

SHARON ZONING BOARD OF APPEALS MINUTES OF OCTOBER 24, 2018

A regular meeting of the Sharon Zoning Board of Appeals was held on Wednesday, October 24, 2018 at 7:00 P.M. in the Second Floor conference room at the Sharon Community Center, 219 Massapoag Avenue. The following members were present: Seth Ruskin, Abe Brahmachari, Joe Garber, and Steve Cohen.

7:00 P.M. Paul James, 14 Plimpton Rd, Case No. 1829 – New Hearing

Mr. Ruskin read the Legal Notice, a letter from Greg Meister, Conservation Administrator, dated October 16, 2018, and a letter from Kevin Davis, Agent of the Board of Health, dated October 17, 2018.

The applicant, Mr. James, near Walpole line, propose to replace existing deck, add 3 season room 12x13, adding 12x12 composite deck ...

Applicant asked to close the hearing.

Mr. Ruskin moved to close the hearing. Mr. Garber seconded the motion. The board voted in favor of closing the hearing (4-0-0).

Mr. Ruskin moved to approve the plans for Case No. 1829 at 14 Plimpton Road with standard conditions. The plans include a plot plan dated September 12, 2018, from Antonino Land Surveyors and architectural plans dated August 1, 2018, by GDI – Boston, 500 Myles Standish Blvd, Taunton, MA. Mr. Garber seconded the motion.

The Board voted 3-0-0 in favor of the plans (Ruskin, Brahmachari, Garber).

7:00 P.M. Sharon Residences, LLC, 635 Old Post Road – Continued Hearing

Request for modification of Condition #39 (Lighting)

Mr. Ruskin explained that this case is a continued hearing and that the Board needs to vote on whether the proposal is a major or minor modification.

A letter from Mr. Peter O’Cain, Town Engineer, dated October 22, 2018, was submitted into the record.

Mr. Ward Jaros, project manager, explained the lighting proposal and stated that the height of the light poles will be at 12 feet.

Mr. Drew Delaney, abutter at 859 Old Post Rd, expressed overall concerns and more specifically about the lighting plan in terms of it not being to scale, not stamped by the engineer, the mounting height, the number of diffusers, the courtyard lighting between the two buildings, and not having plans for the second building yet to be built.

A conversation ensued regarding light spillage, location of the light bollards, foot candles, and shields.

Mr. Ward agreed to do a follow up meter reading at the developer's expense.

Mr. John Lee, an abutter at 509 Old Post Rd, stated that he prefers 12 foot light poles. He expressed concern over not having a shield and light spillage and used the Lexus dealership as an example.

Mr. Robert Devin, attorney for the applicant, expressed that Mr. Lee's property has been protected.

A conversation ensued regarding light spillage and the golf course property line.

Mr. Ward stated that there will be 3 fixtures below retaining wall.

Mr. Ruskin stated that Town Counsel's opinion is that the modification is insubstantial.

Mr. Ruskin moved to grant the request for modification, as per letter dated September 17, 2018, of condition #39 of the Amended Comprehensive Permit under MGL Chapter 40B, Sections 20-23 dated July 22, 2005, and determined that it is insubstantial on the condition that the light pole heights will be no greater than 12 (twelve) feet high and that prior to the issuance of a Certificate of Occupancy there will be a photometric read of the property and it will be compared to the study dated October 12, 2018, and presented at the meeting.

Mr. Brahmachari seconded it. The Board voted 3-0-0 (Ruskin, Brahmachari, Cohen) in favor.

Sharon Residences, LLC, 635 Old Post Road – Continued Hearing

Request for modification of Condition #39 (Landscaping)

Mr. Ward explained that Mr. Peter O’Cain, Town Engineer, had expressed concerns over the size and location of the trees because of the property being on a septic system. Mr. Ward stated that the trees could be 8 (eight) foot on center and that some trees were eliminated that were in conflict with the utilities.

Mr. Ruskin read the paragraph pertaining to landscaping from the letter dated October 22, 2018, from Mr. Peter O’Cain. Mr. O’Cain expressed that the Board should request flexibility in terms of tree planting locations.

Mr. Lee expressed concerns about utilities, the height of the trees, and the buffer to his property.

Mr. Drew Delaney, abutter, referenced the order of conditions and screening of the dumpster.

Mr. Ruskin moved to grant the request for modification of condition #39 of the Amended Comprehensive Permit under MGL Chapter 40B, Sections 20-23 dated July 22, 2005, and determined that it is insubstantial with the following conditions:

1. Landscaping will include 8 (eight) foot on center arborvitaes at 10 (ten) feet of height.
2. The Engineering Division may allow plants not to be installed if and only if utility conflicts arise and the plantings would be impossible to install and that the Engineering Division has discretion as to the location of new plantings.
3. There will be no dumpster at the northwest corner of the property.
4. 7 (seven) white pines will be planted on the southwest corner and will be 10 (ten) feet in height as referenced on pages L-1.0 and L-1.1 of the plan dated October 23, 2018, by Ryan Associates, Landscape Architecture and Planning.

Mr. Brahmachari seconded it. The Board voted 3-0-0 (Ruskin, Brahmachari, Cohen) in favor.

Minutes:

Mr. Ruskin moved to approve the minutes of October 2, 2018. Mr. Brahmachari seconded the motion. The Board voted 3-0-0 to approve it.

Mr. Ruskin moved to approve the minutes of October 10, 2018. Mr. Garber seconded the motion. The Board voted 3-0-0 to approve it.

It was moved, seconded, and voted to adjourn.

The meeting adjourned at 8:15 P.M.

Respectfully submitted