

**ZONING BOARD OF APPEALS  
MEETING MINUTES  
March 5, 2018**

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**Present:** Nick Iannuzzi, Chair; Jim Zarkadas, Vice Chair; Andrew Plunkett; Phil Ruggiero, Craig White

**Staff:** Ara Yogurtian, Liaison to the Office of Community Development

**1. Meeting called to order 7:00 PM**

Chairman Iannuzzi welcomed the public to the March 5, 2018 Zoning Board of Appeals meeting. He introduced the Board members and asked the audience to sign in on the sign-in sheet if they were planning to be heard by the Board that evening.

**2. Continued Public Meetings:**

**A. CASE NO. 17-30 – ONE (1) SPECIAL PERMIT**

344 Pleasant Street – NICOLAS LEO, d/b/a PATRIOT DONUTS

Mr. Joseph Noone, Attorney, representing Mr. Leo came before the Board and requested for the hearing to be continued to April in order to have sufficient time to complete the traffic study information as requested by the Board.

**MOTION** to continue to April was made by Mr. Zarkadas and seconded by Mr. White. Motion Passed. 5-0

**B. CASE NO. 18-02 – ONE (1) SPECIAL PERMIT**

101 Cushing Avenue – Gary and Elaine Westermarck

Mr. Westermarck noted that he revised his plan and he decreased the size of the shed as requested by the Board.

**MOTION** to approve was made by Mr. White and seconded by Mr. Zarkadas. Motion Passed. 5-0

**C. CASE NO. 18-03 – TWO (2) SPECIAL PERMITS**

60 Prentiss Lane – Janice Christo

Ms. Christo came before the before to describe her need for a bedroom expansion on the third floor. She has 22 neighbor's signatures approving of the project. She noted that the one person who was in opposition lives one street away.

Many people (approximately 6-7) in the audience raised their hand in support of the project.

**MOTION** to approve the allowance of the dormer was made by Mr. Iannuzzi and seconded by Mr. White. Motion Passed, vote 5-0.

**MOTION** to approve the allowance of the reduced side setback was made by Mr. Iannuzzi and seconded by Mr. White. Motion Passed, vote 5-0.

D. CASE NO. 18-04 – ONE (1) SPECIAL PERMIT  
80 Leonard Street – Richard Smairi, d/b/a Bellmont Café

Mr. Iannuzzi reviewed the Applicant's request.

Mr. Smairi came before the Board and noted that everything would remain the same. The conditions would remain the same as the previous permit.

Marina Lekkas, 88 Gordon Street, Brighton, MA, came before the Board to speak in support of the project. She noted that she has known Mr. Smairi for over ten years and he runs a great Starbucks.

**MOTION** to approve was made by Mr. Zarkadas and seconded by Mr. Iannuzzi. Motion Passed, vote 5-0.

3. **Public Hearing:**

A. CASE NO. 18-06 – ONE (1) SPECIAL PERMIT  
64 Douglas Road – John Joannopoulos

Mr. Iannuzzi reviewed the Applicant's request.

Barney Maier, Architect, came before the Board to present the project to the Board.

No one else spoke.

**MOTION** to approve was made by Mr. White and seconded by Mr. Iannuzzi. Motion Passed, vote 5-0.

B. CASE NO. 18-07 – ONE (1) SPECIAL PERMIT  
33 Pinehurst Road – Paul and Susan Shaw

Mr. Iannuzzi reviewed the Applicant's request.

Mr. Noone, Attorney, came before the Board to explain that the Applicant would like to remove an existing garage and replace it with a new structure. The house was situated

unusually as the front of the house does not face the front of the lot, it faces the side lot. The side of the home would not be a feasible spot for the new garage as there was a ledge located on the side. The Applicant was not able to comply with by-law section 4.3.5 c-2 due to the typography of the lot.

**MOTION** to approve was made by Mr. Zarkadas and seconded by Mr. Iannuzzi. Motion Passed, 4-1.

C. CASE NO. 18-08 – ONE (1) SPECIAL PERMIT  
417 Common Street – Verizon, John Weaver, Agent

Mr. Iannuzzi reviewed the Applicant's request.

Chris Swiniarski, Verizon Wireless, came before the Board and provided a brief history of the project. He noted that the current cell tower location at 125 Trapelo Road needed a roof repair and the cell on wheels would likely be there in the temporary location for 10-14 days but they would need to have the C.O.W. temporarily for a total of 30 days because the issuance of the permit could take extra time. He noted that truck would be parked behind the house of 417 Common Street.

Mr. Yogurtian noted that Town Council determined that this was indeed an antenna (and a structure because it was over ten feet tall) and needed a special permit.

Joel Grimm, Board of Trustees, Church located at 417 Common Street, explained that he wanted to support emergency services for the community.

Mr. Swiniarski noted that the tower output was reasonable for a homeowner and the abutter was not within 50 feet of the tower.

Mr. White noted that this was not a significant impact.

Courtney Sturgeon, 409 Common Street, resides next door to the church and she noted that there was a children's playground that belongs to the church and her kids play there. She read a letter of objection and noted that the proposed cell tower would devalue the neighborhood, be unsafe and cause possible health safety issues. The tower would be 20 feet from her den and bedroom window. She was concerned that no other temporary locations were considered.

Arron Sturgeon, 409 Common Street, noted that he was very concerned about the 62-foot-high tower being blown over in the event of a wind storm.

Glenn Herosian, 585 Pleasant Street, came to speak in opposition of the cell phone tower bay station. He believes that this was an inappropriate placement for the cell tower. He noted that the FCC standard from a 1992 ruling show that this was an unsafe amount of emissions from the tower. They were very brief exposures for adults and only a few minutes and this temporary pole would provide a much higher exposure. It was a very expensive process to monitor and the long-term effects are unknown especially on children.

Keith Vellante, C2 Systems, Verizon, answered Mr. Herosian's question regarding the FCC standards. He noted that the FCC standard for the general public is based on 24 hours 7 days per week exposure. He believes that Verizon does meet the standards. He noted that this would provide the same frequency and the same amount of power.

Mr. Swiniarski noted that the temporary tower must be located within a couple of hundred feet and at the same elevation.

Martin Zhang, neighbor came before and noted that he works in neuroscience and his studies show that certain frequencies can cause Alzheimer's disease and could have permanent effects.

Jennifer Durso, 399 Common Street, noted that she was disappointed in the outreach efforts. She proposed a different site for the location of the pole. She referenced three standards in the zoning by-law that hadn't been met. The fall zone was a very big concern and she would like to know more about the performance standards. She noted that this was not an appropriate location.

The Board discussed their concerns and voted on the matter.

**MOTION** to approve was made by Mr. Zarkadas and seconded by Mr. Ruggiero.  
Motion denied, vote 2-2 (Mr. White abstained).

**4. Review and approve October 10, 2017 and November 6, 2017 Zoning Board of Appeals Meeting Minutes**

**MOTION** to delay the vote on the approval of meeting minutes until next month was made by Mr. Iannuzzi and seconded by Mr. White Motion Passed, vote 5-0.

**5. Adjourn: 9:05 PM**