

SHARON ZONING BOARD OF APPEALS MINUTES OF June 22, 2016

A regular meeting of the Sharon Zoning Board of Appeals was held on Wednesday, June 22, 2016 at 7:00 P.M. in the Second Floor conference room at the Sharon Community Center, 219 Massapoag Avenue. The following members were present: John Lee, Seth Ruskin, Joe Garber, Abe Brahmachari.

7:06 P.M. Jaimie L. Nystrom, Case No. 1789 Continued Hearing:

Mr. Lee read the letter submitted by Greg Meister, Conservation Administrator.

Mr. Shelmerdine, attorney for the applicant, stated the following: There is no updated letter from the Board of Health; Title 5 inspection passes conditionally, a repair is needed to the leaching field which can be done during construction; Jim Andrews suggested that may need to go to BOH to redo variance. This was submitted to Town Counsel, Lisa Whalen, whom said it's not needed to get a new variance.

Mr. Lee stated that the plot plan along with the Zoning Board of Appeals Special Permit from 1998 shows a detached garage and now it's an attached garage and asked how that happened.

Mr. Shelmerdine stated that the applicant bought the house in 2007 with an attached garage and the MLS listing shows an attached garage.

A discussion ensued about how and when the detached garage became an attached garage. There was no final determination on this point.

Mr. Shelmerdine said the assessor's office have 4 bedrooms in their records, the MLS listing says 4 bedrooms, but the septic system is sized for 3 bedrooms and the applicant is only asking for 3 bedrooms.

Mr. Shelmerdine further explained that the design is staying within the current footprint and that the applicant is asking for a recreation room in the attic.

A discussion ensued about the following: how the first floor would match the existing overhang on the second floor, the breezeway, a shed, bedroom 3 becoming a laundry area, bedroom 3 moving to the garage area, and the house style changing from a cape to a colonial.

Mr. Brahmachari asked about the current and proposed square feet.

Mr. Shelmerdine showed that level 1 is 992 square feet and the proposed would be 1052 square feet. Level 2 is currently about 1182 square feet and the proposed would be 1480 square feet. Level 3, the attic space, would be 606 square feet.

Mr. Shelmerdine stated that the assessors map shows that 6 or 7 homes in the area have special permits.

Mr. Lee asked how many came back for a 2nd special permit.

Mr. Shelmerdine responded that 21 Beach Road came back 3 times. Mr. Shelmerdine also created a chart using historical special permits to show that the applicant's proposed increase in square footage is not substantially more detrimental to neighborhood.

Mr. Shelmerdine stated the applicant may need to hire an engineer to rebuild the septic system in its current place.

Mr. Lee stated that the proposal is increasing the square footage in an environmentally sensitive area with problems with waste water and septic issues.

Elizabeth Daly of 21 Beach Rd stated that she is not aware of waste water in the area and that this is a concern but that it's not a problem because all have updated septic systems.

David Klayman of 164 Beach Rd supports the current plans, has no objections, and hopes the board sees the human perspective and not just numbers.

Mr. Lee stated that zoning is about property not people.

Joseph Daly of 21 Beach Rd is in favor of the project.

Paul Hayes of 4 Beach Rd hasn't seen the previous plans but has seen the current plans and thinks it would improve the neighborhood.

Vicki Blanchard of 4 Beach Rd said it will add to the neighborhood and asked for fairness and consistency.

Ken Hyman of 49 Beach Rd fully supports the design.

Mr. Lee stated that the board is waiting for the BOH letter and will be able to close the hearing once they have it.

The applicant asked the boards opinion.

Mr. Lee explained the board is an adjudicating board and needs to see all information. He has concerns about sensitive areas and the decision is not about people but about property. The question is what's going to happen over time. The previous special permit is also a concern.

Mr. Lee stated the reason for the application is because the property doesn't meet the zoning requirements. The three things looked at are if the proposal is detrimental to the neighborhood, zoning intent, and lot configuration. Also, conservation has expressed concern.

Mr. Shelmerdine stated that the only issue is nonconformity of lot size square footage, which was asked and answered in 1998. In 1998 the septic system was within the buffer zone and then it was moved outside of the buffer zone.

Mr. Lee stated that part of zoning goals is to improve the situation and he doesn't see why further relief is required.

Mr. Shelmerdine stated the environmental questions were asked and answered in 1998. This plan is not impacting the environment.

One neighbor expressed that over the 15 years he has lived there he has seen changes and improvements to homes with ZBA approval and they are not detrimental to the neighborhood.

Mr. Lee explained that these changes over the years are not detrimental to the neighborhood because the various applicants worked with the ZBA to ensure this.

The applicant stated the process began last summer. Meetings were held with Joe Kent, Jim Andrews, and Greg Meister; and together they have worked almost 1 year and have had 3 or 4 designs.

Mr. Ruskin expressed that he is supportive of the plans and doesn't see it as more detrimental to neighborhood but has concerns about Greg's letter.

Mr. Garber supports the plans but is waiting to see what Jim Andrew's says.

Mr. Brahmachari expressed concern about the finished attic area, patio doors, and the outside deck. Also that what would be used as a recreation room could change to a bedroom.

Mr. Shelmerdine responded that they worked to make it open and not private. The architect further explained the attic area.

Mr. Shelmerdine responded to Mr. Lee that the BOH information could be received in the next day or week.

It was agreed to continue the case.

8:08 P.M. The Sharon Commons 40R, 135 Old Post Road (192 apartment units) - Continued

Mr. Lee began by saying that the parking plan had been modified and that the board was waiting for the actual plan.

Mr. Killeen submitted plans that were inaccurate and needed to be fixed. It was desired to eliminate the parking management plan.

Ed McSweeney of 68 S. Walpole Street asked about water piping and the water treatment plant. He also expressed concern about his water hook up.

Mr. Lee explained that this evening the board is looking at parking.

A conversation ensued about the waste water treatment plant and how this is related to Mr. McSweeney's property.

Mr. Lee stated that the waste water treatment plant, according to Mr. Killeen, can't operate without town drinkable water.

Mr. Lee referenced the stamped Plan dated June 22, 2016, C101R and the vote to approve the change as a minor modification.

Mr. Khoury will draft the decision which will be reviewed by town counsel.

Mr. Ruskin inquired about the \$350,000 designated to the high school ball field lights, which should be paid by the developer.

The applicant responded to Mr. Ruskin's inquiry saying that it could be 6 months until the building permit is obtained and therefore the payment is delayed until such time.

Mr. Lee asked for a motion to accept the plan dated June 22, 2016, Sharon Residence Plan C101R. Mr. Garber moved to approve the plan and Mr. Brahmachari seconded it.

The board voted in favor of the plan (Ruskin, Lee, Brahamachari).

Other Business:

Mr. Ruskin moved to approve the minutes of June 8, 2016. Mr. Garber seconded the motion. The board voted 4-0-0 to approve it.

Mr. Garber moved to approve the minutes of September 9, 2015. Mr. Ruskin seconded the motion. The board voted to approve it.

Mr. Brahmachari moved to approve the minutes of October 14, 2015. Mr. Garber seconded the motion. The board voted to approve it.

Mr. Garber moved to approve the minutes of October 28, 2015. Mr. Ruskin seconded the motion. The board voted to approve it.

It was moved, seconded, and voted to adjourn. The meeting adjourned at 8:45 pm.

Respectfully submitted,

Approved September 14, 2016