

## SHARON ZONING BOARD OF APPEALS MINUTES OF WEDNESDAY, JUNE 24, 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, June 24, 2020, at 7:00 P.M. The following members were present as established by roll call: Abe Brahmachari, David Young, Joe Garber, and Sam Reef. Mr. Weiss was not present. 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. Ninety-Five LLC, 144 Old Post Road and 715R South Main Street, Case No. 1855/1855A, Sharon Gallery – Continued Hearing**

Present for the Applicant: Robert Shelmerdine, Esq., Sharon MA, attorney for the applicant.

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, May 27, 2020, and now June 24, 2020. An additional filing (1855A) has been added for consideration as of the May 27, 2020 meeting. Sam Reef recused himself at the initial meeting for the 144 Old Post Road, Case, 1855.

Mr. Shelmerdine was informed by town counsel that a Zoning Board member had resigned. They have no real alternative other than due to the uncertainties of membership issues to request a withdrawal without prejudice. They will refile. The Chair agreed with assessment per his conversations with town counsel.

Regarding coming back, Mr. Shelmerdine expects that when they refile he is comfortable that 90 to 95% of whatever they refile will be the same. He has not talked to his client in detail about exactly when that is going to be. The Board discussed ability to add another meeting on July 15, 2020. May be too tight of a time frame as legal ad would need to be placed this week. Mr. Shelmerdine requested August meeting dates.

Mr. Reef pointed out that he has been at every meeting. He suggested a side conversation with applicant's attorney to establish if he has a conflict or not. He wondered if he could not recuse himself to keep them from having to refile.

Mr. Shelmerdine requested to withdraw without prejudice.

Mr. Brahmachari made a motion for applicant to withdraw without prejudice Case No. 1855 and 1855A, 144 Old Post Road and 715R South Main Street. Mr. Garber seconded. Roll call vote unanimously approved the motion 3-0-0 (Brahmachari, Garber, Young). Mr. Reef recused himself previously.

Mr. Brahmachari made a motion to approve the June 10, 2020 minutes. Mr. Garber seconded the motion. Minutes were approved 4-0-0 (Brahmachari, Garber, Young, and Reef).

The meeting adjourned at 7:22 P.M.

Respectfully submitted

Minutes approved July 8, 2020.