



MEETING MINUTES

Call to Order – 7:00 pm

REQUESTS FOR CONTINUANCES:

Wednesday, December 11, 2019 – 1st Floor Conference Room

In Attendance:

DAVID HATFIELD, CHAIRMAN
AMI WALL, CLERK
JAMES H. MCBAIN
CHARLES L. TARBELL, JR.
JOSEPH PRIDE
GREGORY W. MCINTOSH, ALTERNATE
MICHAEL L. FEELEY, ALTERNATE

Not Present:

THOMAS J. LUCEY, ALTERNATE

(19-17 & 19-18) – o OSSIPEE LANE, CAROL B. HANNIGAN

Request from William D. Hannigan, PE to continue the hearing until January 22, 2020 and extend the time to issue a decision to February 20, 2020.

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

(19-65, 19-66, 19-67)– 127 NAHANT STREET, 135 NAHANT STREET, 119 NAHANT STREET - NAHANT STREET DEVELOPMENT, LLC.

Request from Attorney Brian McGrail to continue the hearing until January 22, 2020.

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



CONTINUED HEARING:

Wednesday, December 11, 2019 – 1st Floor Conference Room

In Attendance:

DAVID HATFIELD, CHAIRMAN
AMI WALL, CLERK
JAMES H. MCBAIN
CHARLES L. TARBELL, JR.
JOSEPH PRIDE
GREGORY W. MCINTOSH, ALTERNATE
MICHAEL L. FEELEY, ALTERNATE

Not Present:

THOMAS J. LUCEY, ALTERNATE

(20-4, 20-5, 20-6) 259 & 267 WATER STREET – ANTHONY ARCARI AND 259 WATER STREET, LLC.

Attendees for the Petitioner: Anthony Arcari, Attorney McGrail and John Ogren

Purpose: Special Permit and Site Plan Approval - 16 Unit Mid-Rise Apartment Building

Discussion: A correspondence was received from the Town Engineer, Attorney McGrail went through the items with the Board. Chip said the I&I (Item 4 in the letter) should be conditioned. The Board should not have to worry about the street opening and other such items that the petitioner is paying a fee for. The comment regarding the pipe in the ground will be noted on the plan. All abandon water feeding the lot must be removed. John Ogren will circle back to the Engineering Dept. regarding item 6. Questions regarding if the EM Plan is part of the Storm Water Program were raised, is the EPA requiring it? Drainage comments were discussed – John Ogren reviewed the site plan that referenced Engineering’s concerns, John said they are going to add filter fabrics. Any infrastructure change must come back to this Board. The Board would like the Town Engineer - William Renault to come in and explain to them some of the requirements in the memo. Attorney McGrail said he will send an e-mail to Mr. Renault regarding the issues discussed tonight and CC: the Chairman on it.

A revised copy of the site plan showing updated landscaping was submitted in the file. The tree on the corner will be removed (it is not in good shape and will not survive the construction) and a new tree will replace it. An O&M Plan was submitted. A detailed plan of the retaining wall was submitted. Chip wants a detail of the cap on the top of the wall.

Plans/Documents Presented:

- DPW (Town Engineers Memo), dated November 20, 2019
- Updated Landscape Plan, dated December 5, 2019
- O&M Plan, dated December 6, 2019
- Detail on the retaining wall, from Redi-Rock, Cobblestone

Public Testimony: None

Discussions for the Next Hearing:

Lighting, fence on the wall what is the material, no signage just a number on the building where will it go, construction schedule, draft conditions

Chip made a motion to continue to January 8, 2020, Ami seconded the motion and all were in favor.

CONTINUED HEARING:

Wednesday, December 11, 2019 – 1st Floor Conference Room

In Attendance:

DAVID HATFIELD, CHAIRMAN
AMI WALL, CLERK
JAMES H. MCBAIN
CHARLES L. TARBELL, JR.
JOSEPH PRIDE
GREGORY W. MCINTOSH, ALTERNATE
MICHAEL L. FEELEY, ALTERNATE

Not Present:

THOMAS J. LUCEY, ALTERNATE

(20-8, 20-9, 20-10) 200-400 QUANNAPOWITT PARKWAY – WATERSTONE WAKEFIELD, LLC

Attendees for the Petitioner: Attorney McGrail, Nick Dellacera, Attorney Mark Vaughn, Derek Johnson

Purpose: Petitioner is seeking relief for Special Permits and Site Plan Approval to allow a research and/or testing laboratory use on the premises.

Discussion: The final site plan was distributed, it now shows the correct curbing. Operation and Maintenance Plan was distributed. Chip said as the tenants come they may have to add to the O&M Plan, such as increased usage of ventilation, etc. Dave suggested adding the appropriate language to the O&M Plan to address this. Jim wants to know what is on the roof, he wants the existing to show so that they will know what is new. The petitioner said they will provide that. Orders of conditions were distributed. One of the most important conditions was that they will be subject to limitations of bio-tech and life sciences. Attorney Mullen reviewed the language and made some minor modifications. Attorney McGrail reviewed the language with the Board and does not have any problem with Attorney Mullen's suggestions. Greg asked how they prove compliance for parking purposes. It was agreed that documentation to the satisfaction of the Building Inspector would be a condition. A cut sheet of the screening showing the colors was distributed. Sample materials to be reviewed by the Board. No mockup is necessary. The temporary sign was discussed. The petitioner requested a temporary banner until the space is rented. Mr. Johnson said he wants the banner down as bad as the Board does. Chip asked how long was reasonable to leave it up there. Mr. Johnson asked for a year, if they need more time they will come back. Chip said it has to stay in good condition. The Board agreed on a date of 12/31/20 or 75% occupied whichever comes first. It will be added as a condition. They will come back for permanent signage.

Plans/Documents Presented:

- Updated Plans, prepared by Allen & Major Associates, Inc., dated 12/11/2019
- O&M Plan, dated December 6, 2019
- Draft Order of Conditions, 12/11/19
- Cut sheet on screening & Material Elevations, 4/22/19

- Banner elevations prepared by ViewPoint Sign and Awning, dated 12/12/18
- E-mail from Thomas Mullen regarding the condition to ensure compliance with regulations concerning biotechnology and life sciences, dated 12/11/19
- Mr. Dennis Cloherty's correspondence, presented 12/11/19

Public Testimony: Dennis Cloherty – struggling with the site plan. It is quite different than what is at the registry of deeds. Mr. Cloherty went to the land court and was given a different plan. His grandfather was a boat builder and the family had direct access to the Lake. 128 came along and the Town took an easement to access across the road. Chip asked what Mr. Cloherty's end game was – he stated that he wanted the right to access the right of way to the lake. He would like to maintain his rights.

VOTE: Chip moved to make a motion to accept all the order of conditions as read and discussed tonight with the addition of 12, 13 & 14 added.

Chip moved to grant the Special Permit and Site Plan Approval, pursuant to Article IV Section 190-23 of the Wakefield Zoning Bylaw, to allow a research or testing laboratory use with a combination of office use on the premises.

FINDINGS –

1. The use requested is listed in the Table of Use Regulations as requiring a special permit in the district for which application is made.
2. The requested use is essential and/or desirable to the public convenience or welfare.
3. The requested use will not create or add to undue traffic congestion or unduly impair pedestrian safety.
4. The requested use will not overload any public water, drainage or sewer system or any other municipal system for such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.
5. The requested use will not impair the integrity or character of the district or adjoining districts nor be detrimental to the public health, convenience or welfare.
6. The requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.

SECTION 190-45 – WAKEFIELD ZONING BYLAWS -

The Board has also reviewed this section of the Bylaw, which in pertinent part states that: In reviewing a site plan, the special permit granting authority and the other applicable agencies shall consider, among other things, the following:

1. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets, properties or improvements.
2. Adequacy of the methods of disposal for sewage, refuse and other wastes and the methods for surface and storm water drainage.
3. Provision for off-street loading and unloading of vehicles incidental to the servicing of the buildings and related uses on the lot or tract.

The Board has considered all of the above referenced criteria and is satisfied.

Ami seconded the motion

Voting members - Jim, Chip, Ami, Joe, Greg

VOTE: Chip moved to grant a Special Permit, pursuant to Article VIII, Section 190-47 of the Wakefield Zoning Bylaw allowing uses, accessory to activities that are permitted, which are necessary in connection with scientific research or scientific development or related production (to the extent not already included within the office use and research or testing laboratory use).

FINDINGS –

Same as the Special Permit findings made with the prior Special Permit.

Ami seconded the motion

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

VOTE: Chip moved to Find with respect to continuation and extension of a non-conforming building, structure or use, under Section 190-50B of the Wakefield Zoning Bylaw, hereby finding that the proposed changes, extensions and/or alterations to the premises and the building situated and uses thereon as shown on the Site Plan and Architectural Plans is not substantially more detrimental than the existing nonconformities to the neighborhood.

Ami seconded the motion

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

CONTINUED HEARING:

Wednesday, December 11, 2019 – 1st Floor Conference Room

In Attendance:

DAVID HATFIELD, CHAIRMAN
AMI WALL, CLERK
JAMES H. MCBAIN
CHARLES L. TARBELL, JR.
JOSEPH PRIDE
GREGORY W. MCINTOSH, ALTERNATE
MICHAEL L. FEELEY, ALTERNATE

Not Present:

THOMAS J. LUCEY, ALTERNATE

(20-11, 20-12, 20-13, 20-14) 301 NORTH AVENUE – WAKEFIELD INVESTMENTS, INC.

Attendees for the Petitioner: Attorney McGrail, John Ogren, David Schelzi

Purpose: Convert Office Dwelling into 12 Apartments

Discussions: A new architectural plan was distributed – minor changes were made. John Ogren has made some updates to the site plan. They addressed some comments from the DPW. An Operation and Maintenance Plan was distributed. Draft conditions were submitted. The Board is wondering about the Fire Department – are they expecting some of their comments to be conditions. Attorney McGrail will send the Chief an e-mail and CC: Dave. Jim wants a condition that they will present a lighting style and detail and if there is any signage change. The architectural plan will match the site/civil plans.

Plans/Documents Presented:

- Draft Order of Conditions, 12/11/19
- Operations & Maintenance Plan, dated 12/6/19
- Final Plans, dated 12/6/19, prepared by Hayes Engineering
- Final Elevation Plans, 12/9/19, prepared by Warnick Associates, Inc.

Public Testimony: None

VOTE: Chip made a motion that the order of conditions as amended tonight will go with all the Special Permits granted.

Chip made a motion to allow a Special Permit and Site Plan Approval, pursuant to Section 190-32 of the Wakefield Zoning Bylaw, allowing a 12 unit Garden Style Apartment Building at 301 North Avenue as shown on the Final Site Plan and Final Architectural Plan.

FINDINGS-

1. The use requested is listed in the Table of Use Regulations as requiring a special permit in the district for which application is made.
2. The requested use is essential and/or desirable to the public convenience or welfare.
3. The requested use will not create or add to undue traffic congestion or unduly impair pedestrian safety.
4. The requested use will not overload any public water, drainage or sewer system or any other municipal system for such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.
5. The requested use will not impair the integrity or character of the district or adjoining districts nor be detrimental to the public health, convenience or welfare.
6. The requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.

SECTION 190-45 – WAKEFIELD ZONING BYLAWS -

The Board has also reviewed this section of the Bylaw, which in pertinent part states that: In reviewing a site plan, the special permit granting authority and the other applicable agencies shall consider, among other things, the following:

1. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets, properties or improvements.
2. Adequacy of the methods of disposal for sewage, refuse and other wastes and the methods for surface and storm water drainage.
3. Provision for off-street loading and unloading of vehicles incidental to the servicing of the buildings and related uses on the lot or tract.

The Board considered all of the above-referenced criteria and is satisfied.

Ami seconded the motion

Voting members - Jim, Chip, Ami, Joe, Mike

VOTE: Chip moved to grant the Special Permit pursuant to Section 190-32.1 of the Wakefield Zoning Bylaw, for reductions and/or alterations to dimensional requirements under Section 190-32D and Table 2 of the Bylaw related to a 12 unit Garden Style Apartment Building at 301 North Avenue as shown on the Final Site Plan and Final Architectural Plan including, but not limited to the following:

1. Lot Frontage
2. Lot Width
3. Front, Side and/or Rear Setbacks
4. Maximum Building Coverage
5. Minimum Open Area
6. Any other relief required from Section 190-32D and Table 2 of the Bylaw to allow the project to be constructed as shown on the Final Site Plan and Architectural Plan

FINDINGS –

Same Special Permit Findings as was made with the prior Special Permit

Ami seconded the motion

Voting members Jim, Chip, Ami, Joe, Mike

VOTE: Chip moved to grant the Special Permit, pursuant to Section 190-36C of the Wakefield Zoning Bylaw, for reductions in the requirements and/or standards for off street parking and loading under Article VII of the Bylaw related to a 12 unit Garden Style Apartment Building at 301 North Avenue as shown on the Final Site Plan and Final Architectural Plan.

FINDINGS –

The Board finds that the application of the standards for off-street parking and loading under Article VII proves to be infeasible and the reductions are supported by evidence of infeasibility due to lack of suitable land, design considerations or other similar factors. The granting of such special permit will not adversely affect the health, safety, convenience, character or welfare of the neighborhood or district or the Town.

Furthermore, the Board determined that the location of the structure will not restrict visibility in such a way as to hinder the safe entry or exit of a vehicle from any driveway to the street or restrict visibility at a corner of two streets.

Ami seconded the motion

Voting members - Jim, Chip, Ami, Joe, Mike

VOTE: Chip moved to grant a Variance, pursuant to Section 190-66 of the Wakefield Zoning Bylaw from the requirements of Article VI of said Bylaw including, but not limited to, Section 190-32C(1) regulating parking or driveway setbacks to walls containing windows to habitable rooms of a dwelling unit related to a 12 unit Garden Style Apartment Building at 301 North Avenue and to allow the project to be constructed as shown on the Final Site Plan and Architectural Plan.

FINDINGS –

1. Unusual Circumstances Affecting Land or Structures. The property is odd shaped with unique topography
2. Hardship – The Board found hardship based on the fact that the building is already in existence and the proposed Garden Apartment Building Use is a more desirable use than the current office building use.
3. Substantial Detriment and Derogation. The Board found that the requested relief could be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Bylaw.

Ami seconded the motion

Voting members - Jim, Chip, Ami, Joe, Mike

CONTINUED HEARING:

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CHARLES L. TARBELL, JR.
JOSEPH PRIDE
GREGORY W. MCINTOSH, ALTERNATE
MICHAEL L. FEELEY, ALTERNATE

Not Present:

THOMAS J. LUCEY, ALTERNATE

(20-21 & 20-22) BHAVYA TWO LLC – 950 MAIN STREET

Attendees for the Petitioner: Louis Diaz and Attorney McGrail

Purpose: Determination and/or Finding Related to Improvements, Modification of a Previous Decision, And Special Permit for Signage

Discussion: The petitioners hired Jim Emmanuel, a landscape architect. All landscape areas will be irrigated. Chip said they did a good job. The Board wants granite curbing (the plan shows bituminous curbing. The proposed site plan of 9/6 will be updated. Snow storage plan was submitted.

Plans/Documents Presented:

- Landscape Plan, prepared by James K. Emmanuel Associates, dated 12/5/19
- Copy of a Site Plan to show curbing & snow storage (no date)

Public Testimony: None

Discussions for the Next Hearing:

O&M Plan (include hours of operation), maintenance of the dumpster and fence, conditions, final signage.

Chip moved to continue to 1/8/20

Dave seconded.

All were in favor

NEW HEARING:

Wednesday, December 11, 2019 – 1st Floor Conference Room

In Attendance:

DAVID HATFIELD, CHAIRMAN
AMI WALL, CLERK
JAMES H. MCBAIN
CHARLES L. TARBELL, JR.
JOSEPH PRIDE
GREGORY W. MCINTOSH, ALTERNATE
MICHAEL L. FEELEY, ALTERNATE

Not Present:

THOMAS J. LUCEY, ALTERNATE

(20-25) 10 MANSION ROAD – JCG INVESTMENTS, LLC.

Attendees for the Petitioner: Attorney McGrail, James Gattuso (principal of JCG Investments, LLC)

Purpose: Variance to create two separate buildable lots with a single family dwelling on each lot.

Discussion: Attorney McGrail explained they are proposing to create two separate lots to build a single family on each lot. This property is part of the former Nazareth Academy. Over the years parts of the property have been sold off. Going back about 10 years a private party ran into some financial issues and the property has been vacated and it is unsightly, deplorable and unsafe. It is a destination point for kids to come and run rampart. The property has been boarded up, but vagrants knock it down. Mr. Gattuso is a successful builder. His desire is to build two homes. The current house would be knocked down. Pictures were passed around to show the deplorable conditions of the house. Upon the request of the petitioner, Chief Skory submitted a report of all the calls to the police station there are over 250 calls. Mr. Gattuso is very nervous of the kids starting a fire or getting hurt. They are also fearful for the neighborhood. Lot A - the only deficiency is the frontage it has 80 feet of frontage instead of 100 and lot width. Both lots are very large. Lot B – needs no relief. They have already gone before the Historical Commission and they decided to enforce the delay. They would also need a waiver from the Planning Board. Letters from other Town Boards were read into the record.

Plans/Documents Presented:

- Plot plan, prepared by PJF & Associates, dated 10/12/19
- Police log from 2006 to 2019
- E-mail from Chief Skory, dated 11/6/19
- Several photographs

Public Testimony: Deborah Napoleone – 5 Winship Drive – their backyard abuts the mansion’s yard. They have been putting up with the kids and people coming there for years. She described how horrible this property has been. Ms. Napoleone and her husband support two homes going in. Ms. Napoleone

asked if the water could be sucked out of the pool. Mr. Gattuso said he is looking into ways to get rid of the water.

Peter Melanson – 62 Winship Drive - The situation has gotten worse. His concern is that the kids are coming from far away and bringing candles, his concern is a fire. Who knows what is in that pool. Mr. Melanson suggested through the Board that Mr. Gattuso could landscape the easement – it abuts his yard.

John Shevlin – 1 Winship Drive - he has lived across the street for 40 years. Dozens of kids have been in his yard the police are always there. This has been going on for years and years. Proposing two single family homes is an answer to their prayers.

Bill Spaulding of the Planning Board – He asked about the soil – has it been looked at. Does anything have to be done with it? Attorney McGrail said everything is going through DEP. Everything has been very thoroughly looked at and will be done according to federal and state law.

VOTE: Chip moved to make a motion to grant the variance including but not limited to lot frontage and lot width requirements relating to the premises shown on the plan submitted by PJF & Associates, dated 10/12/19 to create two separate buildable lots with a single family dwelling on each lot. Lot B needs no variance but Lot A needs a variance of 17 feet of frontage and potentially lot width. Granting this is not more detrimental to the neighborhood and the hardship is safety, the cost to rehabilitate the building and the topography.

Ami seconded the motion

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

OTHER MATTERS:

Wednesday, December 11, 2019 – 1st Floor Conference Room

In Attendance:

DAVID HATFIELD, CHAIRMAN
AMI WALL, CLERK
JAMES H. MCBAIN
CHARLES L. TARBELL, JR.
JOSEPH PRIDE
GREGORY W. MCINTOSH, ALTERNATE
MICHAEL L. FEELEY, ALTERNATE

Not Present:

THOMAS J. LUCEY, ALTERNATE

(18-41 to 18-43) – 592 NORTH AVE – a/k/a 598 NORTH AVENUE – 598 NORTH AVE, LLC. – (previously granted relief)

Peter Sandorse of Phoenix Architects was present for the petitioner. The WMGLD will not allow the gas meters to be located where they were approved by the Board, which was in the building so they need to go on the side of the building. Chip wants it landscaped. The Board wondered if they could be recessed and maybe an enclosure could be put in front of it – Peter will find out if they can be recessed, if not he will present to the Board how it will be landscaped.

The Board agreed that the petitioner will come back with a plan.

(19-35 & 19-36) 12 Lafayette Street – (previously granted relief)

Peter Sandorse and Jim McBain explained to the Board that the owner wants a different shade of gray for the vinyl siding – Cape Cod gray was approved. Granite is the color he wants. Color samples were shown. Chip made a motion to change to Granite from Cape Cod, this is an allowable minor modification.

Ami seconded the motion

Chip, Ami, Jim, Dave, Greg

(19-12 to 19-15) 291 Salem Street – a/k/a 289 Salem Street – (previously granted relief)

There has been a modification of the kitchen, it has changed a door and window location on the approved plan. Chip moved to allow building A (the building in the back), to be a minor modification as presented on the plan prepared by Phoenix Architects, dated 10/22/19.

Ami seconded the motion

Mike, Chip, Jim, Ami, Dave

APPROVE MINUTES:

Wednesday, December 11, 2019 – 1st Floor Conference Room

In Attendance:

DAVID HATFIELD, CHAIRMAN

AMI WALL, CLERK

JAMES H. MCBAIN

CHARLES L. TARBELL, JR.

JOSEPH PRIDE

GREGORY W. MCINTOSH, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

Not Present:

THOMAS J. LUCEY, ALTERNATE

The Board voted unanimously to approve the meeting minutes of November 13, 2019

The hearing adjourned at 10:32 pm