

**ZONING BOARD OF APPEALS**  
**781-982-2100**

**Minutes**  
**April 10, 2014**  
**Cotter Room**  
**7:00 p.m.**

**Members present:** James Haney, John Shepard, Sean Reynolds, Marshall Adams, Building Inspector/Zoning Enforcement Officer

**Members absent:** Lisa Bezanson, William Mullen

7:00 p.m. Approval of minutes – March 13, 2014 motion to approve made by Mr. Shepard, seconded by Mr. Reynolds, unanimous.

7:00 p.m. **Petition of John Nuttall, Fire Chief for the Town of Abington, 500 Gliniewicz Way, Abington, for: variances and special permit to allow a new 100' lattice style tower with antenna from existing tower to be relocated to the new structure at 1040 Bedford Street, to be used for emergency communications equipment, under Abington Zoning By-Laws Sec. 175-72, 175-21-B-14 and 175-23-B(1), (7), (8), (17),and (18). The property is located on Assessors Plan 59, Plot 151, in the Highway Commercial Zone.** Voting members: James Haney, John Shepard, Sean Reynolds.

Town Counsel Patricia Cantor attended representing Chief Nuttall. Correspondence submitted by Atty. Cantor to reclassify the petition as a municipal use rather than as a wireless communication tower. It is to provide an emergency communication system for the town; there is no commercial aspect proposed. A 100' tower is to be installed at rear of fire headquarters and remove existing antennas that now exist. Use hasn't changed. Notice was given to abutters on scope of project. Memo addresses all the relief requested. It is not a commercial wireless tower – a tower purely for municipal use. Site plan review was held with Planning Board on April 7, 2014. There were no changes from presentation to Planning Board. Notice included same description; only relief required is special permit for municipal use.

Chief Nuttall gave power point presentation. The existing tower was damaged in 2010. Some of array are original to building, has been temporarily repaired. Was awarded \$35,000 at Town Meeting in October 2012 to replace tower, but needed a larger structure and went to Town Meeting again for additional funding. Current antenna is too low. Chief Nuttall is trying to keep pine trees. Will support all emergency communications; will be a seamless connection. Trying to get microwave connection to Rockland Fire Dept. Will have better radio coverage. Final phase of FEMA radio project is providing microwave productivity to increase coverage. They got a grant from FEMA. He would like to have a redundant microwave link with Rockland and Holbrook. Doesn't want to put more money into repair – the town needs a new structure. Filed a by-law to convert to radio box systems all over town which was accepted. Box on Groveland Street isn't received by current antenna. Why can't they have monopole? They would have too

much to fit on monopole. There had been misunderstanding on builder's part as far as tower and the permitting process. Location – can't be located in any other spot. They tried for smaller footprint, but it wasn't possible. Pine trees block and absorb signals, which is why they need 100' tower. New antenna would solve all their issues.

Height of building is two stories; tower would be 100' from base. No guide wires. If it was on another location, they would have to run cable which would be additional expense. Will be generator supported.

Mr. Shepard – could it be supported with guide wire if it should fall? Chief Nuttall – didn't have answer to that. It is lightning protected. Marshall Adams – it will be controlled construction and gone through with engineers. Will be certified. Chief Nuttall - wouldn't allow anything to be built that wouldn't be safe. Could tower be used in another location if location of fire station is moved? Tower would be taken down if station moved. He doesn't know if it could be reused at another location. Mr. Reynolds – they are outgrowing the building. Monopole would not work, and cost would be exorbitant.

Opened to floor:

Timothy Kirley, 149 Temple Street – lives right behind station, less than 90' from property. Concerned with visual impact and effect on property values. Is it best location in town? He has spoken to Chief Nuttall and requested fence to lessen impact. Concerned it will affect everyone's Wi-Fi in their homes. Chief Nuttall - they would have to comply with FCC. He will put up fence in back, not necessarily vinyl, to protect Town property as well. There is coverage with pine trees. Mr. Curley concerned about base, which will be addressed with the building inspector.

Henry Beckvold, 165 Temple Street – lives directly behind station and agrees with Tim. Potential eye sore with base. Concerned he won't be able to sell his house at a decent price because the tower is there. Mr. Reynolds – a lot of things will be out of the chief's control due to grant.

Back to table. Board will vote first on reclassification. Motion by Mr. Haney for special permit under 175-21-B14 to be reclassified for municipal status, seconded by Mr. Shepard, unanimous. Other relief is moot. Atty. Cantor requested other relief requested to be withdrawn without prejudice as unnecessary, which was approved unanimously.

**7:05 p.m. Petition of Eric Bernazzani, 215 Shaw Avenue, Abington, for: a finding for an addition of a second story room over existing garage area to be connected to attached residence via a second story bedroom at 215 Shaw Avenue, under Massachusetts General Laws Ch. 40 Sec. 6. The property is located on Assessors Plan 45, Plot 40, in the R-30 Zone.** Voting members: James Haney, John Shepard, Sean Reynolds.

Sewer advisory – must be submitted to Sewer Commissioners prior to building sign off. Mr. Bernazzani - going straight up, footprint not changing. It is pre-existing, nonconforming. Mr. Shepard felt it complied with character of neighborhood. Neighbors had been contacted with no objections. Opened to floor, with no comments and brought back to table.

Mr. Reynolds - question on roof as far as runoff. Mr. Adams didn't have an issue with it.

Motion by Mr. Shepard to approve, seconded by Mr. Reynolds, unanimous.

**7:10 p.m. Petition of Birch Abington LLC, 928 West Chestnut Street, Brockton, for: special permits under 175-21A(4) and 175-32A(1) to allow renovation of existing building into 30 one-bedroom units; variances under 175-32C (density); 175-32D (to approve existing building height and building & parking lot setbacks); 175-47B (driveway separation); 175-50A (landscaping island width); 175-52G (number of parking spaces); 175-66A (fence buffer) at 81 Birch Street. The property is located on Assessors Plan 53, Plot 71, in the R-20 Zone. Voting members: James Haney, John Shepard, Sean Reynolds.**

Sewer advisory – has no bearing on sewer system. Atty. Shawn Reilly, Brian Porter of Brophy and Phillips and John Keegan, SITEC, gave presentation. This project has been approved by Sewer commissioners last year. Had been approved last year by Planning Board. This project had been applied for under CBD, reviewed under CBD. Has had site plan review with Planning Board. R-20 is designed for multi family. Everything south of Birch Street went back to R-20. Mr. Adams noticed the discrepancy. In 2007 it went back to R-20. This is the same proposal that was approved by Planning Board and consulting engineers. They also went back to Planning Board. Has gone to Sewer to explain it is same project. It is historical building; Atty. Reilly gave a brief background. Has been vacant for quite a while, with no commercial interest from anyone. Some things may not be necessary they are asking for, but they wanted to include anything that may be needed. Building is staying the same, footprint stays the same. They are removing some pavement on north side of building and putting in more grass. Relief was reviewed.

They will be one-bedroom units. There is fence that runs along property line and mature trees along that line. If they have to take down fence and put up new one, they may have to take down trees. Solid fence wouldn't block building. If they would rather have fence, they will do that. Planning Board's site plan approval letter was submitted. Lighting complies, there are no drainage issues.

Mr. Haney – brought up density. Concerned with issue of snow. They have discussed it – they would have to remove the snow from the property. It would be the responsibility of the owner of the property. The majority of one bedrooms in their Whitman property only has one car. Typically they rent a one bedroom to one person. Mr. Reynolds thought assisted living would be a good use. Units are 700-1,000 s.f., with open floor plan. They hope to attract professionals to these apartments. They feel this is manageable. Parking spaces are compliant 10' wide spaces. They are reducing pavement, providing safer traffic flow. Building would be sprinklered. Fire Chief had no objections. Mr. Haney – would island have trees on it? They pulled the driveway back for better queuing. There is no requirement for fire escapes; they will have to comply with codes. Existing fire escapes won't be used.

Opened to floor:

Dan Killilea, 98 Plymouth Street – are they going to restrict tenants to have one car? The property manager could assign a space per unit. Usually you have single person renting a one-bedroom. Mr. Killilea - would like to see a better fence.

Peter with Brophy & Phillips – the renters will have it made very clear to them that there will be one space per unit. He has a placard that says you have one spot, if you take someone else's spot, you would get towed. They would have visitor passes to put on cars, and designated visitor spaces. He is in property management; they have 24 hour answering service.

Donna Slonina, 88 Plymouth Street – very concerned about parking. Parking was tight when the nursing home was there. There had been a pest issue (rats) that was reported to the Board of Health several times – would it be kept up as it should be. There was rat issue this past summer. Exterminators came out, but Mrs. Slonina didn't feel they rectified the problem.

Brian Porter– they had gotten a call from Board of Health. Pest control came and they cleaned up brush. They got a subsequent call from the Board of Health to go back and address more issues, which they did.

Peter - he went through with BOH inspector and didn't find evidence of rodents. Atty. Reilly - it would be better to have tenants and not an empty building.

Mrs. Slonina - still concerned about parking. Mr. Haney - concerned with overflow. Peter – they would be towed.

Bruce Slonina, 88 Plymouth Street – they abut back parking lot and side of building.

Back to table. Atty. Reilly – they have made this situation work before. It is in their best interest to make it work as far as parking. It is their obligation to oversee any parking issues. They will install a more suitable fence for chain link and withdraw that requested relief. Mr. Reynolds - they need to be held accountable for parking. Something needs to happen with the property. Mr. Shepard – concerned with type of client, nonprofessional that would be partying, but likes the fact that they have a property manager. Peter - they screen tenants. A one-bedroom is about \$1100. They are aimed at single professionals. They are looking for good tenant, with good job, good credit, low turnover.

Motion to accept the petition for 175-21A(4), 175-32A(1), 175-32C, 175-32D, 175-47B, 175-50A and 175-52G made by Mr. Shepard, seconded by Mr. Reynolds, unanimous. Atty. Reilly requested relief from 175-66A be withdrawn without prejudice. Motion to allow 175-66A to be withdrawn without prejudice made by Mr. Shepard, seconded by Mr. Reynolds, unanimous.

9:05 p.m. **Petition of Jeffrey Boyle, 196 Margaret Road, Abington, for: special permit and 8' front yard setback variance to construct mudroom and garage with in-law apartment above at 196 Margaret Road, under Abington Zoning By-Laws Sec. 175-32-I (1-10) and 175-29. The property is located on Assessors Plan 44, Plot 98, in the R-30 Zone.** Voting members: James Haney, John Shepard, Sean Reynolds.

Sewer advisory – capacity does not exist at this time, currently over 250 gals a day. They are not adding occupants. Russ Fitzgerald, contractor – they will go to Sewer Dept. Building Inspector will send them down to Sewer Dept. with permit for signature. They would like to build in-law for mother who lives there now. Variance is needed because they are on a corner lot. Proposed addition for in-law is 592 s.f. First floor is garage with laundry area for the home, but the in-law is just 592 s.f. They have spoken to neighbors, no problem. Mr. Shepard - it's a nice neighborhood. Noticed a drain out back. Mr. Fitzgerald – it's a drainage ditch between the two properties. They will go to Conservation. Board didn't have issues.

Motion to approve made by Mr. Shepard, seconded by Mr. Reynolds, unanimous.

Meeting adjourned at 9:15 p.m.

Respectfully submitted,

Nancy Hurst