

SHARON ZONING BOARD OF APPEALS MINUTES OF NOVEMBER 28, 2018

A regular meeting of the Sharon Zoning Board of Appeals was held on Wednesday, November 28, 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, Steve Cohen, Barry Barth, Steve Weiss, and Joe Garber.

Seth announced that Ms. Jacqueline Gobbi was not on the agenda, but would address the Board informally regarding Sharon Galleria development. Ms. Gobbi expressed concerns about road elevation and access to utilities at the property. The Board advised Ms. Gobbi to follow up with the Building Inspector.

7:11 Sydonya Barker Kairi, 95 Lakeview Street, Case No. 1831 – New Hearing

Mr. Ruskin read the Legal Notice, a letter from Gregory Meister, Sharon Conservation Commission, dated November 13, 2018, and a letter from Kevin Davis, Agent of the Board of Health, dated November 8, 2018.

Ms. Barker Kairi explained that the existing house is 1136 square feet. The addition adds about 500 to 600 sq. ft. First floor squares off to extend the kitchen and living room area. Second floor dormer adds an office and expands bathroom. House is officially a two bedroom and will remain a two bedroom. The office will be about 60 square feet as shown on Addendum A Second Floor Office.

Original architectural plan from Aesthetic Images Permit Doc. does not reflect the significant changes.

Board explained that plans on file need to be updated to accurately reflect changes shown in Addendum A – Second Floor Office Plans.

Ms. Genna Robbins, an abutter at 91 Lakeview Street, expressed support for the plan.

The 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 (5-0-0).

Mr. Ruskin moved to approve the plans for Case No. 1831 at 95 Lakeview Street, with standard conditions plus requirement that Ms. Barker Kaira drop off updated, signed, and stamped architectural plans to the DPW.

Plans currently on file include a plot plan dated August 23, 2018 with Rev. Oct. 15, 2018. Plans presented included architectural plans dated September 27, 2018, by Aesthetic Images, 7 Stimson Street, Boston, MA and a separate color print out labeled Addendum A – Second Floor Office Plans which is undated and unstamped.

Mr. Cohen seconded the motion.

The board voted 3-0-0 in favor of the plans (Ruskin, Barth, Cohen).

7:34 P.M. Four Daughters Compassionate Care Inc., 1200 General Edwards Hwy, Case No. 1830 – New Hearing

Mr. Ruskin read the Legal Notice, a letter from Greg Meister, Conservation Administrator, dated November 13, 2018, and a letter from Kevin Davis, Agent for the Board of Health, dated October 29, 2018.

Applicant requests major modification consisting of addition of recreational marijuana facility. This requires a legal notice and a public hearing. Decision to file was made with input from Town Counsel, Lisa V. Whelan, Esq., and she is present at meeting. There are no changes to the building. Applicant has provisional medical license and so has priority for applying for recreational license.

Total of 39 Parking spaces at facility. Cultivation capacity has not changed. Per town by-laws site requires nine parking spaces for retail and 30 spaces for warehouse. On-site parking may not be adequate during retail sale hours, so arrangements will be made for employees to park off-site during retail hours. One possible location for off-site employee parking is 2-4 Merchant Street.

Some consideration for moving retail to 2-4 Merchant Street, but there is a Hindu Temple about 395 feet away, so a 5- or 6- foot encroachment exists which would require a variance.

Mr. Joel Fishman Esq., attorney for the applicant, asks Town Counsel if Board can provide informal input on whether 2-4 Merchant might be considered for a variance for cultivation, manufacturing, and/or retail sales. Town Counsel says no determination, but input only. There are 64 parking spaces at 2-4 Merchant and an option to lease 10,000 square feet, Four Daughters Compassionate Care Inc. would have access to 32 parking spaces. There is also potential for more parking where there is currently a loading dock in the back of 2-4 Merchant.

Request made to allow for sales during Gillette stadium events. Sharon police officer would be on site to monitor traffic. Additionally, Host Community Agreement and Cannabis Control Commission have security requirements including applicant needing fire and police approvals.

Mr. Ruskin confirms that, if approved, applicant will accept any recommendations from town fire and police departments.

Outside video monitoring is in place with tapes kept for 30 to 60 days. Security company will contact the police directly. Applicant would like to be open 10 AM to 8 PM regardless of event schedule at Gillette Stadium. The Police Chief has final sign off on safety plans prior to opening. Special Permit needs to be renewed every two years, and can be reviewed at any time.

Mr. Fishman requests that the condition barring a recreational facility be removed since it would no longer apply.

Town Counsel confirms police and/or building inspector can request a hearing on any issue at any time.

Board reiterates to applicant that updated safety plan based on it being changed to a Marijuana Dispensary and based on the change to operational hours needs to be submitted to the Chief of Police and Fire Chief. The State Police need to be involved as well. Discuss that expectation is that Sharon Police and State Police work together already.

Mr. Fishman will write decision and forward to Town Counsel for consideration prior to forwarding to the Board.

Motion to approve the application for modification as filed with the additional language relating to getting the approval of the police and fire chiefs with respect to parking and traffic issues relating to the operation of the marijuana establishment. Applicant agreed to reviews with Sharon Police and Fire Departments and get approvals and accept the recommendations related to operation during those hours that Route 1 highway access is restricted due to events at Gillette Stadium. Town Counsel and Mr. Fishman, Esq. will agree on the language.

The applicant asked to close the hearing.

Mr. Ruskin moved to close the hearing on Four Daughters Compassionate Care Inc., 1200 General Edwards Hwy, Case 1830. Mr. Cohen seconded the motion. The board voted in favor of closing the hearing (5-0-0).

Mr. Ruskin moved to accept the application for modification as filed with the additional conditions as discussed for Case No. 1830 at 1200 General Edwards Hwy. The plans include a plot plan dated October 1, 2018, and architectural plans dated December 15, 2017, by BKA Architects, Inc.. Mr. Cohen seconded the motion.

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

Informal discussion about plot for 2-4 Merchant Street ensued.

Minutes: Mr. Ruskin moved to approve the minutes of November 14, 2018. Mr. Garber seconded the motion. The Board voted (5-0-0) to approve it.

The meeting adjourned at 8:47 P.M.

Respectfully submitted