Board of Health previously granted) of a waiver of strict compliance with respect to the provisions of Chapter 300, Section 7.13(A) of the Sharon Municipal Code (Minimum Requirements for Subsurface Disposal of Sanitary Sewage- Environmental Health Impact Report) to waive the requirement for an environmental health impact report with respect to the Project.

**Vote on Waiver 7** - Approved by unanimous roll call vote 3-0-0 (Garber, Mehta, Wallenstein).

8. The Applicant has requested Board approval (following approval of the Town's Board of Health previously granted) of a waiver of strict compliance with respect to the provisions of Chapter 300, Section 7.17(B)(1) of the Sharon Municipal Code (Minimum Requirements for Subsurface Disposal of Sanitary Sewage-Location-Minimum Distances) to permit the setback of a septic system serving the Project of less than 20 feet from the property line for the Project.

**Vote on Waiver 8** - Approved by unanimous roll call vote 3-0-0 (Garber, Mehta, Wallenstein).

9. The Applicant has requested Board approval (following approval of the Town's Board of Health previously granted) of a waiver of strict compliance with respect to the provisions of Chapter 300, Section 7.17(B)(1) of the Sharon Municipal Code (Minimum Requirements for Subsurface Disposal of Sanitary Sewage-Location-Minimum Distances) to permit the setback of a septic system serving the Project of less than 25 feet from the street abutting the Property.

**Vote on Waiver 9** - Approved by unanimous roll call vote 3-0-0 (Garber, Mehta, Wallenstein).

10. The Applicant has requested Board approval (following approval of the Town's Board of Health previously granted) of a waiver of strict compliance with respect to the provisions of Chapter 300, Section 7.17(B)(1) of the Sharon Municipal Code (Minimum Requirements for Subsurface Disposal of Sanitary Sewage-Location-Minimum Distances) to permit the setback of a septic system serving the Project of less than 50 feet from drain lines and infiltration basins.

**Vote on Waiver 10** - Approved by unanimous roll call vote 3-0-0 (Garber, Mehta, Wallenstein).

11. The Applicant has requested Board approval (following approval of the Town's Board of Health previously granted) of a waiver of strict compliance with respect to the provisions of Chapter 300, Section 7.17(B)(1) of the Sharon Municipal Code (Minimum Requirements for Subsurface Disposal of Sanitary Sewage-Location-Minimum Distances) to permit the setback of a septic system serving the Project of less than 125 feet from wetlands.

**Vote on Waiver 11** - Approved by unanimous roll call vote 3-0-0 (Garber, Mehta, Wallenstein).

Mr. Garber read Section E – Specific Conditions of Approval as follows:

(1) General Conditions

- (a) Except as otherwise provided herein, the Project shall fully comply with all applicable provisions of the Town of Sharon Zoning By-Laws in effect at the time of application, except as otherwise specifically provided herein.
- (b) The Project shall provide fifteen residential condominium units for sale, of which four units shall be Affordable Units subject to an Affordable Housing Restriction in perpetuity. All Affordable Units shall satisfy all requirements to be included in the DHCD's Subsidized Housing Inventory (SHI).
- (c) Cost and eligibility requirements are as set forth above and have been reviewed and approved with DHCD under the Determination of Eligibility. Any revisions required by DHCD will be presented for Board approval prior to endorsement.
- (d) The sole means of access to the Project Site shall be from the segment of North Main Street which fronts on the Project site.

## SHARON ZONING BOARD OF APPEALS

### MINUTES OF WEDNESDAY, February 15, 2023

- (e) The Town of Sharon shall not be obligated to pay for any driveway construction, septic system installation or utility connections serving the Project.
- (f) The Applicant may defer Traffic Demand Management (“TDM”) measures to minimize construction truck traffic and minimize single occupant construction phase vehicles to the site but such TDM measures must be submitted to the Town Engineer for review and approval prior to commencement of construction at the Project.
- (g) An SWPPP, in compliance with the National Pollution Discharge Elimination System regulations of the United States Environmental Protection Agency and in compliance with Standard 9 of the Massachusetts Stormwater Management Standards, shall be prepared following the Applicant’s selection of its site contractor and shall be submitted to and approved by the Town Engineer and Sharon Conservation Agent prior to the commencement of construction of the Project.
- (h) An Illicit Discharge Prohibition Statement signed by the Applicant shall be submitted to the Town Engineer prior to the commencement of construction of the Project.
- (i) The Applicant shall be responsible for obtaining an Order of Conditions under the Massachusetts Wetlands Protection Act (G.L. c. 30, §§ 61 through 62H), Order of Conditions under the Sharon Municipal Code: Article 23 Wetlands Protection and the Commission Regulations
- (j) With its Notice of Intent with respect to the above-referenced Order of Conditions, the Applicant shall submit an augmented Stormwater Report for the Project site.
- (k) The Applicant shall install “No Parking Any Time” signs (R7-1 signs designated in the Federal Highway Administration’s Manual on Uniform Traffic Control Devices) on one side of the driveway and enforcement provisions shall be included in the Master Deed and/or Declaration of Condominium Trust and/or Bylaws of the Project and in any leases pertaining to any Units at the Project.
- (l) The Applicant shall file with the Planning Board for the Town of Sharon a proposed “Approval Not Required” Plan under Section 81P of Chapter 41 of the Massachusetts General Laws for the combination of the lots currently designated as 299 and 303 North Main Street and written proof of such Planning Board approval and evidence of recording in the Norfolk County Registry of Deeds must be submitted to the Town Engineer and Town Clerk prior to the commencement of construction of the Project.
- (m) The Applicant shall submit documentation to the Town Engineer and the Town’s Deputy Fire Chief showing satisfactory results of a fire flow test prior to the commencement of construction of the Project.
- (n) The Applicant shall replace the hardwood mix shown on the Planting Plan along the Eastern boundary of the Property with a double row of white spruce (*Picea Glauca*) and balsam fir (*Abies Balsamea*). The Applicant shall update the quantities in the Plan Schedule (Sheet 1 of the Planting Plan) and submit the same to the Building Commissioner and the Town Engineer prior to the commencement of construction of the Project.
- (o) The Applicant shall revise the Planting Plan prior to the commencement of construction of the Project to specify that white spruce (*Picea Glauca*) and balsam fir (*Abies Balsamea*) shall be planted having a minimum height at planting of 8 to 10 feet.
- (p) The Applicant shall revise the Typical Unit Planting Plan prior to the commencement of construction of the Project to provide for the replacement of *Kalmia latifolia* (Mountain Laurel) for Buildings 1, 2 and 4 as designated on the Plan Set which provide full sun condition.
- (q) The Applicant shall submit to the Town Engineer prior to the commencement of construction of the Project detailed lighting plans and specifications and a photometric plan (collectively, the “**Lighting Plans**”) that provide low lighting levels, no point sources of light visible to a butters and dark sky fixtures. The Applicant’s photometric plan shall provide zero (0) foot-candles at the Property line.

## SHARON ZONING BOARD OF APPEALS

### MINUTES OF WEDNESDAY, February 15, 2023

- (r) Any permits and approvals referenced above shall be obtained and, as applicable, the statutory appeal periods if applicable shall expire prior to construction of the Project. No construction shall begin until copies of all required permits and authorizations have been submitted to, and deemed sufficient by, the Building Commissioner and Town Engineer.
- (s) Should a conflict arise between the "Plan Set" listed on page 1 of this Decision and these Conditions of Approval, the Conditions of Approval shall govern. Should a conflict arise between this Decision and/or the "Plan Set" listed on page 1 of this Decision and the "Bylaw then the "Bylaw shall govern, exclusive of the waivers granted in this Decision from the requirements provide in such Bylaw.
- (t) The Board or its agent(s) shall use all legal options available to it, including referring any violation to the Building Inspector/Zoning Officer for appropriate enforcement action, after providing the Applicant with a reasonable period to cure any such violation, to ensure compliance with the Conditions of Approval.
- (u) The Applicant will be required to post a surety in cash or performance bond adequate to cover the complete infrastructure and roadway construction, landscaping, fencing, lighting costs, signage, guardrails and any other component of the roadway infrastructure shown on the approved plan. The Town Engineer or consulting engineer, PSC of Foxborough, Massachusetts will provide a bond calculation to the applicant. No work may commence until the bond has been provided to and approved by the Town Engineer and the Town Treasurer. The Applicant may propose in place of a bond a triparty agreement among the Town, the Applicant's construction lender and the Applicant by which the Applicant's lender shall retain funds from the construction loan to fund the required completion of Project infrastructure and driveway work, all subject to the review and approval of the Town Treasurer and the Town Engineer.
- (v) All buildings be sprinklered be added as a condition of approval.
- (w) In the event there are traffic issues at the Project site or issues that generate resident complaints that the Town Engineer or Sharon Police Department deem necessary to address with a police detail, said police detail shall be required to be paid for by the Applicant. Failure to provide payment will result in a STOP WORK Order and a lien may be placed on the Property.
- (x) The applicant shall obtain Water Department approval and/or Town Engineer approval for any work in North Main Street. Work in the public way requires a Street Opening Permit. No hydrants may be operated by any party but the Sharon Water Department. Tapping fees will be applied to water system connections. Fifteen connections at \$4,000 per connection for a total of \$60,000. Hydrants and valves will be as per Water Department specifications. Water main trench work in North Main Street will require flowable fill backfilling and seven inches (7") of asphalt with an infra-red roadway patch.
- (y) All portable toilets on site must be permitted through the Board of Health and the location approved by the Town Engineer or Assistant Town Engineer.
- (z) The marketing plan and lottery for the Affordable Units at the Project shall contain a preference for current residents or employees of the Town, subject to the review and input of the Sharon Housing Board and subject to the approval of the DHCD.
- (aa) The Applicant will provide a Condominium Master Deed and Declaration of Condominium Trust for the Project (the "**Condominium Documents**") for review by Town Counsel and the Town Engineer. The Condominium Documents shall require that the development unit owners maintain through the Board of Condominium Trustees all drainage, lights, roadway, water, and any other infrastructure, to be funded by common area maintenance fees paid by the Project's unit owners. The Condominium Documents shall be provided as part of the Purchase and Sale Agreement and recorded deed for each property.

#### **Motion:**

Chair made a motion to approve Section 1 - General Conditions of Specific Conditions of Approval for Case 1906-299-303 North Main Street. Mr. Mehta seconded the motion. Approved by unanimous roll call vote 3-0-0 (Garber, Mehta, Wallenstein).

# **SHARON ZONING BOARD OF APPEALS**

## **MINUTES OF WEDNESDAY, February 15, 2023**

### **(2) Prior to Endorsement**

The Project approval granted hereunder is subject to the condition that an “**Endorsement Set**” of the Plan Set, the Lighting Plans, the Planting Plan and the architectural plans and other submittals as set forth hereinafter (the “**Endorsed Plans**”) be submitted and approved by PSC, the Town Engineer prior to the Town’s issuance of any foundation or building permits for the Project. The Endorsed Plans must be endorsed by the Board incorporating revised and supplemental information as set forth herein. The Endorsement Copies shall comply with the following:

- (a) The Endorsed Plans shall be signed and sealed by the architect of record, the engineer of record, the professional land surveyor of record, and the registered landscape architect of record.
- (b) The Endorsed Plans should include specific revisions as follows:
  - (i) At locations where access drives abut sidewalks and at garage entrances, locations are to have pavement markings and signage providing for “NO PARKING.”
  - (ii) A common mail facility of a design acceptable to the Post Master shall be located on the Site.
- (iii) The site lighting system complying with the Conditions of Approval above.
- (c) Submit cost and eligibility requirements incorporating any revisions required by DHCD.
- (d) Submit an Agreement between the Applicant and a Monitoring Agent acceptable to the Board and DHCD that is effective as of the date of endorsement and on a continuing basis thereafter.
- (e) The Board retains continuing jurisdiction and may require design revisions to coordinate with all requirements of permitting and authorizing agencies, boards, commissions, and authorities including the Sharon Board of Health, the Sharon Conservation Commission, the Sharon Board of Selectmen, the Sharon Department of Public Works and the Massachusetts Department of Environmental Protection.

### **Motion:**

Chair made a motion to approve Section 2- Prior to Endorsement of Specific Conditions of Approval for Case 1906-299-303 North Main Street. Mr. Mehta seconded the motion. Approved by unanimous roll call vote 3-0-0 (Garber, Mehta, Wallenstein).

### **(3) INTENTIONALLY DELETED**

### **(4) During Construction**

The approval of the Project granted hereunder is subject to the conditions listed hereinafter that must be satisfied during construction of the Project.

- (a) Upon request by the Applicant, the Board shall with the advice of the Peer Review Consultant, determine if construction of the Project complies with the terms of this Decision. The Applicant shall pay all costs incurred by the Board for the services provided by the Peer Review Consultant.
- (b) The Applicant shall comply with any “Cease and desist” order issued by the Building Inspector/Zoning Officer should he/she determine that construction violates the requirements of this Decision. Construction may proceed once the Applicant demonstrates that corrective action has been taken ensuring compliance with this Decision.
- (c) Proper control of the Site shall be maintained during non-construction hours to prevent injury to children and others to the satisfaction of the Board. Such controls shall include, but not be limited to, installation of a temporary 6-foot-tall chain link fence around active construction areas, plates to cover excavations and other measures deemed appropriate by the Peer Review Consultant, the Town Engineer or the Building Inspector in the exercise of such persons’ reasonable professional judgment.

# **SHARON ZONING BOARD OF APPEALS**

## **MINUTES OF WEDNESDAY, February 15, 2023**

- (d) The Site Contractor shall provide dust/dirt control and mitigation at the Project by means of standard water spraying practices.
- (e) No exterior work including equipment startup or delivery truck idling shall be allowed prior to 7:00 AM or after 5:00 PM Monday through Friday, prior to 8:00 AM or after 5:00 PM on Saturday, and no work shall be allowed on Sunday or any legal holidays. Exceptions may be granted by the Board upon request of the Applicant and the Board may designate an agent to authorize temporary exceptions until the request can be deliberated by the Board.
- (f) Construction methods shall incorporate measures for construction noise abatement including monitoring mufflers, selection of construction methods, use of smallest practicable construction equipment, utilizing back-up alarms compliant with all OSHA and analogous state regulations, minimizing equipment idling, locating noisy equipment far from residences, keeping engine housings closed and providing power early to minimize generator use. Rock crushing equipment should not be allowed.
- (g) Construction is required to be performed in a manner that minimizes sedimentation, erosion, and fugitive dust. Plan submissions shall include sedimentation and erosion control plans.
- (h) Site access shall be regulated by a "Maintenance of Traffic Plan" to be developed by the Applicant and presented to and approved by the Town Engineer and the Town Police Department. Such Plan may be continuously adjusted and revised by the Sharon Police Department.
- (i) Through the entirety of the construction process, the Applicant shall comply with all components of the SWPPP as approved by the Town Engineer and the Town Conservation Commission.

### **Motion:**

Chair made a motion to approve Section 4 - During Construction of Specific Conditions of Approval for Case 1906-299-303 North Main Street. Mr. Mehta seconded the motion. Approved by unanimous roll call vote 3-0-0 (Garber, Mehta, Wallenstein).

### **(5) Prior to Occupancy**

The approval of the Project granted hereunder is subject to the condition listed hereinafter that must be satisfied prior to applying for the first Certificate of Occupancy for any dwelling unit in the Project.

- (a) The Applicant shall prepare and endorse an agreement and deed in a form acceptable to Town Counsel, conveying to the Sharon Conservation Commission, said conveyance being subject to acceptance of the gift of land by the Conservation Commission, approximately 6.27 acres of land as designated on the plans.

### **Motion:**

Chair made a motion to approve Section 5 - Prior to Occupancy of Specific Conditions of Approval for Case 1906-299-303 North Main Street. Mr. Mehta seconded the motion. Approved by unanimous roll call vote 3-0-0 (Garber, Mehta, Wallenstein).

### **F. PLAN CHANGES AFTER APPROVAL**

- (1) Minor Change – Following the final entry of this Decision, the Applicant may apply to make minor changes involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the Board on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the Board. The Board may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The Board shall set forth any decision to approve or deny such minor change by motion and written decision and provide a copy to the Applicant for filing with the Town Clerk. A copy of the decision shall be provided to the Building Inspector/Zoning Officer.

# **SHARON ZONING BOARD OF APPEALS**

## **MINUTES OF WEDNESDAY, February 15, 2023**

- (2) Major Change – Those changes deemed by the Board to constitute a major change because of the nature of the deviation from the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the Board as a modification to the approved application for Plan Approval pursuant to this Section and shall comply with the notice and public hearing provisions applicable to the approved Application.

**Motion:**

Chair made a motion to approve Section F - Plan Changes After Approval for Case 1906-299-303 North Main Street. Mr. Mehta seconded the motion. Approved by unanimous roll call vote 3-0-0 (Garber, Mehta, Wallenstein).

**G. ENFORCEMENT AND APPEAL**

The provisions of this Decision shall be administered by the Building Inspector/Zoning Officer. Any appeal arising out of action by the Board regarding an application for Plan Approval for a Project shall be governed by the applicable provisions of G. L. c. 40B. Any other request for enforcement or appeal arising under this Section shall be governed by the applicable provisions of G. L. c. 40A.

**Motion:**

Chair made a motion to approve Section G - Enforcement and Appeal for Case 1906-299-303 North Main Street. Mr. Mehta seconded the motion. Approved by unanimous roll call vote 3-0-0 (Garber, Mehta, Wallenstein).

Mr. Garber stated that this concludes the approval for the decision of Case 1901 – 299-303 North Main Street. Mr. Khoury thanked everybody for holding a special meeting. Mr. Garber thanked Mr. O’Cain and Mr. Hinthorne and the members of the board for their work and attending the special meeting.

**MINUTES**

January 11, 2023

**Motion:**

Chair made a motion to approve minutes from January 11, 2023. Mr. Wallenstein seconded the motion. Approved by unanimous roll call vote 3-0-0 (Garber, Mehta, Wallenstein).

The meeting adjourned.

Respectfully submitted