

Holliston Zoning Board of Appeals Meeting Minutes of April 15, 2020

Call to Order: The Chairman called the meeting to order at 7:00 p.m. via Zoom. It was noted that HCAT was also taping the meeting and options to join the meeting were available on the Town webpage. He suggested use of the Chat function on Zoom or raising hands as options for audience members to be recognized during the public comment period of each hearing.

Mr. Love read the following statement into the record: Pursuant to the Governor's Order suspending certain provisions of the Open Meeting Law G. L. c. 30A paragraph 20, as well as the Select Board's Emergency Order dated March 16, 2020, the Zoning Board of Appeals will be using remote participation for this meeting. The audio of this meeting is being recorded and will be posted on the Town's webpage within 24 hours in accordance with the Governor's Emergency Action requirement of keeping the public informed of actions during this meeting. I would ask that all participants remotely attending this meeting please state your name for identification purposes each time you speak throughout the meeting. At this time, a roll call attendance vote will be taken:

Chairman John Love - Present
Jay Peabody - Present
Mark Bush - Present
Elizabeth Dembitzer, Associate - Present

Approval of Minutes:

On a motion by Mr. Bush, seconded by Mr. Peabody, the minutes of March 30, 2020 were approved as written on a roll call vote.

PUBLIC HEARINGS:

Continued Use Variance Public Hearing

SunRaise Investments (Marshall Street Solar, LLC), 39 Marshall Street

The Chairman re-opened the public hearing and noted the receipt of a written continuance request from the applicant. He asked for a motion to continue the hearing until May 6th at 7:00 p.m. Mr. Peabody made a motion to continue the public hearing as noted. Ms. Dembitzer seconded with all in favor on a roll call vote.

Continued Special Permit Public Hearing

Atty. William Harvey, 799 Washington Street

The Chairman re-opened the public hearing and noted receipt of a written continuance request from the applicant. He asked for a motion to continue the hearing until May 6th at 7:00 p.m. Mr. Peabody made a motion to continue the public hearing as noted. Ms. Dembitzer seconded with all in favor on a roll call vote.

Continued Dimensional Variance Public Hearing

Ron Cavalho, 0 Birchwood Road

The Chairman re-opened the public hearing and noted receipt of a written continuance request from the applicant, and asked for a motion to continue the hearing until May 20th at 7:00 p.m.

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Mr. Peabody made a motion to continue the public hearing as noted. Ms. Dembitzer seconded with all in favor on a roll call vote.

**Continued Special Permit Public Hearing
AT&T, 0 Marilyn Street**

The Chairman re-opened the public hearing at 7:15 p.m. Members reviewed additional information requested at the previous hearing session, including several e-mails with attachments from Centerline Communications regarding the proposed generator and enclosure specifications and a structural evaluation of the current tower as suggested by the Town's peer reviewer. Receipt of peer review comments from IDK Communications (dated February 18, 2020) were also noted.

Simon Brighenti of Centerline Communications was present for the applicant. He provided details on the generator, noting that the specification had changed to a 24 kW unit with sound attenuation panel and stockade fence enclosure for mitigation. He added that physical distance to abutters as well as the mitigation measures should result in no violative impact from the weekly testing of the generator. He added that the size of the antennas (11" x 7") would also not produce noise in windy conditions. He offered a condition that the applicant be required to control the cycling of the generator (approximately once a week for 20 -30 minutes). He briefly discussed the issue of alternative access as requested by several abutters. He noted that AT&T would be willing to pursue access from Fiske Street but would need to do further investigation about feasibility. He suggested that a condition prohibiting idling and blocking any driveway would be acceptable for the visits which would occur approximately 10 times per year.

Mr. Brighenti also noted that further due diligence under NEPA as well as the local wetland bylaw and MA Wetland Act was being conducted by another firm. He noted that their report would be presented to the Building Inspector and Conservation Agent when completed.

The Chairman opened the hearing to the audience. No one asked additional questions or spoke either in favor or against the petition. Mr. Peabody made a motion to close the public hearing. Mr. Bush seconded with all in favor on a roll call vote.

**Continued Special Permit Public Hearing
Lindsay Maloney, 28 Curve Street**

The Chairman re-opened the public hearing at 7:40 p.m. Ms. Maloney was present to discuss her petition to operate a 10-dog kennel within her home and premises at 28 Curve Street. She referred to materials on the Fluxpack webpage, noting a chronology of action items and a series of photos taken since receipt of comments from the Board of Health (dated February 4, 2020) and abutter Shannon Carbino (dated February 24, 2020). She noted that her approach to care was non-traditional with more advanced handling solutions and more personal attention and fostering. She added that she currently has 4 personal dogs as well as several New England Boston Terriers in foster care. She clarified proposed drop off and pick up times and noted that sufficient space would be made available in the existing driveway.

The Chairman opened the hearing to the audience. No one raised questions. Andres Vargas of 12 Curve Street spoke in favor of the petition. No one spoke in opposition.

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Mr. Peabody made a motion to close the public hearing. Mr. Bush seconded with all in favor on a roll call vote.

DELIBERATIONS:

1. AT&T Special Permit

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Sections V-O Antennae and VI-E Special Permit Granting Authority of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: The proposed use is in harmony with the general purpose and intent of the by-law. The Board as Special Permit Granting Authority has considered the proposed use in relation to the site, as well as the adjacent uses and structures, and finds that there are no significant adverse effects to the neighborhood or the Town, considering the regulations, restrictions and criteria of sub-sections V-O(4)(a) and VI-E(5). The Board's conclusions are substantially based on the findings of its peer review contractor IDK Communications as expressed in their correspondence of 2/18/2020.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Sections V-O for property described and located at 0 Marilyn Street was as follows on a motion by Mr. Peabody, seconded by Mr. Bush:

Mr. Love	Aye
Mr. Peabody	Aye
Mr. Bush	Aye
Ms. Dembitzer	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 three (3) years unless exercised per MGL, c. 40A, s. 9 and Section VI-E(6) of the Holliston Zoning By-Laws. The copy of the decision to be filed must contain a certification 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 an appeal has been filed, that it has been dismissed or denied.
2. Construction shall be substantially per the record plan set provided for the file prepared by Centerline Communications and Chappell Engineering Associates, LLC entitled "AT&T Site Number: MA3574, Site Name: Holliston Marilyn Street, NSTAR R/W #7, STR #31, Lines 240-601, 342-603 (230 KV)", dated 5/24/2019 with revisions through 9/27/2019. Any modification needed pursuant to the conditions imposed herein shall be shown on construction drawings submitted with a building permit application.
3. The generator AT&T will use is a 24kW Propane/LNG model. This will be reflected in a construction drawing submitted with a building permit application.
4. Noise mitigation measures include the following:
 - a. The nearest residential property lines are approximately 77 to 80 meters [i.e. 250 to 260 feet] distant from the generator location. The generator is proposed to be located on the side of the existing tower away from the residences. In between the generator will be the

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- cement WIC, or “walk-in” cabinet, the utility structure itself, an 8’ fence, and a copse of trees and brush approximately 175 feet deep.
- b. A stockade fence will replace the proposed chain-link fence shown on the Site Details (Sheet Z04).
 - c. A “sound-attenuating” buffer structure will be utilized, similar in specification to the graphic provided in the record.
 - d. The generator will be programmed for its once-a-week cycle for between 20 and 30 minutes for testing purposes to occur on any specific day and at any time of the day or night requested by the town building inspector.
5. It was represented that AT&T or its sub-contractors would need to visit the property approximately once a month for a short period to conduct any maintenance and adjustments needed. All vehicles visiting the site shall adhere to a no idling policy and care will be taken to not block area driveways. Best efforts shall be utilized to minimize impacts, including use of Fiske Street to access the site.
6. Signage shall be limited to instructional and safety-related signs.
7. All other required permitting, including under NEPA and MA Wetland Protection Act and/or Holliston Wetland By-Law, shall be presented to the Building Inspector for review and inclusion in the project file prior to issuance of a building permit.

2. Lindsay Maloney Special Permit

Findings of Fact

The Board reviewed the application materials and testimony provided. In accordance with the provisions of Sections III(D)(21) Commercial Uses and VI-E Special Permit Granting Authority of the Town of Holliston Zoning By-Laws and MGL c. 40A, the Board finds the following: The proposed use is in harmony with the general purpose and intent of the by-law. The Board as Special Permit Granting Authority has considered the proposed use in relation to the site, as well as the adjacent uses and structures, and finds that there are no significant adverse effects to the neighborhood or the Town, considering the criteria of sub-section VI-E(5).

Zoning Board Vote

The Board’s vote to approve the Petitioner’s Special Permit application for relief under Section III (D) (21) for property described and located at 28 Curve Street was as follows on a motion by Mr. Peabody, seconded by Ms. Dembitzer:

Mr. Love	Aye
Mr. Peabody	Aye
Mr. Bush	Aye
Ms. Dembitzer	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 three (3) years unless exercised per MGL, c. 40A, s. 9 and Section VI-E(6) of the Holliston Zoning By-Laws. The copy of the decision to be filed must contain a certification 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 an appeal has been filed, that it has been dismissed or denied.

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2. The maximum number of dogs allowed under this permit is 10 – any combination of owner and client. The range of services are described generally in the “Fluxpack LLC Process Operations” entered into the record and include training and overnight accommodation.
3. Drop offs and pickups are limited to 7 a.m. to 6 p.m.
4. Operations shall be guided by the February 4, 2020 Memorandum from Scott Moles, Health Director, including the following:
 - a. Rodent control plan for the facility
 - b. Food storage protocol
 - c. Cleaning protocols
 - d. Waste disposal
 - e. Veterinarian contact
 - f. Designated kennel area
5. Any local license and inspection required by the Town of Holliston General By-Law shall be kept current and failure to do so will result in a zoning violation.

Adjournment: The next meeting was scheduled for April 22, 2020. Members also scheduled May 6th and May 20th and discussed pursuit of a Mass. Housing Partnership grant to assist with review of a pending c.40B application for Geoffrey Park, located off Indian Ridge Road South. The meeting adjourned at 8:50 p.m. on a motion made and duly seconded with all in favor on a roll call vote.

Respectfully submitted,

Karen Sherman
Town Planner

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