

SHARON ZONING BOARD OF APPEALS MINUTES OF SEPTEMBER 25, 2019

A regular meeting of the Sharon Zoning Board of Appeals was held on Wednesday, September 25, 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 Weiss, and Steve Cohen.

7:00 P.M. – Rajiah Denny, 40 Harold Street, Case # 1844 – Continued Hearing from September 11, 2019, and continued from August 28, 2019

Present for applicant were: Mr. Rajiah Denny, Mr. Matthew J. Costa, Esquire, Gay & Gay, P.C., Taunton, MA 02780

Mr. Brahmachari read the Legal Notice, a letter from Greg Meister, Conservation Administrator, dated August 26, 2019, and a letter from Kevin Davis, Agent of the Board of Health, dated August 14, 2019.

Mr. Brahmachari announced that because Sharon Cable is not present, the ZBA members would use cell phones to record tonight's meeting.

Attorney for Mr. Denny stated that they understand from previous meeting that Board is concerned if structure will become a full standing part of the house. They now understand that deck was permissible in past because it was an observation deck and a structure within the area protected in bylaw. So, Mr. Denny has gone back and had plan revised and they will be submitting: Plans by Greater New Bedford Regional Vocational Technical High School, New Bedford, dated September 19, 2019, show a covered deck so it meets the intention of the bylaw. It's basically an enclosed deck. There is a door between this area and the interior of the house.

Board and attorney discussed concern about digging and that if the piers need to be 6- by 6-inches rather than 4- by 4-inches there shouldn't be any digging required. Mr. Denny said no shovel was put in the ground since completion of a recreational open deck (Case #1729, November 13, 2013) expansion. Currently deck has sonotube footing with 4- x 4-inch piers, proposed plan shows 6-x 6-inch piers, so Mr. Costa confirmed that is the only change. Attorney also pointed out that ordinary deterioration of the home would allow for change to existing piers.

Chair said standard used is that it's a non-conforming structure and applicant is making it more non-conforming. Attorney questioned why it could be considered substantially more detrimental to the neighborhood. Board concerned that it is a living space and closer to the wetlands and increases degree of nonconformity with the covering of the structure versus a flat deck.

Mr. Brahmachari requested hearing from abutters. No abutters present.

More discussion regarding how applicant came up with an observation shelter for terminology and not a 3-season porch. Attorney stated that if anything it's quieter for the neighborhood when they are under a roof outdoors. If bylaws allowed an observation deck to be covered this is an intent to conform to the bylaw. Mr. Costa stated that he hasn't heard of any measurable way they are effecting neighborhood or effecting the wetlands. He explained that neighbors have same types of structures, same wetlands, same size lots, etc. Mr. Brahmachari expressed that bringing living space closer to wetlands increases degree of non-conformity.

Applicant's attorney asked to close the hearing.

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

Mr. Brahmachari moved to approve a Special Permit relative to a habitable space expansion to a nonconforming structure on a nonconforming lot on property located at 40 Harold Street (the "Premises") and situated in the Rural 2 Zone within the Surface Water and Groundwater Protection Districts as follows:

1. Proposed habitable space expansion to a nonconforming structure on a nonconforming lot per Sharon Zoning Bylaw, Sec. 6412 b.
2. Building inspectors complaint that the applicant has partially constructed the proposed addition without a building permit which includes newly submitted updated architectural plans by Greater New Bedford Regional Vocational Technical High School, New Bedford, MA, dated September 19, 2019, and a plot plan dated May 2, 2019, by Arthur F. Borden & Associates, Inc., Raynham, MA. Mr. Cohen seconded the motion.

The Board voted 1-2-0 (Cohen, Brahmachari, Garber) to disapprove the applicant's special permit application. Therefore, the application is denied.

7:24 P.M. Town of Sharon DPW, 438 Massapoag Ave., Case #1846 – New Hearing

Present for applicant were: Lauren Underwood, P.E., Environmental Partners Group, Inc., Quincy, MA, on behalf of the Town of Sharon Department of Public Works, Ryan Trahan, P.E., of Environmental Partners Group, Inc., Eric Hooper, P.E., Superintendent, Sharon DPW, Peter OCain, P.E., Town Engineer, Lance DelPriore, Asst. Engineer at Sharon Department of Public Works.

Materials provided include: Massapoag Avenue Water Tank Replacement document dated August 22, 2019, by Environmental Partners Group, Quincy, MA which includes a Plot Plan as Existing Site Overview dated August 22, 2019.

Mr. Brahmachari read the Legal Notice, a letter from Greg Meister, Conservation Administrator, dated September 20, 2019, and a letter from Kevin Davis, Agent of the Board of Health, dated September 6, 2019.

Ms. Underwood proposed replacing 1955 water tank at site. This is one of four (4) water tanks in Sharon. Up to the first 55 feet in current tank is not considered usable because it doesn't have enough pressure to serve the system. It was rehabilitated approximately 10-15 years ago. Need to sandblast inside and outside of the tank and recoat tank. Interior of the tank is in worse shape than the outside. Costs of replacing tank are substantially more efficient than rehabbing this tank and also allows to improve the system. Ms. Underwood shows site view renderings. Tank is near some houses on Briar Hill Road.

Ms. Underwood stated that the current tank is not in danger of rupturing but needs maintenance of coatings. The Sharon DPW wants to replace 1,000,000 gallon water tank currently on site with a new 297,000-gallon, elevated glass-fused-to-steel water storage tank. They are lowering actual volume in the tank to only using what is needed for pressure and storage. Height to overflow pipe is same as existing tank at 75 feet. But total height is greater because it's 93 feet to tallest 11-foot-long lightning antenna. Controls and antenea will be relocated from existing tank onto new tank. Tank mixing system helps quality of water; makes sure that water is moving. DPW truck access road from Briar Hill Road proposed. Existing tank needs to stay on line while new one is built, but will be demolished as part of the project. There will be reforestation.

Daniel Davis, 14 Briar Hill Road, said something recently posted on town website didn't show access road as shown in tonight's slides. Ms. Underwood agreed and explained that revisions were made since an informal meeting with some of the neighbors held Wednesday, September 18, 2019. Ms. Underwood showed renderings of reforestation post construction and also 15 years post construction. It's a 140-year-old methodology and 98% of tanks that have been erected are still in service today. Tank will be blue and shallower than picture shown (shorter). Overflow pipe goes in to pedestal and pops out at the bottom. Web trusses shown are for Verizon and T-Mobile antennae.

Feedback Ms. Underwood gathered from previous neighborhood meeting with abutters included: opposition to Briar Hill access road, desire to maintain trees and cover onsite, proximity of location of new tank to Briar Hill Road and neighboring homes. Based on this feedback, Ms. Underwood showed slides adjusting sight access to across

from Bramble Lane. Mr. Hooper added in that Town is in negotiations with one property on Bramble Lane that will go to Town Meeting and if approved, allow them a lot more flexibility in keeping vegetation along Briar Hill Road, shifting the construction laydown areas behind the existing tree line and move access lane so it lines up with Bramble Lane. This is an option, he continued, but if they move much further they will have to redo the geo. testing and the borings. Area also has elevation drop as you move away from current area, so moving tank doesn't help maintain the top elevation per Mr. Hooper. Potentially gaining Bramble Lane property allows them to address as many of the neighborhood concerns as they can. They don't plan on using Bramble Lane access road unless there is inclement weather -- Massapoag access is a steep incline and can cause difficulty in inclement weather. To eliminate abutters' concerns to traffic in neighborhood, DPW is amenable to using Massapoag nine (9) Months of the year.

Maura McCauliffe, 26 Briar Hill Road, asked if limiting Briar Hill Road access, will it be limited to T-Mobile and Verizon trucks as well? DPW expectation is that these utilities will still use Massapog Ave. to access site.

Christopher Zirps, 19 Briar Hill Road, asked since life of the tower is over 100 years why won't they move utility buildings? Ms. Underwood said T-mobile and Verizon have utility equipment sheds and, additionally, Town doesn't have the property line.

Jeff Zwicker 16 Briar Hill Road suggested tank is detrimental to community and they want it back as far as they can from Briar Hill and Bramble Road. They could go to same elevation but would need to increase total structure to get to same height per Ms. Underwood.

Mr. Cohen asks if they've considered purchasing any other property. The property isn't ideal topography. There is a home to the north. Mr. Zwicker wants to explore the cross hairs of two properties.

Gary Garber, 6 Tanglewood Road, wondered if the equipment sheds will be taken away once construction completed. Ms. Underwood said the sheds will stand. There isn't room below for storage of utility items. Only Town's existing shed equipment will be moved to the base of the proposed tower. No room for other utilities storage. Mr. Garber asked Mr. OCain if utilities buildings could be moved elsewhere. They would need to move buildings, infrastructure, and wires underneath so no simple task and added expense to the town.

Elizabeth Davis 14 Briar Road asked can water tower be moved to the other side of the sheds on the new land? It will be away from other abutting house and no one needs to move a shed. They can investigate that option, but also additional site work would be needed to run water main to site, and also ground elevation is a concern because concrete footing needs to be tied in to the bedrock. They can't butt right up against a structure. They have an existing water main that would no longer be accessible. Need to check measurements to existing home to North.

Mr. Hooper said there is a reason knobs are where they are; it's rock. When you go away from the knob it's not the same subsurface. Mr. Hooper can look at it, but it will add cost. They will need a taller concrete pedestal, would need to redo subsurface borings, and regrade site at that location. Also per Ms. Underwood, shifting tank location would make Massapoag Ave. access road less effective. Mr. Hooper approximated \$3.2 million dollars for new tank.

Mr. Zirps, there s a shack and equipment shelters. If you move it north of the sheds it will be a lot closer to 20 briar hill. And you have to bring water main up to the tank and clear road under that option as well per peter ocain.

Ryan Trahan stated presentation addressed abutters concerns from last week. It would be significant expense to go out to that site and see if north area works. So they are trying to save the town the expense. This is an already existing non-conforming use to the land.

Jennifer Schuster, 8 Briar Hill, questioned original survey cost and Mr. Trahan estimated \$80,000, plus \$60,000 to \$70,000 for a \$3 million dollar tank.

Dan Davis, 14 Briar Hill asked if we had gone with plan of rehabbing initial tower, what would've happened with water supply while tank was out of service. For six to eight weeks there would be fire concerns and water pressure concerns in the Town per Ms. Underwood. Construction duration will take more than six to eight weeks for new tank though, Mr. Trahan stated, so they can't take current one off-line and build in same spot.

Elizabeth Davis, 14 Briar Hill Road, asked what does access road do to change zoning for homes on the road? Mr. Hooper says municipal use is allowed in any zone without changing zoning for the area. DPW is not asking for relief. Mr. Hooper says gates will be chain link fence gates.

Jeff Zwicker, 16 Briar Hill Rd. asked where storm run off goes? Mr Trahan said they want to follow natural patterns, but haven't had a chance to do drainage since meeting with neighbors just last week. Previous design had a swail built off driveway.

Trees will be cleared for contractor's lay down area to perform the work. Mr. Hooper said younger trees grow quicker often times. Mr. Trahan said maybe 6-foot minimum and alternate heights. The till is probably only conducive to certain types of trees per Mr. OCain. Neighbors want tree coverage.

Mr. Brahmachari suggested maybe they can take questions and comments from tonight and make it better.

Mr. Hooper stated that should they get ownership of the land at Town Meeting and then do some borings in the area. If they are no good, then they know they can't go forward with the design. But it requires that they clear some land. Mr. Brahmachari suggested doing some more borings to find out if there is a possibility of shifting the tank location away from the abutters.

Jennifer Schuster, 8 Briar Hill, asked for color options and is told sky blue, tan, forest green, default color of cobalt blue. Ms. Underwood explained that if you go with something other than the default they have to do more coatings. Ms. Schuster suggested sky blue be used like current tower. Board member asked if price would go up and Mr. Hooper said he doesn't remember there being much of a cost difference, but they can get a cost estimate.

Richard Pauliferno, 20 Briar Hill Road asked how mixing system is powered. Mr. Hooper explained that it's a passive system and that there are systems that are solar, but any time you have penetration into the tank it leads to problems. He adds that the problem with current tank is that it gets a pocketed layer from ice forming at top of tank in wintertime which pulls paint away from the steel so oxycote required. Also seams of welded steel aren't great.

Project goal would be to award to contractor this winter and construction next year. So, start 2020 with construction expected to last one year with completion before spring of 2021. Mr. Brahmachari asks that applicant take all the comments and make it better can they come back to Board with revised scheme for the end of November or knowledge that the current site is the best option. Ms. Underwood asked if adding trees and making tank sky blue would make project agreeable to the neighborhood?

Current design is modeled after design at Statewide Aqua Store, but contract would be put out for bid, so no specific supplier chosen yet.

Ms. McCauliffe questioned access road width. Road will be wider during construction, but paved to only the width of driveway when completed, and plantings added.

Mr. Garber asked what is the cost to the town if you have to do the borings? Just by doing another test it will be at least \$15,000 plus some land clearing involved per Mr. Hooper. Rich Poliferno, 20 Briar Road, agreed with Board when mentioned that revising location may have water tank closer to his house. Mr. Brahmachari would like to see an alternative analysis.

Mr. O'Cain stated Select Board members expected to signed purchase and sale today and only \$28,000 for lot, so not expected that Town Meeting to vote it down. Next time they come Mr. O'Cain will bring map of surrounding area.

Applicant asked to continue the hearing. Hearing continued to December 11, 2019, so cost analysis and boring in other spots can be considered. Discussion that this may delay work in the spring of 2020. Current tank does have pitting, but it is not going to fall down, so delay isn't a safety concern. Moving the tank with additional site work and investigation is estimated to potentially add at least \$200,000 to \$300,000 in cost to the job.

Minutes:

Mr. Brahmachari moved to approve the minutes of September 11, 2019. Mr. Garber seconded the motion. The Board voted 4-0-0 to approve it.

It was moved, seconded, and voted to adjourn.

The meeting adjourned at 8:40 P.M.

Respectfully submitted