

**SHARON ZONING BOARD OF APPEALS
DESIGN REVIEW COMMITTEE
MINUTES OF WEDNESDAY, JULY 21, 2021**

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 Design Review Committee 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 Design Review Committee was held on Wednesday, July 21, 2021, at 7:00 P.M. The following members were present as established by roll call: Jim Belish, David Hearne, Robert Maidman. Eli Hauser was present but still needs to be sworn in. Kim Oliver was not present. Keri Murray, alternate member, was not present. Robert Shelmerdine, counsel for Ninety-Five LLC, developer of Sharon Gallery, 144 Old Post Road, Case 1888 was also present. Ms. Schustek, Secretary for the Zoning Board, read Covid19 protocols per the Governor of MA.

Members asked Ms. Schustek to email one of the absentee members, Kim Oliver, to take on Chair position.

Previous DRC (in March – June 2020) members reviewed applicant documents independently, submitted notes to ZBA Secretary where they were condensed for clarity and duplications removed. Then, the written group feedback was provided to each DRC member. At two subsequent meetings, Mr. Hearne maintained a master document from this initial group feedback. Each DRC meeting resulted in a Memo approved by DRC and then submitted to the ZBA. Members chose not to have a representative attend the ZBA meeting but rather have the document speak for the group.

David Hearne, Keri Murray (alternate), and Kim Oliver participated in March 2020 review. Mr. Hearne explained that the last review focused on design and architectural elements from the first phase of development; this go around is more about Costco and an overall site plan review, not an architectural review. Regarding creep and scope, Mr. Hearne added that, in his opinion, the scope of a DRC review is broad, to give the ZBA some support as things to pay attention to, things that we saw that may need clarification whether positive or negative, etc.

Mr. Hauser worked with Brickstone Group as a member of the Planning Board. In the zoning code for the DRC he thinks there was a delineation of responsibilities for the DRC as written by Tom Houston. Mr. Maidman asked Mr. Shelmerdine where review is not technical and not entirely regulatory either, what remains to be done? Have all the boxes been checked by Conservation Commission (CC)? the State? Mr. Shelmerdine said they have an existing Order of Conditions with CC, but still need to meet with John Thomas to make sure current plan and development is similar to the limit of work of the approved OOC. Gasoline filling station needs a round of review by fire marshal and the state. Locally sewer is from town of Mansfield up through Foxboro. Leaching fields will no longer be on the 59-acre site. Working with state highway on the entrance from the Foxboro-side of I-95 all the way through to just about Ward's Berry Farm. Zoning application is for site plan review, some special permits, and a few variances as well.

Chapter 275 General, Bylaws Section 6240 establishes the charter with specific direction on what the DRC can do and is looking into per Mr. Shelmerdine:

‘6240 Design Review Committee.

To assist in fulfilling its responsibilities for site plan review, the Board of Appeals shall appoint a Design Review Committee which shall serve at the will of the Board of Appeals. The Design Review Committee shall serve in an advisory capacity and shall provide guidance and counsel to the Board of Appeals with respect to architectural, site design, landscape, signage, aesthetic, and visual quality concerns. Persons appointed to the Committee shall be selected based upon ability and competence to advise the Board of Appeals on architectural, site design, landscape, signage, aesthetic, and visual quality matters and may have education in the disciplines of architecture, landscape architecture, art, graphic arts, and related fields. The Design Review Committee shall consist of five members. Minutes of all meeting shall be submitted to the Board of Appeals for review. Reports to the Board of Appeals shall be submitted upon majority vote of the Design Review Committee.’

Past project here was voted down – the ZBA didn’t feel it was a ‘lifestyle mall’ which was in the preamble for the zoning. Mr. Hauser wants explicit criteria for approval. He understands wanting quality of design; don’t want a landing strip. He wanted to understand at a soft level what is the guidance they are giving?

Mr. Shelmerdine noted from 2007-2017 no residential was permitted on these 59 acres. In 2017, changed from retail commercial center to a mixed-use retail commercial residential center, also increased a number of the dimensional requirements.

Submittal has nothing about buildings A, B, C, and D. Building F backside to Rt. I-95 shown. All DRC has on Costco is a site plan, and the signage is identical to what was in the March 2020 presentation.

Mr. Shelmerdine said the 59 acres had ability to be divided into separate lots and Costco wanted to buy their own land. He will be submitting a Form A plan to the Planning Board that divides it into three lots. Lot 1 is buildings A-F on Master Plan; Lot 2 is 22 acres of the Market Basket lot with a sliver of a drive to Old Post Road; Lot 3 is the residential component. Current approval through ZBA narrowed down to whatever ZBA deems necessary to pull the building permit for the Costco property, that parking lot, building, drainage, everything on Lot 2 and to apply for a building permit for building F on Lot 1.

Developer submission included all the engineering for Lot 1, which is the basis for how A-F is going to be built. Last year all the engineering was done. They need a review of 24,000-square-foot, first-floor retail with second-floor, affordable-rate rental units and the Costco building. including parking lot—that’s Phase 1 per Mr. Shelmerdine.

Applicant attorney clarified they want the DRC to review everything on Lot 2, and architectural on Building F on Lot 1. The proposed Lot 3, which will be phase 2, will be about 156 apartments.

Per Mr. Hauser, regarding affordable housing rules, if it is a “sold” unit then it is it is literally whatever ratio, so if 100 units built and 20 are affordable, you get 20 affordable. However, if it’s an apartment building that 20-25% of the units are affordable from a reality basis, 100% of the apartments are considered affordable from an accounting basis. Questions about rentals and perpetuity rentals.

The 156 units are all condos for sale. The 24 units are all rentals. So SHI (subsidized housing index) for town of Sharon: only 6 rentals will be marketed as affordable, but all 24 will count. Bob believes, but may misspeak, some percentage of the condos is affordable too. Mr. Shelmerdine pointed out that the 156 is hypothetical because it’s a later phase of project. Mr. Hauser calculated 11% of 180 total sold and rented units as town’s requirement goes up by 20 units. Current plans provide 24 units. The development demands 20 so you are contributing 4 based on that minimal scenario. Some affordable in the 156 condos would just add to the count.

A member noted regarding defining scope, some of this is really regulated like signage, unless there is a variance request for it. Signage comes down to personal esthetics reaction more than anything else. The affordable housing issue is critical to the town and an enormous opportunity.

Mr. Shelmerdine noted there are ratchets in the Sharon Gallery Development agreement as negotiated with the Select Board (SB) in Oct. 2017, just before Town Meeting Nov. 2017 where developer got the ability to put in residential into zoning. Of the apartment rentals, 25% have to be affordable (24). Of the ownership condo units (Phase 3), development agreement says 12.5% of the ownership condo units have to be affordable, so 15 units. Eli said town is picking up 18 units to its count.

Moving forward need to understand: what ZBA is assessing; do they want recommendations on most or all of it? What is DRC responsible for specifically in terms of zoning? Then we can establish an agenda on what we would like to review based on the calendar. This one on housing looks faster based on discussion tonight. What is charter?

Mr. Shelmerdine suggested the charge is the DRC is supposed to review architectural, site design, landscape, signage, aesthetic, and visual quality matters on building F and the Costco building and the Costco gas filling station next to it. Member pointed out the Site Plan review is also included in DRC responsibility.

ZBA needed to put board together in ten days. Then it's 45 days from submittal (July 6, 2021), so around August 20 or 21 from July 6 application submission date. Schedule meetings on Tuesdays July 27 and August 3 for 7 PM.

Costco filing presented a bare bones basic design. Mr. Berish researched others around the country and they offered bricks, columns, trellises, metal roof architecture around the entrances. This is a neighborhood center, not in the back of the Avon commerce center where no one else is visiting unless they are going to Costco, and he'd like Costco to consider designs from some of their other properties including: New Berlin Wisconsin, Covington Washington, Evansville Indiana. It's a very modest financial investment to make a better presentation at that corner entrance.

Current zoning for parking is 9- by 20-feet, go to 9- by 19-feet only in the First Phase, Lot 1. They are complying with the aisle requirement even in Lot 1. Sometimes more than the federal and state minimums for ADA parking are put in. If they aren't requesting a variance, if it is submitted per the regulations, then it is fine. The numbers on Master Plan on 59 acres exceeds the parking space requirements per Mr. Shelmerdine. Ten feet wide is preferred by one DRC member, but he acknowledged that ten feet wide is not required per zoning.

Few other areas of concern currently: wastewater management meets current guidelines, but how forward thinking are they relative to future demands? What is the point of the rotary at the north end of the property? Going to Mansfield with sewer line in the right of way, but outside of the current pavement. Site was designed as on-site septic up until about 8 months ago. There's a sewer line from the assisted living back to the 192 unit across Old Post Road.

Unless it's a request by the fire department, they want to know from traffic engineers why rotary makes sense? Mr. Hearne will talk to town engineer as well.

Hours of delivery by trucks will be set in the Major Site Plan approval.

Member noted that the site plan truck road for loading to the Costco is the only big box development he's ever seen where the trucks aren't exclusively using the circuit road in and out. Applicant representative asked to consider a mechanism where trucks use the circuit road in and out and there are no means of trucks going through the parking areas – esp. if they are delivering during operating hours. This concern came up during 2020 DRC review too. Not very much room to drop trailers. Four doors at Costco.

Members will submit any questions Mr. Shelmerdine couldn't answer tonight to Ms. Schustek. She will forward to Mr. Shelmerdine and act as gatekeeper.

Members requested that anywhere developer is requesting relief in terms of a variance they provide a schedule on the right-hand corner of the sheet for which it applies. For example, if looking for a parking variance, that would be in upper right-hand corner in a chart on the parking page. Green-scape variance should be on upper right-hand corner of landscape plan. Setback should be on the site plan. This will help guide and prioritize. If current submissions are updated and forwarded to the DRC, secretary requested that the subsequent version be marked 1888-A so the “-A” indicates it is a newer document to the initial July 6, 2021, filing.

Explanation sought for how change from previous version with hotel in the back to Costco and residential has the same traffic flow? Also, any prediction on number of trucks per day to serve store? Data available per Mr. Shelmerdine.

Bob said stormwater management is within scope of ZBA. Stormwater design peer review is being done by Tom Houston. Probably same for traffic.

Meeting adjourned at 8:26

Respectfully submitted.

Approved July 27, 2021