

# **SHARON ZONING BOARD OF APPEALS**

## **MINUTES OF WEDNESDAY, July 12, 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 12, 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, and Michelle Katapodis, ZBA Administrative Assistant.

Mr. Garber, Chair called the meeting to order at 7:04 PM. Mr. Garber, Chair, read Covid19 protocols per the Governor of MA and procedural ground rules.

### **Case 1918 – 17 Chestnut Street – Continued from June 28, 2023**

Present for the applicant, Deepak Wadhwa, Owner

Mr. Garber read a corresponding letter previously sent on April 6, 2023 by Kevin Davis, Agent of Board of Health, stating that he has no concerns or issues with project.

Mr. Garber read a corresponding letter previously sent on March 30, 2023, by Josh Philibert, Conservation Administrator, stating that he has no concerns or objections regarding project.

Mr. Garber stated that he received updated drawings and had spoken to Mr. Grasfield of the Historical Commission.

Mr. Wadhwa presented his revised septic plans with minor changes with dimensions and explained the requested variances. He also stated that they are changing the orientation of house from Chestnut Street to South Pleasant Street. Elevations were also presented and had been previously unanimously approved by the Historical Commission.

The floor plan was presented with window and door schedules. Mr. Garber mentioned the proposed office space would have to have cased opening with no doors to prevent a future use for a bedroom. Mr. O'Cain concurred that no door would be allowed per the BOH Regulations. Mr. Garber stated that Mr. Wadhwa will have to revise the plan and provide an addendum when you file with Mr. Abbott, Building Inspector.

Mr. Mehta stated that he is confused as to why project is still being discussed as the only item missing was letter from Historical Commission and plans have been approved. Mr. Garber stated that these are revised plans that include the dormers and still need approval. Also, some conditions that have to be read and agreed upon.

Mr. Garber read conditions as follows:

1. The applicant agrees that in order to receive approval from the Sharon Historical Commission for the exterior design for the proposed new home, the applicant will execute a letter in a agreement with the Sharon Historical Commission as a condition for obtaining a building permit that will specify the exact exterior design that is to be built, including but not limited to specific windows, exterior doors, garage doors, siding material, dormer size and placement, trim details, and other architectural details as agreed between the Sharon Historical Commission and the applicant. The letter agreement shall further stipulate that, no changes to any element of the exterior design shall be made, unless it is approved in writing by the Sharon Historical Commission and affirmed by the Building Inspector. The applicant also agrees that, no demolition permit for the current structure on the property shall be issued until the letter of agreement is executed by the applicant and the Sharon Historical Commission.
2. The existing home was a 2-bedroom and proposed new home is a 4-bedroom home and will remain a 4-bedroom home.
3. No building permit shall be issued until the board has been advised in writing by the Historical Commission that the premises are in compliance with the applicable Historical Commission's By-laws and Orders.
4. Further evaluation of the property by and approval of 4-bedroom house by Kevin Davis, agent of Board of Health

## **SHARON ZONING BOARD OF APPEALS MINUTES OF WEDNESDAY, July 12, 2023**

Mr. Garber asked Mr. Wadhwa if he was in agreement with the conditions. He agreed and has no problem complying with the conditions. He stated that he wanted to put on record that this lot is not considered historical and secondly, that it is also not part of the Historical zoning for Sharon. The existing house was built in 1960's and no value for the existing house to be considered Historical.

Mr. Garber asked if at meetings with Mr. Grasfield was it explained why it is considered Historical. Mr. O'Cain stated that the house is assessed in data base as being built in 1920's and that it should be fixed if it's an error.

Hemant question Kevin Davis's need to review plans again as it was previously approved and that any issues with septic can be addressed at building permit time. The chair agreed that plans can be approved tonight. Mr. O'Cain commented stating that he agrees with Mr. Mehta and only zoning is being voted on tonight.

### **Motion:**

The chair made a motion to close Case 1918– 17 Chestnut Street. Mr. Mehta seconded the motion. Approved by unanimous roll call vote 3-0-0 (Garber, Mehta, Wallenstein).

### **Motion:**

The chair made a motion to approve Case 1918, 17 Chestnut Street. Mr. Mehta seconded the motion. Approved by unanimous roll call vote 3-0-0 (Garber, Mehta, Wallenstein, subject to conditions)

### **Case 1492-Sharon Residences, LLC, 635 Old Post Road-Insubstantial Modifications to Comprehensive Permit**

Present for Applicant, Bob Devin

Mr. Devin stated that this is a pretty simple request. They are in the process of changing the project to a LIP (Local Initiative Program), and that the DHCD processing has been surprisingly slow. They've been able to comply with requirements, but to no end. Looking for a Surety Bond to assure compliance in which the Bond company has no idea what that means.

If the modifications are not approved today, the permit will have expired and the prospect of 8 affordable units in building 1, will disappear. The 9 units being built in building 2, will never hit inventory, which is why Selectman approved the conversion to a LIP, to keep those units in inventory.

Mr. Devin requested a minor modification of extending the permit to December 31, 2023 to let them complete the processing with DHCD.

### **Motion:**

The chair made a motion to close Case 1492-Sharon Residences, LLC, 635 Old Post Road. Mr. Mehta seconded the motion. Approved by unanimous roll call vote 3-0-0 (Garber, Mehta, Wallenstein).

### **Motion:**

The chair made a motion to move Case 1492-Sharon Residences, LLC, 635 Old Post Road. to 12/27/23. Mr. Mehta seconded the motion. Approved by unanimous roll call vote 3-0-0 (Garber, Mehta, Wallenstein).

The chair requested to move out of order to Case 1923-2-4 Merchant Street. Attorney Shelmerdine was in agreement with the move.

### **Case 1923-2-4 Merchant Street, Four Daughters Compassionate Care Dispensary**

Present for the applicant, Ian C. Hedges

Mr. Garber explained that the request is for a continuance on their permit. He read into record a prior host agreement from Selectboard along with Legal Ad and is having both documents posted to website, as well as a second agreement.

Attorney Hedges stated that the engineer along with architect reviewed the plans and visited site. They determined that there were no changes. Based on their opinions, they are requesting a two-year extension on the existing permit.

## **SHARON ZONING BOARD OF APPEALS**

### **MINUTES OF WEDNESDAY, July 12, 2023**

Mr. Wallenstein asked Mr. Hedges who in the town has to review and approve this permit for renewal. The respective boards reviewed without complaint.

There was some discussion regarding odor issues and Mr. Hedges clarified that this is the retail facility and a growth facility.

The chair made a motion to close Case 1923-Four Daughters Compassionate Care Dispensary, 2-4 Merchant Street. Mr. Mehta seconded the motion. Approved by unanimous roll call vote 3-0-0 (Garber, Mehta, Wallenstein).

The chair made a motion to approve the extension on the special two-year permit for Case 1923-Four Daughters Compassionate Care Dispensary, 2-4 Merchant Street. Mr. Mehta seconded the motion. Approved by unanimous roll call vote 3-0-0 (Garber, Mehta, Wallenstein).

#### **Case 1922– 244-248 Norwood Street-Frontage Variance**

Present for the applicant, Attorney Robert Shelmerdine, Mr. Gobbi, applicant

Mr. O’Cain stated that he has no objections and believes that it is safer for the Town of Sharon and motorists to approve this request. He also wanted to make sure the abutters were aware and believes Ms. Patel is in attendance.

Mr. Garber read the legal notice into the record.

Mr. Garber read a letter from Kevin Davis, Agent for Board of Health, dated June 5, 2023, stating there are no septic issues or concerns.

Mr. Garber read a letter from Peter O’Cain stating that this plan creates much safer access for Town of Sharon residents.

Mr. Garber presented slide 1 with the proposed plan and Mr. Shelmerdine stated how unsafe the area is at the curve and it’s an unsafe area in general. Two driveways to Norwood Street would not be safe and that the utility easement is where the proposed drive would run through.

Mr. Garber presented slide 2 which shows driveways for lot 3 and lot 4. There will be no access to Norwood, which is the plan. Mrs. Shelmerdine explained that they are looking for a variance to not have access to Norwood Street, but through to Preserve way.

Mr. Mehta has no questions, it’s a no brainer and is in favor of the plans.

Mr. Wallenstein questioned if this would be a traditional variance. Mr. Shelmerdine explained that it is a typical, classical variance.

#### **Motion:**

The chair made a motion to close case 1922, 244-248 Norwood Street, Mr. Mehta seconded the motion. Approved by unanimous roll call vote 3-0-0 (Garber, Mehta, Wallenstein)

Mr. Garber proposed a vote to grant variance on Case 1922, 244-248 Norwood Street, to change the principal means of egress on lot 3 and 4a from Norwood Street to Preserve Way. Approved by unanimous roll call vote 3-0-0 (Garber, Mehta, Wallenstein)

#### **Case 1924 – 53 Harold Street**

Mr. Garber read the legal ad into notice.

Present for the applicant, Adam Dizdari, CSL, Mr. & Mrs. Rrapushi.

## **SHARON ZONING BOARD OF APPEALS MINUTES OF WEDNESDAY, July 12, 2023**

Mr. Garber explained that they board had previously approved Case 1924- 53 Harold Street, for a second-floor addition, but that 99% of the house had been demolished and a Stop Work Order was issued by the prior Building Inspector. The project has been on hold and there were some fines and back and forth correspondence.

Mr. Garber stated that the stipulation going forward was that a new plot plan must be filed and that the only person allowed to pull a permit for the property to be built is a licensed CSL depending on the Zoning Board's decision tonight. David Abbott, Building Inspector concurred that the prior permit did not have a CSL listed.

Mr. Garber read correspondence dated June 21, 2023 from Josh Philibert, Conservation Administrator stating that he does not have any concerns from this project regarding wetland impact and no objections.

Mr. Garber read correspondence dated July 5, 2023 from Kevin Davis, Agent of Board Of Health stating that he has no concerns regarding septic at this time.

Mr. Garber questioned the lack of a licensed CSL being listed on the building permit application. Mr. Rrapushi stated that they do have their licensed CSL present and also wanted to put on record that the destroying of the walls was an error on the contractor's part that he was not aware of.

Mr. Dizdari, CSL shared the screen with the current plan and explained that this had previously been approved. They are not expanding anything, just building the two-story home along with deck.

Mr. Garber explained that what was originally approved and what was supposed to happen was the roof was supposed to be removed and a second story was to be built. But, in fact, the house was demolished in error.

Mr. Mehta wanted to confirm that there is no change in the footprint, all modifications are on the second floor, and a deck is to be built. He felt as if what has been shown so far, does not explain what they are actually planning to do.

Mrs. Rrapushi explained that they are not changing the number of bedrooms, foundation and footprint will remain the same, they have revised the project and changed the interior walls. She explained the interior and exterior floor plans.

Mr. Wallenstein wanted clarification that the proposed deck and porch are not an addition from the original plans. Mr. Dizdari explained that the both were approved in original plans. He also questioned when the original plans were approved, which was on March 22, 2022.

Mr. Garber shared a picture from the Assessor's site of the house after the demolition, showing what remained when Stop Work Order was issued.

### **Motion:**

The chair made a motion to close Case-1924, 53 Harold Street, Mr. Mehta seconded the motion. Approved by unanimous roll call vote 3-0-0 (Garber, Mehta, Wallenstein).

### **Motion:**

The chair made a motion to approve Case 1924, 53 Harold Street, 53 Harold Street, with standard conditions, was a 3-bedroom home and will remain a 3-bedroom home. Approved by unanimous roll call vote 3-0-0 (Garber, Mehta, Wallenstein)

April 12, 2023

### **Motion:**

The chair made a motion to accept the minutes from April 12, 2023. 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, July 12, 2023**

### **Minutes:**

April 26, 2023

### **Motion:**

The chair made a motion to accept the minutes from April 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