



TOWN OF WAKEFIELD

BOARD OF APPEALS

MEETING MINUTES

Wednesday, August 12, 2020 – ZOOM HEARING

Consistent with the Governor's orders suspending certain provisions of the Open Meeting Law and banning gatherings of more than 10 people, this meeting was conducted by remote participation.

Call to Order 7:00 pm

Roll Call by David Hatfield

In Attendance:

DAVID HATFIELD, CHAIRMAN

JAMES H. MCBAIN

JOSEPH PRIDE

CHARLES L. TARBELL, JR.

THOMAS J. LUCEY, ALTERNATE

GREGORY W. MCINTOSH, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

Absent

AMI WALL, CLERK

Michael Feeley read the Legal Notice

NEW HEARING:

(21-1) 9 WARE STREET – JEROME ALTIERI

Attendees for the Petitioner: Mr. Altieri represented himself

Purpose: Variance to construct and addition within 50 feet of an open stream

Discussion: Mr. Altieri explained to the Board that the Conservation Committee has approved his project. Dave read the letter from Conservation into the records (see file). 3/19 and 7/2. Jim said he has looked into this and there is a lot of land and landscaping around his property. Chip pointed out that he meets all the setback requirements. Chip feels that the direction of the ConCom agreeing to this satisfies him, Tom Lucey agreed, if the only relief needed is the stream and ConCom says it is ok with their conditions he is fine with it. Jim also agrees. Dave concurs that if ConCom agreed to this he is fine with the request.



Public Testimony: Brian Warren – 10 Ware Street, Mr. Warren asked if more water would shed/flood on his property with this extension. He lives across from Mr. Altieri's house. Dave said not that this Board is aware of. Mr. Warren said he experiences lots of flooding in his basement and wonders if it would have an impact. Chip said typically an addition so far away from the stream would not have any more of an impact on his property – he will still get water and he would have thought that ConCom would have looked at that.

Plans/Documents Presented:

- Site Plan prepared by Edward Farrell, revised and dated June 29, 2020
- Architectural drawings dated 12/3/2019 and Elevations dated 5/11/2020
- Photographs of the property

Chip made a motion to grant the Variance based on the findings from Conservation and per the site plan presented tonight and revised 6/29/20, prepared by Edward Farrell. The condition is that they meet all ConCom's conditions. This is granted because of soil conditions and topography and detriment to the neighborhood.

Jim 2nd.

All were in favor – Voting members – Dave, Chip, Jim, Joe, Tom

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NEW HEARING:

(21-2 & 21-3) 24 WHARTON PARK - PAUL ROBERTSON

Attendees for the Petitioner: Attorney Michael McCarthy, Paul Robertson, Jeff from Phoenix Architects

Purpose: Variance & Finding to allow razing and reconstruction of an attached garage

Discussion: Attorney Michael McCarthy and Jeff presented the existing non-conforming detached garage and the proposed attached garage. The proposed addition would be 3.1 feet from the lot line in the front of the addition and 2.9 feet from the rear of the addition. To the right of the garage addition is a fire lane. Elevations were presented by Jeff. Attorney McCarthy had photographs of the fire lane which separates the abutter. It is an emergency fire line and will always be there and is not buildable. The abutters have no objections to Mr. Robertson's addition. Attorney McCarthy said it is an improvement to the neighborhood. Attorney McCarthy noted the correspondence from the Engineering/DPW Department and said they are complying. Jim said the addition looks very nice and there is quite a bit of distance from the abutter to the right. Tom agrees, there is a lot of room and there is no infringement on the neighbors. Dave read letters from Town Boards into the record – no objections.

Plans/Documents Presented:

- Plot plan prepared by PJF & Associates, dated 8/11/20
- Existing and Proposed Site Plan dated 6/3/20 and 6/23/20
- Elevation/Floor Plans prepared by Phoenix Architects, dated 6/26/20

Public Testimony: No members of the public testified

Chip made a motion to grant the Finding per the site plan prepared by Paul Finocchio dated 8/11/20, it does not increase the non-conformity of the lot and is not any detrimental to the neighborhood.

2nd by Jim

Voting members – Dave, Chip, Jim, Joe, Tom – all were in favor

Chip made a motion to grant the Variance for the side yard setbacks presented on the plot plan presented by Paul Finocchio as well as the plans presented by Phoenix Architects dated 6/26/20. To allow the setbacks to be as presented 3.1 feet in the front and 2.9 feet in the rear. Because of the slope of the lot and the fact that the lot is non-conforming and there was no opposition from the neighborhood, the fire lane can never be built on and it is not more detrimental to the neighborhood.

No conditions

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NEW HEARING:

(21-4, 21-5, 21-6) 581-583 SALEM STREET & 581-583 SALEM STREET (REAR)-GRANITZ FAMILY TRUST

Attendees for the Petitioner: Attorney McGrail, John Ogren, representative of the Granitz family-Jim Cook, Andrew Zalewski (architect)

Purpose: Request for a 19-unit multi-family dwelling

Discussion: Attorney McGrail reminded the Board that they were here for a pre-application meeting a couple months ago. John Ogren presented the site plan and landscaping plan. The existing parcel is made up of two parcels one of them has a cross fit commercial building on them and the other parcel has a two family dwelling on it, they are combining the two parcels. They are proposing 19 units, three of the units would be one-bedroom units, and sixteen would have two-bedroom units. They meet the parking requirements and will have 29 spaces. Three of the 19 units will be affordable (inclusionary zoning). The building will be 4 stories high (49.1 feet). John pointed out the utility poles – one of them is in the front of Salem Street and will be in front of the new dwelling. Greg asked if they have talked with WMGLD to see if the utilities could be underground. Attorney McGrail said they believe the cost would be too high, but will talk with WMGLD. A traffic study was done but he Board still wants them to meet with TAC. A lighting plan was presented. Chip would like them to install a public sidewalk in front of the building, they will discuss with the Towns DPW Department. Tom Lucey wondered if they in fact have enough parking and also requested a comparison of the surrounding building heights in the neighborhood. Andrew Zalewski gave a presentation of the renderings of the building which showed the colors and materials. There will be a fitness center and a trash room on the first floor as well as the mechanicals for heating,

cooling and electric. Town Departments & Board comments/letters were read into the record by Dave Hatfield.

Plans/Documents Presented:

- Site Plan prepared by Hayes Engineering and presented by John Ogren
- Architectural plans prepared by Andrew Zalewski of the MZO Group

Public Testimony

Bronwyn Della-Volpe of 8 Cyrus Street – Ms. Della-Volpe asked that the height and parking be reviewed again – Attorney McGrail explained that 60 feet is allowed by right and this project is 49.1 feet. Under our zoning by law the requirement is 1.5 spaces for every one or two bedroom unit, if there are 3 bedroom units the requirement is 2 spaces. There are no 3 bedroom units so the requirement is 28.5 and they have 29 spaces. She then asked about outdoor lighting, lighting pollution and light spill and asked if it could be mitigated. Attorney McGrail explained that the lighting design would eliminate spillage.

Discussions for the Next Hearing

Attorney McGrail said they will reach out to -

- DPW regarding the sidewalk
- WMGLD regarding underground utilities
- Fire Dept. regarding the hydrant
- TAC regarding traffic

The Board would like to discuss the following at the next hearing –

- Architecture - Mr. Zalewski will get material information by PDF to Gail the Friday before the hearing
- Landscaping and Site/Civil
- Massing of building compared to other buildings in the area

Chip moved to continue to September 9th all were in favor.

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MICHAEL L. FEELEY, ALTERNATE

Absent

AMI WALL, CLERK

Michael Feeley read the Legal Notice

NEW HEARING:

(21-7) 33 COOLIDGE PARK – KRISTINE MCLAUGHLIN, STEVEN COX, KAREN COX

Attendees for the Petitioner: Attorney McGrail and Kristine McLaughlin

Purpose: Special Permit for Accessory Apartment

Discussion: Kristine recently purchased the property with her parents with the intent to use the property with the accessory apartment. When they purchased the property they were told that it had a special permit for the accessory apartment but new owners would have to reapply/reapprove because the special permit was for the previous owners (the Sordillo's) and needs to be on record with the building department and the registry of deeds. The mom and dad will reside in the basement location and Kristine will live in the upper levels of the home. Nothing has changed with the structure/property. Chip questioned if a transfer is all they needed, but Attorney McGrail said they need to grant a new a Special Permit according to the bylaw. Letters were read into the record from other Town Departments and Boards and there was no objections.

Plans/Documents Presented:

Original plans from July 2014

Public Testimony

No Public testimony

Chip made a motion to grant the special permit for the accessory use for an in-law apartment to the applicants. According to all the plans on record for this property dated July, 2014 are the same. All the decisions and discussion in 2014 will be the same as this.

Jim 2nd

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Absent

AMI WALL, CLERK

OTHER MATTERS

27/37 WATER STREET – FRANK PASCIUTO – Attorney Michael McCarthy was present with Frank Pasciuto. They came back because there were a couple of items they would like to discuss tonight

- Reconfigure some curbing
- Change some plantings in the planters
- Eliminate the construction of the sidewalk in front of Sonny Noto's

1. Attorney McCarthy showed the Board the approved layout, they would like to eliminate some parking spots and reconfigure. They cannot park the way the original plans were drawn out – they were actually hitting the Omelet Headquarters. The gutter was also torn off the building by a car. Attorney McCarthy presented the new parking layout plan. They are actually gaining 3 spaces. Chip said it looks like a design on the back of a napkin. Attorney McCarthy said it's just conceptual for now. Tom asked if a traffic engineer looked at this. No it has not been shown to the engineer yet, they want to make sure the Board is on-board with this first. Tom said something drawn on a loose-leaf piece of paper is hard for him to determine. Jim suggested that Frank chock it out so they can take a look on site. The Board agreed. The Board wants and needs documentation after they approve this layout, Jim said they want an As-Built. Dave pointed out that if the Board were to meet on the site it would have to be a posted meeting because it is a public meeting.

2. Frank said some of the plantings cannot be found. Attorney McCarthy presented the proposed plantings that can be found now. Chip wanted to know the dollar difference and Frank said it is the same exact amount of money. Tom suggested that Frank bring the landscaper to the site visit so they can all discuss. Everyone agreed.

3. Chip said the Town had requested that a sidewalk and curbing be installed in front of Sonny Noto's restaurant. Chip wants a letter from DPW saying they don't want the sidewalk and curb anymore. Frank

said the owner of Sonny's does not want it. Attorney McCarthy said they will talk to DPW and have a discussion with them. Jim said this is not Sonny's property it is the Towns property, McCarthy said they are doing the work and are a private company, which is why they are threatening litigation.

Chip wants the landscaper and landscape architect at the site meeting.

The Board directed Gail to post the site visit for Monday, August 17 @ 5:00

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Absent

AMI WALL, CLERK

69 FOUNDRY STREET – BRIAN MELANSON/SEAVER CONSTRUCTION

Eric Crimson (project manager) was present, he said that what they are trying to do is change the color scheme in the back court yard. The original plan had black post and green skirts, he is proposing to change to white post and white skirts and the railing will stay black. The reason is because the current material is PVC and over a short period of time it would crack. Eric did not have a PDF to share with the Board – only the rendering he sent. This only on the courtyard area not the rest of the building. Dave said it's hard to tell from the picture he sent and they don't have the approved plan to compare it to. Jim said he does not have a problem with it. Mike asked what the new material will be – he said a white PVC. Chip asked what they would use in the front of the building and Eric did not have that spec in front of him. Greg said he doesn't have a problem but wants to know what the minor modification will be for the front as well. The balconies are already up with the white PVC and Eric said all he is asking is that they can remain white rather than painting them white and green. Jim looked through the approved package to try to find what was approved – Dave interrupted and said to Eric that he the Board needs to know what was approved and what is being proposed presented to them. Chip advised Eric to work with his attorney because he knows what is approved and what is being changed. Brian agreed to meet with Eric by the September 9th hearing.

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MICHAEL L. FEELEY, ALTERNATE

Absent

AMI WALL, CLERK

301 NORTH AVE – WAKEFIELD INVESTMENTS

Brian McGrail and Jeff Schelzi were present. They presented a plan that they are proposing that all the shutters, aluminum cornice, windows and door be black instead of white. The windows are a new design. They feel that it goes better with the brick and will be maintained easier. Jeff said they had intended on keeping the original windows but once they got started they realized they needed new windows. They think this is a much cleaner look. Attorney McGrail presented the original plan. Chip pointed out that the storefront/entry is completely different. Jim likes all black it is a stronger image for this building. Jim wants more information on the entry and the windows. Chip asked how this is a minor modification? Brian said a major modification would be if they changed the amount of units or the height of the building or parking spaces. Dave said that they are changing the whole design that they approved. Chip said he likes the look but he thinks its stretching the word minor. They should have come with cut sheets. Brian asked if they could come September 9th with a cut sheet for the door and windows. Greg said he wants the drawing showing the sides and to be replaced. Greg asked if there was a citation in our bylaw that defined what a minor modification is. Chip pointed out that there was no community input on this project so he is not concerned about someone in the neighborhood being upset because they are changing the colors. Cut sheets of the windows and doors and elevations of the whole building for the record needs to be presented for the record. The Board contemplated for some time about whether or not this is a minor modification and not a major modification. Greg wondered if they need to refile – it was pointed out that it would take another go days.

Chip moved to allow what is being presented tonight, changing out all the colors to be changed out to black can be a minor modification.

Jim 2nd

Chip – yes; Jim-yes; Joe – yes; Tom-yes and Dave-no

They will be back 9/9 with cut sheets and it will be considered as a minor modification.

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Absent

AMI WALL, CLERK

590 MAIN STREET – 590 Main Street, LLC.

Steve Pedro with Ayoub Engineering presented – seeking an approval for a new sign. They were before the Board and were approved for a signage. They would like to change one of the signs. An elevation of the proposed Up Town Market vs. Food Mart sign. The Up Town Market is a smaller sign than the originally approved sign that was 23 square feet. Now the new sign has individual letters with 3 goose neck light fixtures. Jim recommends letting them do this. Chip said it looks a lot better than the Food Mart sign. The changes are a name change and goose neck lights and size of the sign.

Chip made a motion to approve the minor modification of the sign to be changed to Up Town Market with 3 goose neck lights per the plan marked A2.0A dated 7/24/20 prepared by Sign Design and presented by Ayoub Engineering as presented tonight.

Jim 2nd

Voting members – Dave, Jim, Chip, Joe, Mike – all were in favor

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Absent

AMI WALL, CLERK

65 NEW SALEM STREET – T-MOBILE – Administrative Approval

Jake Shappy represented T-Mobile.

T-Mobile would like to replace three (3) of its existing antennas and radio units with three (3) new antennas and radio units within a new 10 foot tall stealth enclosure. The new antenna will be installed at the same 54 foot level of the tower.

Chip asked if there would still be a total of 6 antennas – the answer is yes.

Mr. Shappy presented the current and proposed enclosures and their sizes. Elevation plans were shown and are not changing. Detail on what would be inside the enclosures was presented.

The Board had no questions or comments.

No members of the public were present

Chip made a motion to determine that 47 U.S.C. § 1445(a) is being satisfied as an eligible facilities request according to the plans dated 7/16/20 prepared by Hudson Design Group LLC and stamped by Daniel P. Hamm for 65 New Salem Street.

Jim 2nd.

Voting members – Dave, Chip, Jim, Joe, Greg – all in favor

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Absent

AMI WALL, CLERK

598 NORTH AVE – Discuss Occupancy

Jim said the architect has been chasing him to come to the site to inspect. They think they will be ready by next week. The regulatory agreement and they need to satisfy the Town to do the sidewalks.

Chip pointed out that Steve Maio is ok with them putting money up so the Town can do the sidewalks.

Chip said until that is done they do not want to waste their time going to the site.

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Absent

AMI WALL, CLERK

NOMINATION OF OFFICERS – BOARD ELECTIONS

Chip nominated Dave Hatfield as Chair and Ami Wall as Clerk. Dave asked if anyone else wanted the positions or wanted to nominate anyone else – no one else spoke up.

Jim 2nd.

Chip, Joe, Jim, Mike, Greg, and Tom unanimously voted for Dave as Chair and Ami as Clerk.

Dave explained to the Board that all Committees and Boards in the Town of Wakefield now have an e-mail account for the public to ask questions or voice concerns. It is something we need to monitor – Gail volunteered to monitor the e-mail box, but told the Board she would forward any inquiry she was unsure of to them before she answered it. Dave explained that the Board has to be careful discussing certain topics because of the open meeting law, some questions may be asked of petitioners in front of the Board and they are not allowed to be discussed.

Because the Town has a new Building Inspector, it was brought to the attention of Dave by Steve Maio that this Board has to recommend to the Town Council that the Building Inspector can be the Zoning Administrator.

APPROVED MINUTES

Chip made a motion to approve the minutes of June 24, 2020.

Jim 2nd.

All members voted in favor.

The meeting adjourned at 11:06 pm