

# **Zoning Board of Appeals**

Minutes of the Meeting

And

Jonathan Klein, Franklin Street - Update

Eric Pearson – Variance

Allan & Lois Lammi – Special Permit

OmniPoint

May 15, 2008

Present: Philippe Chevalier, Chairman, Matt Colangelo Vice Chairman, Barbara M. Deschenes, Linda Ann Isgro, and Paul Hennessey

Absent: Charles Witkus, John O'Brien, and Paul Trippi

## **Jonathan Klein, Franklin Street**

The meeting opened at 7:12 p.m. Mr. Jonathan Klein approached the board in regards to an update on Franklin Street, and requested a public hearing per the Counsel and Zoning Board's call. He explained the project update and financing problems but the matters have been taken care of as well as construction. Mr. Chevalier stated that the Zoning Board would sit down and hear the engineers' plans. Mr. Klein requested approval for a new partner; associate with SMOCK, Framingham. Arrangements have been made. He introduces SMOCK and explains history and progress. Mr. Chevalier asked the members if ownership changes warrant for public hearing. Mr. Hennessey questioned the tax status. Mr. Klein responded that when developed it would be taxable. Mr. Colangelo asked if with the new ownership would it be a stronger project and Mr. Klein explained the strength. Ms. Isgro expressed concerns about transferring applicant's name on the comprehensive permit from Teague to SMOCK. Mr. Chevalier read paragraph from Jean McKnight, legal counsel and entertains motion. Mr. Colangelo motioned to grant name change to SMOCK as requested. Mr. Hennessey stated that the proposed changes and ownership is a substantial change. Ms. Deschenes 2<sup>nd</sup> the motion at 7:30 p.m. Mr. Colangelo, Mr. Hennessey, Ms. Deschenes and Mr. Chevalier said No to a hearing. Ms. Isgro wanted a public hearing. Mr. Chevalier accepts SMOCK as new owners of Franklin Street. Closed at 7:30 p.m.

## **Eric Pearson**

The hearing was opened at 7:33 p.m. Mr. Chevalier excused himself as an abutter. Public Notice was read into the minutes by Mr. Colangelo. Mr. Pearson explained that his barn is inadequate, unsafe and not built to code. He had his property surveyed and feels the addition and 2<sup>nd</sup> floor would not be detrimental. He then produced photos of the view. Mr. Hennessey had questions about the survey and asked what the distance is from Mrs. Bancroft. Mr. Pearson replied 8 feet. Mr. Colangelo asked who did the survey and that part of the original package needs the land survey. Mr. Pearson explained the survey

marker; back line was done due to installation of fence. Ms. Isgro asked for explanation of addition and specifics where shed is on diagram. Mr. Colangelo read letter into minutes from Ms. Florence Bancroft and asked if Mr. Pearson would care to respond. Mr. Pearson explained the sunrise location and Ms. Isgro questioned the finish grade on roof height. He stated that the existing is 15' and the 2<sup>nd</sup> floor would add another 5' - 7'. Mr. Colangelo opened the meeting to the public at 7:55 p.m.

Mr. Chevalier owns property across the street and asked if the trees would be cut down. Mrs. Bancroft stated that she and her husband planted trees and had done a beautiful job and was concerned with the new barn blocking the sunlight. The meeting was closed for public hearing at 8 p.m.

Mr. Hennessey stated that he would like engineers. Ms. Isgro does not see a problem; old site where residence was set up, relief shows hardship due to land; height is of concern but not huge. Mr. Colangelo said order of conditions be surveyed and staked out by registered survey and height of roof for accessory apartment be 8' feet. Mr. Isgro motions to grant variance with conditions. Mr. Hennessey 2<sup>nd</sup> motion with conditions. Role call: All yes.

#### **Allan & Lois Lammi – Special Permit**

The hearing was opened at 8:07 p.m. Mr. Chevalier read the public notice into the minutes. Mr. Lammi explained that he purchased the house 1 ½ years ago from GM Bergeron and it was rough plumbed for an in-law apartment and now his mother-in-law needs a place to live. Mr. Chevalier explained accessory apartment by-law and asked the board and public for comment. Ms. Isgro encourages in-law-apartments for town of West Boylston. Mr. Colangelo motioned to grant for Special Permit for Accessory Apartment per plan dated 2/27/2008. Ms. Isgro 2<sup>nd</sup> the motion. Role call : All yes. Hearing closed at 8:15 p.m.

#### **Omnipoint, Inc. – Variance**

The hearing notice was read into minutes at 8:20 p.m. Mr. Todd Brodeur explained the existing tower and 10' extension application and antenna, and existing diagrams showing examples of Holden and other Worcester vicinities. Mr. Hennessey questioned the proposed tower location and Ms. Deschenes asked about the diagram showing 16' antenna. Ms. Isgro had questions on the proposed changes for 5 modulars and questioned a chain link fence, and concrete pad. Mr. Chevalier read into the minutes a letter from the Planning Board signed by Pat Halpin. Opened to the Public at 8:35 p.m. Mr. Salate of the Planning Board stated that he was against cell towers from the start and was guaranteed the towers wouldn't go higher "and here we go". Mr. Hennessey asked why 10' apart and Mr. Brodeur said it was to avoid interference. Mr. Chevalier closed public

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hearing for deliberations at 8:37 p.m Mr. Chevalier expressed concerns for today's technologies and need for transmission. Mr. Colangelo motions to grant Omnipoint, Inc. a Variance from Section 2.7 to add a 10' extension from plan dated 12/19/05. Ms. Isgro 2<sup>nd</sup> the motion. Ms. Deschenes voted No; Mr. Chevalier, Mr. Colangelo, Ms. Isgro and Mr. Hennessey voted yes.

Motion Ms. Deschenes at 9:00 pm. to go into executive session under the provisions of Massachusetts General Laws Chapter 39, Section 23b, Part 3 to discuss strategy with respect to litigation, and the Board will not be going back into open session, seconded by Ms. Isgro. Role call: Mr. Chevalier - yes, Ms. Isgro - yes, Mr. Trippi - yes, Ms. Deschenes - yes, Mr. Hennessey - yes. Mr. Colangelo excused himself

Respectfully submitted:

Donna Jean Ramonas, Secretary

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Philippe W. Chevalier, Chairman

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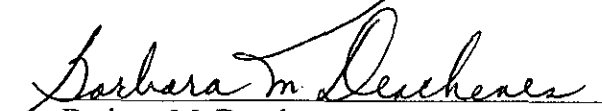
Matthew P. Colangelo, Vice Chairman

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Linda Ann Isgro

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Paul Hennessey

  
Barbara M. Deschenes

Minutes accepted on June 4, 2009