

SHARON ZONING BOARD OF APPEALS MINUTES OF APRIL 24, 2019

A regular meeting of the Sharon Zoning Board of Appeals was held on Wednesday, April 24, 2019 at 7:00 P.M. in the Second Floor conference room at the Sharon Community Center, 219 Massapoag Avenue. The following members were present: Abe Brahmachari, Joe Garber, Steve Cohen, and Seth Ruskin. Barry Barth was not in attendance. Steve Weiss recused himself because he is an abutter to 21 Livingston Road.

7:02 P.M. Glenn and Pamela Pomerantz, 21 Livingston Road, Case No. 1842 – New Hearing

Mr. Ruskin read the legal notice, a letter from Kevin Davis, Agent of the Board of Health, dated April 23, 2019 indicating Mr. Davis is comfortable with proposed dwelling as amended with six (6) foot cased openings on the lower level, and a letter from Greg Meister, Conservation Administrator, dated April 19, 2019.

Steve Weiss recused himself because he is an abutter to the property.

Attorney Joel Fishman, Stoughton, MA, Counsel for the applicant, introduced Pamela Pomerantz, Applicant, and Sara Johnston, project architect from Residential Design, P.O. Box 28, Rochester, MA. Mr. Fishman also provided a handout to replace originally submitted drawing of the Back Elevation.

Applicant seeks two Findings and a Special Permit relative to a proposed reconstruction and structural expansion on a non-conforming lot. Lot has 40,800 square feet and Rural 2 Zoning District requires 80,000 square feet. Property is within the Surface Water Protection District. Setbacks are all met for zoning and wetlands. The septic installed in 2008 can service the new house. A structural engineer, Michael Fillion, had concerns about the foundation, so a decision was made to rebuild the house rather than renovate on the existing foundation.

Location of the house in new plans is 4 feet closer to the lake. This 4-foot adjustment is due to modest expansion in the size of house, and still 142 feet from the lake.

Overall square footage of new house is 1,988 square feet compared to 1,728 square feet for old house so 260 feet more, or 15.04 percent per Sarah Johnson's numbers as read by Counsel. If den is counted (doesn't have foundation under it) that is an additional 192 feet so an increase of 26.15 percent when counting den too. Current living space on first floor is 1,728 square feet and proposed square footage is 2,180 square feet, so 452 square feet more in main level. Current lower-level living space is 968 square feet, and proposed living space is 1,076 square feet for an increase of 180 sq. feet (11.15 percent) in the downstairs. Combined current upper and lower levels is 2,696 square feet and proposed is 3,256 square feet (20.77 percent).

New floor plan has bump out to the north. Closest point from the slab to the septic system is 12 feet. The bump out in back is up a level. Basement is walk out. On original house there was a

182-square-foot porch that wasn't factored in to square footage on plans because it wasn't heated.

Mr. Ruskin confirms with Mr. Fishman that the original was a three bedroom and the new house will be a three bedroom as well.

Ms. Johnston shows plans. The layout is almost the same. Kitchens switched. But three bedrooms on one side, living space on other. Den area off the back. Premises remains a split level. New plan has smaller bedrooms so they could have bathrooms. So each smaller bedroom has on-suite bathroom, plus master bathroom. In lower level a large portion is the garage over to the right. Garage is 200 sq. feet larger (about 28 x 24 feet). Other areas include a laundry room, bathroom, and big family room that opens out to a patio underneath the den and underneath the deck areas. Exercise room and small study have six-foot cased openings. Mechanical room has furnace and hot water heater. Roof lines changed a little bit to make it more updated. Study will be a common area, no door, six-foot cased opening. The reason applicant appears in front of ZBA is because it's a small lot.

Mr. Carl Teplitz, abutter, expressed concern because proposed house will grow to the right and occlude his lake view. Chair noted Board only considers if change is detrimental to the neighborhood as a whole.

Ms. Pomerantz explained that they can't accommodate Mr. Teplitz request because if they moved it to the left, it would put them too close to the Birnbaum's house and garage; they are also trying to maintain existing retaining walls; and, their existing septic system pipes have to plug in to the house again.

As an abutter, Mr. Weiss says project is in keeping with other renovations that have been done in the neighborhood.

Mr. Teplitz pointed out that neighborhood is constantly filling in sink holes and wonders if another slab foundation makes sense. He added that engineering lowers lake levels during area causing significant changes in the area and they have to fill in sink holes in the spring. Mr. Ruskin suggested he take concerns to the Lake Committee.

Barry Jordan, abutter, stated he lost ability to see lake by about 80 percent due to modifications in neighborhood properties. He appreciates the fact that the Pomerantz design made such a modest change.

Mr. Ruskin says Zoning Board can't stop them from putting in trees, a fence, etc., because they own the property. Mr. Teplitz can make a private agreement with the party building the home or he has 20 days to appeal once the Decision is filed with the Town Clerk. He can seek advice of counsel and take it to the next step. The applicant's counsel indicated no interest in pursuing a private agreement.

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) (Cohen, Brahmachari, Garber, Ruskin).

Mr. Ruskin moved to approve 21 Livingston Road, Case No. 1842, two Findings and a Special Permit relative to the proposed reconstruction and structural expansion on a non-conforming lot with standard conditions. The plans include a plot plan from C. S. Kelley Land Surveyors, Pembroke, MA, dated April 2, 2019 and undated drawings with an updated drawing of the Back Elevation from Sara Johnston, Residential Design, P.O. Box 28, Rochester, MA.

Mr. Brahmachari seconded the motion.

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

Minutes:

March 27, 2019 Minutes approved. 4-0-0 (Cohen, Brahmachari, Garber, Ruskin).

April 10, 2019 Minutes approved 4-0-0 (Cohen, Brahmachari, Garber, Ruskin).

Discussed retirement of Seth Ruskin and need to check on procedures to follow to appoint new Chair and new member. Melissa Imbaro, Admin. Assistant for Selectmen, has posted notification of the ZBA Board vacancy.

It was moved, seconded, and voted to adjourn.

The meeting adjourned at 7:55 P.M.

Respectfully submitted

Minutes approved May 8, 2019.