

## SHARON ZONING BOARD OF APPEALS MINUTES OF FEBRUARY 24, 2016

A regular meeting of the Sharon Zoning Board of Appeals was held on Wednesday, February 24, 2016 at 7:00 P.M. in the Second Floor conference room at the Sharon Community Center, 219 Massapoag Avenue. The following members were present: Seth Ruskin, Abe Brahmachari, Barry Barth, and Joe Garber.

### **7:04 P.M. Alfred Mollitor, 18 Highland Street, Case No. 1781 Continued Hearing:**

Mr. Ruskin began by stating that case No. 1781 is a continuance and that the only issue was the septic situation. Mr. Mollitor presented the board with an engineer's survey. Mr. Ruskin questioned the situation with the cesspool and if it was fixed. He read a letter dated December 8, 2015, from Jim Andrews. The letter stated that a plan from 1990 showed a cesspool at this location and therefore it is an automatic failure.

Mr. Mollitor stated that the engineer and Jim Andrews came out to the property together and determined that a new leaching field was necessary as well. Mr. Mollitor understood that a new septic system is required. Mr. Ruskin read a second letter from Mr. Andrews dated February 22, 2015. This letter stated that the current system is in failure and a new septic system needs to be designed and approved with a schedule of completion before a building permit will be issued.

Mr. Mollitor then expressed that he was hoping to obtain a special permit from the board with the condition that a new septic system is designed and built as he works on the foundation for the proposed addition. In addition, he explained that a perk test is not possible yet due to the ground conditions.

A discussion between Mr. Brahmachari and Mr. Mollitor and it was determined that Mr. Mollitor would keep the foundation, if possible, of the screened in porch and just go vertically. He would add a section of 2 or 3 feet in front and back for aesthetic reasons.

Mr. Ruskin stated that Mr. Mollitor is asking for the approval from the zoning board to be contingent upon the approval by the board of health of the septic system. Mr. Mollitor agreed.

The board's concern is that an approved septic system plan does not even exist yet. Mr. Mollitor stated that he will contact the engineer to arrange for a perk test, which is needed in order to create a septic system plan. The board agreed that the case will continue and will grant a special permit when they see a septic system design and approval from Jim Andrews. Mr. Mollitor agreed with the continuance.

**7:24 P.M. Bartek Konieczny, 451 Massapoag Avenue, Case No. 1782 Continued Hearing:**

Mr. Ruskin began by stating that the next case is in regards to a shelter in the setback in front of 451 Massapoag Avenue that covers a motor home.

Mr. Konieczny stated that he met with a neighbor. He stated that he is waiting to hear back.

Mr. Konieczny continued to state that he was concerned with moving the tent because another neighbor may file a complaint.

Kristine, Mr. Konieczny's partner, stated that they were trying to avoid the ZBA making a determination of whether the tent is a structure or not. She found a similar case in New Hampshire and the neighbors and owner came to an agreement. She confirmed that they have not heard back from the neighbors.

A few neighbors stated they were displeased with the current location of the concealed motor home and that they don't feel Mr. Konieczny is motivated to make a change.

One neighbor stated that the tent does not pose an issue, aesthetically or otherwise.

In response to a question about the Town Council's view, Mr. Ruskin stated that the board hasn't heard from them yet.

Kristine, Mr. Konieczny's partner, stated that Mr. Konieczny agreed to move the tent but the neighbor on that side doesn't agree and that the driveway doesn't work because it's a live driveway.

In response to a question about the 3 parameters, Mr. Ruskin explained that the considerations are the setback, detriment to the neighborhood, and increase to the nonconformity.

Mr. Konieczny expressed that since all the neighbors are not present at this meeting then all the neighbors do not agree that it is a detriment to the neighborhood.

Mr. Ruskin stated that this case will be continued on March 23<sup>rd</sup>. Mr. Konieczny agreed.

It was moved, seconded, and voted to adjourn. The meeting adjourned at 8:00 p.m.

**Other Business:**

Mr. Ruskin moved to approve the minutes of February 10, 2016. Mr. Garber seconded the motion. The board voted 4-0-0 to approve it.

Respectfully submitted,