



TOWN OF WAKEFIELD

BOARD OF APPEALS

MEETING MINUTES

Wednesday, October 9, 2019 – 1st Floor Conference Room

In Attendance:

DAVID HATFIELD, CHAIRMAN

AMI WALL, CLERK

JAMES H. MCBAIN

CHARLES L. TARBELL, JR.

JOSEPH PRIDE

THOMAS J. LUCEY, ALTERNATE

GREGORY W. MCINTOSH, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

Call to Order – 7:00 pm

Requests for Continuances:

(18-36 & 18-37) **7 Glendale Avenue and Wildwood Street**, Henry Gregorio and Janet R. Gregorio
Request from Attorney McGrail to continue the hearing until October 23, and extend the time for the Board to render and/or file a decision on all applications until November 30, 2019.

VOTE: Upon a motion for approval by Chip and seconded by Jim, the Board voted unanimously to approve the request for the continuance.

(19-68, 19-69, 19-70) **Cherry Lane, A/K/A o Greenwood Street** – Nghi Luu

Request from Mr. Luu to continue the hearing until October 23, and extend the time to issue a decision until November 30, 2019.

VOTE: Upon a motion for approval by Chip and seconded by Jim – discussion -

Chip asked if they could reach out to Mr. Luu and ask him to continue for a longer period of time, the Board voted unanimously to approve the request for the continuance and reach out to Mr. Luu.

(20-1 & 20-2) **28 Redfield Road**, Kara Meade

Request from Attorney McGrail to continue the hearing until October 23, and extend the time for the Board to render and/or file decisions until November 30, 2019.

VOTE: Upon a motion for approval by Chip and second by Jim, the Board voted unanimously to approve the request for the continuance.



(20-11 to 20-14) **301 North Avenue**, Wakefield Investments, Inc.

Request from Attorney McGrail to continue the hearing until October 23, 2019, and extend the time for the Board to render and/or file decisions until December 15, 2019.

VOTE: Chip made a motion to approve the continuance and Tom seconded the motion, the Board unanimously approved the request.

(19-17 & 19-18) **o Ossipee Lane** – Carol B Hannigan

Request from William Hannigan to continue the hearing until October 23, 2019 and extend the time to issue a decision to November 15, 2019.

VOTE: Chip made a motion to approve the continuance and Tom seconded the motion, the Board unanimously approved the request.

Continued Hearings:

(19-23) **o Tarrant Lane** – Anthony Bonacorso

Attendees for the Petitioner: Attorney Regnante, Attorney Schomer, Anthony Bonacorso (the whole team was present)

Purpose: Comprehensive Permit to develop 173 apartment units – including 3 residential buildings and a clubhouse. (9 studio units; 94 one-bedroom units; 52 two-bedroom units; 18 three-bedroom units;

Discussions: Submitted latest plans, draft O&M, decision with conditions, list of zoning waivers. Greg and Ami met with the team to make sure all the plans were consistent. Ami and Greg explained major changes to the Board. The Board will have jurisdiction over signage. Greg felt that all the conditions the Board wanted are included in the decision. He had one comment – any change the petitioner has will go to the Building Inspector with a copy to this Board's subcommittee, if it is felt that the change is major they will have to refile with a notice to abutters, if the change is found to be de minimis the Building Inspector may approve. The developer will pay the town \$140,000 to help bring water to the project. Regulatory agreement will be reviewed by Town Counsel prior to execution. A request to vote to adopt the draft decision was requested by Attorney Regnante. The Board explained that they do not vet conditions at meetings the decision comes after the vote.

Public Testimony: None

Voting members on this project - Dave, Ami, Chip, Jim, Greg

VOTE: Chip made a motion to grant DB5 Group a Comprehensive Permit to allow 173 units, in 3 buildings and a club house, and to accept as written and presented all documents in the notebook titled "Tarrant Lane Apartments, Town of Wakefield Board of Appeals, Final Approval Binder, October 9, 2019". Ami seconded the motion all voting members were in favor

(20-4, 20-5, 20-6) **259 & 267 Water Street** – Anthony Arcari and 259 Water Street, LLC.

Attendees for the Petitioner: Attorney McGrail, Anthony Arcari, Peter Sandorse, John Ogren

Purpose: 16 Unit Mid-Rise Apartment Building

Discussion: Peter Sandorse presented changes to floor plans and updated architectural plans. The Board was pleased with the changes Mr. Sandorse had made. Heights and elevations of surrounding buildings were discussed and presented. In unit air handlers will be used in the individual units and will be hidden. No gas – they will have heat pumps and be electric. They are currently in front of TAC doing speed tests and car counts.

Plans/Documents Presented:

- Proposed roof elevations of surrounding buildings, by Phoenix Architects, dated 10/4/19
- Sample materials and colors by Andersen 100 Series
- Updated elevations and renderings by Peter Sandorse of Phoenix Architects, dated 10/8/19

Public Testimony: None

Discussions for Next Hearing: Site/Civil, landscaping, lighting, feedback from TAC

VOTE: Chip made a motion to continue to November 13, 2019, Ami seconded the motion all were in favor.

(20-15 & 20-16) **590 Main Street**, 590 Main Street Wakefield, LLC.

Attendees for the Petitioner: Attorney McGrail, Abe Jeha, Steve Pedro, Ryan Roberts, Ray Dusault

Purpose: Applicant is seeking relief to allow improvements to the premises including signage and modify a prior decision from 1971.

Discussion: Signage has been changed as directed by the Board at the last hearing. The Petitioner went to the Conservation Commission and the Commission wants a 6 ft. white vinyl fence in the back of the property. The lighting consultant Ray Dusault talked about the lighting spillage. The gas station will close at 11:00 and the vacuums will be shut off at 8. Inside the store there will be some security lighting left on. There is security lighting on the street that belongs to the WMGLD. The free standing sign light will be turned off and the pumps go dark. Information on the vacuum lighting was submitted. Updated Landscaping Plan was presented, the Board did not like the dumpster enclosure, they suggested a white vinyl fence enclosure. They want a bigger caliber tree planted. Back fence will have a gate. They have to go back to ConCom for a catch basin in the back of the property, ConCom wants to know how and where

it flows to. The Board wanted a condition to read - replace and maintain landscape areas. Add a condition no trucking or deliveries while school is in session - 7am -9am and 2 pm – 4 pm.

Plans/Documents Presented:

- Site plans and building elevations by Nouria Energy Corp, dated 10/5/19
- Lighting specs by CREE
- Exterior lighting layout plans from Red Leonard Associates and presented by Nouria Energy Corp.

Public Testimony: None

VOTE: Chip made a motion to approve a modification of a prior Board of Appeals Decision of August 1971 allowing changes, extensions and/or alterations to the premises including the gas station with retail and car wash as shown on the plans prepared by Ayoub Engineering with a final revision date of 10/5/19 and approve a Finding that the changes, extensions and/or alterations are not substantially more detrimental than the existing nonconforming use to the neighborhood according to the conditions discussed tonight in the "Draft Findings and Conditions".

Ami seconded the motion

Voting members – Dave, Chip, Jim, Ami, Joe

VOTE: Chip made a motion to grant the Variance to allow the signage as depicted on the Plan noted above.

Ami seconded the motion

Voting Members – Dave, Chip, Jim, Ami, Joe

(20-18) **30 Lawrence Street** – Samuel Barnum & Erin Barnum

Petitioner: Samuel Barnum was present and represented himself.

Purpose: Variance to allow a shed closer to the lot line than is allowed.

Discussion: Mr. Barnum would like to put a 10 x 12 shed in his backyard. He has a very small backyard and the bylaw would put the shed right in the middle of it. He would like to leave room for his kids to play in the yard. He is asking to put the shed 3 feet from the back and side of his property line. Letters from other Town Boards were read into the record – no objections.

Plans/Documents Presented:

- Plot Plan prepared by David P. Terenzoni, dated July 10, 2019
- Photographs of the property and proposed shed
- Letter of support from an abutter

Public Testimony: None

VOTE: Chip moved to grant the Variance to allow the shed to be 3 ft. on the side and rear as shown on the site plan from David Terenzoni, dated 7/10/19.

Ami seconded the motion

Voting Members – Chip, Dave, Ami, Jim, Tom

(20-19 & 20-20) **25 Robert Street** – Margaret Fisher

Attendees for the Petitioner: Attorney McGrail, Margaret Fisher

Purpose: Determination/Finding – Ms. Fisher would like to add a garage

Discussions: Deficiencies were presented by Attorney McGrail.

They are not intensifying any of the uses and are not making it more detrimental to the neighborhood.

Odd shape lot and topography are Ms. Fisher's hardships. She cannot use the current garage because it is too small. Ms. Fisher has submitted 9 letters of support from her neighbors.

Plans/Documents Presented:

- Exterior Elevations and Proposed & Demolition Plans, by Meredith Chamberlin Architect, dated 10/3/19
- Photograph of current conditions
- Plot Plan prepared by LeBlanc Survey Associates, dated July 12, 2019

Public Testimony: None

VOTE: Chip moved to approve the Finding that the proposed addition to the garage does increase the non-conformity but does not create a greater non-conformity than what exists and it is not more substantially detrimental to the neighborhood.

Ami seconded

Voting Members - Greg, Michael Chip, Tom, Ami

VOTE: Chip moved to grant the Variance to allow the side yard setback to be 12.2 feet, per the proposed plot plan prepared by LeBlanc Survey Associates, dated July 12, 2019.

Ami seconded

Voting Members – Greg, Michael, Chip, Tom, Ami

(20-21 & 20-22) **950 Main Street** – BHAVYA

Attendees for the Petitioner: Louis Diaz, Jay Patel (owner) and Attorney McGrail

Purpose: Determination/finding related to improvements, Modification of a previous decision, Special Permit for Signage

Discussions: Upgrades are being proposed. Zoned in the Business District. Seeking to replace existing Fire Suppression System which requires the canopy to be replaced. The canopy is leaking and is old. The canopy will be the same size and in the same place. They would like to replace two existing gas dispensers. The pumping stations are on a diagonal and they are proposing to get rid of those and install 3 pumps that will be facing the building. They would like to replace the underground tanks which would increase the gallonage. The tanks were installed in 1992. The prior decision references 18,000 gallons. They are looking to install two tanks and increase the gallonage. They are looking to replace the signage on the property. They want to add a Mobil sign and replace the free standing sign. The canopy will not be internally lit but the Mobil sign will be. This address is in the sign overlay district. The Board suggested going to the DRB before they approve anything. Chip suggested better landscaping. The Board said this is a great opportunity to make this corner beautiful. Would like the Oak Street side of the building to be cleaned up. A letter from the Fire Department was read into the record.

Plans/Documents Presented:

- Existing and Proposed Conditions, dated 9/6/19.
- Canopy and roof elevations by American Canopy & Fascia Systems, dated 10-19-16 and stamped 10-27-16.
- Signage plans by Art Design Printing Publicity, Signs and Graphics.
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Public Testimony: None

Discussions for the next Hearing: Signage, lighting, landscape

Chip moved to continue to November 13, Ami seconded
All were in favor

Other Matters

27 & 37 Water Street

Attorney McCarthy and Frank Pasciuto were present

Attorney McCarthy explained that while doing construction they discovered a support beam that they need, because they have to keep this beam, it will change the number of windows from 3 to 4 in the front of the building.

Jim explained that he was on site and feels that this works just fine and only adds one window and matches the other windows on the upper floor.

No members of the public testified

VOTE: Chip moved to find this as a minor modification according to the plans prepared by Dan DiLullo, dated September 6, 2019 due to structural layout. Jim seconded the motion

Voting members are – Chip, Mike, Dave, Tom, Greg

The Board voted unanimously to approve the meeting minutes of September 25, 2019

The hearing adjourned at 10 pm