



TOWN OF WAKEFIELD

BOARD OF APPEALS

MEETING MINUTES

Wednesday, March 24, 2021 – ZOOM HEARING

Consistent with the Governor's orders suspending certain provisions of the Open Meeting Law, this meeting was conducted by remote participation.

Call to Order 7:03 pm

Roll Call by David Hatfield, Chairman

In Attendance:

DAVID W. HATFIELD, CHAIRMAN

JAMES H. MCBAIN

JOSEPH PRIDE

CHARLES L. TARBELL, JR.

THOMAS J. LUCEY, ALTERNATE

GREGORY W. MCINTOSH, ALTERNATE

MICHAEL L. FEELEY, ALTERNATE

AMI WALL, CLERK

Ami read the Legal Notice

CONTINUED HEARING:

(21-29, 21-30, 21-31) – 500 MAIN STREET – MBAR WAKEFIELD, LLC

Purpose: Special Permits & Site Plan Approval – to allow a drive in bank, reductions in the requirements and/or standards for off street parking and to allow off street parking on another lot in the same ownership as principle use.

Attendees: Attorney Brian McGrail and Robert Santonelli, Paul Finocchio, Tom Chiudina (architect)

Discussions:



Brian explained that they have revised the site plan in conjunction with TAC and the Town Engineer.

Made revisions to the landscape plan

Revised sign elevations

Prepared draft conditions

The revised site plan was presented as of 3/18/21.

The plan endorsed from the Planning Board was presented and will be approved when this Board approves the project.

It is anticipated that with the Envision Project there will be a median on Main Street, the town traffic consultant had a concern that people coming out of the bank would take a left, it will be posted right turn only.

Paul Finocchio said the sidewalk on Main Street will be 2 feet wider and the Richardson Street sidewalk will be 10 feet wide with granite curbing. The catch basins will be relocated. The curb line will be extended on the Lot 1 side. They spoke with the light department and relocating the light pole to the left hand side of the property. In the rear of the property there is an existing pole that will be relocated.

Brian said all of the improvements of the sidewalks and infrastructure will be paid for by Mr. Santonelli.

Tom asked why there is hesitation about a median being put in. Brian said it is contemplated but for now it just is not in.

Jim asked how the power would be brought in – it will come from Richardson Street.

Chip asked how trash would be taken off the property. Brian said banks are very strict, no dumpsters are allowed. Everything has to be shredded and taken off the property.

The revised landscaping plan was presented. Because the building will be pushed back there will be a lot of landscaping on the corner of Main and Richardson. Chip said there is not enough landscaping along the parking spaces - it looks unfinished on the left side. Also, there should be irrigation between the two lots where the plantings are.

Ami is concerned if the Board decides to take the plantings out of the front of Main Street on the empty lot, people will feel like it is a place to hang out.

Jim pointed out that this side of the street is in terrible disarray, he is wondering if there should be street trees on this Main Street side.

Brain said he is confused because they were asked to work with the Town and the Envision Program and that is what they told him what they wanted. The Board wants Brian to go back

and ask the Town if trees can be planted in front of the sidewalk, similar to what CVS did across the street.

Bob said he is not opposed but they were directed what to do by TAC and they did it. In front of the property he owns at the Dollar Tree Store there is a tree that is making the sidewalk come up and it is now a tripping hazard.

Brian agreed that they will go back and ask if trees can be planted on Main Street or if they will be planted.

Revised elevation and signage was presented by Tom Chiudina

The signs are halo lit. All signage on the building and parking lot signs were shown on the elevations. No free standing sign is being proposed.

The aggregate amount of signage is not over the limit. But Jim pointed out that they are over if taken individually. So this Board has to determine if the signs are considered separate or all one. The directional sign is located in the wrong area on the plans #6.

Tom pointed out that the #7 signage on the plan needs to be relocated on the plan.

Greg pointed out that they do not allow telephone numbers on signs. Tom Chiudina said if the bank doesn't require it, it will be removed.

It was agreed that the sign on the left would be eliminated.

Bill Renault joined the zoom hearing. Brian explained to Bill that the Board needs assurance that a median will be put in. Bill said it is a pretty sure thing. Bill said from the meetings he has attended it looks like all the medians will go in, there may be tweaks here and there but it seems like they will eventually be in. Also, Brian asked Bill if Envision had planned on planting sidewalk trees or could the petitioner do it. It was agreed that Bill will try to see where 3 trees can fit.

Brian asked Bill what was going on with the light poles. There will be one kind of street light all down Albion and Main Street once it is decided on.

Draft conditions were presented and the changes that Bill Renault suggested were discussed.

Chip asked how a tree would be replaced if it died. Brian said the Building Inspector.

The ATM and vestibule are open 24 hours, the drive up ATM and Vestibule would remain lit. Tom said he doesn't see a need for the parking lot lights to stay on, there are street lights. Chip asked if the vestibule could be on a motion light. Tom said for safety reasons there has to be a light on in the vestibule. The lights inside the bank will shut off at 7 pm. And turn on 1 hour before opening.

There were minor changes to the conditions.

Ami brought up the point that there should be a condition about the time of day that deliveries and construction can take place. There will be a construction management plan. The delivery schedule should be limited when the kids go to and from school.

6:00-9:30 and 2:00-6:00.

Public Testimony:

Bronwyn Della-Volpe – 8 Cyrus Street - wanted to talk about lighting, the Hallmark building on Main Street glows all night. She asked if the interior lights would be on all night. Chip responded that they will be dimmed according to code. She asked if the big light in the front of the building would be lit. Is the lighting for the parking area on the plan, the response was yes. Ms. Della-Volpe also asked if they were dark skied compliant, Tom replied yes, they are. She asked if light pollution had been discussed and made sure the lighting will not be spilled out to downtown.

Plans Presented:

- Memo from VHB to Lt. Joseph Anderson, Dated 3/5/21
- Lighting and Sign Plan, prepared by P.J.F. & Associates, dated March 18, 2021
- Proposed Site Plan, prepared by P.J.F. & Associates, dated March 18, 2021 (rev. date)
- Landscape Plan, prepared by James Emmanuel, dated March 18, 2021.
- Signage Package, prepared by Tech Survey, dated March 17, 2021
- Draft conditions, dated March 19, 2021

The Board appointed Chip to approve an updated landscape plan for the left hand side between lots 1 & 2. (Conditioned)

The phone number can stay on the door but the web site has to go. (Unless it is regulated by the bank)

The sign on the right hand side will be placed on Bob's land (not the sidewalk).

Plans Presented:

- Site plan prepared by Paul Finocchio, dated 3/18/21
- Elevations, prepared by DRL, dated 10/29/20
- Sign Plans, prepared by Image One, dated 3/17/21
- Landscape plan to be updated, now dated 3/18/21, prepared by James Emmanuel

VOTE #1:

Chip moved to grant a Special Permit & Site Plan Approval, pursuant to Section 190-23 and 190-45 of the Wakefield Zoning Bylaw, allowing a Drive-In Bank, as more particularly shown on the Final Site Plan and Final Architectural Plans.

Findings

- A. The use requested is listed in the Table of Use Regulations as requiring a special permit in the district for which application is made.
- B. The requested use is essential and/or desirable to the public convenience or welfare – there is a dire need for housing including affordable housing in the Town of Wakefield and the surrounding area.
- C. The requested use will not create or add to undue traffic congestion or unduly impair pedestrian safety.

- D. 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.
- E. The requested use will not impair the integrity or character of the district or adjoin districts nor be detrimental to the public health, convenience or welfare.
- F. 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 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.

According to the conditions presented and discussed tonight.

Ami seconded the motion

Voting members all in favor – Dave, Jim, Chip, Ami, Joe

VOTE #2:

Chip moved to Grant a Special Permit pursuant to Section 190-37A of the Wakefield Zoning Bylaw, permitting off-street parking areas to be provided on another lot in the same ownership as the principal use as shown on the Final Site Plan and Final Architectural Plans.

The same Findings as prior Special Permit & Conditions already presented

Ami seconded the motion

Voting members all in favor – Dave, Jim, Chip, Ami, Joe

VOTE #3:

Chip made a motion to grant a Special Permit, pursuant to Section 190-36C of the Wakefield Zoning Bylaw reducing the requirements of the standards for off-street parking and loading under Article VII of the Bylaw as follows:

- A. Section 190-37D of the Bylaw—Allowing the width of the aisles to be as shown on the Final Site Plan.
- B. Section 190-37E(1) of the Bylaw—Allowing the setback of off-street parking areas to be closer than 7.5 feet to the building and allowing the open parking areas to be separated from the street line by landscaped strip less than 15 feet as shown on the Final Site Plan.
- C. Any other necessary reductions in the requirements and/or standards for off street parking and loading under Article VII of the Bylaw related to the project 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 of 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.

According to the conditions presented and discussed tonight.

Ami seconded the motion

Voting members all in favor – Dave, Jim, Chip, Ami, Joe

VOTE #4:

Chip made a motion to grant a Variance for all the signage, according to the conditions and minor changes presented and discussed tonight.

Ami seconded the motion

Voting members all in favor – Dave, Jim, Chip, Ami, Joe

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THOMAS J. LUCEY, ALTERNATE
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MICHAEL L. FEELEY, ALTERNATE
AMI WALL, CLERK

Ami read the Legal Notice

CONTINUED HEARING:

(21-37) 44, 46, 48 CRESCENT STREET – CRESCENT COMMONS DEVELOPMENT, LLC.

Purpose: Comprehensive Permit Pursuant to M.G.L. Chapter 40B to Build a Multifamily Dwelling with 56 Rental Units.

Attendees: Attorney Brian McGrail, Peter Sandorse, Rick Salvo, Boccelli's (Joe and Steve)

Discussions:

Attorney McGrail said there has been an initial hearing on this project.

Jim McBain and Ami wall were designated by the Board to try to make revisions to the project that were concerns of the Board.

There have been two sub-committee meetings.

The modifications have been -

A reduction of 11 units – from 56 to 45

(30) 1-bedroom units, (11) 2-bedroom units and (5) 3-bedroom units

They also decreased the number of two bedroom units

They stepped the building down from 4 stories to 3 stories.

Removed some gables on the building.

They now meet the parking requirements - parking has been increased to 70 spaces.

Peter Sandorse presented the floor plans

The parking is still upper and lower levels and some exterior spaces.

Jim explained that they tried to break the building down to 3 separate pods and step it up according to the grading on Crescent Street and soften it up. The only issue he has is the top two units on the right, he would like to take them out and if they have a problem with losing two units try to find another way to work them in. He feels that right now it looks like it adds another floor.

Gregg appreciates the work that has been done, but the safety issues still have to be addressed. They are putting a lot of load in this area, especially on Crescent Hill. No matter how far they go into design, they still have to listen to traffic studies; it is still a lot of traffic added.

Tom agrees with Gregg, for him it is too much on this site, he would like to see less units. He feels parking will be a big problem. He likes what Jim and Ami has done and thinks they are going in the right direction, he likes how the building is broken down, but it would be great if it was less mass and less units.

The Board talked about the Fire Department stating that they have concerns, they need more details from the Fire Department and need TAC to attend a hearing.

Dave agrees, too many units, too big of a mass and he needs to hear more on safety from TAC, Fire etc.

Public Testimony:

Tina Perrin – 7 Crescent Hill – The Fire Dept. already has a hard time getting up the street. One of her concerns is parking, Steve Bocelli cannot even maintain his house now, and how will he maintain this big property. Trash blows up and down the street from his house now and they have to pick up. How many spaces will be needed for guests, deliveries, maintenance? There is no room for overflow. This is an abuse of the 40B law.

Angelo Salomone - 40 Crescent Street – He wanted to see how the new building height compared to the other structures in the area. Peter Sandorse said they have not compared it yet – they will. He also agreed with his neighbors that the Bocelli's do not maintain their property.

Mark Mitchell – 14 Crescent Hill – He wanted to reiterate what he has already said – he is having a hard time with this project. It is the massing and if it wasn't a 40B they wouldn't be here tonight. He asked about the sub-committee, he asked if it was a common practice for the Board to have sub-committee's or was it just for this project. Who from the Town interacts with the State on a 40B? Mr. Mitchell asked if someone from the Board could work with the neighborhood regarding their concerns. Gregg explained that the sub-committee is not made to help the developer, it is to help the Board. Chip also explained that they are going to get something in the neighborhood, and if the Board is not careful and they do something that is not

in line with the 40B rules they can go back to Mass Housing and put up whatever they want. Dave said there is very few criteria that the Town can say no. When they get to 10% they will have more say.

Rebecca Swett – 40 Crescent Street– There is a significant problem with the property being maintained now. She would want assurance that the property will be well cared for.

Katie Kulaga – 9 Crescent Hill - she wants to echo everyone else's concerns, she sees the rats and trash all over the street. She is concerned about fire and emergency vehicles getting to them. She said this development has shaken their lives. They will have to leave Wakefield when this project comes.

Bronwyn Della-Volpe – 8 Cyrus Street – She does not think the developer is in on the meeting, Brian said yes, they are here. It is an abuse of the 40B law. Everyone knows the real reason it is being built. If so much work has to be done to hide the mass then it is not meant to be. This is an abuse of the 40B law.

Jerry Perrin – 7 Crescent Hill – He is opposed to the monster that it is – it is too large and will triple the population in a small area. The light at the bottom of Water Street only lets about 5 cars go at a time – how will 70 cars come in and out? It's way too much for this area.

Kate Crump – 42 Richardson Street – She is sympathetic to the neighbors. She wondered if the grade was changing and was it too steep to be ADA compliance. Does the reduction of units still bring us into compliance for 10%?

Next Hearing:

TAC and fire and police and talk about safety

Dave asked Brian to send the updated plans to TAC, Fire and Police and Dave will reach out and invite them to the hearing. Brian said he would first like his traffic advisor to look at the new plans first and revise what he needs to revise in his traffic study and submit it to TAC & VHB to look at.

Chip feels that the safety portion is much more important right now – he feels a representative of fire & police and TAC should all come together at the next hearing and ask them if this project is safe.

Chip suggested that to keep things moving maybe they can just concentrate on safety and have the fire and police come.

Grading, Site and architectural plans will be sent to fire and police.

Tom suggested that the Water Street/Crescent Street intersection be looked at in the traffic study. Brian suggested that the Board should ask the Towns peer review to look at that.

Plans Presented:

- Proposed Floor Plans and Elevations, prepared by Peter Sandorse, dated 3-24-21.
- Letters from abutters Katie Kulaga and Mark & Susan Mitchell
- Memo from VHB, dated 3-8-21

Chip moved to continue to 4/14 to discuss safety

Ami 2nd

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AMI WALL, CLERK

Ami read the Legal Notice

CONTINUED HEARING:

(21-40, 21-41, 21-42 - 62 & 76 FOUNDRY STREET – 62 FOUNDRY LLC

Purpose: Special Permits & Site Plan Approval to Construct a 58 Unit Mid-Rise Apartment Building with Mixed Use

Attendees: Brian McGrail and Mark Sleger (site/civil)

Discussions:

Mr. Sleger gave a presentation –

They have received correspondence from WMGLD, Engineering
Maple Street will be improved with granite curbing and drainage will be removed and improved.
An infiltration system will be in the rear of the property. There will be a significant reduction of runoff which will help alleviate any drainage problems on Foundry Street.

The fire department has requested a fire hydrant on the street it has already been installed as part of the 69 Foundry Street project.

The units will not be serviced by gas but the restaurant will have gas.

There will be underground electric trench to a new transformer.

Sewer calculations were requested so Mark has figured that out, and new sewer connections will be installed.

Brian pointed out that there is an easement on the right side of the property. An agreement has been entered with the abutter.

Public Testimony:

None

Plans Presented:

- Proposed and existing conditions and site plans, prepared by Alan Engineering, LLC, dated 10/7/20
- Letter to the Board from Allan Engineering, LLC, dated 3/18/21.
- Drainage Maps from Allan Engineering, LLC, dated 10/7/20

Discussions for the Next Hearing:

Architectural updates

Chip moved to continue to 4/14

Ami seconded the motion and all were in favor

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Ami read the Legal Notice

CONTINUED HEARING:

(21-45, 21-46) 49 HARRISON AVENUE – 49 HARRISON AVENUE – HAGOS WOLDE

Purpose:

Determination and/or Finding to allow an addition

Attendees:

Attorney McGrail, Haile Kahassai (Hagos Wolde's son), Paul Girello (architect)

Mr. Girello gave a presentation –

The Wolde's need more space and are looking to add on and expand.

The house is built into ledge in the back and there is no basement.

The garage is currently detached and will be attached.

A letter supporting this project from the abutters was presented.

The plot plan needs a measurement from the garage to the lot line, so the hearing must be continued.

Public Testimony:

None

Plans Presented:

- Plan of Land, prepared by Thomas of Massachusetts Survey Consultants, dated 1/19/21
- Architectural Plans, prepared by Haile Kahjassai, dated 1/15/21

Chip moved to continue to 4/14

Ami seconded the motion and all were in favor

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AMI WALL, CLERK

Ami read the Legal Notice

OTHER MATTERS:

(19-12, 19-13, 19-14) 291 SALEM STREET – DALJINDER MANN

Attorney McGrail updated the Board on the status of the petitioner –

They have done as-built

They have the front building under agreement

They are looking to release the front lot for certificate of occupancy

They went to the Planning Board last night and the Planning Board want more done to the front lot.

The Town Engineer will go out next week to look at the property.

They will come back in three weeks with a full report from the Town Engineer and will make a full presentation so that the front lot can be released.

Jim said plantings are missing.

It doesn't look like anything has been done since Chip and Jim were out there in November.

DJ said he is able to get the plantings now.

The Planning Board was concerned with the stairs being on the side on the deck on the front house and felt that they would be walking into the swale.

The suggestion is to move the stairs, the Planning Board is afraid when the house is sold the swale will be filled in, the Board agreed.

Chip made a motion to continue to 4/14

Ami seconded the motion, all were in favor

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MICHAEL L. FEELEY, ALTERNATE

AMI WALL, CLERK

Ami read the Legal Notice

APPROVED MINUTES:

Chip made a motion to approve the minutes of March 10, 2021

Ami 2nd

All members voted in favor.

The meeting adjourned at 11:40 pm