

SHARON ZONING BOARD OF APPEALS MINUTES OF DECEMBER 11, 2019

A regular meeting of the Sharon Zoning Board of Appeals was held on Wednesday, December 11, 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, David Young, and Steve Cohen.

7:00 P.M. Scott Moldoff, 18 Niantic Road, Case No. 1849 – New Hearing

Present for applicant were: Larry Van Leer, Contractor for the project and Scott Moldoff.

The applicant provided the following materials with application: architectural drawings by Van Leer Remodeling and Painting, Sharon, MA, last revision date of October 8, 2019, and a plot plan by Sharon Survey Service, Sharon, MA dated September 23, 2019.

Also additional/updated document: Plot Plan Sharon MA, dated October 18, 2019, by Sharon Survey Service, Sharon, MA.

Mr. Brahmachari read the Legal Notice, a letter from Greg Meister, Conservation Administrator, dated December 3, 2019, and a letter from Kevin Davis, Agent of the Board of Health, dated October 31, 2019.

The applicant, Mr. Moldoff, proposed installing a four-season sunroom to replace the existing deck; the footprint of the sunroom would be less depth but longer, so no closer to wetlands than existing foundation and chimney. It will be less encroaching to the wetlands. Existing deck is six feet wider than the new addition. It is about 25 feet to the wetlands now and will be approximately 31 feet to the wetlands when rebuilt. The sunroom will be attached to the house with a full foundation and crawl space. There will be a stone patio, not a deck. There will be no future building on the left side. Board discussed why this is different than recent 40 Harold Street case and noted that the Conservation Administrator approved it and the new structure will be approximately 50 feet from wetlands.

Because there isn't proof of distance to wetlands, Board members requested to see scale drawings to wetlands.

No abutters present.

Applicant will bring back measurements to the wetlands. Case continued to January 8, 2020 at request of applicant.

7:18 P.M. Ramy Elmorshidy, 21 Norfolk Place, Case No. 1850 – New Hearing

Present for applicant were: Ramy Elmorshidy

The applicant provided the following materials with application: Plot Plan dated September 18, 2019, by Dunn McKenzie, Inc., Land Surveying and Civil Engineering, Norfolk, MA, and an undated, unattributed eight (8) page set of drawings.

No additional documents at meeting.

Mr. Brahmachari read the Legal Notice, a letter from Greg Meister, Conservation Administrator, dated December 3, 2019, outlining concerns about the size of the project and concerns for the water table and no recognized hardship; and read a letter from Kevin Davis, Agent of the Board of Health, dated November 26, 2019.

The applicant, Mr. Elmorshidy stated that the building is currently not occupied, and he is the owner. He purchased it from bank. Previously had a cesspool and he replaced that with septic system for a three-bedroom home. Currently there is one (1) bedroom on main level and two (2) bedrooms on the second floor and there are no dormers. Mr. Elmorshidy is proposing adding a large living room on the first floor by eliminating a bedroom on the first floor, and then on the second floor having three (3) bedrooms instead of two (2). Applicant confirmed that the attic will not be finished, will be used for attic space only, and has pull down stair. Applicant understands the septic is only for three (3) bedrooms so he cannot add any bedroom to the attic. Existing square footage is 31 by 24 square feet.

Board expressed that new design is a little larger than what is in the neighborhood currently. Mr. Brahmachari explained that the building code gives 35-foot maximum height, but the ZBA looks at how the proposed structure will fit in that neighborhood subjectively. Applicant asked for guidance for an okay height for board, but they can't articulate that. Board is concerned building height as proposed will not be in keeping with the neighborhood.

Applicant asked to continue the hearing and scheduled for January 8, 2020.

7:42 P.M. Lauren Underwood, P.E., Environmental Partners Group, Inc., on behalf of Town of Sharon DPW, Case No. 1846 – Continued Hearing

Present for the applicant were: Lauren Underwood, P.E., Environmental Partners Group, Inc., Quincy, MA and Ryan Trahan, P.E., of Environmental Partners Group, Inc., on behalf of the Town of Sharon Department of Public Works; Eric Hooper, P.E., Superintendent, Sharon DPW.

Materials provided with original application for September 25, 2019, meeting included: 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. Additional documents provided for the December 11, 2019, meeting included: Four different options for Tank Location Sites and four sets of Clearing Plans and a sketch showing the four (4) locations on one page (undated) by Environmental Partners Group, Inc.

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.

Mr. Hooper expressed that the DPW was freed up to do some design changes because Town acquired a 45,732 square foot parcel of land located at 18 Briar Hill Road adjacent to tank per town meeting vote on November 4, 2019 for \$28,000. Because the staging area can move to the new plot, staging landed further away from any abutters than previously suggested. The proposed plan Alternative Option 4 shows the new vegetative area and DPW will plant with concern for the nearby abutters. In considering

other locations, several issues encountered because land drops off fairly quickly which adds to construction cost to bring tank up to height. Also, geotech findings show weathered rock that is not as well suited, and this will add to the cost of the project, and potentially require blasting.

Ms. Underwood presented Tank Siting Alternative Analysis of 4 options as requested by Board at September 25, 2019 meeting. Original Tank Placement tank pedestal is 57 feet from back of sidewalk on Briar Hill Road and tree depth is 35 feet. Pros of original location is that it is ideal subsurface conditions, limits the clearing to one parcel, and minimizes required paving and site work. Cons for original plan are the proximity to Briar Hill Road and clearing limits to Briar Hill Road.

Alternative No. 1 – Northeast of existing tank plan shifts tank 55-feet north and 6-feet west of original location. Tank to sidewalk distance is 64 feet and 44 feet of new tree buffer to sidewalk. Pros include access driveway across from Bramble Lane on 18 Briar Hill Road property, maintains tree buffer along edge of Briar Hill Road, and tank design height remains the same at 75 feet. Cons: can't move tank any farther from Briar Hill Road; additional subgrade prep and tank foundation modification required; could require blasting, and cost increase \$100,000k to \$175,000. Three geotechnical borings advanced in the area of Alternative No. 1 encountered weathered rock; described as poor to fair quality based on its RQD which ranged from 20 to 55%. Whereas original option came back fair to good based on RQD. So, greater amount of subgrade preparation work to support the anticipated design loads by either excavation or possible blasting to access competent rock are likely with Alternative No. 1. Christopher Zirps, 19 Briar Hill Road requested and received confirmation that original was 3 million and this option is an additional \$100,000 to \$175,000.

Alternative No. 2 – Verizon Equipment Shelter Site pros include farther offset from Briar Hill Road; tank design height remains the same. Cons: project delayed about a year, need for new equipment shelter on site closer to Briar Hill Road; extremely costly (\$750 k in telecommunications expenses alone); tank cost increase additional 3-5% because of delay; extensive site work; subsurface conditions unknown. For these reasons it is not a viable option for the town and no design plans were prepared. The \$750,000 is all associated with the telecommunications equipment per Ms. Underwood.

Alternative No. 3 – 18 Briar Hill Road Site positives include: tank position is farther offset from Briar Hill Road, maintains access driveway across from Bramble Lane on #18 Briar Hill Road property; and maintains tree buffer along edge of Briar Hill Road. Cons include: large amount of clearing and paving required; direct sight of tank from Briar Hill Road and 20 Briar Hill Road; additional grading and site design due to site topography; additional subgrade prep and tank foundation modifications; tank must be taller; antenna relocation design required, long utility runs, could require blasting, cost increase of \$325,000. Has most amount of clearing and site work of these options. Richard Poliferno, 20 Briar Hill Road, expressed concern with how close the tank sits to his backyard in this alternative. And, he is concerned about problems if blasting is involved. Ms. Underwood agreed it is close to his property. Mr. Poliferno opposed the shift.

Alternative No. 4 –after evaluating alternatives, Environmental Partners and the Town prepared a fourth alternative to optimize the siting of the tank by keeping tank in originally proposed location, but relocating the access driveway to across from Bramble Lane on the 18 Briar Hill Road property and maintaining the tree buffer along the edge of Briar Hill Road. This alternative also allows for minimal amount of clearing and impervious area of all the assessed alternatives. Site access will be maintained

by the Briar Hill Road access driveway for use during the winter months and during inclement weather, as well as during construction. This minimizes paving; sites tank where foundation conditions are the best; very similar site and clearing numbers to the original option with a drastically changed site plan.

Mr. Zirps questioned if it was correct that last time tank was down for maintenance it was down for five months in 1997. He wondered if this project at eight-month time estimate seemed possible to do with tank down so tank can be placed in same spot. Mr. Hooper responded that he believed the tank was just painted so it was not as intensive of a project in 1997. Deconstruction, construction, moving cell phone equipment, and weather all have a role in the process and it is not possible to dismantle old tank first because it is a lengthy project and telecommunications need to be in place per Mr. Trahan.

Jeff Whittacker, 16 Briar Hill Road was concerned that this is going to be in his front yard basically. from the back acre to the front half acre will be one big paved area into a water tower that is three trees to his front yard. Discussion about adjusting paving away from the property, but need access to structure, utility sheds, and water lines, so not a foresting option. Mr. Hooper pointed out that the tank was there in 1955 and the houses were built 30 years later with consideration to face them away from the water tank. Ms. Underwood agreed with Mr. Brahmachari to look into reducing impervious area from Alternative 4.

Mr Zwicker requested further review on Alternative No. 1 cons. Price increase of \$100, 000 to \$175,000 to do this option, so Mr. Hooper would have to ask Board of Selectmen to go into the reserve fund which is paid for by water rates. And, potential need for blasting is a drawback with this option. Mr. Zwicker asked why rehab of existing is not best option; current tank is reaching end of life. Mr. Zirps said current location is best option, but that option isn't on the table.

Mr. Hooper's point of view is from revenue and cost. For him the original location is the least cost because of subfoundation. Alt. 1 is a good choice, except he isn't really seeing that many advantages from cost/revenue standpoint. So he is back to original option for #4 and they already spent \$28,000 on additional plot of land in an effort to try to do things to make it better for the abutters, so from his perspective it's not enough of an advantage to spend another \$175,000 dollars. Mr. Hooper agrees they can look at what can be done with water main because if that can be moved up, more vegetation can be added. Mr. Garber suggested a temporary water main, but they aren't removing existing foundation, so water piping can't be rerouted easily.

On Alternative Four and Alternative One, they can cut the bottom paved piece so it's not as impervious and they can put some more plantings per Mr. Trahan. Mr. Brahmachari thinks Four and One are better options because others make project too large. Mr. Cohen clarified why Three is more problematic. Mr. Young clarified usable storage in water tanks. Mr. Young likes Alternative Two because it brings it away from street and only adds an extra year. Mr. Zirps stated trees they have are 40 feet now, but moving tank closer is going to make tank much more visible.

Ms. Underwood and Mr. Hooper asked that Alternative Four be approved. Mr. Brahmachari added that a condition of approval being shaving off some impervious area and adding more trees. Mr. Trahan likes Alternative 4 better than Alternative 1 for the cost savings.

Mr. Poliferno contended that Alternative One has blasting and Alternative Four has NO blasting. So, Alternative One adds that significant negative. Mr. Zweicker asked has Community Center site been considered? Mr. Hooper explained that Community Center space is not an option because it is 50- to 100-feet lower.

Mr. Brahmachari noted we have heard concerns from all parties and confirmed applicant is seeking approval for Option 4. Joe Garber, Abe Brahmachari, and Steve Cohen are voting members. Change in location is 50 feet north and 6 feet west for option 1 compared to option 4. Mr. Brahmachari outlined taking a vote to approve option 4 with additional vegetation to the east and the south of the tank and with the condition to reduce the existing impervious surface at the footprint of the existing tank and utilizing Massapoag entrance except during heavy snow. Tank will be sky blue per Ms. Underwood.

Applicant asks to close the hearing to approve Alternative 4.

Mr. Brahmachari moved to close the hearing. Mr. Garber seconded the motion. The Board voted in favor of closing the hearing (5-0-0).

Mr. Brahmachari moved to approve Case No. 1846 at 438 Massapoag Avenue, Alternative No. 4 as seen in figure 4A and 4B conceptual site designs and proposed clearing limits for Alternative No. 4 with two additional conditions: 1) additional vegetation added to the east and the south of the tank for buffering and 2) reduction in size of the existing impervious surface at the footprint of the existing tank. The plans included: 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. Additional documents provided for the December 11, 2019, meeting include (undated): Four different options for Tank Location Sites and four sets of Clearing Plans and a sketch showing the four (4) locations on one page by Environmental Partners Group, Quincy MA.

Mr. Garber seconded the motion.

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

Minutes:

Mr. Brahmachari moved to approve the minutes of November 28, 2019. Mr. Garber seconded the motion. The Board voted 5-0-0 to approve it.

It was moved, seconded, and voted to adjourn.

The meeting adjourned at 8:54 P.M.

Respectfully submitted