



TOWN OF WAKEFIELD

BOARD OF APPEALS

MEETING MINUTES

Wednesday, October 23, 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 – 7:05 pm

REQUESTS FOR CONTINUANCES:

(19-17 & 19-18) o OSSIPEE LANE – CAROL HANNIGAN

Request from William Hannigan to continue the hearing until November 13, 2019 and extend the time to issue a decision to December 27, 2019.

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

(19-46) RBBJM REALTY TRUST – 19 NEW SALEM STREET, UNIT E

Request to Withdraw without prejudice from Attorney Michael McCarthy.

VOTE: Chip made a motion to accept that they withdraw without prejudice, Jim seconded the motion, and the Board unanimously approved the request.

(19-65, 19-66, 19-67) NAHANT STREET DEVELOPMENT, LLC. – 127 NAHANT STREET, 135 NAHANT STREET, 119 NAHANT STREET

Request from Attorney Brian McGrail to continue the hearing until November 13, 2019.

VOTE: Chip moved to continue and Jim second the motion, the Board unanimously approved the request.

(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 January 22, 2020, and extend the time to issue a decision until February 26, 2020.

VOTE: Upon a motion for approval by Chip and seconded by Jim, there was a discussion -



Discussion – Dave explained that he took action to reach out to Mr. Luu and Mr. Luu felt all his deed issues would be resolved by January. The Board unanimously approved the request.

(20-8, 20-9, 20-10) **200-400 QUANNAPOWITT PARKWAY – WATERSTONE WAKEFIELD, LLC.**

Request from Attorney Brian McGrail to continue the hearing until November 13, 2019 and extend the time for the Board to render and/or file decisions until January 15, 2020.

VOTE: Chip moved to continue to 11/13 Jim second the motion, the Board unanimously approved the request.

(20-17) **343 ALBION STREET – JEFFREY MURRAY**

Request from Attorney J. Salvati to withdraw the petition without prejudice.

VOTE: Chip moved to withdraw without prejudice and Jim second the motion. Discussion -

Mr. Kelley, the abutter spoke that he feels the Board should deny the request to withdraw and deny the application. He will be back in 30 days with enforcement action. He said he is not going away, and feels he has a case. Chip pointed out that Town Counsel has Mr. Kelly's information and has not commented on it yet. The Board unanimously approved the request to withdraw without prejudice.

CONTINUED HEARINGS:

(18-36 & 18-37) **7 GLENDALE AVENUE AND WILDWOOD STREET – HENRY GREGORIO & JANET R. GREGORIO**

Attendees for the Petitioner: Janet Gregorio, Attorney McGrail, John Ogren

Purpose: Variances to create two separate lots

Discussion: The Planning Board is ready to close their hearing, they are waiting on the Town Planner to review conditions. Attorney McGrail prepared draft conditions for this Boards review. Lot 1 has a house already on it. Lot 2 will be a buildable lot. Chip wants a condition to read "will meet all conditions of the Planning Board" regarding tree removal. The new house will be the same or less sq. footage then what is presented, but the house can be shaped differently. John Ogren's drainage calculations are based on the house's sq. footage. A wall will be constructed on the property – see condition 6 – will need the ZBA's approval.

Plans/Documents Presented:

- Draft Variance Conditions for Lot 1
- Draft Variance Conditions for Lot 2

Public Testimony: None

VOTE: None

Chip moved to continue to 11/13 – Ami second, all were in favor.

(20-1 & 20-2) **28 REDFIELD ROAD – KARA MEADE**

Attendees for the Petitioner: Attorney McGrail, Kara Meade

Purpose: Variance – Raze and Reconstruct Single Family Dwelling

Discussions: They were in front of the Board this summer. She would like to buy the property from the Town. The property is on the Reading line. One of the abutters had concerns because part of the current dwelling is on their lot – by 6 feet. Attorney McGrail met with the Building Inspector and Town Counsel has been involved. They are requesting a Finding and a Variance on side yard setback of 1.8 and the other side 4.8 and the back side 17.8 from the rear lot line. Lot coverage is over. The Board feels overall that this is better than what is currently on the property.

Plans/Documents Presented:

- No new plans presented

Public Testimony: Marcelo Daluz of 32 Redfield Road – said the new house will be less than 5 feet from his property line and he does not want that. The Board pointed out that his driveway is between the properties and his house is 15 feet away.

VOTE: Chip moved to approve the Finding because it is not more detrimental according to the plan presented by T. Design LLC as well as the site plan from PJF and Associates dated 11/5/18 the proposed setbacks do not make it more detrimental, however some of the dimensions are becoming smaller but it is not more detrimental than what is there now. Ami second the motion.

Voting members - Ami, Dave, Jim, Joe, Michael

Chip moved to grant the Variance for side yard setbacks and any other setbacks needed and lot coverage and open space per the plans by Paul Finocchio. Ami second the motion.

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

(20-11, 20-12, 20-13, 20-14) **301 NORTH AVENUE – WAKEFIELD INVESTMENTS, INC.**

Attendees for the Petitioner: Attorney McGrail, David Schelzi, John Ogren, Tim Warnick

Purpose: Convert Office Dwelling into 12 Apartments

Discussions: John Ogren has made some adjustments to the plan. The Town Engineer has not had time to review John Ogren's comments yet. More details from the architect was requested from the Board at the last meeting so Mr. Warnick made a presentation of the elevations. The windows have recently been updated so they will stay. Mechanicals were shown. Landscaping plan was shown – fresh landscaping will be installed, they will remove old landscaping. Lighting locations were shown on the landscaping

plan. They are not interested in asking for signage at this time. Irrigation note needs to be put on the plan. There needs to be a condition to replace dead plants/shrubs. A small O&M will be needed. Dave wants elevations of the other two sides of the building. Next meeting will be on Civil. The Board wants a cut sheet of the cornice on the top. A cut sheet on the lighting was presented. Tom suggested that the damaged sidewalk be documented. A 4" fire suppression system is being added. The Board wants whatever they are using for the ramp documented on the plans.

Plans/Documents Presented:

- Updated Site Plan by Hayes Engineering, revision date 10/18/19
- Elevations by Warnick Associates, Inc., dated 10/1/19
- Outdoor Lighting Specifications, SLIM26Y/D10
- Memo from Hayes Engineering, Inc., dated 10/18/19

Public Testimony: None

Discussions for the next Hearing: Site/Civil, O&M, and updates talked about tonight.

Chip made a motion to continue to 11/13, Ami second, the Board unanimously approved the request.

(19-39) **998-1000 – MAIN STREET – GREENWOOD STATION DEVELOPMENT, LLC.**

Attendees for the Petitioner: Geoff Engler and Eric Kenworthy

Purpose: Comprehensive Permit - Construct a 24-unit apartment building

Discussions: Updated plans were distributed and discussed and reviewed to make sure they were on the plans. Waivers – they only need a side yard setback and a use waiver. The Board is fine with the changes on the plans. Mr. Engler suggested the public hearing be closed and a subcommittee go over the draft decision and vote at the next meeting. O&M Plan is accurate. The architectural drawings Sheet A-4 does not show the stone at the correct elevation and the materials to match-will be updated.

Plans/Documents Presented:

- Operations & Maintenance Plan, prepared by Engineering Alliance, Inc., dated October 23, 2019
- Updated Exterior Material List, prepared by Daniel F. DiLullo, dated 9/25/19

Public Testimony: Mary Jane Welford – 974 Main Street – What material is going to be used for fencing? Has the landscaping plan changed? She is concerned about the people on the 3rd floor of her building, the fence will not give them any privacy. The Board said some large caliber trees will be planted and will grow to give privacy. Ms. Welford thanked the Board and the petitioner for working with them.

Discussions for the next Hearing: Hoping to vote

Chip moved to close the public portion of the hearing, Ami second, all Board members agreed
Dave noted that the Voting Members will be - Dave, Jim, Ami, Tom, Greg
Continued to 11/13/19.

NEW HEARINGS:

(20-23) **7 WALNUT STREET – KATE SCANDON**

Attendees for the Petitioner: Attorney Michael McCarthy, Skip Maloney (Kate Scandon is on a business trip and could not be present)

Purpose: Finding and Site Plan Approval to raze and reconstruct a detached garage.

Discussions: Ms. Scandon would like to raze the existing 10 x 18 garage and replace it with a 12 x 20 garage.

It is not a functional garage now. It would lessen the non-conformity. It will be more functional. There is no habitable space in the garage. No impact to traffic. The proposed garage is pre-fab and will have a slab foundation. There will be electricity. Attorney McCarthy stated they are relying on the experts – Peter Sandorse - on the location of the garage and the proximity of the ledge.

Plans/Documents Presented:

- Picture of current garage
- Proposed Site Plan prepared by Paul Finocchio dated 7/8/19
- Existing Site Plan prepared by Paul Finocchio dated 6/29/19
- Proposed Elevations prepared by Phoenix Architects dated 8/6/19

Public Testimony: Eleanor Axelrod of 9 Walnut Street – generally in favor but it does abut her back yard. It looks like the garage will move closer to her property. She is concerned about it having a window in the back she doesn't want her kids breaking their window. Attorney McCarthy said the window can go. She is concerned about the garage blocking the sunlight and creating mold and mildew. She asked if the garage was bigger why it was less non-conforming. Attorney McCarthy explained. She asked about the demolition process.

Dale Campbell of 5 Walnut St - He explained that the structure would be closer to her house. He asked if it was vinyl sided – yes it is. No maintenance involved – so why is he concerned about moving it 3 feet. Is the height of the pad going to be higher or lower? He is concerned about the run off. He asked if the driveway was going to be changed – no it is not.

VOTE: Chip made a motion to approve the plans by Paul Finocchio, dated 7/8/19 and the garage is not more detrimental to the neighborhood and if it is found to be more non-conforming it is not more detrimental and it can be no greater than 3 feet from the rear setback but can be closer. Ami second the motion. All were in favor.

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

OTHER MATTERS:

113 WATER STREET – YAN FOOT WORK & BODY WORK – PROPOSED SIGNAGE

Yanling Su was present

Ms. Su is proposing to change the name of the business only

Jim explained the history of the signage on the building.

This Board has jurisdiction on signage for the building relating to a previous decision.

Dave explained to the petitioner that they can only have 10% window coverage.

Chip made a motion to approve the signage presented for Yan Foot Work & Body Work at 113 Water Street, presented tonight by Markarian Signs.

To replace the 7'11" x 18" and they were notified tonight that the current window signage needs to be taken out and if they want to replace it, it can only be 10%. Ami seconded the motion. All were in favor.

Voting members - Mike Chip, Dave Ami Tom

The Board voted unanimously to approve the meeting minutes of October 9, 2019

The hearing adjourned at 9:55 pm