

SHARON ZONING BOARD OF APPEALS MINUTES OF WEDNESDAY, SEPTEMBER 30, 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 September 30, 2020, at 7:00 P.M. The following members were present as established by roll call: Abe Brahmachari, Joe Garber, Steve Weiss, Sam Reef, and David Young joined at 7:05 pm. Mr. Brahmachari opened meeting noting Covid19 protocols per the Governor of MA and procedural ground rules.

7:00 PM- Sharon Standing Building Committee, 1 School Street, Case No. 1858A, Library -- Continued Hearing

Present for the applicant: Gordon Gladstone, Sharon Standing Building Committee

Also present: Richard Gelerman, Esq., and Susan Benham Esq., Gelerman and Cabral, LLC, Norwood, MA, representing the Town of Sharon ZBA.

Newly added documents for the September 30, 2020 meeting included: application 1858 A dated September 15, 2020. Letter from Brian Winner, Mead, Talerman & Costa, LLC, attorneys for the applicant, Millis, MA dated September 25, 2020.

Board voted on this project on July 8, 2020, and since then have been asked for reconsideration by the applicant. Chair thanked ZBA members for agreeing to meet on this fifth Wednesday of the month for the reconsideration hearing.

Mr. Brahmachari read a letter to the ZBA dated Sept. 25, 2020, from the applicant's attorney. It stated that the applicant wished to withdraw and proceed with regular course. Chair's understanding was that applicant no longer wanted reconsideration and he asked if applicant's team had anyone who wanted to make any comment.

No applicant representative offered comment.

Chair explained that applicant had requested consideration of peer review. Mr. Brahmachari defined types of peer reviews – engineering, architectural, programming, legal, or all of the above type of peer review. Hearing about the peer review, ZBA members wanted to ask the applicant what type of peer review was being proposed or discussed? And also ask if board members could have their opinions on the types of peer reviews. So, that was the expectation Chair had for tonight's meeting.

Chair stated that since July 8, 2020, vote there has not been any new information presented to the board. We are open to discuss about the peer review. So that was Mr. Brahmachari's expectation for tonight's meeting, but he understands now that it is no longer an issue the applicant wants to discuss.

Mr. Garber is a little confused as to why ZBA went from discussing what they would approach the library with to now applicant has withdrawn. He is a little confused as to why they decided to withdraw. He asked if town counsel had any hindsight as to what happened. Mr. Gelerman said he would try to represent what the applicant would say, although he doesn't represent the applicant. He suggested that the applicant concluded it would be a waste of time to talk about a peer review because whatever they do the board is not going to change, so that is why they withdrew.

Mr. Weiss expressed same confusion as to why they are meeting. He thought, before applicant withdrew, the concept was to get everybody together to see if they can work something out to get something built on this site that could satisfy everybody.

Mr. Young asked if applicant had anything to say or do they just want to remain mute? Mr. Gladstone responded that the attorney's letter said anything that needed to be said.

Mr. Reef agreed with Mr. Garber, Mr. Weiss, and Mr. Young. He doesn't have first-hand knowledge of it, but based on email that the ZBA got there was a comment made at a committee meeting last night that the library has already decided to appeal and to sue. And that was his assumption why they are withdrawing reopening and just going to appealing and suing, which is too bad.

No abutters wished to comment.

Mr. Gelerman stated motion as because the applicant has failed to provide any further information to the board even though they have been requested to do so, the motion is that the board reaffirm the vote taken by the board at the close of the initial hearing on July 8, 2020. Chair proposed so be moved. Mr. Garber seconded the motion. This vote was by roll call and approved unanimously 3-0-0 (Brahmachari, Garber, Weiss).

Motion to approve the ZBA minutes from August 26, 2020, meeting. Mr. Garber seconded. This vote was by roll call and approved unanimously 5-0-0 (Brahmachari, Garber, Weiss, Young, Reef).

Executive Session minutes from September 21 and September 23, 2020, still being reviewed, so no vote taken.

The meeting adjourned at 7:19 P.M.

Respectfully submitted

Approved: October 14, 2020