

Holliston Zoning Board of Appeals Meeting Minutes of March 16, 2016

Present: Chairman Henry Dellicker, Brian Liberis, John Love and Associate Member and Jay Peabody. Mark Bush was absent.

Call to Order: The Chairman called the meeting to order at 7:00 p.m. in Room 014 of the Town Hall.

Discussion of Draft Zoning By-Law Amendments: Draft amendments prepared by Special Counsel Mark Bobrowski to replace Section I-C, amend Section I-E Definitions and revise Section III-A Schedule of Uses were reviewed. Substantial concerns were expressed about the elimination of current provision of Section I-C(3) referring to the allowance of relief to meet prior setbacks by Special Permit. Several questions will be forwarded to Atty. Bobrowski for clarification, especially with regard to proposed findings for single-family residential structures as proposed. A suggestion was made to add an additional circumstance under Section 3.3.1 regarding additions to existing buildings encroaching in side yard setbacks. Members prefer the Special Permit mechanism. Mr. Peabody made a motion to submit the draft as amended to the Board of Selectmen for inclusion in the Town Meeting Warrant. Mr. Love seconded with all in favor.

Under Section III-A, uses (B)(10) Hospital should be refined. Does it include walk-in clinics? Under definitions, medical, legal and dental uses should be added to the definition of professional offices. Refinements to both General and Personal Service Establishments are recommended. A redline version is requested. No action is recommended on these two articles at this time.

Ms. Sherman noted that the Planning Board is willing to co-sponsor the articles under the provisions of MGL, c. 40A, s. 5 and is meeting March 17th. The Warrant remains open until March 18th. Atty. Bobrowski is available for a Planning Board public hearing on April 7th at 8 p.m. and is willing to present the articles at the Town Meeting.

I. PUBLIC HEARINGS:

Special Permit Public Hearing

New Singular Wireless PCS, LLC – 60 Fairlane Way

The Chairman opened the public hearing at 7:10 p.m. Mr. Liberis read the public hearing notice into the record. Tim Greene of Terra Search in Norwell representing New Singular Wireless PCS, LLC d/b/a AT&T provided an overview of the application. He explained that the existing equipment is there by-right but there is interference between the existing 3 carriers on the tank because of equipment placement. His client is proposing to increase the height of their structure and antenna installation to 200' over the tank under provisions of Section V-O (B)(2)(b)(ii). Equipment will be upgraded as noted in the application as well.

Mr. Greene noted that the Water Department had reviewed and approved the changes and their agreement was being negotiated with the Town.

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Photos provided in the application were discussed as well as perceptions of the tower. No comments were received from Town departments. No one was present with questions or concerns on the matter.

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

**Special Permit Public Hearing
Sean Vaglica – 1506 Washington Street**

The Chairman opened the public hearing at 7:35 p.m. Reading of the public hearing notice was waived given no audience. Sean Vaglica was present to discuss his petition. He gave a brief history of his business. His proposed 1,000 s.f. unit will be located within a multi-tenant building currently under construction in back of the former Mulch-N-More building. Some discussion of the use category assigned by the Building Inspector followed. As-of-right use #27A was discussed. Services offered include windshield replacement and dent removal by sub-contractors but it was represented that it was not a substantial portion of the business.

No one was present to speak in favor or against the petition. On a motion by Mr. Peabody, seconded by Mr. Liberis, the public hearing was continued until April 20th at 7:05 p.m. Members were in agreement that the Applicant could withdraw the application without prejudice in the future.

A motion was made by Mr. Love to make a finding that the Special Permit request is not required given the service nature of the use as represented. The use is more in keeping with use Section III-A #27A "Commercial Service establishments dealing directly with public" and is therefore allowed by-right in the zoning district. Mr. Peabody seconded with all in favor.

**Special Permit Public Hearing
Protective Solutions, Inc. – 275 Hopping Brook Road**

The Chairman opened the public hearing at 7:55 p.m. and reading the hearing notice into the record was waived given that no one but the applicants were in the audience. Evann and David Dominico of Protective Solutions were present to discuss their petition. Their "invisible bra" product is a polyurethane "skin" to protect from chips and scratches and is manufactured and distributed at another facility. Pre-cut kits for dealers and individuals are manufactured at this facility. They represented that 95% of the business is mobile service to dealers and 5% of the business is installation of the kits and detailing for individuals. Members discussed the use as a variation of "auto body". The Chairman noted that the Building Inspector had requested a condition that no outdoor storage of unregistered vehicles be allowed.

No one was present to speak in favor or against the petition. On a motion by Mr. Peabody, seconded by Mr. Liberis, the public hearing was closed.

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I. DELIBERATIONS:

Special Permit – 60 Fairlane Way

Project Description

The Petitioner is seeking a Special Permit under Section V-O(c)(1) to allow a height increase of existing antenna support structure. The locus is 60 Fairlane Way in the AR-2 zoning district.

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioner. In accordance with the provisions of Section V-O and VI-E, the Board finds that the application is consistent with the intent and purpose of the Zoning By-Law and the Special Permit criteria outlined therein. The Board weighed the benefits of improving wireless communication service through a comprehensive network against localized visual impacts and finds that the use as proposed and herein mitigated with conditions of approval may be permitted. The site plans of record prepared by Hudson Design Group, LLC of N. Andover, MA dated November 5, 2015 denote the compound plan, equipment room plan, and antenna and mounting details.

Zoning Board Vote

The Board's vote to grant the Petitioner's Special Permit application for relief under Section V-O(c)(1) for property described and located at 60 Fairlane Way. To extend the height of the mounting frame to 20 feet, was as follows on a motion by Mr. Liberis, seconded by Mr. Love:

Chairman Dellicker	Aye
Mr. Love	Aye
Mr. Liberis	Aye
Mr. Peabody	Aye

Conditions of Approval

1. This Special Permit is not valid until recorded and indexed at the Registry of Deeds in accordance with the provisions of MGL, c. 40A, s. 11. The copy of the decision to be filed must contain a certification by the Town Clerk that 20 days have elapsed since after the decision was filed and that no appeal has been filed or if such appeal has been filed, that it has been dismissed or denied.
2. The height of the new mounting frame shall be no higher than 20 feet above the tank top.
3. The owner shall comply with Section V-O(5), "Cessation of use", at the end of life of the structure and equipment.
4. Construction shall substantially comply with the plans of record noted above.
5. Equipment colors as required by Water Department.

Special Permit – 275 Hopping Brook Road

Project Description

The Petitioner is seeking a Special Permit under Section III-A(34) to allow installation of custom paint protection kits and an auto detailing service. The locus is a multi-tenant warehouse and manufacturing building at 275 Hopping Brook Road in the Industrial zoning district (See Planning Board Special Permit and Site Plan Review Certificate of Action of March 2013 at Book 62170, Page 9).

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Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioners, as well as a comment letter from the Building Inspector, Peter Tartakoff, (dated March 7, 2016). In accordance with the provisions of Section III-A(34) and VI-E(5), the Board finds the following: the use is in harmony with the general purpose and intent of the zoning by-law. There will be no significant adverse effects to the neighborhood or the Town from the proposed use.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section III-A (34) for property described and located at 275 Hopping Brook Road was as follows on a motion by Mr. Love, seconded by Mr. Liberis:

Chairman Dellicker	Aye
Mr. Liberis	Aye
Mr. Love	Aye
Mr. Peabody	Aye

Conditions of Approval

1. This Special Permit is not valid until recorded and indexed at the Registry of Deeds in accordance with the provisions of MGL, c. 40A, s. 11 and shall lapse in two (2) years if a substantial use thereof has not sooner commenced except for good cause or if construction has not begun by such date except for good cause. The copy of the decision to be filed must contain a certification by the Town Clerk that twenty (20) days have elapsed since after the decision was filed and that no appeal has been filed or if such appeal has been filed, that it has been dismissed or denied.
2. Hours of operation are limited to 7:00 a.m. to 8:00 p.m. Monday through Friday, Saturday 9:00 a.m. to 1:00 p.m. and Sunday 12:00 p.m. to 8:00 p.m.
3. No outdoor storage of unregistered vehicle is authorized.

Adjournment: The meeting adjourned at 9:45 p.m. on a motion made and duly seconded with all in favor. The next meeting was scheduled for April 20, 2016.

Respectfully submitted,

Karen Sherman
Town Planner