

## SHARON ZONING BOARD OF APPEALS MINUTES OF JANUARY 22, 2020

A regular meeting of the Sharon Zoning Board of Appeals was held on Wednesday, January 22, 2020, 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, Steve Weiss, David Young, Samuel Reef, and Steve Cohen. Joe Garber arrived at 7:18 PM during 34 Sandy Ridge Circle discussion.

### **7:00 P.M – Rattlesnake Hill – Other business**

Town Counsel, Lisa V. Whelan, Esq., Gelerman and Cabral, LLC, Norwood, MA, provided the Board (via email prior to the meeting) stipulations of dismissal and/or agreements for judgement, in Norfolk Superior Court case no. 0382CV02377 and Housing Appeals Committee case no. 04-01.

A 337-acre parcel of undeveloped land that was owned by a development corporation; golf course, 40 B units, etc. raised concerns by town residents. At town meeting Dec. 4, 2019, town voted to purchase land for general purpose of preservation. During process ZBA had approved for a negotiated number of units, but now that it is going to be purchased by the town for general purpose of preservation the two litigation involving this project are to be dismissed this evening.

Mr. Brahmachari read statement from List Whelan, Town Counsel, outlining the vote to take place (statement appears with vote below.)

Mr. Reef requested language to be added by Town counsel so both documents would include “waving all rights of appeal.” because only one document included such language.

Mr. Brahmachari made a motion to authorize town counsel to dismiss the two cases: That the Board authorize Town Counsel to execute stipulations of dismissal and/or agreements for judgment, in Norfolk Superior Court case no. 0382CV02377 (Myatt, et al. v. Mountain Street, LLC and the Sharon ZBA) and Housing Appeals Committee case no. 04-01 (Mountain Street, LLC v. Sharon ZBA), in accordance with the terms of the Purchase and Sale Agreement entered into by the Town and Brickstone Sharon, LLC, dated December 30, 2019, for the sale of the property to the Town with inclusion of a condition that Town Counsel add text reading “waving all rights of appeal” to the Docket # 04-01 Stipulation of Dismissal With Prejudice, Mountain Street, LLD, v. Sharon Board of Appeals.

Mr. Weiss seconded the motion.

Motion approved 5-0-0 (Abe Brahmachari, Steve Weiss, David Young, Samuel Reef, and Steve Cohen.) Mr. Garber was not present at the time of this vote.

### **7:06 P.M. Bahrom Maksudov, 34 Sandy Ridge Circle, Case No. 1852 – New Hearing**

Present for applicant were: Bahrom Maksdov, Iroda Maksdov

The applicant provided the following materials with application: Plot plan dated November 5, 2017, by Antonino Land Surveyors, Inc., Stoughton, MA, and an undated, eight (8)-page Architectural Plan by TADesign.

Mr. Brahmachari read the Legal Notice, a letter from Greg Meister, Conservation Administrator, dated January 7, 2020, that contains caveat, "if the garage were to be proposed next to a parcel of land under the control of the Conservation Commission, I would probably offer some objections;" and a letter from Kevin Davis, Agent of the Board of Health, dated December 19, 2020.

The applicant, Bahrom Maksudov, proposed installing an attached garage with no additional bedrooms. Single Residence District B has 20-foot setback. They just want to build a two (2) car garage.

Laxman Chandwani, 38 Sandy Ridge Circle, abutter, was present and his property sits on side of the home where garage would be added; he approves of the project. Mr. Brahmachari explained that to approve building on that side of property there would need to be hardship shown. There is land in the back of the house. Current design is six (6) feet from the property line, so they would need another fourteen (14) feet.

Mr. Brahmachari drove by and looked at their property and neighborhood and found that, generally, most of the homes do not have garages. Two homes have two-car garages per applicant. It's an expensive proposition to move septic in order to build in back yard, but not a hardship.

Mr. Brahmachari explained hardship. They can vote today. Or they can continue the case and consider another option of how to build garage. Or they can withdraw the case as a third option. Mr. Maksudov mentioned other homes have garages; but Mr. Garber stated that most of those garages are original to the homes in that neighborhood.

So Mr. Brahmachari explains they can work with designer to work on another option or vote today, but he will probably vote against it.

No other abutters present.

Applicant asks to continue hearing until March 25, 2020.

### **7:30 P.M. Katherine Romeo, 5 Pleasant Park Road, Case No. 1853 – New Hearing**

Present for the applicant were: Kathy Romeo: Mark Mendes, and Joe Garcia, Contractor

Materials provided with application included: unattributed undated six (6) pages of drawings for 12' x 12' 3season room with 12' x 10' deck; Certified Plot Plan by Collins Civil Engineering Group, Inc., Braintree, MA dated December 2, 2019.

Mr. Brahmachari read the Legal Notice, a letter from Kevin Davis, Agent of the Board of Health, dated January 7, 2020, and a letter from Greg Meister, Conservation Administrator, dated January 7, 2020, noting Mr. Meister approves because the addition doesn't include adding a bedroom nor habitable space but he would strongly object to the conversion of this room to habitable space at a later date.

The applicant, Katherine Romeo, proposed installing: twelve- by twelve-foot screened in three-season enclosure with a ten-foot by ten-foot observation deck on a 1957 three-bedroom, 1,344 square foot Ranchstyle home. Setback requirement for their property is 20 feet to the back and side and they are well

within the 20 feet. There are no wetland resources. Mr. Brahmachari notes that Mr. Meister's expectation is it is a three-season porch and that it will remain as a three-season porch in the Conservation letter. Board will add a special condition that it can't be changed or enclosed in the future.

No abutters present.

Applicant asks to close the hearing to for 5 Pleasant Park Road, Case 1853.

Mr. Brahmachari moved to close the hearing. Mr. Reef seconded the motion. The Board voted in favor of closing the hearing (6-0-0).

Mr. Brahmachari moved to approve Case No. 1853 at 5 Pleasant Park Road seeking two findings and a special permit relative to expanding a structure on a nonconforming lot with a special condition that the three-season porch will remain a three-season porch and the deck will remain an observation deck and standard conditions. The property is situated in the Residence A Zone within the Groundwater Protection Overlay District. Mr. Garber seconded the motion.

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

**Minutes:**

Mr. Brahmachari moved to approve the minutes of January 8, 2020. Mr. Weiss seconded the motion. The Board voted 6-0-0 to approve the minutes.

It was moved, seconded, and voted to adjourn.

The meeting adjourned at 7:40 P.M.

Respectfully submitted