

June 9, 2020
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 7:00 p.m.

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

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

At this time Mr. Spaulding explained the Zoom program and meetings being able to be held virtually during the current pandemic.

4. Montrose School Lane: restrictive covenants

Mr. Spaulding had the covenant available and read from it regarding what's allowed and what is not under #7 of the supplemental restrictive covenant. Next he read from #6 regarding the preservation of trees and shared the file onscreen for everyone to view.

Mr. Spaulding pulled up the plan and discussion ensued specifically about some trees shown on the plan that are no longer there and Mr. Spaulding pointed out the only tree remaining in the restrictive area.

Mr. Spaulding said that Mr. & Mrs. Reeves presented a plan for a proposed pool in the back corner of their property which is in the restricted covenant area so that's why they're seeking permission from the board. Mr. Spaulding did go to view the property.

Mr. Lowry pointed out that the trees are already gone except for the one.

Mr. D'Amore wondered if the lone tree remaining would be killed when they drain excess water from the pool, etc.

Mr. Lowry asked why the pool is so far back on the property and queried why they can't move it closer to the house.

Mr. Reeves who was present via Zoom replied that they want to leave the area open for all of the kids that run around through the yards. There are no fences in any of the yards and placing the pool way in the back he would only have to fence in the pool area.

Mr. Lowry commented that it almost looks like the entire pool is in the restrictive covenant area.

Mr. Spaulding queried if the pool should move a little closer to the house with the trees gone. The planning board's decision regarding the restrictive covenant area is for the building inspector so the Reeves can have a definitive answer on where they can put the pool.

Mr. Lowry said that it would have been nice if the abutters didn't take down the trees.

Mr. Reeves replied that Dennis Fazio and Mr. Reavis told them to take the trees down because they were infested with carpenter ants.

Mr. Spaulding is concerned with the excavation for the pool because the root system for the remaining tree will be damaged and the tree will eventually die.

Mr. Lowry asked if anybody talked to the neighbors because they are what a restrictive covenant protects.

Mr. Reeves said that the neighbor in the rear doesn't have a problem with their installing a pool.

Mr. D'Amore said that there must be some setback requirements for the pool and Mr. Reavis agreed but said that it's not in his purview.

None of the board members were happy with the planning board not being notified of these trees being removed.

Mr. Spaulding said that he would be open to the pool being moved 15' towards the house.

Mr. Lowry is a little hesitant to approve this right now as this is the first time he is seeing this and he wants to see how much of the restrictive covenant area is impervious . Also he said that new trees could be planted; and asked what the purpose is of having these restrictive covenants if people are going to cut the trees down and then come in and ask for forgiveness.

Mr. D'Amore asked what if something went wrong with the pool and they had to drain some of the water; where would it go?

Mr. Spaulding wants to get the following information before making a decision: the location of the pool, layout of the pool, the pool design showing the restrictive covenant over it and the dimensions of the pool overlaid onto the restrictive covenant.

Further discussion ensued about what the building inspector will approve.

Mr. Reeves said that they applied for a permit to build the pool and the building inspector said they would have to have the planning board see it because of the covenant. He does not have any professionally drawn up plans at this time.

Mr. Spaulding said for them to have a design drawn up over the existing restrictive covenant plan.

Mr. Reeves indicated that he does not want to see the one remaining tree to be gone either.

Mr. Spaulding said a letter from the neighbor to the board would be great and also that the town engineer has to look at the plan too as we're concerned about run off as Mr. D'Amore brought up.

Mr. Reeves said that he would get a letter from the abutter.

5. Definitive plans endorsement: Wildwood Street, 7 Glendale Avenue (continued)

This item was continued to a future meeting.

6A. Topics not anticipated by the chair / town planner

Mr. Reavis does not have anything.

6B. Planning board members

Mr. Lowry made one point about the agenda stating that the ANR plan for Lancaster Road was not accepted by the board so it shouldn't be on the agenda. Once a proper plan is submitted to us we would have to act and he suggests taking it off the agenda until that time.

Mr. Spaulding received a message from Atty McCarthy that the town engineer is reviewing the plan.

Mr. Spaulding apologized to the other members for not sharing with them earlier the information regarding the pool. He said that he went out to the property and took the pictures and everything but hasn't had time to pull it all together.

Regarding the restrictive covenant on Montrose School Lane Mr. D'Amore doesn't think someone from the town should just make the decision to take trees down as it's up to this board to decide when trees located in a restrictive covenant should come down.

Mr. Spaulding said that the board will wait to see the plan and learn more.

Mr. Lowry said that the whole area could be pavers and draining off onto the neighbors' property.

Regarding the planning board getting involved in the special permitting being issued to downtown establishments Mr. Reavis said that this is for temporary permits for maybe six months max for different establishments during the Covid 19 shut down.

Mr. Spaulding said that he is looking ahead as to what else the board could become involved in and that he spoke with and sent emails to the town administrator regarding replacing the town planner, etc.

7. Adjournment

A motion was made by Mr. Lowry, seconded by Mr. D'Amore, to adjourn the meeting at 8:20 pm.

VOTED: Unanimously in favor

Respectfully submitted,

Linda J. Donaldson, Clerk