



# TOWN OF WAKEFIELD

## BOARD OF APPEALS

### MEETING MINUTES

Call to Order 7:00 pm

#### **REQUESTS FOR CONTINUANCES:**

Wednesday, January 22, 2020 – 1<sup>st</sup> Floor Conference Room

#### **In Attendance:**

DAVID HATFIELD, CHAIRMAN

AMI WALL, CLERK

JAMES H. MCBAIN

CHARLES L. TARBELL, JR.

JOSEPH PRIDE

GREGORY W. MCINTOSH, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

THOMAS J. LUCEY, ALTERNATE

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

Request from William Hannigan, PE to continue the hearing until February 12, 2020.

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

#### **(19-68, 19-69, 19-70) - o CHERRY LANE/o GREENWOOD STREET – NGHI LUU**

Request from Nghi Luu to continue the hearing until February 26, 2020. Mr. Luu also made a request to extend the time to render a decision to March. Mr. Luu was present and explained to the Board he feels his deed issue will be resolved by then.

**VOTE:** Chip moved to continue and Ami seconded the motion, the Board unanimously approved the requests.

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

Request from Attorney Brian McGrail to continue the hearing until February 26, 2020.

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



**CONTINUED HEARING:**

Wednesday, January 22 2020 – 1<sup>st</sup> Floor Conference Room

**In Attendance:**

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**(20-4, 20-5, 20-6) - 259 & 269 WATER STREET – ANTHONY ARCARI AND 259 WATER STREET, LLC.**

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

**Also in Attendance:** Town Engineer William Renault, Building Commissioner Jack Roberto

**Purpose:** Special Permits & Site Plan Approval to Allow a 16 Unit Mid-Rise Apartment Building

**Discussion:** Attorney McGrail brought up that at previous hearings this Board has had questions on comment letters from the Town Engineer on large projects, so tonight William Renault the Town Engineer and the Building Inspector Jack Roberto are here to help explain what is expected from the Town and the developers. The DPW (Town Engineer) letter of November 20, 2019 was discussed for this project because it had in it a lot of items that are in question. Also, the comment letter back to DPW from Hayes Engineering was also distributed and discussed. There was a very lengthy discussion regarding what should be a condition in the ZBA decision vs. what the Engineering Department should be enforcing themselves. The Board expressed that if it is a DPW regulation it should not be a condition in the decision. The Board also agreed that the more detail that is put on the plans will make it more effective to be enforced by the DPW/Engineering Department and Zoning Enforcement Officer.

Final Site Plan, Architectural Plans and draft conditions, tentative construction schedule and spec sheet on the fencing being proposed were submitted. Peter Sandorse presented a photometric lighting plan. The screening on the roof to hide the HVAC units are 48" and made of cedar. Jim wants a product cut sheet of what the material will be. The Board wants the lighting poles brought down to 12 feet and add one more pole in the parking lot. The two light fixtures on the building will change from D's to A's on the building. The plan will be updated.

John Ogren showed the retaining wall with the cap and fence, a cut sheet on the fence was presented. The Board went through the draft order of conditions. Jack suggested a condition that the mock-up panel be done after the foundation is in and backfilled and prior to any materials being installed.

**Plans/Documents Presented:**

- Elevations, prepared by Phoenix Architects, dated 1/22/20
- Construction schedule
- Storm Water Management Report, prepared by Hayes Engineering and revised on 12/26/19

- Specs on fence
- DPW Memorandum of 11/20/2019
- Hayes Letter of 12/26/2019

**Public Testimony:** None

**Discussion for the Next Hearing:** Updated plans will be presented

Chip made a motion to continue to 2/12, Ami seconded and all were in favor

**CONTINUED HEARING:**

Wednesday, January 22 2020 – 1<sup>st</sup> Floor Conference Room

**In Attendance:**

DAVID HATFIELD, CHAIRMAN

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

**Attendees for the Petitioner:** Louis Diaz and Attorney McGrail

**Purpose:** Determination and/or finding related to improvements, modification of a previous decision, and special permit for signage.

**Discussions:** The site plan was revised showing the granite curbing. Draft conditions were distributed. Spec sheets for signage were distributed. The Senergy sign will not be internally lit. The sign on the side of the building will be taken down. Jim has been the liaison with this petitioner for signage. Jim pointed out that previous signage documents do not have dates on them. The Board will have to reference them in the decision. Mulch areas, snow areas and granite curbing were marked on the plans. Hours of operation were discussed. The final set of plans will be updated.

**Plans/Documents Presented:**

- Proposed Site Plan prepared by TAJ Engineering, LLC dated 9/6/19
- Landscape Plan prepared by James K. Emmanuel, dated December 5, 2019
- Synergy Sign Spec prepared by Signs and Graphics
- Draft Conditions

**Public Testimony:** None

**Discussion for the Next Hearing:** Updated plans will be presented

Chip moved to continue to 2/12/20, Ami seconded and all were in favor.

**NEW HEARING:**

Wednesday, January 22 2020 – 1<sup>st</sup> Floor Conference Room

**In Attendance:**

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**(20-29 & 20-30) 4 WAKEFIELD AVENUE - KERWICK, LLC**

**Attendees for the Petitioner:** Attorney McGrail, Peter Sandorse, Ed Kirby (owner)

**Purpose:** Party aggrieved from a decision of the Building Inspector for confirmation of the legality of an existing six (6) family dwelling & determination/finding related to proposed improvements and/or additions to the premises.

**Discussion:** Mr. Kirby recently purchased the property. There are two applications – the legality of the number of units and they are also asking for a Finding for improvements to the property. When Mr. Kirby bought the property there was a discrepancy regarding the number of units that were legal. It was advertised as a 5/6 unit dwelling. Evidence was presented from Attorney McGrail that he researched showing that the dwelling was used as 6 units. The building department has it as a 5 unit dwelling however, a 1938 building permit was found that showed they added a tenement unit. Brian read the 1942 bylaw and definition of tenement house. The assessors list and street list go way back to six families living there.

Mr. Kirby is in the process of trying to improve the inside and outside of this property.

Peter Sandorse of Phoenix Architects presented the proposed interior renovations. A sprinkler system will be installed throughout the building. A sample of the vinyl siding was presented, the color of the siding is gray stone. Dave pointed out that the plans need to be consistent; proposed vs. existing. They are adding decks. They are changing the parking and adding landscaping. Jim said when he went to the property it looks like the neighbor has a 6 foot driveway in the back of the house. The site plan showed the neighbor encroaching on Mr. Kirby's land. Jack pointed out that the driveway width is showing at 24 feet, it can only be 20 feet, they will make it 20 with landscaping. Jack pointed out that the plantings at the end of the driveway cannot be higher than 30" in height, same with the fence. There will be irrigation. They are going to get rid of the handicap space.

**Plans/Documents Presented:**

- Plan of Land in 1958
- Landscape Plan prepared by James K. Emmanuel, dated 1/16/2020
- Plan of Land prepared by JM Associates, dated 1/14/2020
- Elevation plans prepared by Phoenix Architects dated 1/22/20

- Copies of Street Lists, Assessors Field Cards, Building Permits
- 1941 Zoning By-law

**Public Testimony:** None

**VOTE:** Chip made a motion to determine, based on the information presented tonight, that the property located at 4 Wakefield Avenue, is a legal 6 family dwelling.

Ami 2 seconded the motion

Voting member are - Dave, Ami, Jim, Joe, Chip

**VOTE:** Chip made a motion to continue the application for the relief related to the proposed improvements and/or additions to the premises so the plans can be updated.

Ami seconded and all were in favor

Continued to 2/12/20.

## **OTHER MATTERS:**

Wednesday, January 22, 2020 – 1<sup>st</sup> Floor Conference Room

### **In Attendance:**

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AMI WALL, CLERK

JAMES H. MCBAIN

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### **62/67 FOUNDRY STREET – Pre-Application Meeting**

Brian Melanson, Attorney McGrail, Mr. Mulhern presented a proposed plan to build apartments with mixed use and 92 parking spaces. It is a podium type building, 5 stories total, ground level parking, and 58 residential units. A restaurant and retail space is also being proposed. There will be 14 one bedrooms and 44 two-bedroom units (10 units will be affordable). They feel parking is tight but they need direction from this Board.

Chips concerns are that they will change their mind and not have the restaurant and the Board really likes the thought of having a restaurant in this area of Town.

Ami asked if the courtyard had to face the back – Mr. Mulhern said the reason is because of the lighting.

The Board gave feed back to them regarding landscaping, lighting, fencing (may not need a fence).

The soil conditions are about the same as their property across the street (69 Foundry St) and is being tested and cleaned up. They will come back to the Board at a later date with formal applications and plans.

**(19-48) 37 WATER STREET – (previously granted relief)** Attorney McCarthy and Frank Pasciuto were present. They are looking for occupancy for #37, #27 is still being worked on. Jim said the items on the list was discussed with Frank but may not all be relevant. Two changes – the existing 6” sewer line is adequate and the existing 2” water line is adequate because there is no restaurant going in. They are requesting that this be a minor modification, new plans would cost 5,000 to 6,000 to generate. The Board needs a new plan, it cannot be in a document. The Board said a sketch dated and stamped by the engineer would be ok.

Extension on sidewalk, landscaping, stonework, paving issue will be bonded. \$38,800.00. Not including paving – Chip feels it should be \$50,000.00. Jim ran through all the changes that need to be done.

Railings, plantings, irrigation, stone seat is not installed. Parking island in the back has to be curbed and asphalt lifted, excavation for planting and irrigation, striping. Rear of 27 has to be paved and grass removed and planting and irrigation. Paving of alley way near #27 and alarm systems have to be installed. Signage still has to be approved. Jack said as long as the railings are up on the ramp and the State Inspector comes back he is all set.

Chip moved to waive the bonding because the whole project has to be complete and they will not get an occupancy on #27, or they will come back and bond the rest.

The Board approved no bond at this time.



The hearing adjourned at 11:05 pm