

May 14, 2019  
Planning Board  
One Lafayette Street  
Wakefield, MA 01880

Upon notice duly given the regularly scheduled meeting of the planning board of the town of Wakefield was called to order by Chairman William Spaulding at 7:04 p.m.

Mr. Spaulding said that Mr. Semenza would be absent and he hasn't heard from Mr. Fowlie.

Members present: William Spaulding, Matthew Lowry and William D'Amore

Also present: Paul Reavis / town planner and Linda Donaldson / clerk

1. Minutes of previous meetings: March 26 and April 8, 2019

A motion was made by Mr. Lowry, seconded by Mr. D'Amore, to accept the minutes of the *April 8, 2019* meeting as written.

VOTED: Unanimously in favor

A motion was made by Mr. Lowry, seconded by Mr. D'Amore, to accept the minutes of the *March 26, 2019* meeting as presented.

VOTED: Unanimously in favor

2. 7:00 p.m. Public hearing: Clyde Court, 107 Prospect Street

Atty McGrail was present and stated that he will not be opening the hearing with one member missing. They are working through some issues with the conservation commission and are scheduled to meet with them again on May 23<sup>rd</sup> when the town engineer will also be present.

Atty McGrail said that late last week a comment letter was received from the town engineer and they're presently working on those issues. At this time he's not seeking anything from the planning board and he wants to be on the agenda for the May 28<sup>th</sup> meeting. An extension letter for completion of the project to August 30, 2019 was submitted.

3. Public hearing: Wildwood Street, 7 Glendale Avenue

Atty McGrail said that he just received correspondence from the town engineer and they're encouraged by his review. At this time they are preparing a couple of responses to his letter.

Atty McGrail would like to continue this hearing to the May 28<sup>th</sup> meeting and he also extended the time for completion of this project to August 30, 2019.

4. Set public hearing date: definitive subdivision, 0 Ossipee Lane / Glendale Avenue

Mr. Reavis said that the application has been delivered, along with the plans and a check and they're seeking June 11<sup>th</sup> as the public hearing date.

#### 5. ANR plan: 51 Old Nahant Road

Atty McGrail said that this is a straightforward plan in that they're moving a lot line five feet between two lots. The applicant will be building a single family home on lot #1 and lot #2 already has a house on it.

A motion was made by Mr. Lowry, seconded by Mr. D'Amore, to endorse the plan of land for 51 Old Nahant Road.

VOTED: Unanimously in favor

#### 6. Extend Time for Completion: 94 Butler Avenue: Woods Subdivision

Mike Prousalis was present along with Atty McGrail and they're requesting an extension of time on this project.

Atty McGrail said that this plan was endorsed on July 11, 2017 and they're requesting an extension because there are some environmental issues on the property which the town of Wakefield has some responsibility to. He's hoping this can be resolved as its holding up the construction of the subdivision. They will do the clean-up but it's coming down to the funds to do so. The applicants are requesting to extend the time for completion to July of 2021.

A motion was made by Mr. Lowry, seconded by Mr. D'Amore, to extend the time for completion on the Butler Avenue subdivision to July 11, 2021; a two year extension.

VOTED: Unanimously in favor

#### 7. Montrose School Lane: Restrictive Covenants

Atty McGrail said that he just got retained on this so he has nothing on it, at this time.

Mr. Spaulding said that Mr. Patti called him on Friday at 7:30 AM asking what's going on. It was a quick conversation with Mr. Patti asking Mr. Spaulding if he could come out so they could talk and Mr. Spaulding said, no and he had to adhere to the letter that was sent.

Mr. Patti would like to attend a meeting in the future which would be the May 28<sup>th</sup> meeting, though Mr. Semenza wants them to go straight by the letter.

Atty McGrail said that he was going to get involved to resolve this matter and commended Mr. Spaulding on his handling of the situation.

Mr. Spaulding said that the abutters were really concerned as three different ones called him and also Mr. Reavis. With the stacks of fieldstone being out there the neighbors were very concerned that the wall would be going up.

Mr. Reavis pointed out that they're supposed to be giving the planning board a response within ten days of receiving the certified letter. They have to submit a plan of their intentions to this board.

Mr. Spaulding said that the letter from Atty McGrail is a rejection in doing what the planning board laid out and Atty McGrail responded that it's a "space holder".

Mr. Semenza indicated to Mr. Spaulding that he wants to move forward with the cease and desist and Mr. Spaulding would like to hear from other board members as the plan is supposed to be received by May 20<sup>th</sup>.

Mr. Lowry said that one thing the board had done previously was to authorize the Chair to work with the Patti's on the cutting and that went well. Now it's his feeling that the Patti's think they can just go to the Chair and he can make decisions, which cannot happen. He queried if board members should go to the site and report back to the board.

It was noted that the Patti's did not send any response to the board's letter except for stating that it's unfair.

Atty McGrail wants to know what the thoughts are on this and he thinks Mr. Lowry's idea is a good one. He also thinks there should be some conversation with the Patti's because they can resolve a lot.

Mr. Lowry said that the board has already discussed everything with the Patti's and he doesn't want to drag this out any longer and the letter from Atty McGrail is a stalling tactic.

Mr. Spaulding said the decision as a board is whether we hold the Patti's to the cease and desist and notify Mr. Mullen.

Mr. Lowry said that we don't know what their intentions are and we just cannot keep waiting. The board would like a response to the letter or a non-response and Mr. Lowry feels the letter that was received is a non-response.

Mr. Spaulding said that he had told Atty McGrail that this would be discussed at the May 28<sup>th</sup> meeting which Atty McGrail forwarded this information to the Patti's who were reasonable to understand that it was going to happen.

Atty McGrail suggested that they come to the May 28<sup>th</sup> meeting to see what it is that they're going to do.

Mr. Spaulding suggested for Atty McGrail to communicate back to the Patti's that the board would expect to see a plan from them at the May 28<sup>th</sup> meeting because we are not going to sit and rehash the whole thing over with them that night.

Atty McGrail believes he's heard what the board is looking for tonight.

Mr. Spaulding said that the board has no idea of what they are doing so we have nothing to comment on. They have disturbed this area and damaged roots of trees.

Mr. Reavis said that the last paragraph of the letter says everything and he read it aloud.

Mr. Spaulding asked board members how they feel about the Patti's coming in on May 28<sup>th</sup> with a plan to discuss with the board as stated in the cease and desist letter from April 16<sup>th</sup>.

Mr. Lowry thinks we have to move ahead with the meeting and if they don't physically have a plan they have an outline of what they're going to do and when; they're not coming in for any discussion. If they say they've spoken with their neighbors and are going to work with them then that would be moving forward.

Atty McGrail said that he would inform the Patti's that the planning board is expecting them to bring in a plan and if there's not a plan there will be no start to the meeting.

#### 8. Annual Elections: Chairperson and Vice-Chair

This item was tabled until a full board is present.

#### 9. Comments: Town Planner and Board Members

Mr. Reavis had no further comments tonight.

Mr. Lowry said that he was a little surprised at town meeting when he learned there was a preferred option for Main Street and its proposal B. He asked if this came from VHB or the town.

Mr. Reavis said that what was shown at town meeting was the preferred option and it came from a focus group who wants to keep the most diagonal parking.

#### 10. Adjournment

A motion was made by Mr. D'Amore, seconded by Mr. Spaulding, to adjourn the meeting at 8:37 p.m.

VOTED: Mr. D'Amore and Mr. Spaulding in favor

OPPOSED: Mr. Lowry

Respectfully submitted,

Linda J. Donaldson, Clerk