



TOWN OF WAKEFIELD

BOARD OF APPEALS

MEETING MINUTES

Wednesday, April 8, 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

In Attendance:

DAVID HATFIELD, CHAIRMAN

AMI WALL, CLERK

JAMES H. MCBAIN

CHARLES L. TARBELL, JR.

THOMAS J. LUCEY, ALTERNATE

GREGORY W. MCINTOSH, ALTERNATE

JOSEPH PRIDE

MICHAEL L. FEELEY, ALTERNATE

AMI WALL READ THE LEGAL NOTICE

CONTINUED HEARING:

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

Attendees for the Petitioner: Attorney Brian McGrail

Purpose: Relief for a garden style apartment building

Discussion: Attorney Brian McGrail made a request on behalf of his clients to allow all the pending applications to be withdrawn without prejudice at this time.

VOTE: Chip made a motion to allow the withdrawal, Ami 2nd the motion, unanimous vote to allow the applicant to withdraw without prejudice.

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



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CONTINUED HEARING:

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

Attendees for the Petitioner: Nghi Luu and Attorney Erik Hagstrom

Purpose: Variances – 50 feet from a stream, allow 3 stories, reduce front yard setback

Discussion: Attorney Hagstrom explained to the Board that at the last meeting they attended On March 11th, this Board asked them to go back to the ConCom to see if they would approve the new site plan they presented here tonight because the house was located in a different location then what ConCom had previously approved. ConCom submitted a letter to David Hatfield, Chairman of the Zoning Board explaining that the new location of the house on the plan had been reviewed and approved by them. At its March 11th hearing this Board also asked Mr. Luu to come back with a plan that outlined how he intended to install all his utilities with the least amount of disruption to the neighbors. Attorney Haggstrom presented the new site plan, read the letter from conservation, presented the utilities plan and presented a picture of abutting 3 story dwellings in the Cherry Street neighborhood.

Plans/Documents Presented:

- Site Plan, prepared by Clifford Roper, dated March 13, 2020
- Letter from Conservation Commission F. James Luciani, Chairman, dated 3/19/20
- Utility Installation Plan, prepared by the petitioner
- Photograph of Cherry Lane

Public Testimony:

Michell Boucher and George Lawrence Kerrigan – 60 Spring Street – Their concern was with the encroachment, the stream runs behind their house and they get flooded. The plan that they see tonight makes sense but they bought their house because of the woods and wild life back there, and their concern is any encroachment. Chip asked them if they went to any of the ConCom meetings and expressed concerns with them. Mr. Kerrigan said his wife went to a meeting and it lasted late and they never heard her concerns. Ami pointed out the crushed stone trench they are proposing should help their concerns. Ms. Boucher just wanted to make sure there is no other building on the lot.

Susan Palmer, 123 Greenwood St –. She has driveways on both Greenwood Street and Cherry Lane. Ms. Palmer stated that she had gone to the ConCom meetings and she thinks the agreement they have made with ConCom is very thoughtful. There are still a lot of exceptions with both Boards though and that is not what was expected when she bought her property. From her perspective it does not seem to be a buildable lot. She did not see how all this construction would be workable. She asked what materials could be stored on the paper road and asked about the fence that is in place now. Chip asked Attorney Hagstrom and Luu to address what is going on with the fence and storage. Mr. Luu stated he put the fence up out of consideration to keep the neighbors kids off the lot. The materials on the paper street is insulation for the concrete slab and will be moved when construction starts. Chip asked what makes him think he can store materials on the paper street. Mr. Luu said the fence would go away after construction – it is a chain link fence. Mr. Luu said it is a temporary construction fence. Jim questioned if everyone's property runs through the paper street wouldn't some of it be his to use. Chip disagreed. Ms. Palmer questioned how she would have access to her driveway. Chip explained that trenches cannot be left opened. The Engineering Department should handle that and he would expect that Mr. Luu would be a good neighbor and communicate with her and the neighbors.

VOTE: Chip made a motion to grant the variance to allow a building to be within 50 ft. of an open stream based on the presentation presented tonight and according to the letter presented from ConCom and the plan stamped by Robert Survey, dated 3/13/20.

Ami 2nd the motion.

Conditions - the petitioner will meet all of ConCom requirements, also meet all of the Town Engineer and any other Town Department's requirements. There will be no more development of this lot in the future. The justification of this variance is mainly the topography and size of the lot and position of the house. These conditions are on all three variances.

Ami 2nd the motion.

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

VOTE: Chip made a motion to grant a variance to allow 3 stories in a single residential district because of the fact there will be no basement and because the hardship is the topography and because the height of the building will remain within the guidelines of the bylaw. According to the architectural drawings presented called "Cherry Lane House Plans", dated 3/9/2020.

Same conditions as above

Ami 2nd the motion

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

VOTE: Chip moved to grant a variance to reduce the front yard setback as presented on the plans dated 3/13/20 as stated before.

Ami 2nd

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

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NEW HEARING:

(20-32) – 85 HARRISON AVENUE – THOMAS BLAIN AND AMY BLAIN

Attendees for the Petitioner: Attorney Brian McGrail, Amy Farrell, Tom Blain

Purpose: Variance to construct improvements to an existing third floor dwelling, this will constitute a third story and only two and one half stories are allowed in the single residential district.

Discussion: Attorney Brian McGrail made a presentation, the Blain's are in the process of doing renovations to their property. As part of these renovations they would like to make their attic habitable space. The home is a two and a half story home. Mr. Roberto called Attorney McGrail today and it was brought to Mr. Roberto's attention that every house in that development had a survey on the house to make sure it met the height requirements. The work would be all interior work, no dormer, no windows and no exterior work. A definition in our bylaw is that an attic is not to count as a story if it is unfinished. But once it is finished and it is going to exceed the clearance in the height, so they have to classify it as a third story. They are going to have a bathroom up there and it will be a home office with some extra space – no kitchen will be installed. There are certain unique circumstances, such as topography, the hardship is because of the topography. There would not be substantially any detriment to the neighborhood. Jim looked at the back side of the building and it looks like a 4 story. Chip said they are not changing the exterior and creating another floor. They are just finishing the space. Attorney McGrail said Mr. Finocchio shot the foundations and height of the houses when it was built in 1999 to make sure they were within what was allowed for height. Dave read letters from other Town Boards/Departments into the record – there were no objections.

Plans/Documents Presented:

- Plot Plan prepared by PJF & Associates, dated 1/4/2019
- Floor Plan prepared by Laine M. Jones, dated 12/3/19

Public Testimony:

Rick Salemi – 81 Harrison Ave – He has no issue with the copula – but he does think there is a covenant – “no exterior modifications for 30 years”. He is concerned that it will not be left as a single family home. Mr. Salemi said he went to the Building Department and checked the building permits and he is concerned because the estimated cost of the permit was so high and unusual for renovating a kitchen. He is concerned that the home will be turned into condos or an Airbnb. He wants to be reassured that it will be left a single family home. The Blain’s reassured Mr. Salemi it was for their own use. David Hatfield pointed out that it is in a single family district and would not be allowed to become more than a one-family and they would have to apply for a special permit to allow an accessory apartment.

Chip moved to grant the variance to allow a third story as presented here this evening from the floor plans presented with a revision date of 12/3/19, prepared by Laine M Jones.

Ami 2nd.

Jim not voting

Voting members – Tom, Dave, Chip, Ami Joe

Wednesday, April 8, 2020 – 1st – ZOOM HEARING

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OTHER MATTERS:

69 FOUNDRY STREET – Jim McBain explained that when he and Ami went to the site to look at the mock-up. The siding was not anything that they had approved. The color that had been approved was Sandstone Beige and they cannot get that color, it is discontinued. The new color they are proposing is Plateform Beige it is by the same manufacturer.

Chip moved to grant this as a minor modification as presented.

Ami 2nd

Regular voting members – Chip, Ami, Jim, Joe, Dave

291 SALEM STREET – The petitioner would like to move some window locations. Elevations were presented by Jim McBain.

Chip made a motion to approve the window changes as minor modifications per the elevations prepared by Phoenix Architects, dated 4/3/20.

Ami 2nd

Regular voting members – Chip, Ami, Dave, Jim, Joe

CLERK/BOARD COMMENTS

Chip feels it would be appropriate for one of the Board members to speak to the Town Council's at their meeting on behalf of David and Ami's being reappointed. Tom would support a unanimous correspondence from the Board read by Chip at the meeting. Greg and Joe also support Chip speaking on behalf of the Board. Steve said there is an e-mail that can be sent to the Councilors under public participation.

APPROVED MINUTES

The Board approved the minutes of March 11th.