



TOWN OF WAKEFIELD

BOARD OF APPEALS

MEETING MINUTES

Wednesday, February 24, 2021 – 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 7:04 pm

Roll Call by David Hatfield, Chairman

In Attendance:

DAVID W. HATFIELD, CHAIRMAN

JAMES H. MCBAIN

JOSEPH PRIDE

CHARLES L. TARBELL, JR.

THOMAS J. LUCEY, ALTERNATE

GREGORY W. MCINTOSH, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

AMI WALL, CLERK

Ami read the Legal Notice

REQUESTS FOR CONTINUANCES:

(21-29, 21-30, 21-31) 500 MAIN STREET - MBAR WAKEFIELD, LLC.

Request from Attorney McGrail to continue the hearing until March 10, 2021, the petitioners are still in the process of working with TAC and the Town Engineering Department.

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

(21-38) 611 SALEM STREET – ELITE METAL FRAMING & CONSTRUCTION, INC.

Request from Attorney McGrail to continue the hearing until April 14, 2021, the petitioner is in the process of filing related applications with the Board of Appeals. Also a request to extend the time for the Board to render and/or file a decision on the matter until June 18, 2021.

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



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CONTINUED HEARING:

21-22, 21-23, 21-24) 525-527 SALEM STREET – 168 LEXINGTON STREET, LLC.

Attendees for the Petitioner: Attorney Brian McGrail, Robert Zeraschi (applicant), Jeff (Phoenix Architects)

Purpose: Seeking Special Permits and Site Plan Approval to Construct a 21 Unit Mid-Rise Apartment Building with an Office Use

Discussion:

At the last hearing the Board voiced their opinion that they would like to take off the top story of the building to make the mass smaller.

Jim McBain was designated the liaison to work with them to accomplish all of the Boards concerns.

This is now a 3-story building instead of 4-stories.

The building next door is actually taller than this building now.

They have changed the number of 2-bedroom units. Now instead of 21 two-bedroom units they have 11 2-bedroom units and 12 1-bedroom units and 1 office. This reduced 8 bedrooms.

There have been site changes in the back because the building is extended in the back, the parking spaces have been changed but there are still enough spaces.

The landscaping plan has been revised because of the above changes.

Jeff from Phoenix Architects gave a presentation of the changes of the building.

Front, back and side elevations were shown. A great deal of time was spent on trim details and materials.

Jim pointed out that at the last meeting they talked a lot about the height. Jim said Phoenix really took the lead in reducing the mass. Jim explained that he worked with them to get the buildings details firmed up.

Gregg mentioned that in previous discussions the building in the front was elevated up 4 ft.

Chris Sparages explained that the existing building is closer to the street and their building will be up about 3 ft. higher than the older building.

Gregg said this new plan meets a lot of his concerns.

Tom feels it looks a lot better.

Chip asked why they would have to raise the building 3 feet, Chris explained that there is a hole in the middle of the property. Another thing that is driving the building up a little higher is the storm water management requirements.

Mike asked what the logic was to reduce the parking spaces in the rental units. The code is 9 x 18, these will be 8 ½ x 18.

The parking count is - 35 required and they are providing 36. 15 of the spaces are 8 ½ and the rest are 9 x 18 (21 spaces).

Ami asked Chris if the east side of the building could a couple of parallel parking spaces be put there. Chip is concerned with a lot of paving.

Bob Zeraschi explained that in his other rental building one-bedroom units usually have just one car.

Trash and recycling have been changed on the site plan.

A storm water management system has been separated into two systems.

Chip asked if an on-site manager will be there. Mr. Zeraschi explained that there will be someone there and there will also be a 24-hour number to call when that person is not on site.

Chip asked questions about how the recycling would be managed.

Brian shared the landscaping plan – Elliot Brundage is the landscape architect.

Chip wants the caliber of the trees in the front larger. They are 3 ½ Chip said perfect. Chip wants a note that all curbing be granite curbing, Chris said other than the corners of the entrances all curbing is bituminous. Chip said that is not their standard. It will be noted on the plans. The paved walkway materials will be called out.

Railing systems on the balconies need to be put on the materials sheet.

Materials for the dumpster enclosure need to be put on the plans. Chip said the recycle area needs to be up to the management but thinks it should be enclosed on at least two sides to look better.

The retaining wall materials on the right side also need to be called out on the materials sheet.

Gregg said they need to see where the vents are going to be placed and called out.

The signage on the front of the building with the address need to be specked out.

The WMGLD will not allow gas to this building.

Chip wants to know where electrical meters will go. They need to show how they will be screened once they decide the location.

Chip made a comment that he appreciates the work that Phoenix and Jim have done to make this a better project.

Public Testimony:

NONE

Plans Presented:

- Landscape Plan, dated 2/19/21, prepared by Elliott Brundege
- Proposed Streetscapes, dated 2/24/21, prepared by Phoenix Architects
- Proposed Elevations, dated 2/24/21, prepared by Phoenix Architects
- Proposed Materials, dated 2/24/21, prepared by Phoenix Architects
- Proposed Basement, Floor Plans, 2/24/21, prepared by Phoenix Architects
- Proposed Details dated 2/24/21, prepared by Phoenix Architects
- Existing Condition Plan, Grading and Drainage Plan, Utilities Plan, Survey and Layout Plan, Photometric Plan, Construction Details Plan, dated 8/5/20, prepared by William Sparages

Discussions for the Next Hearing:

- O&M Plan
- Draft Conditions
- Construction Schedule
- Roof equipment locations
- Elevator override
- Outline relief they are looking for
- Water meter location

Chip made a motion to continue to March 10, 2021

Ami 2nd –the motion and all were in favor

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CONTINUED HEARING:

(21-36) 404 LOWELL STREET – CHARLES REALTY, LLC, CHARLES J. DOHERTY, MANAGER

Purpose:

Modification of Previous Decisions to Construct an 8-Unit Multi-Family Dwelling

Attendees:

Michael McCarthy, CJ Doherty (property owner), Shane Losi (architect), Paul Finocchio (land surveyor)

Discussions:

At the last hearing the Board had a concern that the parapets had been removed, a landscaping schedule needed to be updated and one of the abutters would like trees changed. The entrance way needed to be re-worked.

They had a hearing with TAC, Shane Losi went to that hearing.

Shane explained that as a result of that hearing they had to move some trees back from the street. The neighbor behind them requested that they change the trees from dogwoods to Japanese maples. An updated quantity of all the trees and perennials were given.

A pedestrian warning signal was added.

The oil separator has been relocated to inside the building.

Greg mentioned the left side elevation and suggested eliminating the white panel next to the grate.

Mike said they are looking for modification of the previous decision of 6/12/17 and 6/11/19. 2/17/2021 architectural Choo Company, site plan 2/18/21 PJF & Associates.

Dave asked if they went through all the comments of the Town Engineer, Paul Finocchio went through all the requirements that have been done and are still being done with the Engineering Department.

Jim asked if TAC had given their recommendations to them in writing yet. Mike is not sure if a written recommendation is going to come from them.

Conditions

Meet DPW requirements

Meet all recommendations from TAC

Meet all the Conservation Commissions requirements

Public Testimony

Robert McCauley – 7 Elk Spring Drive – bought the house in June. He asked if the Japanese Maples were on the new plan. He requested they plant the larger ones, the Board explained that they grow to about 25 feet.

Plans Presented

- Architectural Plans, Planting Plan, Site Plan, Elevations, prepared by Choo & Company, Inc, dated 2/17/21
- Site Plan, prepared by PJF Associates, dated 2/18/21

Chip moved to grant a major modification as presented for 404 Lowell Street modifying the decisions dated June 12, 2017 and June 11, 2019. Per the architectural Plans dated 2/17/21 prepared by Choo Company. And the Site Plan prepared by PJF Associates, dated 2/18/21. The conditions are that they meet all DPW requirements, TAC requirements of interlocking the door, wider entrance and pedestrian signal and they must meet all the conditions of the Conservation Commission.

Ami seconded the motion.

Voting members - Chip, Jim, Ami, Joe, Dave were all in favor

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NEW HEARING:

(21-39) 141 PARKER ROAD – WILLIAM MORRIS IV AND JENNIFER MORRIS

Purpose:

Special Permit to Add an Accessory Apartment to a Single-Family Dwelling

Attendees:

Attorney Brian McGrail, Peter Sandorse, William and Jennifer Morris

Discussions:

The Morris's own the property and are seeking a Special Permit requesting an accessory apartment. Jennifer's parents want to move in with them, they want to move into the lower level of the home, the home is a split level.

Peter presented the existing conditions of the first & lower floors.

The existing first floor will stay the same. The lower level will repurpose the garage. The lower level will be 905 sq. feet

No change to the footprint of the building.

Some windows are being added in the back and a window in the front is being added.

Gregg asked why the percentage is staying the same when there is square footage being added. It was agreed that the percentage on the plan has to change to 40% not 43%.

Brian summarized the criteria needed.

Linda and Frank Kane will live there

Jim pointed out that two spaces are being eliminated but it looks like there is still enough parking. Mr. Morris said there is plenty of parking.

Tom pointed out that parking is not an issue at all for this property, he is very familiar with it and it is a large lot.

Dave read correspondence from Town Boards into the record.

Public Testimony:

NONE

Plans Presented:

- Floor Plans prepared by Phoenix Architects dated 1-13-20

VOTE: Chip moved to grant the Special Permit for the accessory apartment per the plans prepared by Phoenix Architects dated 1/13/20. And this Board waives the requirement that it only meets 25% and allow it to be 40% as presented this evening.

The Plan will be updated and the date will be revised.

Ami seconded the motion

Discussion - The condition that they submit a restricted covenant once a year.

Motion Amended

Ami 2nd

Voting Members – Chip, Ami, Jim, Joe, Dave – all were in favor

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NEW HEARING:

(21-40, 21-41, 21-42 - 62 & 76 Foundry Street – 62 FOUNDRY LLC

Purpose:

Special Permits & Site Plan Approval to Construct a 58 Unit Mid-Rise Apartment Building with Mixed Use

Attendees:

Brian McGrail, Brian Melanson (owner), Chris Mulhern (Architect), Mark Sleger (Site/Civil)

Tonight is going to be an initial presentation –

The properties are the old Taylor Warehouse and Crystal Lumber

When the properties are combined there is a total of 45,996 sq. ft.

40 2-bedroom and 18 1-bedroom for a total of 58 units.

10 of those units are affordable units

Mixed use – 3,000 sq. feet of commercial – some type of restaurant/eatery place.

This project is taking care of a blighted/contaminated area.

There will be no request for a reduction of affordable units.

Mark Sleger – gave a presentation of the site.

The sewer, drainage systems and utilities will be updated and there will be a significantly improved. All the utility wires are going underground.

Sidewalks and curbing will be all updated.

Chris Mulhern gave a presentation of the area and architecture
Existing conditions and photos of the area now were presented.
Materials used on the building were presented.

Jim asked what the back view of the building looked like. Mr. Mulhern presented it.

There will be a wood stockade fence on the Railroad side of the property.

Ami thanked Chris for putting so much time and effort into these plans. It will make their job easier going forward.

Chip said some thought will have to be done regarding deliveries if a restaurant is going in the space also, dumpster, trash, food waste/greases and how the operations will work.

Chip asked if any thought was given to do more mixed use. There will be 4 new residential buildings with more people. Chris said parking became an issue and they would have to give up amenities to the residents if they did more mixed use.

Brian pointed out that the Towns Plans with these residential buildings was to bring more people to our downtown area, so there has to be a balance.

Jim said the top banded cornices should be a little bulkier on the 5th floor.

Gregg feels the top hanging cornice feels like a bit much – it will block the sun. The left corner on Maple and Foundry seems too glassy and different for the area. It seems like it belongs in the Seaport area. Chris explained why they made the building look this way.

Mike Feely asked Chris where people would park if going to the restaurant. There is extra parking spaces and parking on Foundry and Maple Street Chris replied.

Chris feels that with one-bedroom units there will only be one car and there will be a surplus of parking on the site.

Chip suggested a game plan to move forward.

Tom asked to see shadow studies and height so they are not casting shadows on Foundry Street. And he would also like to see the space between 128 Plumbing building and this building. A lot of people will experience this building from Walton Field and it would be good to see it from that prospective.

Chris will also shadow the new Foundry street building

Correspondence were read into the record.

Public Testimony:

None

Plans Presented:

- Proposed Site Plan, Existing Conditions, Site Layout Plans, Site Grading and Utilities Plan, Construction Details, prepared by Alan Engineering, LLC., dated 10/7/20
- Floor Plans, Elevation Plans prepared by Harrison Mulhern Architects, dated 9/4/20
- Landscape Plan and Lighting Plan prepared by Radner Design Associates, dated 2/27/20
- Drainage Report prepared by Alan Engineering, LLC dated 10/7/2020

Discussions for the Next Hearing:

Site/Civil

Architecture

Logistics for restaurant use

5th floor cornices

Heights and shadow study

Develop a view from Walton fields

Lighting, trees and how they blend in with the new building across the street and the Harvard Mills project – will they all be the same.

Chip made a motion to continue to 3/10

Ami 2nd

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OTHER MATTERS:

(17-39, 17-40, 17-41) - 69 FOUNDRY STREET – MELANSON DEVELOPMENT GROUP

Attendees:

Tim Sullivan, Attorney Brian McGrail

Attorney McGrail explained –

They are looking for temporary occupancy for common areas and for some of the units.

Some of the landscaping, and building elements are not completed.

The Building Inspector does not have a problem with this but has commented that he is not totally satisfied with some of the building code issues, but that is separate from this Board's issues.

They have submitted a detailed report of what still needs to be completed. They thought that rather than a cash surety the surety would be units – they would hold back 5 units that could not be sold until this Board is satisfied. He will work with Tom Mullen to make sure this is satisfied.

The list of items to be completed were presented along with the dates.

Tim explained the list in detail and when landscaping would start.

They are looking for CO's to start next week – the first closing is on March 23rd.

The bank needs CO's 14 days prior to closing.

There are 45 units sold. 6 affordable, 38 units are available. The lottery for the affordable units has been held.

Dave pointed out that this Board cannot tell the Building Inspector to give out CO's. This Board can only inform the building inspector with a letter that this Board is satisfied.

Brian said this Board basically can say they are satisfied with the project.

Chip asked what the average costs of a condo is, Tim replied \$450,000.

There was a lot of discussion on what the mechanism would be for Town to be protected and what is the incentive for them to get the work done.

Brian is asking the Board to release the project to the Building Inspector and working out a surety with Town Counsel. Jim asked don't they want to read the agreement that Tom writes before they vote on this.

The Board agreed that Dave will not send a letter to the Building Inspector until they see the agreement that Town Counsel writes and agrees on.

Chip moved to give Dave the authority to talk to Mr. Mullen about the surety on 69 Foundry Street and with Gregg's assistance and once the letter is signed Dave is authorized to send a letter to the Building Inspector.

Plans Presented & Documents Presented:

- Letter Dated 2/19/21 From Tim Sullivan of Seaver Construction Along With Attachment A - Work to be Completed; Attachment B - Lighting & Landscape Plan; Attachment C - Occupancy Schedule
- Letter Dated 2/19/21 From Tim Sullivan of Seaver Construction Regarding Landscaping Around Gas Meters
- Pictures of Meters
- Revised Planting at Gas Meters
- Plant Schedule

Ami 2nd

Vote: Chip, Ami, Gregg, Jim, Dave – all were in favor

Landscaping around the gas meters was presented for the Boards approval:

Chip moved to approve the landscaping to hide the gas meters as a minor modification and L203 of the original plan will be updated to 2/9/2021.

Ami 2nd

Chip wants to view after it is planted to make sure it's enough, it may look good on paper but there may not be enough plantings.

Ami 2nd

Vote: Chip, Ami, Jim, Joe, Dave – all were in favor

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OTHER MATTERS:

(19-48) 27 & 37 Water Street – 27 Water Street, LLC

Present – Mike McCarthy, Paul Finocchio and Frank Pasciuto

Mike McCarthy explained they are asking for surety.

1. They needed an as-built plan, Paul Finocchio has done that
2. The Fire Department needed to approve the access in and out of the area, the Fire Department came out and requested the elimination of 3 parking spaces by the Omelet House.

Paul Finocchio shared the site plan that showed the 3 spots eliminated and labeled no parking. A curb still has to be moved and this is one item that has to be bonded

1. The landscaping is almost done and irrigation needs to be done. Attorney McCarthy said whatever amount the Board thinks is appropriate
2. The side walk in the front still needs to be done but Frank could not do it because the cutoff date was missed with the DPW, after April 15th that should be done, the cost is \$4,500.00

They are currently under order from the Building Inspector to get this wrapped up. The Fire Dept. has been out and the sprinklers are working. The hydrant is working.

The Board wants the lines of the two spots at the Omelet House that are marked no parking taken out.

Jim brought up the point that there were questions about the landscaping and irrigation when they went out in the fall. Since it is spring he wants to wait to release the money until it is all done.

The Board and Frank agreed on bonding \$15,000.00.

Plans Presented:

- As-Built Parking Plan, prepared by PJF & Associates, dated 2/18/21
- Letter to the Board from Chief Michael Sullivan, dated 2/11/21
- Various letters from tenants dated 2/17/21

Chip moved to allow an agreement related to landscaping and curbing for surety of \$15,000.
Ami 2nd

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

Chip moved to accept the as-built plan with the corrected number of spaces on it.
Revision date of 2/18/21

Ami 2nd
Voting members – Dave, Chip, Jim, Ami, Joe

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Ami read the Legal Notice

APPROVED MINUTES:

Chip made a motion to approve the minutes of February 10, 2021

Ami 2nd

All members voted in favor.

The meeting adjourned at 10:51 pm