

**Parashar Patel Statement**  
**Town Planning Board's May 2, 2011 meeting to be read into the record.**

My guiding principle for the my vote:

Under Section I-A, the purpose of the By-Law is to, among other items, "encourage the most appropriate use of the land, and to improve the Town."

Facts:

Chamberlain Pines Club is a tennis club located in Agricultural-Residential District B (A-R District B).

Within A-R District B, tennis clubs are only allowed under Special Permit (see Section III – Use Regulations, Use 38a Country, tennis, golf or similar clubs whether or not for profit) granted by the Special Permit Granting Authority.

Under Section VI-E Special Permit Granting Authority, "Special Permits may be granted only for uses which are in harmony with the general purpose and intent of this zoning bylaw."

Site plan review, under Section VII – Site Plan Review, is intended to ensure that development harmonizes with the neighboring land use and structures.

Rationale

I voted against approval of the Special Permit sought by E&C Sports, LLC to place a bubble structure at Chamberlain Pines Swim and Tennis Club. I also voted against approving the proposed Site Plan.

My reason is that the proposed bubble, and consequent expansion of activity (including traffic and year-round sporting), would not have been in harmony with the general purpose and intent of the zoning bylaw (Section VI-E) nor with neighboring land use and structures (Section VII). Nor would approval encourage the most appropriate use of the land or improve the Town (Section I-A).

Specifically, the proposed bubble would have expanded the use of the tennis courts from part year to full year. (The swimming pool would have remained part year although the applicant noted that the pool could be placed under a similar bubble to allow for full-year use.) Such an expansion of sporting activities and the attendant traffic at facilities located within an "Agricultural-Resident" zone would not have encouraged the most appropriate use of the land. Similarly, the installation of a bubble over tennis courts would not have been in harmony with the surrounding area and would have changed the character of the area.

The final proposed bubble was 34' tall and would have required stockade fencing, and a number of trees planted on top of berms to potentially shield the bubble from the road and a neighbor across the street. In addition, there was no guarantee that the bubble would not be visible from the 2<sup>nd</sup> floor or nearby homes. The stockade fencing and evergreen trees on tall berms would have been out character with the neighborhood as well.

The Town's Zoning By-Law creates zoning districts and defines uses permitted within those districts for a reason. While small-scale sporting activities currently are permitted at Chamberlain Pines, further expansion of the type requested by E&C Sports would not have been in harmony with the general purpose and intent of the Zoning By-Law (Section VI-E). The placement of a 34" bubble, given the size and visibility of such a structure, is most appropriate in an Industrial district rather than an Agricultural-Resident district, particularly since Chamberlain Road leads into a well-established neighborhood. As such, granting the Special Permit and approving site plan would not have encouraged the most appropriate use of the land (Section I-A).

Furthermore, granting the Special Permit and approving the site plan would have sent a signal that the Town could approve other uses elsewhere that were not in harmony with the neighboring land use and structures. Such a signal could reduce property values in Town, which clearly would not "improve the Town" (Section 1-A). While proponents and the applicant had indicated that allowing full-year use of the tennis courts to Town residents and making the facilities available to the High School tennis teams would benefit the Town. However, I concluded that such potential benefit was outweighed by the potential negative impact described above.

(To be read into the record May 3<sup>rd</sup>)

I voted against the motion to approve the Special Permit and Site Plan Review application because:

The height and overall massing of the proposed air structure is imposing in the AR-B zoning district. Although it technically complies with the dimensional requirements of our zoning by-law, the visual impacts of the proposed "dome" on the direct abutter at #85 Chamberlain Street, the Brentwood neighborhood and the many residents passing through that area on a daily basis are not satisfactorily mitigated by the proposal. The proposed screening (8' stockade fence) is not attractive, there will be lag time before the plantings can provide any significant screening, and both plantings and fencing will require a level of maintenance which the owners have not demonstrated with their operation of the existing facility. The elevation provided in the application materials after the November 7<sup>th</sup> discussion presents an idealized view of the future conditions. The noise impacts of the air structure were not fully evaluated by an acoustical expert.

In addition, I believe that the proposed business expansion from seasonal to year-round alters the established nature of the business and will negatively impact the community as a whole. The proposed change in the overall level of activity at the site, coupled with the visual and noise impacts of the air structure is not de minimus. The proposed hours of operation are not reasonable in a residential neighborhood. I agree with the findings of the Zoning Board of Appeals from 1974 when they found that the proposed expansion was "ill-suited" to the neighborhood and it would present a "disruption" to the character of the "rustic and peaceful character of the neighborhood". The welfare (aka quality of life) of all residents of Holliston would be impacted by this expanded use which I do not believe is appropriate to this area or zoning district.