



TOWN OF WAKEFIELD

BOARD OF APPEALS

MEETING MINUTES

Wednesday, NOVEMBER 13, 2019 – 1st Floor Conference Room

In Attendance:

AMI WALL, CHAIRED

JAMES H. MCBAIN

CHARLES L. TARBELL, JR.

JOSEPH PRIDE

THOMAS J. LUCEY, ALTERNATE

GREGORY W. MCINTOSH, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

Absent:

DAVID HATFIELD

Call to Order – 7:00 pm

REQUESTS FOR CONTINUANCES:

(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 December 11, 2019.

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

(20-25) 10 MANSION ROAD – JCG INVESTMENTS, LLC.

Request from Attorney Brian McGrail to continue until December 11, 2019 and request to extend the time for the Board to render and/or file a decision on this application until February 28, 2020.

VOTE: Chip moved to continue and Tom seconded the motion, the Board unanimously approved the request.



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JOSEPH PRIDE
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GREGORY W. MCINTOSH, ALTERNATE
MICHAEL L. FEELEY, ALTERNATE

Absent:

DAVID HATFIELD

CONTINUED HEARING:

(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: Attorney McGrail explained to the Board that the Planning Board had met and put a limit condition on the amount of trees that can come down on Lot 1. Attorney McGrail has cleaned up the conditions regarding the Planning Board changes. Chip requested that a condition be added that all Planning Board conditions be implemented, Attorney McGrail added that into the conditions. Attorney McGrail requested that this Board vote tonight. They meet before Thanksgiving with the Planning Board, just to go over Lot 1. The Board also wants a condition that both sets of plans (Planning Board and ZBA will be the same).

Plans/Documents Presented:

- No new plans presented

Public Testimony: None

VOTE: Chip moved to grant the Variance for Lot 1 and the dwelling thereon as shown on the Site Plan including lot area, lot frontage, lot width and yard setbacks and any other relief needed as shown on the Site Plan. The Lot is odd shaped and the hardship is reasonable and contemplated by a prior BOA decision. The requested relief can be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Bylaw.

CONDITIONS:

1. Comply in all material respects with the conditions of the decision. The Board shall retain jurisdiction to approve any minor amendments to this decision that do not materially alter the terms of this decision. If, in the Board's judgment, a proposed change is material, then a new hearing shall be required to amend this decision.
2. Appearance of the project shall be substantially as shown on the Final Site Plan.

3. Lot 1 shall not be further divided or subdivided.
4. Notwithstanding this Variance, the existing single family dwelling on Lot 1 may be added onto or reconstructed so long as any additions or the reconstruction complies with the then existing Bylaw setback requirements or any required relief is granted by the Board at the time.
5. All conditions of the Planning Board shall be complied with.

Tom seconded the motion

Voting Members – Michael, Jim Ami Greg Chip

VOTE: Chip moved to grant the Variance for Lot 2 and the dwelling to be constructed thereon as shown on the Site Plan from the requirements of Article VI and Table 2 Dimensional Regulations including reducing lot frontage, lot width and yard setbacks and any other relief from the Bylaw needed to allow Lot 2, and the dwelling to be constructed thereon as shown on the Site Plan. The property is odd shaped with unique topography. The Board found hardship on the fact that the proposed use and design by the Petitioner is reasonable and has been contemplated by a prior BOA decision. The Board found that the requested relief could be granted without substantial detriment to the public good and without nullifying or substantially derogating.

CONDITIONS:

1. Comply in all material respects with the conditions of this decision. The Board shall retain jurisdiction to approve any minor amendments to this decision that do not materially alter the terms of this decision. If, in the Board's judgment, a proposed change is material, then a new hearing shall be required to amend this decision. Jurisdiction to decide any disputes or make any necessary clarification(s) of this decision and conditions contained herein, which cannot be resolved by the Zoning Enforcement Officer, shall be retained by this Board.
2. Appearance of the project shall be substantially as shown on the Final Site Plan.
3. Lot 2 shall not be further divided or subdivided.
4. Notwithstanding this Variance, the single family dwelling to be constructed on Lot 2 may have a different foundation shape and/or footprint than a shown on the Final Site Plan so long as it is the same or less square feet as the foundation shown on the Final Site Plan no additional setback relief is required than as shown on the Final Site Plan.
5. The Board retains jurisdiction to review and approve the material, design and construction technique of the proposed retaining wall as shown on the Final Site Plan prior to the application for a building permit for the single family dwelling to be constructed on Lot 2.
6. The drainage system and binder coat of bituminous pavement on Wildwood Street shall be installed and functional prior to any land disturbance occurring on Lot 2.
7. All conditions of the Planning Board shall be complied with.

Tom seconded the motion

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

Attorney McGrail requested the time to render a decision until December 31, 2019.
The Board agreed with that request.

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GREGORY W. MCINTOSH, ALTERNATE
MICHAEL L. FEELEY, ALTERNATE

Absent:

DAVID HATFIELD

CONTINUED HEARING:

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

Attendees for the Petitioner: William Hannigan, Carol Hannigan

Purpose: Variances to construct a single family dwelling

Discussion: Bill Hannigan of Hannigan Engineering, discussed changes to the site plan. The drainage system has been reviewed by the Town Engineering Department. They met last night with the Planning Board. They want to save/preserve as many trees as possible. Variance relief needed was discussed. Mr. Hannigan prepared draft decisions and would like to go over them with the Board. Chip pointed out that this Board should have had all copies of correspondence/documents that Engineering, Planning or any other department issues, this Board should be copied. Chip also pointed out that the Planning Board must vote to approve this project before they do.

Plans/Documents Presented:

- Updated Site Plan, prepared by Hannigan Engineering, Inc. revision date 11/13/19.
- Memorandum from Eric Sherman of the Department of Public Works, dated October 11, 2019.
- Draft decisions prepared by William Hannigan, dated August 14, 2019.

Public Testimony: None

VOTE: Chip moved to continue to 12/11, Jim seconded, and everyone was in favor.

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JOSEPH PRIDE

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GREGORY W. MCINTOSH, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

Absent:

DAVID HATFIELD

CONTINUED HEARING:

(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: Mr. Engler gave a brief description of all the correspondence and updating going on with the Board over the last few weeks to finalize the decision and plans.
Language on signage will be updated in the decision.

Plans/Documents Presented:

- Draft Decision
- Approval Set of Plans dated October 23, 2019.

VOTE: Greg made a motion to grant a Comprehensive Permit to construct a 24 unit midrise apartment building with 38 parking spaces to 998-1000 Main Street according to the approved plans listed in the draft decision presented tonight. With the conditions as presented in the draft conditions presented tonight with language on signage to be updated.

Chip seconded the motion

Voting members all in favor are - Jim, Ami, Michel, Tom, Greg

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GREGORY W. MCINTOSH, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

Absent:

DAVID HATFIELD

CONTINUED HEARING:

(20-4, 20-5, 20-6) 259 & 267 WATER STREET – ANTHONY ARCARI AND 259 WATER STREET, LLC.

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

Purpose: Special Permit and Site Plan Approval - 16 Unit Mid-Rise Apartment Building

Discussion: At the last meeting the Board seemed satisfied with the architecture. The Petitioner has had meetings with TAC – there is a letter in the file. Site line visibility tests were done and TAC is fine with the results. John Ogren corresponded with the Town Engineering Department. Ogren presented changes to the site plan. The sidewalk is to be replaced. Curbing to be added. Attorney McGrail went over the comments from the Engineering Department and pointed out that some of them should not be conditions, the Board agreed they are just comments. The Fire Department wanted a fire hydrant added. Jim Emmanuel is the landscape architect, if the Board wants Mr. Emmanuel to attend the next meeting he will come. Chip feels that the caliber of some of the plantings is a little small and irrigation should be noted on the plans. Materials for the retaining wall need to be discussed. Lighting needs to be discussed. At this time they do not think they will want any signage. The WMGLD said they will put wires underground on the DelCarmine Street side of the building. A tree will be added to replace the big tree that is there now.

Plans/Documents Presented:

- VHB Memorandum, dated November 11, 2019
- Hayes Engineering letter to Eric Sherman, dated November 8, 2019.
- Updated Site Plan prepared by Hayes Engineering, revision date of 11/8/19.

Public Testimony: Kathleen Tuhy – 8 Wiley Place – she asked about the number of parking space and where it is expected for visitors to park. It was explained by Attorney McGrail that 24 spaces is required and there is 27 spaces and the bylaw anticipates visitors. Ms. Tuhy stated that there has been maintenance issues with the commercial property now, also issues with snow, knocking her fence down and trash that isn't picked up. Chip pointed out there is an O&M Plan that the enforcement officer can

enforce and there is a little more control. Ms. Toomey asked if the trees along DelCarmine would be staying – yes.

Discussions for the Next Hearing: O&M, Lighting, Mechanicals, Retaining Wall Materials, Fencing, Construction Plan, where will electric meters be on the building, review of storm water management.

Chip moved to continue to 12/11 – Tom seconded – all were in favor.

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GREGORY W. MCINTOSH, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

Absent:

DAVID HATFIELD

CONTINUED HEARING:

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

Attendees for the Petitioner: Attorney McGrail, Giles Hamm, Nick Dellacava, Attorney Vaughn, Derek Johnson

Purpose: Petitioner is seeking relief for Special Permits and Site Plan Approval to allow a research or testing laboratory use on the premises.

Discussion: The petitioner went to TAC and a memorandum was submitted to the Board. The project has been discussed with Mass DOT and because the building is already there they had no concerns. Site/Civil updates were presented. At the last meeting there was concern about the number of trees – there will be 118 trees on the property. The large green open space in front of the lake – they will add 3 honey sickle trees to shade the area. The curbing around the perimeter will be Cape Cod berm and will be maintained on an annual basis. There will be granite curbing on a lot of the site. Chip really wants granite curb – the snow plows will take it out. Mr. Dellacava suggested sloped granite curbing and the Board agreed to that. Slopped or vertical curbing can be anywhere they want. The Board had asked for more information on bio-technology. Attorney Vaughn put together some very good information regarding bio-tech information for the Board. There will be a condition in the decision that level 2 will be the highest level of bio-tech allowed on the property. Chip suggested that Town Counsel review to make sure the condition is tight enough. Attorney McGrail contacted Town Counsel regarding Mr. Cloherty's concerns regarding ownership of the property. Town Counsel said he is comfortable stating that the Town does not own the land or property.

Plans/Documents Presented:

- Letter from Attorney Brian McGrail to Chairman David Hatfield providing information regarding biotechnology/life sciences, dated November 7, 2019.
- Dennis Cloherty submitted a letter dated September 5, 1995 from Town Counsel.
- Memorandum from VHB dated November 11, 2019

Public Testimony: Dennis Cloherty – 1 Harvest Road – He has deeded rights to Quannapowitt Parkway, his family donated over 300 ft. of property. Mr. Cloherty passed out documentation from 1995 regarding

the lease of land of Lake Quannapowitt. The Board explained that it is not in their purview to determine this and besides the petitioner has demonstrated to them that they own the land.

Discussions for the Next Hearing: - O&M Plan, Draft Conditions, discuss what they are going to do about the sign that is now on the building, specs on the elevations regarding the mechanicals on the roof.

Chip moved to continue to 12/11 – Tom seconded all were in favor.

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MICHAEL L. FEELEY, ALTERNATE

Absent:

DAVID HATFIELD

CONTINUED HEARING:

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

Attendees for the Petitioner: Attorney McGrail, John Ogren

Purpose: Convert Office Dwelling into 12 Apartments

Discussions: Updated elevations were presented. John Ogren updated the sheet showing the Cornices and irrigation is now on the landscape plan. The North Ave Crossing sign will come down. The Board wants a planting to the left of the ramp (in the triangular area). Colors of the awning, shutters and trim were discussed. Engineering delivered a letter today with conditions that were discussed. The DPW is requesting a condition regarding replacement of the sidewalks that are already damaged.

Plans/Documents Presented:

- Updated Building Elevations and Plans prepared by Warnick Associates, Inc., dated 11/1/19.
- Memorandum from Eric Sherman, P.E., Wakefield DPW, dated 11/13/19.
- Photographs of the exterior building.

Public Testimony: None

Discussions for the Next Hearing: O&M Plan, Awning Spec, Draft Conditions

Chip made a motion to continue to 12/11 – Tom seconded and all were in favor.

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GREGORY W. MCINTOSH, ALTERNATE
MICHAEL L. FEELEY, ALTERNATE

Absent:

DAVID HATFIELD

CONTINUED HEARING:

(20-21 & 20-22) BHAVYA TWO LLC – 950 MAIN STREET

Attendees for the Petitioner: Louis, and CommTank (contractor), Attorney McGrail

Purpose: Determination and/or Finding Related to Improvements, Modification of a Previous Decision, And Special Permit for Signage

Discussion: Jim explained that they had 2 meetings with the DRB (Design Review Board). Jim said they are complying with signage except for window signage – it is exceeding the limit. The old sign on the side of the building is coming off. The Board wants the metal panel taken out of the door and replaced with glass. Lights will go on at 5 am and turn off at 10:30 pm. There will be a total of 6 pumps. Chip suggested that they look at Prime Gas station to see how nice they landscaped. Tom suggested they fix the fence, and he asked if they needed the broken light pole – there is already enough lighting on the property.

Plans/Documents Presented:

- Existing and Proposed Sign Area by CommTank Inc. dated 10/15/19
- Proposed Elevations of Store Front and Canopy & Free Standing Signage, prepared by Signs and Graphics (no date on plans)

Public Testimony: None

Discussions for the Next Hearing: Landscape plan, Plan for snow removal, Maintenance plan, Fence around the dumpster, Irrigation

Chip moved to continue to 12/11, Jim seconded and all were in favor.

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JOSEPH PRIDE

THOMAS J. LUCEY, ALTERNATE

GREGORY W. MCINTOSH, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

Absent:

DAVID HATFIELD

NEW HEARING:

(20-24) 20 BEEBE LANE – DANIEL AND LISA CADOTTE

Attendees for the Petitioner: Tagore Hernandez (Architect), Daniel and Lisa Cadotte

Purpose: Finding/Determination – Add a 2nd story and an addition and/or raze and rebuild single family dwelling.

Discussions: Mr. Hernandez gave a presentation to the Board. The Board reviewed current & proposed setbacks. Jim expressed how he feels it fits into their neighborhood and feels their plans and presentation are very well presented. Tom feels what they are proposing is pretty consistent with the neighborhood. Mr. Hernandez asked the Board what they thought if they removed the exterior walls – the Board at first said that it would be a whole different filing because now they are asking to raze and reconstruct the dwelling. After much discussion it was determined that the Board could grant a Finding if they wanted to raze and reconstruct the dwelling. It was advertised correctly and they will build on the same footprint, except for the addition and they are not increasing the non-conformity.

Plans/Documents Presented:

- Existing plot plan, prepared by John Russell, dated July 8, 2019
- Proposed plot plan, prepared by John Russell, dated September 30, 2019
- Architectural plans prepared by Group Design Build, dated September 20, 2019

Public Testimony: Tom MacDonald – 1 Drury Lane – This house is going to be 29 feet tall. There are no other houses on Beebe Lane or Drury that are that high. He feels it is going to be a McMansion. The house has two beautiful trees next to it (Mr. MacDonald presented a picture) the petitioner said they intend on keeping the trees.

Chip moved to make a motion to Find, based on the plans for 20 Beebe Lane, prepared by John Russell and dated 9/30/19, and all the associated plans prepared by Group Design Build and dated 9/30/19, that they find that the project is not more detrimental to the neighborhood and if it is, it is not substantially more detrimental to the neighborhood.

Tom seconded the motion

VOTE: Jim, Chip, Ami, Joe, Tom in favor

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MICHAEL L. FEELEY, ALTERNATE

Absent:

DAVID HATFIELD

NEW HEARING:

(20-26) 39 TUTTLE STREET – KIMBERLY FERRANTE

Attendees for the Petitioner: Timothy and Kimberly Ferrante were present

Purpose: Signage

Discussion: They came before the Board on September 25, 2019 but it was found that they needed a formal application to file for the relief properly. Jim gave the Board a presentation on the DRB's (Design Review Board) review. The DRB recommends the proposed signage.

Plans/Documents Presented:

- Elevations prepared by Sardella Sign & Graphics, dated 9/9/19.

Public Testimony: None

VOTE: Chip a motion to grant the Variance for signage at 39 Tuttle Street, Carols Cafe, according to the elevations prepared by Sardella Sign and Graphics dated 9/9/19.

Greg seconded the motion

Voting members – Chip, Ami, Joe, Mike, Greg

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MICHAEL L. FEELEY, ALTERNATE

Absent:

DAVID HATFIELD

OTHER MATTERS:

69 FOUNDRY STREET – MELANSON DEVELOPMENT GROUP – Attorney McGrail and Eric Crimson from Seaver Construction are present. The location of transformers and generator were presented. Bollards are going in around them they are not on the plans. The Board does not like the generator location. Chip would like it moved a little to the right and get it out of the area it is positioned on the plan. If there is a spot that is less in the middle then feel free to push it over. Roof screening is on the building to hide the mechanicals and the units that are going up are smaller than anticipated so they will not be seen so they are requesting to not do the screening. Chip said he is suggesting that they approve it as a minor modification but if it is seen on the final walk through they better be prepared to put up the screening.

VOTE: Chip moved to allow these as minor modification – Tom seconded.

Unanimous vote to approve as minor modifications – Chip, Ami, Jim, Joe, Tom

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GREGORY W. MCINTOSH, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

Absent:

DAVID HATFIELD

OTHER MATTERS:

(19-28 & 19-29) 178 ALBION STREET, 12 FOUNDRY STREET – HARVARD MILLS & NRP GROUP

Attorney McGrail requested to extend the Variances for six months.

VOTE: Chip made a motion to extend the Variances for six months.

Tom seconded the motion

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

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GREGORY W. MCINTOSH, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

Absent:

DAVID HATFIELD

OTHER MATTERS:

27 & 37 WATER STREET – FRANK PASCIUTO

Jim went to the site several times, there is no granite curbing or plantings. The parking layout is not what the Board approved. Frank is willing to do an escrow if he cannot finish on time.

The stairs in the front will come out and a planter will be put in its place.

Jim will continue to monitor the project.

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THOMAS J. LUCEY, ALTERNATE

GREGORY W. MCINTOSH, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

Absent:

DAVID HATFIELD

APPROVE MINUTES:

The Board voted unanimously to approve the meeting minutes of October 23, 2019

The hearing adjourned at 11:25 pm