

## SHARON ZONING BOARD OF APPEALS MINUTES OF WEDNESDAY, AUGUST 12, 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, August 12, 2020, at 7:00 P.M. The following members were present as established by roll call: Abe Brahmachari, David Young, Joe Garber, Sam Reef, and Steve Weiss. Mr. Brahmachari opened meeting noting reasoning for virtual meeting and procedural ground rules.

### **7:00 PM -- Carol Abram, Case No. 1862, 28 Beach Road -- New Hearing**

Present for the applicant were: Joel Fishman, attorney for the applicant, Stoughton, MA; Kristine Meaney, Project Engineer, Site Design Professionals, LLC, Sharon, MA; Sarah Johnston architect, Rochester, MA; and Carol Abrams, applicant.

The applicant provided the following materials with application: Building Permit Plan by Site Design Professionals, LLC dated July 24, 2020; and two sheets of architectural plans "Proposed addition to: Abram Residence" by Sara C Johnston, Rochester, MA dated June 29, 2020. Also additional/updated documents: Notice of Intent application from Kristine Meaney, Site Design Professionals, LLC, Sharon, MA; Memo from Joel Fishman dated August 12, 2020, RE: 28 Beach Road.

Mr. Brahmachari read the legal ad; a letter from the Conservation Administrator, John Thomas, dated July 7, 2020, and a letter from Kevin Davis, Agent of the Board of Health dated July 7, 2020, and a follow-up letter from Kevin Davis dated July 20, 2020 confirming Title 5 inspection report has been submitted.

Mr. Fishman read the letter from Joe Kent to the applicant dated July 15, 2020.

Mr. Fishman said Carol Abrams lived at this address since 2014. In 2014 the ZBA issued a special permit for the demolition of the old house and construction of a new house. Case 1740 Decision stated the old house was a one-bedroom house and the new house is a one-bedroom house and it shall remain a one-bedroom house.

Ms. Meaney outlined 16.5- x 22-foot-long garage accessory structure. Bylaws allow for setback equal to or more than the existing -- structure is 50.75 feet back from beach road and the proposed garage will be 51.2 feet back. Side yard setback is 10 feet and they are at 10.5 feet. Existing house is 25.4 feet back from the lake and the new structure will be 41.4 feet back. Existing shed will be removed as part

of the project. Otherwise it complies with all the zoning setbacks. An existing concrete patio behind the house and a full lawn mean whole site has been previously disturbed. Only work is building detached garage, removing shed, and adding paving from existing driveway up to the garage. There is a covered breezeway, but no walls enclosing it.

Ms. Johnston showed architectural plans for garage with breezeway and staircase to proposed studio including both a lake elevation and Beach Rd. elevation. Existing entry porch is to the left of the existing house. New connector to the garage will just extend the opened porch and the roof over to the garage. The studio has a 4- by 8-square-foot balcony that faces the lake. Will not have supports, but rather brackets. New garage just has a sink on the first floor, no other water.

Board finds design matches the existing house nicely. Special conditions are that the breezeway is to remain a breezeway; the studio cannot become a second bedroom; letter from Kevin Davis regarding where water from sink is going (septic tie-in?). The sink could trench to existing sewer, but Ms. Meaney can talk to Mr. Davis about that. Board interested in a stipulation on where the waste water is going. Attorney advised that Board wants to wait for Conservation Commission response for NOI before making a decision.

No abutters present wishing to speak.

Mr. Fishman requested continuance to August 26, 2020.

Mr. Brahmachari made a motion to continue case 1862, 28 Beach Road to August 26, 2020. Mr. Garber seconded. Board approved the motion 5-0-0 (Brahmachari, Garber, Weiss, Young, Reef).

August 26, 2020 is next available date. Mr. Fishman will get letter from Conservation Commission after NOI approved, and a letter from the BOH stating Kevin Davis understands the sink is there.

### **7:38 P.M. Oanh Nguyen, Case No. 1863, 112 Massapoag Avenue – New Hearing**

Present for the applicant were: Oanh Nguyen and Patrick Mueller, property owners; Jan Gleysteen, Jan Gleysteen Inc., Wellesley, MA

The applicant provided the following materials with application: Title 5 Inspection form dated June 19, 2018; Mueller-Nguyen Addition/Renovation architectural plans Z-1 – Z-5; Existing Conditions Plan and Proposed plot plans dated February 18, 2020, by Charette Land Surveying, Mansfield, MA. Also additional/updated documents: Letter from previous owner, Judy Shapiro dated July 20, 2020.

Mr. Brahmachari read the legal ad; a letter from the Conservation Administrator, John Thomas, July 27, 2020; and a letter from Kevin Davis, Agent of the Board of Health dated July 7, 2020.

Project included an in-law and garage space in the proposed carriage house per Ms. Nguyen. She said they weren't aware that they needed Conservation Commissioner to submit another letter confirming concerns have been rectified. Applicant will get the necessary letter once surveyor shows limit of work line and erosion control and they can administratively approve this without a public hearing according to the project architect, Jan Gleysteen, Wellesley, MA.

Mr. Glaysteen showed site plan of what he said was a re-creation of the 19-century carriage house. It emulates structure torn down in the 1980s. No visual change from the lake. They need erosion control and limit of work for retention wall as a condition for acceptance. A two family is allowed on a lot that was built before 1933, this was built in 1897. The renovation maintains 80% of the character of exterior façade and the changes they are making are in the rear. Historic photos of original house and carriage house shown as the inspiration for the project. Architect continued showing Z-4 overview of two car garage and a small efficiency in-law apartment. Stairs lead up to an unfinished attic.

Drawings showed some adjustments to second floor dormers in drawing Z-2, two gabled dormers being replaced with two shed dormers. Also, changed to a shed dormer in rear of house and an 11- x 15- square foot breakfast nook as new addition. Z-1 showed that lake view side is gaining addition of front porch and expansion of two shed dormers from existing gable from one dormer to two dormers.

Chair asked for second floor plan. Z-3 shows existing floor plan with two bedrooms and one bathroom in the rear of the house. Z-4 look is similar except they increased the head room in those two bedrooms by expanding the existing shed dormers from one window to two windows. And, noted that the lower left gable dormer changed to shed dormer.

Chair said this is a conversion of a one family to a two family and the zoning bylaw allows this so long as the structure was constructed before 1933 per Section 4210 Dwelling Conversions 4212. Chair sought reference or documentation that this building was actually constructed at a certain time. Discussion on whether town building code allows for grandfathering? Architect said zoning does not have a rule against grandfathering.

Board member pointed out that the legal notice said it's a one car garage with a studio. That is not correct.

The existing house is approved for 5-bedroom septic system. It functions as six bedrooms, but there will only be 4 bedrooms in the main house and one bedroom in the carriage house after remodel, so no bedrooms added to the overall structure at all. In lower middle they have a bedroom that is becoming a master bedroom with a sitting room. The DPW had reviewed plans regarding five-bedroom system and this does meet it.

Z3 showed second floor has two bedrooms near the stair. In the front there are five rooms all independent. All seven rooms used one bathroom. Three years ago septic was replaced as title 5 5-bedroom septic and meets DPW BOH requirements. The proposed plans show four bedrooms in second floor of original house and then one bedroom in the carriage house. Converted seven bedrooms to four by adding laundry and two bathrooms to the other three bedrooms. Can confirm building date of 1897 and five-bedroom house per assessors dept. online records per member look-up during meeting, so no letter showing date of house construction needed.

They want to request a continuance to get clean paper work regarding CC per architect. Ms. Nguyen will submit continuance request.

Chair motioned to continue Case 1863, 112 Massapoag Ave. Mr. Garber seconded. Board voted unanimously to approve continuance to August 26, 2020, 5-0-0 (Brahmachari, Garber, Weiss, Young, Reef.)

Motion to approve the minutes for ZBA meetings on July 8, 2020 and July 22, 2020. Seconded by Mr. Garber. Board voted to approve unanimously 4-0-0 (Brahmachari, Weiss, Garber, Young,). Mr. Reef recused because he didn't attend both meetings.

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It was moved, seconded, and voted to move to executive session and then adjourn.

The meeting moved to executive session at 8:28 P.M.

Respectfully submitted

Minutes approved August 26, 2020