

June 22, 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 7:02 p.m.

Mr. Spaulding stated that Paul Reavis wouldn't be joining the meeting tonight.

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

Also present: Linda Donaldson / clerk

Mr. Spaulding went over the ZOOM features which everyone was all set with and thus the meeting began.

1. Minutes of the previous meetings

This item was tabled at this time.

2. 7:00 p.m. Public hearing: Lovis Avenue, Ext. TM#22-064-18B

This item was continued to a future meeting.

3. 14 Montrose School Lane: Construction in a land area protected by restrictive covenants

Mr. Spaulding said that this item regarding a plan put together by the Reeves for the construction of a built in pool in a restricted area on their property was on the agenda at the last meeting.

Mr. Spaulding had gone out to the property to view the area and during the last meeting there was a good discussion about why trees were taken down. Mr. Reavis could not find anything in his records or in all of his files regarding these trees being taken down. Mr. Reeves said that he had Dennis Fazio the supervisor of forestry & parks come out to take a look at these trees and they were infested with carpenter ants and he recommended they be taken down. The Reeves are in good standing with the neighbors in the back.

Mr. Spaulding outlined on the screen the area in question along with a revised plot plan and said that the pool is now aligned with the corner of the lot.

Mr. Lowry asked if what is shown represents everything that's going to be in the restrictive covenant zone.

Mr. Reeves said that the pool pump would probably be to the left side of the pool and Mr. Lowry queried "in the restrictive area, or not?" Mr. Reeves isn't sure at this time and said that the fence is shown on the plan as the blue highlighted area. He is going to replace the old chain link fence that's been there since the Montrose School stood on the property.

Mr. Lowry said that the intent of this covenant was totally disturbed by the removal of the trees which was a buffer for the house in the rear.

Mr. Spaulding read #6 regarding sheet #7 from the covenant language pertaining to the plan and the trees and said that this is what the board is trying to hold this to. He spoke of the Patti's property and what the board required them to provide to remedy their situation.

Mr. Spaulding wants to see how much of the yard area will be taken away and if it would make the land slope as well as the height of the fence that will replace the chain link. He is concerned with drainage going into the neighbor's yard and visibility. Also, where will the pool begin in relation to the bottom of the fence?

Mr. D'Amore asked about the chemicals from the pools' run off and the one remaining tree; will this tree then get damaged as he doesn't think run off would be good for it.

Mr. Spaulding said that there is a lot of speculation now about where the pool will be as elevations and everything come into play.

Mr. Spaulding read the letter from the abutter who Mr. Reeves assured that the run off wouldn't be directed towards her yard. He asked how the board could be assured that the run off from his pool won't go into her garden, referring to the homeowner at 18 Wharton Park.

Mr. Lowry suggested amending a portion of the restrictive area in that corner and the rest to remain as restricted and enforced. He would rather the pool be moved a little more out of the restrictive zone but once the fence is up you would lose control of that. One by one people are requesting stuff to happen that the restrictive covenant was there to prevent. If this is approved it should be with no sheds or additional structures on this area.

Discussion ensued on how much earth would be needing to be removed, etc., and Mr. Spaulding is concerned with the slope area that slopes towards the abutter's house. He pointed out the drip line of the large tree and said that hopefully the root system doesn't extend beyond there.

Both Mr. Lowry and Mr. D'Amore would like the pool pulled out of the restrictive covenant and ideally would like 10' between the back fence and the pool.

Mr. Lowry said to let him put it there but we will be restricting the cutting of the neighbor's tree limbs that come over his property. We would have to have an agreement that what's going to be built there is this that's before us. With a modified covenant the board would still have a

handle on this. He also wants an as-built plan and the lone tree will remain as well as no additional cutting of tree limbs.

Mr. Spaulding reiterated there being a pool, patio and fence as proposed and that the owners will provide as-built drawings.

Mr. Spaulding is still concerned with drainage and the elevation and reiterated their being no additional structures in the restricted area.

Mr. Spaulding said that the board would write and endorse the decision and once Mr. Reeves receives it he can go ahead and start the pool.

Mr. Lowry said that the planning board would still have teeth in this if something should go wrong with the excavation and finished product.

Mr. Spaulding said that the letter would be done this week and mailed out to Mr. Reeves.

4B. Topics not anticipated by the Chair

Mr. Spaulding said that at town meeting on Saturday the planning board was asked to speak on five different items. He apologized to the board stating that he doesn't think he should've spoken on behalf of the board regarding the betterment as this was the one he had no notes on. He was caught off guard and didn't think this would be coming up.

The other items that came up were the zoning bylaws; two were approved and two were not approved by the 2/3's vote as was needed. The North Avenue one didn't pass so we will not be getting the sidewalk Mr. Spaulding said.

Mr. Lowry commented that due to the failed bylaw the \$750,000 nice homes won't be constructed but rather cheap ones will.

Mr. Spaulding noted that the bylaw change for the business district did not pass either.

Mr. Spaulding also said that this is the smallest agenda we've had since the last meeting and this is the last week with Mr. Reavis as town planner. His position by name will not be refilled as the town will be renaming it as an economic development position.

Mr. Spaulding would like to send a letter to Ann Santos and Paul DiNocco who put together the job description so that the planning board can see what the description is; and he will write an email to town counsel requesting this job description.

5. Adjournment

A motion was made by Mr. Lowry, seconded by Mr. D'Amore, to adjourn the meeting at 8:00 p.m.

VOTED: Unanimously in favor

Respectfully submitted,

Linda Donaldson, Clerk