

BOARD OF APPEALS AGENDA FOR APRIL 8, 2020, 7 PM

Consistent with the Governor's orders suspending certain provisions of the Open Meeting Law and banning gatherings of more than 10 people, this meeting will be conducted by remote participation to the greatest extent possible. The public may not physically attend this meeting, but every effort will be made to allow the public to view and or listen to the meeting in real time. Applicants and members of the public also have a right to participate remotely in any public hearing. Persons who wish to do so are invited to click on the following link <https://zoom.us/j/777471453>. The meeting ID is 777471453. If you do not have a camera or microphone on your computer you may use the following dial in numbers:

1-646-558-8656 Meeting ID 777471453

Please only use dial in or computer and not both as feedback will distort the meeting.

CONTINUED HEARINGS.

1. **(19-65, 19-66, 19-67) NAHANT STREET DEVELOPMENT, LLC**, application for a Special Permit and Site Plan Approval under Article VI, Section 190-32 of the Wakefield Zoning Bylaw to allow a 26 unit Garden apartment building; application for a Special Permit under Article VI, Section 190-32.1 of the Wakefield Zoning Bylaw allowing reductions and/or alterations to Dimensional Controls that are required under Section 190-32D and Table 2 (Table of Dimensional Regulations). The reductions and/or alterations may include, and are not limited to, requirements relating to, lot frontage and width, front, side and rear setback, height, floor area ratio, building coverage, and open area; application for a Special Permit under Article VII, Section 190-36C of the Wakefield Zoning Bylaw to allow reductions in the requirements and/or standards for off street parking and loading. The properties are shown as **127 NAHANT STREET/PARCEL ID 19-283-S1A3; 135 NAHANT STREET/PARCEL ID 19-282-S35C; 119 NAHANT STREET/PARCEL ID 19-284-S35E+; NAHANT STREET/PARCEL ID 19-289A-149B** of the Assessors Maps
2. **(19-68, 19-69, 19-70) NGHILU, LLC**, application for a Variance under Article VI, Section 190-31H of the Wakefield Zoning Bylaw to permit a building or structure within 50 feet of the embankment of any open stream; application for a Variance under Article VI and Table 2 of the Wakefield Zoning Bylaw to allow 3 stories in a Single Residential District; application for a Variance under Article VI, Table 2 to reduce the front yard setback. The property is shown as Map 26, Lot/Parcel(s) 58B-124 of the Assessors Maps and is located at **CHERRY LANE, A/K/A o GREENWOOD STREET.**
3. **(20-32) THOMAS BLAIN & AMY BLAIN**, application for a Variance under Article X, Section 190-66 and from the requirements of Article VI and Table 2 of the Wakefield Zoning Bylaw, allowing improvements to an existing third floor in an existing single-family dwelling that, once improved, will constitute a third story. The property is shown as Map 34 Lot/Parcel(s) HV3 of the Assessors Maps and is located at **85 HARRISON AVENUE.**



OTHER MATTERS

1. 69 FOUNDRY STREET – Minor Modification
2. 291 SALEM STREET – Minor Modification

CLERKS/BOARD COMMENTS

APPROVE MINUTES OF MARCH 11, 2020

ADJOURNMENT

BRIAN D. McGRAIL
ATTORNEY AT LAW
LAKESIDE OFFICE PARK
599 NORTH AVENUE
SUITE SEVEN, SECOND FLOOR
WAKEFIELD, MASSACHUSETTS 01880

FAX
(781) 246-1986

TELEPHONE
(781) 246-9999

April 3, 2020

David W. Hatfield, Chairperson
Wakefield Board of Appeals
1 Lafayette Street
Town Hall
Wakefield, MA 01880

RE: Nahant Street Development, LLC
119, 127, and 135 + Nahant Street, Wakefield, MA
Case Numbers 19-65, 19-66 and 19-67

Dear Mr. Chair,

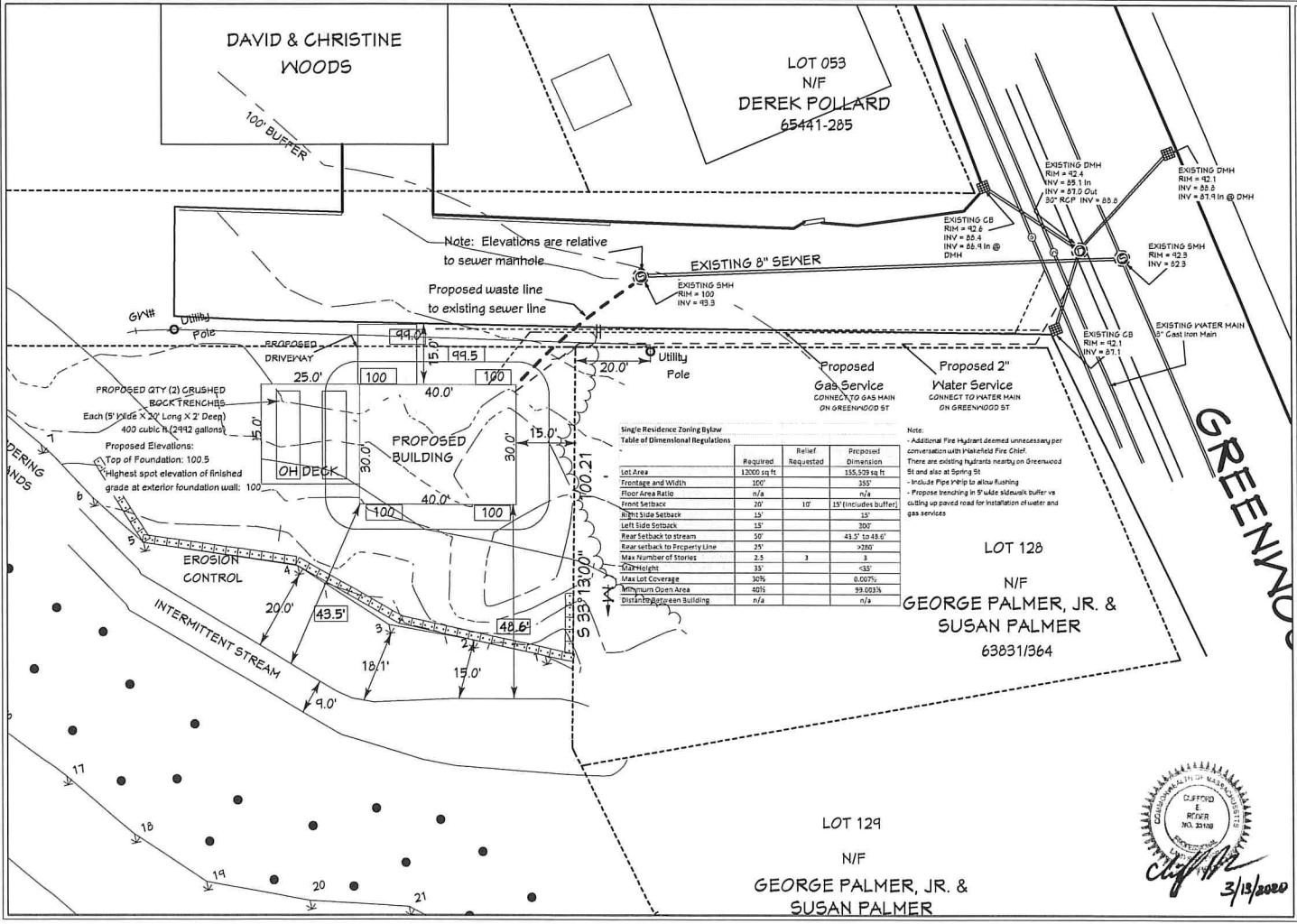
On behalf of my client, Nahant Street Development, LLC, I respectfully request that the Board of Appeals allow the all of the pending above referenced applications to be withdrawn without prejudice at this time.

Thank you for your anticipated cooperation.

Yours truly,

Brian D. McGrail

Brian D. McGrail, Esq.



DAVID & CHRISTINE WOODS

LOT 053
N/F
DEREK POLLARD
65441-285

LOT 128
N/F
GEORGE PALMER, JR. &
SUSAN PALMER
63831/364

Note: Elevations are relative to sewer manhole

Proposed waste line to existing sewer line

Single Residence Zoning Bylaw
Table of Dimensional Regulations

	Required	Relief Requested	Proposed Dimension
Lot Area	12000 sq ft		155,529 sq ft
Frontage and Width	100'		355'
Floor Area Ratio	n/a		n/a
Front setback	20'	10'	15' (includes Buffer)
Right Side Setback	15'		15'
Left Side Setback	15'		300'
Rear setback to stream	50'		43.5' to 48.6'
Rear setback to Property Line	25'		>280'
Max Number of Stories	2.5	3	3
Overheight	33'		<35'
Max Lot Coverage	30%		0.007%
Minimum Open Area	40%		99.003%
Outlying Open Building	n/a		n/a

Note:
- Additional Fire Hydrant deemed unnecessary per conversation with Wakefield Fire Chief.
- There are existing hydrants nearby on Greenwood St and also at Spring St.
- Include Pipe Pile to allow flushing
- Propose trenching in 9' wide sidewalk buffer vs cutting up paved road for installation of water and gas services



Cherry Lane House with approved front setback variance

DRAWING PROVIDED BY:

DATE:
3/13/2020

SCALE:

SHEET:
P1



WAKEFIELD CONSERVATION COMMISSION
Town Hall · One Lafayette Street · Wakefield, MA · 01880
Tel: (781) 224-5015 · E-mail: concom@wakefield.ma.us · Fax: (781) 246-6266

March 19, 2020

Mr. David Hatfield, Chairman
Zoning Board of Appeals
1 Lafayette Street
Wakefield, MA 01880

Re: 0 Greenwood Street

Dear David:

This letter is written in regards to the proposed single family home at 0 Greenwood Street (aka Cherry Lane). At its meeting on 3/12/2020, the Conservation Commission **reviewed and approved** the revised location. This new location will move the house toward the street, changing the front setback to 15', and will move the house 10' further from the stream. This change has been referenced in our record. It **will not** require a new filing with the Conservation Commission.

This new location is as shown on the plan titled "Cherry Lane House with Approved Front Setback Variance" dated 3/13/20.

The following is an overview of the wetland permitting review that was undertaken for this property. Under a Notice of Intent permitting process, the Conservation Commission (Commission) held three public hearings. On 1/3/19 a vote was taken to **unanimously approve** issuance of an Order of Conditions. *This decision was not appealed.*

The work proposed in this filing was reviewed under the Massachusetts Wetlands Protection Act (Act) 310 CMR 10.04, section 10.55, bordering vegetated wetland (BVW) as well as the Conservation Commission Act MGL Ch. 40, Section 8C pertaining to open space protection. (The Act defines a BVW as an area where the soils are saturated or inundated such that they support plants that are adapted to periodically wet conditions.)

The Act allows up for the disturbance of up to 5,000 square feet of BVW as long as the replacement area will function similar to what was lost, based on the Commission's opinion.

- For this project, 1,825 square feet of BVW will be disturbed.
- The BVW on this lot is sparsely vegetated, comprised mainly of invasive plants, shrubs and vines. Removal of invasives and replacement with a greater density and variety of native trees, shrubs and plants will provide protection for the brook and enhance the viability of the natural habitants, promoting a healthy biodiversity for the area at-large.

In response to comments from the public, the Commission and Town Engineer, the applicant worked with the Commission and offered the following concessions in order to protect the BVW and preserve valuable open space. Numbers 3 through 6 are special conditions to the Order of Conditions.

1. The footprint of the home was reduced from 1,800 square feet to 1,200 square feet.
2. The driveway was relocated further from the wetland and was also decreased in size.
3. Trees that are removed will be replaced in the BVW at a 2:1 ratio.
4. An additional 25 native New England shrubs will be planted in the BVW.
5. Although storm water management is not required for a single-family home, the applicant will install a crushed stone trench to capture roof runoff.
6. Working with the Commission, a deed restriction will be recorded to prevent further development of this lot.

This project stands in stark contrast to what had been proposed by a prior applicant. The Commission previously reviewed a Notice of Intent for this lot that called for the construction of a *16-unit townhouse development*. This would have entailed extensive blasting of the ledge adjacent to the brook, an engineered stream crossing to access the rear of the parcel in addition to an associated parking lot, grading and utility work. This project was denied as it was felt that the proposed work would be detrimental to the wetland resources.

Although the purpose and intent statement of the 50' stream setback bylaw (Wakefield Zoning Code Chapter 190-31H) does not directly speak to the goal of this particular section, the Commission feels confident that their decision more than addresses several other noted areas.

- Re: overcrowding of land, specifically the establishment of a balance between the lot and structure that retains and preserves the amenities of this area of Wakefield as well as providing at least a minimum of useful outdoor space. This proposed home would cover approximately 1.4% of this 3.57-acre lot.
- The retention of the greater portion of this lot as open space will help to preserve not only the natural integrity but will also continue to provide much needed flood storage for this area.
- The grade of this lot on the far side of the brook rises dramatically. Just beyond the top of the hill is a connection to an existing trail system linked to Melrose and Stoneham. Maintaining an open area such as this, even if privately held, will help preserve and protect a valuable parcel for flood storage, habitat and aesthetic value.
- Pushing the building location back could increase the likelihood of further degradation of the wetland and also decrease much needed flood storage area. The imposition of the stream setback bylaw would not, in this case, achieve greater protection of the wetland resources than has already been established in the Commission's Order of Conditions.

It is the opinion of the Commission that the additional protections gained during the Notice of Intent process, specifically retention of a majority of open area and enhanced wetland habitat function through a dramatic increase in native plantings, provide more than adequate protection of the values outlined in both the Act and the Town of Wakefield Zoning Bylaw.

Sincerely,



F. James Luciani, Chairman

Cherry Lane – Utilities Installation Plan

Start Date: TBD **Estimated length of time:** 4 days

Location: Cherry Lane, Wakefield, MA

Purpose: To install water and gas service to new home construction. Also to tie waste line to existing sewer system on street

Site Plan: See attached drawing

Tasks:

- 1) Call Dig Safe to verify there are no existing water, gas, electricity lines in the ground on Cherry Lane. Dig Safe will plant flags to confirm
- 2) Town engineer will review, comment and approve final plan for street work
- 3) Schedule Police Detail for digging on Greenwood St in coordination with contractor
- 4) Schedule Water and Gas personnel to be present when road is open
- 5) Schedule contractor to tap into water main
- 6) Notify abutting neighbors on Greenwood St and Cherry Lane one week in advance of beginning work on Greenwood St and Cherry Lane with date of work to be done and anticipated length of disruption
- 7) Street will be clearly marked with spray paint to outline areas to be cut
- 8) Street cutting and digging on Cherry Lane will be done adjacent to the lot at 0 Greenwood St.
- 9) Contractor will commence cutting of road along Cherry Lane to create trench for new lines. Cherry Lane is fully accessible by properties on north side of road. Dug up dirt and pavement will be placed adjacent to lot on Cherry Lane and will not obstruct access on Cherry Lane by owners on Cherry Lane
- 10) Police detail will be present when digging on Greenwood St is performed
- 11) Contractor will commence cutting of road along Greenwood St to expose water and gas mains. Greenwood St. will be fully accessible on the east side going north along Greenwood St.
- 12) Once exposed, contractor will tap the water main with supervision by town water personnel. Water line will be installed from water main to lot on Cherry Lane
- 13) Town gas personnel will install connection to town gas and will run line from gas main to lot on Cherry Lane
- 14) Once lines are installed and check for leaks are completed, backfilling of dirt will commence.
- 15) A metal plate will be put down on Greenwood to allow usage of the road before repaving.
- 16) After dirt has been backfilled on Cherry Lane, cones will be used to designate areas that will need to be paved
- 17) Schedule pavers to restore road to previous condition.
- 18) When pavers arrive, remove metal plates.
- 19) Pavers will re-pave the areas that were affected by the street work.

Hi Gail,

Erik Hagstrom wanted to provide this additional information to the ZBA to ensure chain of events is captured.

Communication history coming out of Conservation Commission review of revised site plan:

Elaine Vreeland sent email to Jack Roberto on 3/13 following the meeting on 3/12 stating that they had approved the change based on the undated plan. I then sent my follow up with updated site plan with proper dating obtained earlier in the morning:

O Greenwood Ave. (aka Cherry Lane, Parcel ID 26-58B-124) - Revised house location



Judith Green
to Jack, me, Judith

Fri, Mar 13, 1:15 PM

Dear Jack-

At its meeting on 3/12/2020, the Conservation Commission reviewed and approved the revised location at the above address. This new location will move the house toward the street, changing the front setback to 15', and will move the house 10' further from the stream.

This new location is as shown in the plan titled "Cherry Lane House with Approved Front Setback Variance". (undated)

Elaine Vreeland

Nghi <nghiluu@gmail.com>
to Gail, David, Jack, Judith

Fri, Mar 13, 2:30 PM

Hello all,
just wanted to copy Gail and David, who were at the ZBA meeting and had requested this from Con Com.

I have attached a copy of the plan referenced with proper date.

thanks,
Nghi
...



Also, just wanted to note that there is an existing house abutting on Cherry Lane that is 3 stories so my building is not out of place in the neighborhood.



TOWN OF WAKEFIELD
Board of Appeals
One Lafayette Street
Wakefield, MA 01880
781-246-6388



Office use:

APPLICANT: COMPLETE THREE (3) COPIES OF THIS FORM

- 1) Applicant name: Thomas Blain and Amy Blain Phone: NA
Street address: 85 Harrison Avenue City: Wakefield State: MA
Representative(s): Attorney Brian D. McGrail Phone: 781-246-9999 X2
Mailing street address: 599 North Avenue City: Wakefield State: MA
- 2) Owner name (if different from applicant): _____ Phone: _____
Street address: _____ City: _____ State: _____
Representative(s): _____ Phone: _____
Mailing street address: _____ City: _____ State: _____

- 3) If the applicant is not the property owner, indicate the interest in the premises:

- Prospective purchaser Lessee
 Other, please specify

- 4) Application is hereby made pursuant to Chapter 190 "Zoning Bylaws of the Town of Wakefield."

Select one: a separate application is required for each relief

- a. Variance under Article X Section 190-66
 b. Special Permit under Article _____ Section _____
 c. Party aggrieved; for review of a decision made by the Building Inspector or other authority (attach decision)
 d. Determination and/or finding with respect to a continuation and extension of nonconforming uses under
Article _____ Section _____
 e. Application is hereby made for: a modification of
Decision(s) # _____ or for the extension of _____
Decision(s) # _____ [attach decision(s)]
 f. Comprehensive permit pursuant to M.G.L. Chapter 40B

Note: Special permit requirements are not all in one Article or Section. Refer to Chapter 190 "Zoning Bylaws of the Town of Wakefield" for additional information.

5) Characteristics of the premises.

a) Address of premises affected: 85 Harrison Avenue

b) Premises affected is land with frontage on (street): Harrison Avenue

in a Single Residence zoning district, with area 17,333 sf. and frontage of 100 feet.

c) Assessors' map number(s) 34 Lot/parcel(s) HV3

d) Has there been any previous appeal or decision to the Board involving these premises?

Yes, attach application(s) and decision(s) No Unknown

6) Building description

a) Size of existing building, if applicable: See plan filed herewith.

Length: _____ Width: _____ Height: _____ Number of stories: _____

Unknown

b) Present use of each floor: 1st: Residential 2nd: _____ 3rd: _____

c) Size of proposed building: See plan filed herewith.

Length: _____ Width: _____ Height: _____ Number of stories: _____

Unknown

7) Description of proposed work and/or use:

Petitioner desires to construct improvements to an existing third floor in an existing single-family dwelling that, once improved, will constitute a third story and only two and one half stories are allowed in the single residence zoning district.

8) Reason(s) for the relief requested are as follows (please attach additional sheets if needed):

Petitioner is seeking a Variance from the requirements of Article VI and Table 2 of the Wakefield Zoning Bylaw, allowing a three (3) story single family dwelling as a result of proposed improvements to an existing third floor in an existing single family dwelling that will constitute a third story and only two and one half stories are allowed in the single residence zoning district. Petitioner in submitting this application specifically reserves the right to claim that the requested relief is not required and the submittal of this application shall in no way be deemed a waiver of any rights to make said claim.

9) I, Brian D. McGrail, as the owner, prospective purchaser, lessee, or representative, hereby declare that the statements and information on the foregoing application are true and accurate, to the best of my knowledge and belief. Signed under the pains and penalty of perjury.

Print name: Brian D. McGrail

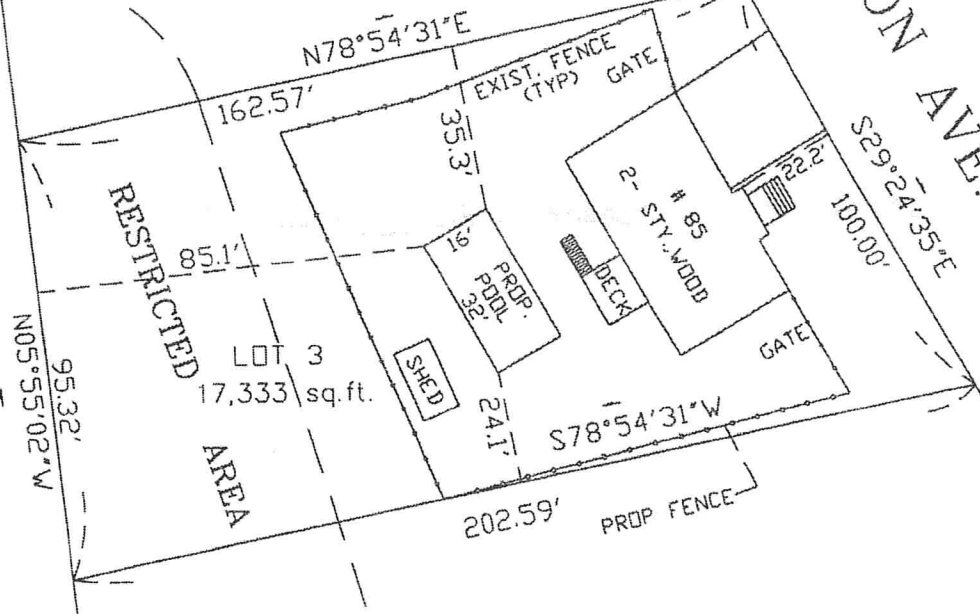
Signature: 

Date: 2-17-20



LOT 2

HARRISON AVE.



LOT 3
17,333 sq. ft.

LOT 4

EXISTING FENCES ARE MIN. 4.5' HIGH
EXISTING GATES ARE SELF LATCHING

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED FROM AN ACTUAL ON THE GROUND SURVEY.

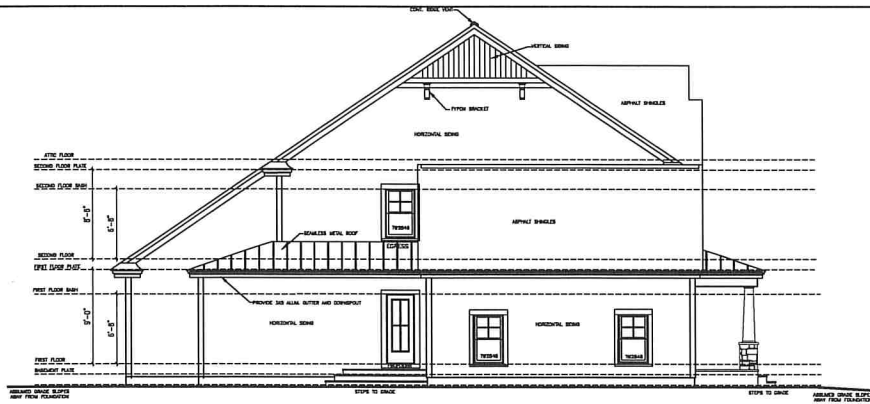
PLOT PLAN OF LAND
IN
WAKEFIELD, MASS.



PAUL J. FINOCCHIO P.L.S. No.36115 DATE

PREPARED BY: PJF & ASSOCIATES 4 HIGHLAND AVE WAKEFIELD, MA PAUL J. FINOCCHIO-P.L.S. (781)883-5473
SCALE: 1" = 40'
DEED REF.:
DATE: JANUARY 4, 2019
FILE No.: 7210

291 Salem St.



PROPOSED LEFT ELEVATION
SCALE 1/4" = 1'-0"



PROPOSED REAR ELEVATION
SCALE 1/4" = 1'-0"

PHOENIX ARCHITECTS

PHOENIX
ARCHITECTS

PHOENIX ARCHITECTS
WAKEFIELD, MASSACHUSETTS
(781) 846-0509

PETER L. SANDORFF A.L.A. PRINCIPAL

NOTE:

ALL DIMENSIONS TO BE FIELD
VERIFIED & CHECKED
CONTRACTOR TO REPORT
CHANGES AND DIMENSIONS TO
ARCHITECT.



4		
3		
2		
1		
No.	Revisions/Issues	Date

PROPOSED
ELEVATIONS

Project Name and Address
**MANN
HOUSE B**
291 SALEM STREET
WAKEFIELD MA

Sheet Number
1
Title
12.4.19 rev
Scale
1/4"=1'-0"

5



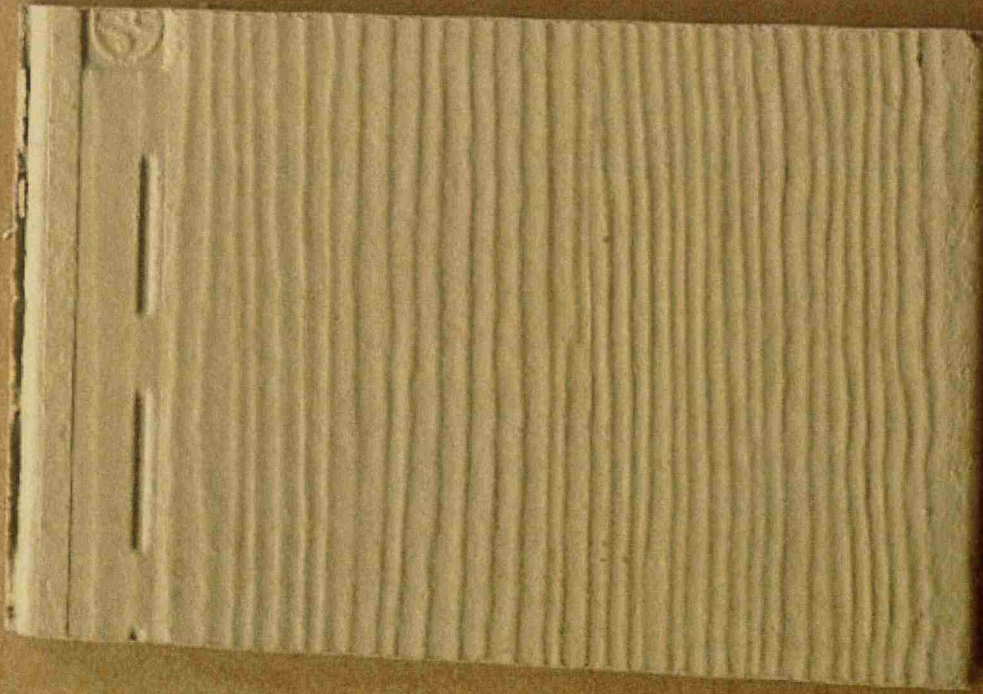
Gail Conroy

From: jhmcainjr@comcast.net
Sent: Friday, April 03, 2020 11:11 AM
To: Gail Conroy
Subject: 69 Foundry Street Siding image - .04.03.20
Attachments: 69 Foundry Siding Color Change jpg.jpg

Here is the substitution.
As one of the past meetings we allowed them to change to flat from textured.

Jim

**Approved Color
Sandstone Beige**



**Discontinued
Color**

69 Foundry Street

**Proposed Color
Platform Beige**

Same Manuf.