

**Holliston Zoning Board of Appeals
Meeting Minutes of January 27, 2020**

Present: Chairman John Love, Jay Peabody, Mark Bush and Associate Member, Elizabeth Dembitzer. Also present for the first public hearing was Building Inspector, Christopher Canney.

Call to Order: The Chairman called the meeting to order at 7:00 p.m. in the Lower Level Conference Room (#014) of Town Hall.

Approval of Minutes:

On a motion by Ms. Dembitzer, seconded by Ms. Dembitzer, the minutes of January 13, 2020 were approved as amended through discussion.

Continued Dimensional Variance Public Hearing

JMH Trust – 16 Pearl Street

The Chairman re-opened the public hearing at 7:02 p.m. Atty Waldstein was present along with Brian Cheever of the JMH Trust. He reviewed the basic facts of the permitting and resulting partial construction of the dwelling with an explanation of the requested relief. The Chairman clarified with Mr. Canney that for the building permit itself, the Special Permit plan of record was utilized, not showing a front landing within the prescribed front yard setback. As the Special Permit did not specify the rear yard setback, further encroachment was done without the required relief. Atty. Waldstein added that on a 1993 mortgage inspection plan, the front steps of the prior dwelling was depicted as being 5' from the street line. Mr. Canney clarified that Mr. Tartakoff had issued the demolition permit and he issued the building permit.

Mr. Canney noted that the issue could have been solved architecturally by relocating the landing to the side, but this situation presents a significant cost factor because of the progress of the construction.

The Chairman open the discussion to the audience. Howard Stone of 969 Washington Street noted that he remained opposed to the rear yard encroachment. He stated that he was aware of the setbacks previously required by the ZBA even if the applicant was not and that the proximity of the construction, financial hardship or not, is overwhelming. Some discussion of the action to continue construction with the knowledge that the setbacks needed additional relief from the by-law followed. Mr. Bush asked about the experience of the development team with regard to single-family home construction. Mr. Cheever indicated that they had experience with 5 or 6 homes but that his principal job is as owner of Ashland Lumber.

On a motion by Ms. Dembitzer, seconded by Mr. Peabody, the public hearing was closed (Mr. Bush abstained).

**Holliston Zoning Board of Appeals
Meeting Minutes of January 27, 2020**

**Continued Special Permit Public Hearing
AT&T Mobility, New England – 0 Marilyn Street**

The Chairman re-opened the public hearing at 7:25 p.m. Atty. Simon Brighenti of Centerline Communications was present along with Sohail Usmani of C Squared Systems, LLC, and Don Haes, consultant. He noted that approximately 12 sites were reviewed in the area of service, including raw land and retrofitting a tower is preferable to erecting a new facility in the hierarchy of review and is considered less intrusive by industry standards. He also entered photosimulation of some of the neighborhood homes into the record and noted that a Determination of Applicability would be filed with the Conservation Commission. Sandra Hogdon of 23 Northway Street noted that no filing has yet been made to the Conservation Commission and there is “conservation land” around the locus.

Sohail Usmani presented a series of modelled graphic analysis maps, noting intensity of indoor and outdoor coverages (excellent to unreliable levels of service) and topography/elevations. Kristen Heller of 125 Hemlock Drive asked for clarification of the modelling and the FirstNet program. Existing tower locations were clarified in the area. It was noted that emergency first responder calls will pre-empt civilian users, utilizing the same AT&T network.

Don Haes noted that he is an independent consultant, contracted to summarize the C Squared report. He noted that the report is intended to provide a series of calculations for compliance with 1996 FCC safety standards/rules for radio frequency (RF). Regulated limits for RF exposure were discussed in detail, including his conclusion that the proposed facility would be substantially below limits for the public. Ellen Trolland of 101 Marilyn Street asked about future plans for technology improvements and the potential for additional carriers. Mr. Hayes noted the physical/structural limitations of the powerline “tower” does not allow for additional carriers atop the planned “fully loaded” array equipped with 9 technologies. Mr. Brighenti added that a structural analysis of the “tower” structure was completed. Additional support will be added to the “tower” to meet AT&T’s needs. Mr. Haes added that radio frequency calculations have been plotted (see page 4 of the C Squared report). Kristen Heller asked about changes to the RF standards over time and technology changes over time. Mr. Haes concluded that replacement transmitters would be required to upgrade to 5G technologies.

Mr. Brighenti discussed the details of ground equipment noted on sheet number Z02 of the record plan set prepared by Chappell Engineering Associates. Leslie Negri of 79 Northway Street asked for clarification about gate access off Marilyn Street and control of the access as well as the proposed generator specifications. Mr. Brighenti stated that he will forward the generator information and provide noise generation specifications as well. Concerns about idling and utility vehicles parking on the street were reiterated. Alternative Fiske Street access was proposed and Mr. Brighenti agreed to approach NSTAR and provide feedback for the next session. Mrs. Negri provided a picture of her yard from the rear (not from the street as provided in the photosimulation) and noted the view is quite different. Sandra Hogdon and Kristen Heller provided a summary of their opposition.

A viewshed analysis, generator details, and access alternatives will be provided as well as further pursuit of a peer review consultant. Mr. Peabody made a motion to empower Ms. Sherman to

Approved: DRAFT

**Holliston Zoning Board of Appeals
Meeting Minutes of January 27, 2020**

scope, select and execute contracts for peer review on behalf of the Board. Ms. Dembitzer seconded with all in favor.

On a motion by Mr. Bush, seconded by Ms. Dembitzer, the public hearing was continued to February 24th at 7:00 p.m.

Use Variance Public Hearing

Marshall Street Solar, LLC – 39 Marshall Street

The Chairman opened the public hearing at 9:40 p.m. Chris Wiehe of Weston & Sampson was present along with Joe Harrison of SunRaise Investments and Atty. Robert Fasanella of Rubin & Rudman to discuss construction and operation of a large-scale ground-mounted solar energy generation system on this 50.6-acre Brownfields property. Correspondence received from abutters, William and Catherine Tomasetti of 141 Marshall Street (dated January 16, 2020) was entered into the record. Ms. Sherman noted the other local permits required for the project and encouraged coordination under the umbrella of the ZBA's Use Variance authority. Members encouraged her to consult with Town Counsel and agreed that having input from the other regulatory Boards would be helpful.

Mr. Wiehe stated that basic surveying, engineering and stormwater design as well as geotechnical borings and test pits have been completed for the potential lessee as part of their due diligence and permitting. Site history was provided. Six clean up areas have been proposed in order to support construction of the proposed 4,999 kW (AC) solar photovoltaic system and battery storage; 7 MW DC power from panels to inverter to alternating power with 2.5 MW storage for regulated flows to the grid for seasonality. Approximately 20,000 panels at 25-degree tilt on 21.5 acres are proposed. A 20-year lease with an option to extend the agreement to 35 years total have been negotiated. Off-takers for the electricity will be lined up by SunRaise within the utility service area.

Atty. Fasanella provided some details on the shared benefits of the proposal, including resolution of the outstanding DEP lien and site cleanup. Mr. Harrison noted the ongoing discussion with neighbors with regard to screening and the Wellscapes Design sheets included in the record plan set. He and Mr. Wiehe indicated that changes discussed and negotiated will be made during the review process. Remote monitoring and routine maintenance issues were discussed, primarily for inverters and battery units. Access will be gated and the entire array will be fenced per the electrical code. Panels will be 2.5 – 3' off the ground with grass planted underneath.

Ted Valpey of 22 Pine Street asked about responsibility for monitoring clean-up. Mr. Wiehe indicated that the Licensed Site Professional will be responsible for all assessments and mitigation. Atty. Fasanella added that the Remedial Action Plan (RAM) will be prepared in compliance with the MA Contingency Plan and will be reviewed and approved by the DEP after a public review period. Jason Santos of 183 Marshall Street asked about determination of where the ballasted anchors would be utilized. Mr. Harrison stated that the approach will be to minimize risk and Mike Dacey of GeoInsight (the LSP of record) will include this in his recommendations for the overall plan. Matthew Tomasetti of 141 Marshall Street inquired about future use of the site. Some discussion followed. Cara Strock of 79 Marshall Street commented on the need for additional screening and the intrusiveness of the perimeter access drive location

Approved: DRAFT

**Holliston Zoning Board of Appeals
Meeting Minutes of January 27, 2020**

abutting her driveway. She noted that there is an ongoing open dialogue with SunRaise but she still has concerns.

On a motion by Mr. Peabody, seconded by Ms. Dembitzer, the public hearing was continued until February 24th at 7:00.

Special Permit Public Hearing

The Washington Realty Trust, Theodore S. Valpey, III, Trustee – 1091 Washington St.

The Chairman opened the public hearing at 11:10 p.m. Chris Gaboriault of GLM Engineering was present along with Ted Valpey of 22 Pine Street, representing the Washington Realty Trust to discuss a Special Permit application for construction of a two-family dwelling. He indicated that the newly created parcel has 47,359 s.f. of area to accommodate the required 30,000 s.f. for the first unit and 10,000 s.f. for the second unit per the by-law requirements. Members requested elevations of the proposed dwelling. Mr. Gabrioult indicated that it had not been designed. Mr. Valpey indicated that the septic system has been designed and approved by the Board of Health for 4-bedrooms (prepared by GLM Engineering Consultants dated December 18, 2019).

The Chairman opened the hearing to the audience. Giovanni Toledo of GST Investments & Property Management, owner of 1244 Highland Street, asked for screening for the property. Mr. Valpey expressed a concern that any permit be transferable as this is an investment property and will be sold for development.

On a motion by Mr. Peabody, seconded by Ms. Dembitzer, the public hearing was closed.

Adjournment: The meeting adjourned at 11:30 p.m. on a motion made and duly seconded with all in favor. The next meeting was scheduled for February 24, 2020 at 7:00 p.m.

Respectfully submitted,

Karen Sherman
Town Planner

Approved: DRAFT