

SHARON ZONING BOARD OF APPEALS MINUTES OF WEDNESDAY, MAY 27, 2020

LOCATION OF MEETING: In compliance with the Governor's emergency declaration relative to the conduct of public meetings, the Town arranged to conduct board and committee meetings using Zoom video/audio conferencing in an effort to minimize the spread of COVID-19. Interested citizens received directions on how to attend the meeting remotely in the Agenda as posted on the ZBA website and the Town. This meeting was presented with the video and/or audio available for later broadcast. The Zoning Board of Appeals is focused on observing the spirit of the Open Meeting Law during this temporary emergency situation to assure accountability for the deliberations and actions of elected and appointed officials conducting the public's business.

A virtual meeting of the Sharon Zoning Board of Appeals was held on Wednesday, May 27, 2020, at 7:00 P.M. The following members were present as established by roll call: Abe Brahmachari, David Young, Joe Garber, and Steve Cohen. Mr. Weiss was not present. Mr. Reef was not present for the roll call. Mr. Reef previously recused himself from 144 Old Post Road, Case 1855. Mr. Brahmachari opened meeting noting reasoning for virtual meeting and procedural ground rules.

7:00 P.M. 738 Massapoag Ave. and 18 Briar Hill Road, 1859 – New Hearing

Present for the applicant were Eric Hooper, Superintendent of the Public Works Department and Peter Ocain, Town Engineer.

Mr. Brahmachari read the legal notice that appeared in the Patriot Ledger on May 12, 2020, and in the Times advocate on May 20, 2020; Sharon Conservation Commission letter regarding Case 1859 from John Thomas, Conservation Administrator dated May 26, 2020; and Sharon Board of Health letter from Kevin Davis dated May 26, 2020.

Materials submitted with the applicant included: Memorandum from Eric Hooper, PE, Sharon Superintendent of Public Works, dated May 8, 2020, regarding Massapoag Avenue Water Tank Replacement Special Permit Case no. 1846 Modification Request; Letter from Joe Kent, Building Inspector dated May 7, 2020, regarding Permit Application, 438 Massapoag Ave; Letter from Gregory Meister, Conservation Commissioner dated September 20, 2019, re: Case 1846; Letter from Kevin Davis, Agent of the Board of Health dated September 6, 2019, regarding 438 Massapoag Avenue – ZBA case No. 1846; Massapoag Avenue Water Tank Replacement plans dated August 2019 from Environmental Partners, Massapoag Avenue Water Tank Replacement Sketch 1 – Tank location Plan C-1 dated August 2019; Massapoag Avenue Water Tank Replacement Site Plan F-1A dated May 2020; and Massapoag Avenue Water Tank Replacement Abandonment, Demolition, Site Preparation and Erosion control plan F-1B dated May 2020.

Mr. Brahmachari said he has heard proposal three times and it has come back to the board only due to an administrative error. Mr. Reef joined the meeting at 7:05 PM.

Mr. Hooper reminded Board of the history of water storage tank replacement Case 1846, 438 Massapoag Ave., dating from September 25, 2019, to December 11, 2019, when a Decision to approve was rendered. A special modification of the decision hearing was held on February 12, 2020 and the modification was approved. But, after the appeal period passes, a modification is no longer an option, but rather need to submit as new case. So they are back with filing errors corrected and a new case number, but the same project as was approved on February 12, 2020.

The current approved location is roughly 75 towards Briar Hill and 75 feet north of the existing location to affect direct abutters to the least extent possible. They are seeking findings and a special permit relative to a proposed removal and replacement of the existing nonconforming Massapoag Avenue Water Storage Tank and Standpipe.

Mr. OCain showed plans F-1A Environmental Partners Site Plan originated on September 25, 2019 and last updated May 27, 2020, to the Board members.

No abutters present to comment.

Mr. Hooper requested to close the case. Mr. Garber seconded the motion. The Board voted to close the case 5-0-0 (Brahmachari, Garber, Cohen, Young, Reef).

Mr. Brahmachari requested approval of Case 1859, 438 Massapoag Ave. and 18 Briar Hill Road as presented on drawing F-1A dated May 27, 2020. Seconded by Mr. Garber. Board voted unanimously to approve, 3-0-0 (Brahmachari, Garber Cohen).

Tank should be completed by September 2021 per Mr. Hooper.

7:22 P.M. Ninety-Five LLC, 144 Old Post Road and 715R South Main Street, Case No. 1855A, Sharon Gallery– New Hearing

Also including

7:22 P.M. Ninety-Five LLC, 144 Old Post Road Case No. 1855, Sharon Gallery– Continued Hearing

Present for the Applicant: Robert Shelmerdine, Esq., Sharon MA, attorney for the applicant; Rich Loeschki, architect, Bignell Watkins Hasser Architects PC, Annapolis, MD; Faik Tugberk, architect, Architects Collaborative Inc., Bethesda, MD; Matt Smith from Norwood Engineering, Norwood, MA; Ken Cram, Traffic Engineer, Bayside Engineering, and David Spiegel, Ninety-Five LLC, Norwood MA, developer for the project.

Also present: Tom Houston, AICP, PE, President, Professional Services Corporation PC, Norwood, MA; Peter OCain and Erin Hooper, Town of Sharon Department of Public Works

This case (1855) was continued by applicant request from March 11, 2020, to April 8, 2020, and then at the ZBA's request to April 15, 2020, application's request to April 29, 2020, and now per applicant to May 27, 2020. An additional filing (1855A) has been added for consideration. Sam Reef recused himself at the initial meeting for the 144 Old Post Road, Case, 1855.

Mr. Brahmachari read the legal ad. He noted that the Conservation Commission and Board of Health letters are not currently available. The new filing (1855A) has two additional requests for relief.

Mr. Brahmachari noted that feedback from the developer regarding a Peer Review conducted by Mr. Houston of PSC was submitted to the town engineer and ZBA on Monday, April 27, 2020, and was uploaded to the ZBA Upcoming Applications page so Board and public could access the documents.

Newly received documents from the developer include:

- ZBA Presentation by Bignell Watkins Hasser Architects dated May 20, 2020;
- Phase1 Site Plan by Norwood Engineering dated May 18, 2020;
- Site Landscaping by KD Tuner Design dated May 15, 2020;
- Traffic Memorandum by Bayside Engineering dated May 13, 2020;
- Sharon Gallery Phase 1 Sign Package by Viewpoint Sign & Awning dated May 20, 2020

- Design Concept document by PCA dated September 04, 2019.
- May 20, 202 Bignell Watkins and Hasser and Ninety Five, LLC response to DRC letter.
- Memorandum for ZBA from Deputy Chief Don Brewer RE Sharon Gallery, Old Post Road Development Proposal dated March 6, 2020
- Review of Sharon Gallery project 144 Old Post Road by Peter OCain, Town Engineer, and Thomas C. Houston, Professional Services Corporation dated May 27, 2020.

Mr. Shelmerdine explained the additional filing at 1855A was because there was an underdrain that went through one of the retaining walls in a section of the project. The second matter if more than 15 percent of project is covered by impervious materials, it is permitted only with ZBA approval in Business District D. Since applying in early May, they may now not need a special permit for underdrain under the retaining wall because the underdrain may be eliminated. In 2007, the 15% pervious relief was previously approved for the first developer for Sharon gallery.

Mr. Brahmachari listed of Major site plan approval reviews needed: Engineering Review by the Town, Peer Review by PSC; Design Review Committee; Planning Board review; Conservation Commission; Board of Health. Also, the Chair and Mr. Shelmerdine agreed that February 12, 2020 filing included major site plan approval (section 6320); Wetlands setback section 3340; variance for construction the width of a landscape strip (section 2465.b; minimum area of landscape under section 2465.c.1); variance for construction within front yard setback (section 2466.); and the May 6, 2020 additional filing included a special permit for modification of underdrains (section 4532.c), and a special permit for impervious materials coverage section 4535.a.

Mr. Shelmerdine said team submitted revised site plan, lighting plans, and a ZBA presentation prepared by Architects Collaborative and Bignell Watkins Hasser Architects dated May 20, 2020.

Mr. Loeschke showed ZBA Presentation by Bignell Watkins Hasser Architects dated May 20, 2020, in response to DRC comments. He showed dumpsters, elevation of land around multi-use residential building and parking garage; landscaping and pervious pavement areas are more detailed and they were able to eliminate the variance request for the interior landscaping by adding green space to get beyond the 5%; bike racks added; snow removal area; pervious pavement areas. Mr. Smith said snow melt will pitch toward existing parking lot, not into the road.

Mr. Cohen asked if there is any attempt to do a town commons effect to this project that was highlighted in pitch to the town? Mr. Loeschke noted photometric plan and signage plan reviewing lighting locations that he can review. They have crosswalks connecting across village green parking lot and near islands. They are utilizing the sidewalks in front of all the buildings so people will gather there. They have landscape, benches, hardscapes see page 10. He said it is not a village green in traditional sense. They have to accommodate cars. They are trying to put in as much landscaping as possible

Mr. Loeschke explained that Market Basket and the pharmacy look completely different than Building F because different design teams worked on them. Market Basket has its look per their own architects. The rest of the buildings are not defined yet. Board member wondered why, knowing Market Basket is mature in design, wouldn't the pharmacy and mixed use building be designed to the Market Basket design?

DRC noted that they have different palettes during their meeting last night. Mr. Shelmerdine explained that they are trying to get look of Building F correct. The other buildings other than Market Basket are pretty much filler currently. When those tenants come, they are corporate tenants and they will be part of the mix of designing the structure and then meeting our palette as much as possible. The Market Basket structure may be set, the palette may not be set in stone.

Mr. Shelmerdine said this is 500,000 square feet of retail and 250,000 square feet of residential. They have Market Basket. In multi-use building F the stores underneath are like Legacy Place, Dedham except residential above. Expectation is the tenants will come. The building will be done completely. They will try to get Market Basket to look like Building F, and certain businesses may want certain look, so developer will need to be adaptable.

Mr. Loeschke said three sides of village square will be built like building F architecturally. Pharmacy may pick options that are compatible to it. Mr. Tugberk added that the architecture is two spaces: shopping around Building F and also the Market Basket area. Market Basket has traditional architecture and that is their image. He can't critic or change it. However, around this courtyard the developers control three out of the four buildings as well as the courtyard itself. Building F was challenging with its elevations and its colors. It is what they aspire to be in this courtyard. He would like to impose some of the architecture, especially the colors to the pharmacy to be uniform, but New England town centers have architecture from many different eras and different styles. Mr. Tugberk noted that they are trying to be more forward thinking with architecture of Building F area buildings.

Mr. Loeschke showed all the materials used in design. Also, drawings now show catwalk behind Building F. Enhanced landscape and streetscape shown in 9pg 12 ZBA presentation 5/20/20. Parking lot lighting is limited to 25 feet, but other lighting connects the spaces. In transport area they kept pavement flush so cars can leave without needing the one in the front to leave first. They are going by MA DOER requirements. Building F conforms to that level. Roof can handle solar panels more details page 17-18 reviewed. All the apartments are electric heat and hot water. Page 19. He went through ZBA presentation 5/20/20.

Mr. Brahmachari asked for slide 12 and said if standing in front of Building F, Market Basket isn't very visible. He also noted the flush pavement could be dangerous in transportation pick up area. Last comment is can they use materials palette applicable to your design of other tenants, cohesive looks, etc.

Smallest apartment is 750 square feet and largest is 850 sq. ft. Specifically for Building F, 12 parking spaces have storage connected. But, 23 other spaces do not have room for storage because building isn't wide enough. Solar panels will be installed in the future. And there is a common area in Building F lobby and then a multipurpose room on the second floor where the residence hall is.

Mr. Loeschke explained curbside pickup is also where the transit stop would be. As far as what the shuttle actually is, there is some debate. The pickup/transport will be between Building B and Building F.

Mr. Shelmerdine said they will have residential component and 192 apartments across the street, so he thinks discussion of a shuttle needs to be an overall conversation because they have 24 units only. They are looking forward to having future conversations about the shuttle.

Mr. David Spiegel explained that regarding tenants they need to be responsive to what the market is. Restaurant, coffee shop, dry cleaners, normal retail was intention, but market is changing quickly due to Covid19. Mr. Spiegel expects top level coffee shop and restaurants. Mr. Young suggested in terms of design that the tenant spaces have automatic doors for the future.

Mr. Houston, PSC, summarized his responses to the development team's Peer Review responses regarding stormwater and traffic. He highlighted comment 38 and 39 and said these items are required before construction. Other comments he focused on included: Comment 41, 42, 43, 45-47, 49, 51, 52, 56-58, 59, 61, 62.c, 63d, 69,72, 74, 82, 86, 87, 91, 103, 108, 113, 114, and 115.

Peer Review Response Comment 113, the extent of the developer's commitment to signalization of the South Main St/Wolomolopoag Street intersection should be clarified. The unsignalized intersection has a level of service F because it is unsignalized. While it is desirable to signalize the intersection, whose responsibility is it to signalize and what role does the developer have? Mr. OCain thinks developer should do it. Developer willing to design, but looking to others to install. Installation is several times the cost of designing the signalized intersection.

Per Comment 115, Mr. Houston says highly beneficial in environmental quality and in interest for retail store patrons, employees, and residents of the apartments for the developer to support a shuttle service for residents, patrons of the retail stores and for employees. He thinks the applicant should be encouraged to participate in this and in the Transportation Management Association – the board may want to address this in its decision document.

Mr. OCain commented on the Peer Review feedback from the developer as well including: Comment 2 r. OCain refers to ZBA and DRC whether materials used are sustainable. Pointed out that design is not clear beyond building F, and the fact is, unless something is written into the decision, the building inspector would be the arbitrator of aesthetics of the buildings to be submitted at a future date. What the ZBA is reviewing and approving now is a pad design site/infrastructure design. The buildings that end up on the site other than F are unknown –the use or the materials or the appearance. Does ZBA want to defer all aesthetic and design options to the building inspector as the project moves forward if you approve this site plan? This was how last iteration was done, but it's something for ZGA to think about.

Also, Comment 4. Turning radius report requested at last meeting. Mr. OCain asks for sheet showing all the crosswalks, all the shallows, lightings, striping and bike locations so everything so they have a comprehensive plan in one document.

Comment 5. There hasn't been a meeting or phone discussion with Mr. OCain and the project engineers, but he thinks a lot of this can be ironed out with a meeting.

Like Mr. Houston, Mr. OCain is concerned about train station parking. He noted that the zoning for this site allows for the 220 residential units, not just the 24 that were mentioned. Suggested that applicant work with the development across the street with 192 units. Mr. OCain recommended the developer do the shuttle. Mr. OCain can't see approving project without considering access to train for residents of the fully developed site. He notes there is a lot to consider and may need Select Board involved as well.

He also focused on Comments: 9 Mr. OCain wants specific locations, styles and heights of lights on cut sheets and referred to with numbers on a site plan, 11, 13, 14, 15, 17, 22, 23, 24, 25 is checklist for ZBA to consider prior to decision, 27 request condition of approval for decision that performance bond is required prior to issuance of the first building permit, so the retail owner and banks are assured there is a mechanism for completing the road, 28, 29, 33, 34, 35a, 35b, and 36 applicant needs a conservation approval for this filing. Buildings B and F are in the 100-foot buffer and some equipment on building A that is in the 100-foot buffer. Normally building in the 100-foot buffer isn't allowed in Sharon. Mr. OCain's concern is if Conservation Commission does not provide relief for work in the buffer it could alter the location and the size of the building which could change the plan the ZBA is currently reviewing. Would be even better if they had orders and conditions from the Conservation Commission but he doesn't know what the timing is on this.

Mr. OCain said gas is only going into the restaurants. Mr. OCain requested clarification from architect because elevation showed a 7-foot, 4-inch clearance in the garage of Building F. And his final comment is that if the building has electric heat and is fully electric, putting the solar panels on now would be a draw for the people buying the units because they would get some offset on what could be fairly large electric bills.

Mr. Brahmachari said Mr. OCain and Mr. Houston are well respected in Town, so the board goes by their recommendations. Chair wants to see agree from developer, but if their engineering team disagrees, he wants a good reason.

Mr. Smith, Norwood Engineering, said excellent review by Mr. OCain and Mr. Houston and they have been helpful. He said the turning radius plan and comprehensive striping can be done on one sheet. Existing waste water discharge permit thought is that it can be phased in and a letter dated May 19, 2020, explains by the people designing the system how it can be phased in. Norwood Engineering will complete their own field topographic study. They did obtain a notice of project change dated April 19, 2019, has been submitted to MEPA. Finally, Con Commission permit needed because last permit is from 2016. Current footprint is smaller than previous and no

more grading near wetlands. He wants to get most/all issues with the ZBA resolved before going back to Con Comm. Then they will do a new application to CC. they haven't met with them formally on the site, but did have an introductory meeting with them.

Mr. Garber's main concerns were traffic light at Wolomolopoag Street and doing the bond.

Mr. Brahmachari suggested that Mr. OCain and his team and Mr. Houston have a meeting with the engineering team and see if they can cross off items. Also, if possible, those three entities can give us an executive summary of where we find ourselves in terms of engineering issues before the next meeting. And, Mr. Brahmachari wants it documented that the BOH comments are included too.

Mr. OCain confirmed the Planning Board accepted the comments by the applicant via email to Mr. OCain.

Mr. Brahmachari pointed out that hearing from Conservation Commission before major site plan review is complete is required per Section 6320. Mr. Shelmerdine will call agent. Mr. Brahmachari confirmed 45 day rules exists, but he doesn't want to go there. Mr. Shelmerdine agreed.

At the next meeting Mr. Brahmachari would like to start with Conservation Commission review and also the Design Review Committee response.

Mr. Shelmerdine submitted three memorandums on reasons for and on what they need in terms of bylaw. There was one variance and two special permits.

The meeting will be continued until June 24, 2020.

ZBA members will send comments to Ms. Schustek to forward to the right individuals.

Mr. Shelmerdine will draft a decision for review by Mr. Houston and Mr. OCain.

Mr. Shelmerdine requested the case be continued to June 24, 2020.

Mr. Brahmachari motioned to continue Case No. 1855 and 1855A, 144 Old Post Road and 715R South Main Street to June 24, 2020 at 7 PM. Mr. Garber seconded. Roll call and four members say aye. 4-0-0 (Brahmachari, Cohen, Garber, Young). Mr. Reef recused himself previously.

Move approval of May 13, 2020 minutes to next meeting. Some revisions requested.

The meeting adjourned at 10:13 P.M.

Respectfully submitted

Approved at the June 10, 2020 ZBA meeting.