

SHARON ZONING BOARD OF APPEALS

MINUTES OF WEDNESDAY, July 19, 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 on 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, July 19, 2023, at 7:00 P.M. The following members were present as established by roll call: Joe Garber, Chair, Hemant Mehta, and Arnold Wallenstein. Also present for the town, Peter O'Cain, Town Engineer, Richard Gellerman, Town Counsel, Fire Chief Michael Madden and Tom Houston, PSC.

Mr. Garber, Chair called the meeting to order at 7:00 PM. Mr. Garber, Chair, read Covid19 protocols per the Governor of MA and procedural ground rules.

Case 1920 – 810 South Main Street, Sharon Marketplace Reconfiguration & Case 1920 – 700 South Main Street, Sharon Marketplace PAD

Present for the applicant, Attorney Robert Shelmerdine, Ken Cram from Bayside Engineering and Bill and Bob DePietri, Capital Group, owners of Sharon Marketplace.

Mr. Shelmerdine explained that back on June 28th there was a lot of back-and-forth discussion between the applicant and Mr. Houston. He stated that he put together the first portion of the decision and Mr. Houston put together the conditions for both cases. Mr. Shelmerdine explained that they are still reviewing some of the conditions and that they would like to have more time to review and would like to continue both cases to the next ZBA meeting scheduled for July 26th. He explained that this meeting is important so that they can go over the conditions and answer any questions, etc.

Mr. Houston reviewed the draft decisions that they have been working on. He explained that they wrote conditions of approval for both projects. He went through the conditions for Case 1921 since most of the conditions apply to both projects. He explained that the idea is that the board will decide based on overview followed later on by submission of detailed engineering plans. Mr. Houston also explained that they are requesting that the Board appoint Mr. O'Cain the Town Engineer as an agent to the board and he will be responsible for ensuring that the project complies with the approved plans and conditions of approval.

Mr. Houston went through the draft conditions of approval. Mr. O'Cain inquired about the 36-month timeline, he asked if that time period would follow the re-entry to Sharon Marketplace? And not necessarily other timelines, once the entry is relocated it would probably drive changes within the lot itself. Mr. Houston stated that it was an excellent point, and it made a great deal of sense.

Mr. Houston went over the conditions that needed to be completed prior to construction and that the Town Engineer would have to issue a notice-to-proceed once the conditions were properly met. He also stated that plan modifications would require approval of the board. Mr. Houston also went over a list of items that need to be done in perpetuity, the key one is that the site should be operated in perpetuity in compliance with the Long-Term Operation and Maintenance Plan. Mr. Garber asked who would be responsible for that. Mr. Houston stated it is normally done by the property owner. Mr. Houston concluded his overview of his report.

Mr. Garber asked to see the revised plan so that the Fire Chief review it. Mr. Shelmerdine gave an overview of the plan and explained that there is some additional reconfiguration that needs to be finished. He explained that they removed the parking spaces at 810 South Main Street and will be doing some landscaping in that area instead.

Mr. Shelmerdine explained that the plan shows 543 parking spaces, and the required amount is 521 spaces for the existing building without the PAD. If you looked at the plan without the PAD, the 521 spaces is what is required. He explained that they applied for variances for parking. There was some discussion that the parking lot is never full. Mr. Garber asked Mr. Gellerman if the Board has authority to grant a variance for parking and Mr. Gellerman stated that they can. There was some discussion about adding setbacks around the property line.

Mr. Garber opened the discussion to the public.

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Ms. Laura Nelson, Edge Hill Road— inquired about the stormwater discharge and with all that is happening with climate change, has any of this kind of planning gone into the rework that would be taking place with this development or other developments around the town. She stated it goes back to Mr. Houston's report that was mentioned at the beginning of the meeting. She has some concerns with all of the rain that we have been getting lately. Mr. Gelerman stated that these are great points but that the solution is not with the Zoning Board but with the Stormwater Management Act and she should take these suggestions to the Town Administrator to make the changes.

Mr. Mehta stated his observations regarding the parking spaces, he explained that the parking lot is rarely full, and he is in favor of a variance strictly for the parking spaces. He also discussed the stormwater management issue, and it needs to be dealt with in detail design with the possibility of improvement.

Mr. Wallenstein inquired about Billings Brook and the Conservation concerns and asked if it was shown on the plan. Mr. Houston stated that it isn't shown on the plan but indicated on the plan where it should be. Mr. Wallenstein asked if this plan will be submitted to the Conservation Commission and Mr. Houston stated that the ConCom has requested a detailed plan which will need to show the wetlands. Mr. Wallenstein asked Mr. Shelmerdine if there would be a Notice of Intent filed and Mr. Shelmerdine stated that they will do what they are asked to do.

Mr. Wallenstein also stated that he agrees with the variance for the parking spaces.

Mr. Garber read an email from Josh Philibert; Conservation Commission dated July 19th into the record.

Chief Madden expressed his concerns regarding turning radius and access and knowing what the distances are. Mr. Shelmerdine stated that they will schedule a meeting with Chief Madden to discuss. Mr. Garber suggested that Mr. Shelmerdine also meet with the Police Chief.

Mr. Gelerman suggested that the Stormwater Management be a condition of approval based on the orders of the conservation commission. Mr. Houston stated that the ZBA may want to stay involved because they don't want to delegate away their jurisdiction. Mr. O'Cain clarified that the conservation has taken over the regulation of stormwater.

Motion:

The chair made a motion make Mr. O'Cain, Engineering and Josh Philibert, Conservation Commission agents for the ZBA for Case 1920 – 810 South Main Street, Sharon Marketplace Reconfiguration, and Case 1921 – 700 South Main Street, Sharon Marketplace PAD. Mr. Mehta seconded the motion. Approved by unanimous roll call vote 3-0-0 (Garber, Mehta, Wallenstein).

Motion:

The chair made a motion to continue Case 1920 – 810 South Main Street, Sharon Marketplace Reconfiguration to July 26, 2023. Mr. Mehta seconded the motion. Approved by unanimous roll call vote 3-0-0 (Garber, Mehta, Wallenstein).

Motion:

The chair made a motion to continue Case 1921 – 700 South Main Street, Sharon Marketplace PAD to July 26, 2023. Mr. Mehta seconded the motion. Approved by unanimous roll call vote 3-0-0 (Garber, Mehta, Wallenstein).

Meeting adjourned.

A recording of the meeting in its entirety can be found on <https://sharontv.com/programs/government-meeting/>

Respectfully Submitted