



TOWN OF WAKEFIELD

BOARD OF APPEALS

MEETING MINUTES

Wednesday, April 14, 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 7:01 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:

(21-38) 611 SALEM STREET – ELITE METAL FRAMING & CONSTRUCTION, INC.

Request from Attorney McGrail to continue the hearing until May 26, 2021, the petitioner is in the process of filing related applications with the Board of Appeals. Also a request to extend the time for the Board to render and/or file a decision on the matter until July 30, 2021.

VOTE: Chip moved to continue and Ami seconded the motion, the Board unanimously approved the requests.



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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, Fire Chief Sullivan, Police Chief Skory, Peter Sandorse, Rick Salvo, The Boccelli's (Joe and Steve)

Discussions:

The Board had asked at the previous hearing for the two Chief's to make an appearance to voice their concerns/comments on the project.

Dave Hatfield commented on why they asked the Chief's to attend this hearing tonight, there were safety concerns about accessing the site, the project has been scaled back but the abutters at the last hearing expressed safety concerns. The latest plans were presented to Chief Skory and Chief Sullivan to review to see if they had any additional concerns.

Chief Sullivan's memo dated April 5th was displayed.

Chief Sullivan said he stands by his letter, some of the letter is standard, but he is concerned that there is no visitor parking on the site. The area is already full with residents now, how can they accommodate more people.

He is also concerned with parking on both sides of the street, especially if they have to go down Crescent Street and turn left onto Water Street.

Chip asked the Chief if he had concerns fighting a fire in the building or at any of the houses on Crescent Hill. The Chief replied that he is concerned that they will have very limited access to the building, one of the things he asked for is a fire lane in front of the building. The Chief explained that Crescent Hill is already tight and they are forced to back up fire apparatus now.

Chip asked Chief Skory if parking on one side was going to change. He asked what it would take to get a resident parking only permit. Chief Skory said it would have to go through the Traffic Advisory Committee and the residents would have to agree to it.

Greg asked if because it was a safety issue couldn't the TAC take up the issue themselves.

Chief Skory said the only parking is from Princess Street to Lincoln Street only.

Gregg asked Chief Sullivan if with the added residents will they be able to get a fire apparatus in or out if there was parking on both sides of the street. The Chief said they can get up Crescent Hill but they have a hard time getting out. They may have to hand carry equipment in and cause a delay.

Chief Sullivan said the difference if this project goes forward is that the street will be a little tighter with more cars parked on it.

Tom Lucey asked if Chief Skory had any concerns.

Chip asked Chief Skory if there was illegal parking, the chief said not so much illegal parking but there is more parking. These projects should be providing enough parking spaces for these projects.

Chief Skory feels there is not enough off-street parking for this project.

Chief Skory said he checked the call logs and there were 31 calls in three years, there would be an increase of 56 calls per year it does not sound like a lot but with all these projects it is putting a toll on the department. He is concerned about the size of the project. Chief Skory outlined some questions/concerns he had about the building's safety, examples - package theft, deliveries, safety cameras, keys, etc.)

Timing of lights have to be changed and how will that affect the other streets and will a crosswalk be installed.

Ami said after hearing from both Chief's this is scary. Hearing the Fire Chief say he may have to hand carry equipment to the fire is scary.

Tom agrees – this is very disconcerting.

Attorney McGrail stressed that Chief Sullivan stressed that it will not be too much different on Crescent Hill getting equipment up the hill now. He stressed that you cannot deny a project because of a hypothetical parking situation. That is why signs for no parking can be put up. He

pointed out that this project meets the parking requirements of the bylaw. There is already no parking on the right hand side of Crescent Street.

The traffic consultant did a study of the intersection of Water and Crescent Street. There is no level of change at that intersection.

Brian asked the Chiefs if the lights were optacon, the lights synchronize when emergency vehicles go through them.

Brian said they are submitting more information to the TAC and Lt. Andersen.

Gregg pointed out that they can agree that this is a busy condensed part of Town. Taking 40B aside, the parking bylaw is a minimum, they could waive it if they deem so. They could request more parking if it was a special permit. The standard is the health and safety of the area and they can all agree, he does not think they are treating it differently because it is a 40B.

Public Testimony

Katie Kulaga – 9 Crescent Hill - There is a current parking shortage, there is a vehicle that is currently always parking in the no parking area. Visitor parking and deliveries is what she is concerned about. She lives on the end of Crescent Hill and is concerned about needing an ambulance or fire truck and not being able to get access. She is very concerned about safety for her and her neighbors.

Mark Mitchell – 14 Crescent Hill – He wants to reiterate the parking and safety issues. He agrees with Chief Sullivan about a space in front of the building dedicated to emergency vehicles.

Gregg asked Chief Sullivan if a fire truck was on Crescent Hill and they needed an ambulance could it be brought up the street. Chief said they would have to hand carry a stretcher up there. But it is getting down the hill. He is still concerned about visitor parking.

Brian said the bylaw factors in visitor parking.

Jim asked, if in-fact there are times an ambulance gets up the street first before the fire truck? Chief said many times the apparatus's are coming from different places and in that particular spot fire trucks would get there first.

Chief Skory asked about the number of handicap spaces and is three enough? TAC should look at this. Where is the dumpster and what time of the day will it be picked up? The trash will be kept in the building and wheeled out.

Plans Presented:

- Fire Chief Michael Sullivan's letter to the Board, dated April 5, 2021

Topics for the Next Hearing:

TAC

Sub-committee needs to meet to iron out some issues

Chip suggested meeting in 4 weeks
Chip made a motion to continue to 5/12
Ami seconded
All were in favor

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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, Chris Mulhern, Mike Radner (Landscape Architect)

Discussions:

The traffic report has been submitted to TAC and they will report back to the Board at a later date.

Chris Mulhern – the last hearing there were discussions on the east elevation Design and how it could look better. They have worked with Mike Radner to enhance the east property line, separating their property to the railroad side. A fence plan was displayed in detail. Planters and more fence on the second floor of the dwelling were also displayed.

The courtyard design was presented along with the materials and colors.

Site plan – street lighting, gas meter, transformer and lighting plan were presented.

Mike Radner stated that he is excited about adding the fence and greenery, he said the foundation plants around the building have stayed the same.

Mike talked about the changes to the courtyard.

Chip wants the trees on the plans to represent what the real height will be.

Chip likes the fence and what they have done, he also asked Mr. Mulhern if he thought these types of buildings would be dated in years to come.

Jim was concerned about the graffiti on the fence. Mr. Mulhern said the material is cleanable.

Chip feels they should make water, lights and a gate accessible to the fence so that it will be able to be cleaned it in case there was graffiti.

Chip, Greg and Jim are also worried about the location of the dumpster in relation to the restaurant. They also do not like the right front corner for the trash for the condo.

Ami wanted colors and materials to review prior to making a decision.

Ami asked about security and CTV camera's on the property. They will have touchless keys, a manager's office and will look into the security cameras.

Can something be put in the O&M plan regarding graffiti getting removed right away? Brian said yes, that will be in the O&M.

Jim said they normally get a booklet listing all the materials.

Jim asked if gas runs the outdoor grills, Mr. Mulhern said it will probably be propane. Also the fireplace, unless the gas department gives them a waiver for these three items.

Gregg asked about the lighting overlapping, it was explained that the light poles got shorter.

Public Testimony:

None

Plans Presented:

- Elevations, prepared by Harrison Mulhern Architects, dated April 1, 2021
- Landscaping & lighting plans prepared by Radner Design, dated April 2, 2021

Topics for the Next Hearing:

Alternate trash location

Materials book

Materials

Traffic

Draft Conditions

O&M – contemplate the restaurant, security, dumpsters....

Chip moved to continue to 5/12/21, Ami seconded

All were in favor.

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CONTINUED HEARING:

(21-43, 21-44) 97-99 WATER STREET – SGD MANAGEMENT GROUP, LLC.

Purpose: Special Permits to allow a 5 unit Mid-Rise or Garden Apartment Building with a Combination of other uses

Attendees: Attorney McGrail, Saverio Fulciniti (property owner), Carlton Quinn (Site/Civil), Rob Paccione (architect)

Discussions:

At the last hearing the Board was not happy with the project.

They have reduced the dwelling units from 5 to 4 and they took a story off the building. The retail space is larger and they expanded the glass on Water Street. The retail space has grown from 600 sq. ft. to 911 sq. ft.

There is a dramatic reduction in size of the building and it has been pulled back. The rear set back is not 33 feet, lot coverage has improved and open area and massing has been significantly reduced. They added a balcony to break up the massing. Significant infrastructure is being done for the Town and paid by the developer.

Carlton Quinn presented the prior site plan compared to what it is now.

Rob Paccione presented elevations, parking spaces, floor plans.

Saverio Fulciniti – said they heard the Board loud and clear and feel they produced a building that fits better with the neighborhood. They made the massing more attractive and gave more open space.

Jim said it is much better than what they had before. It is more to scale of the neighborhood. He likes how it has been dressed up and likes the band on it. He wants to see more finishes but feels the height and scale is better. It is light and airy in appearance. He likes the retail and how it fits in with what it used to look like when the factories were there.

Dave appreciates the work that they have done. He thinks this fits better with the neighbors.

Tom agrees, he likes the changes.

Dave told Brian and the group that we did not receive copies of site plan and elevations presented tonight and requested that they get Gail copies for the files.

Gregg asked why they needed an elevator. They need it for accessibility. The overrun will be 4 to 5 feet over the building. Jim said it should not be 4 to 5 feet higher. Gregg asked if they could look at shielding it.

Ami said she thinks they have done a good job but has a couple of questions.

Do they know what the retail space would be-they do not know yet.

Trash will be removed by a company that they hire.

They have a trash room which is on the side of Wakefield Ave.

Public Testimony:

Don Magnarelli – 18 Briarwood Lane – he owns 101-105 Water Street- he appreciates the owner reducing the size of the building. It is more in scale of the neighborhood. He would like to know how much relief is still required.

Brian presented the zoning table and ran through the requirements vs. proposed. Mr. Magnarelli explained his concerns about the Town being overrun by condos and the reason the town has bylaws and these developers are asking for all kinds' dimensional relief, why do we have these bylaws.

Ed Kirby – 4 Wakefield Ave - he appreciates the effort. He does concur with Mr. Magnarelli about the relief he is asking for. He has a concern about the elevator and HVAC units on the roof and wondered if the noise level could be brought down if they added attenuation panels. Last year there was 5 inches of rain and his property and this property got flooded it has to be considered by the DPW.

Plans Presented:

- Floor Plans prepared by RP Architectural Studio, dated 4/9/21
- Memorandum from Vanasse & Associates, Inc, dated 4/9/21 (not discussed tonight)
- Site Plan and Elevations (to be added to the file)

Topics for the Next Hearing:

Clean up the drawings

O&M

Materials

Jim would like extra details

Lighting on the building

Vents through the building

Update the Zoning Table

Chip moved to continue to 4/28

Ami seconded

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)

Discussions:

The issue at the last hearing was whether the garage was going to be attached for setback purposes. The Board determined that it was attached so the site/civil had to relocate the garage on the plan.

The relief that they need is a Finding – lot area, side yard, rear.

The variance is needed because of footnote 10 on the Table of Dimensional Regulation (Table 2) in our Zoning Bylaw. It states that they must maintain a minimum separation of 20 feet from another dwelling (the neighbor).

Public Testimony:

None

Plans Presented:

- Plan of Land, prepared by Thomas Bernardi of Massachusetts Survey Consultants, dated 3/31/21

Chip moved to approve the Finding based on the plot plan by Thomas Bernardi, dated 4/12/21 the increase of the nonconformity presented in the front, side and rear setback are not more detrimental to the neighborhood, they are intensifying but not more detrimental to the neighborhood

Ami 2nd

Voting members - Chip, Ami, Jim, Joe, Dave, all were in favor

Chip moved to grant a Variance based on Section 190-66 and footnote 10 of the Table of Dimensional Regulations allowing for 19.4 feet instead of 20 feet to be located next to the neighbor.

Ami second the motion

Voting members - Chip, Ami, Jim, Joe, Dave, all were in favor

****Need updated site plan dated 4/12 for the file**

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Ami read the Legal Notice

NEW HEARING:

(21-47) 21 SHUMWAY CIRCLE – ADAM JOHNSTON

Purpose:

Requesting a Variance for a Deck

Attendees:

Adam Johnston

Discussions:

Mr. Johnston explained to the Board and presented his plan for a deck in the rear of his house. He needs a side and rear setback relief.

Mr. Johnston bought the house a few years ago and the previous owner had intended on building a deck but sold the house before that could be done. Currently his living room on the 2nd floor, which has a glass sliding door goes out to nothing, it is a huge drop, and Mr. Johnston had to remove the door handles so no one would get hurt.

Jim asked why the stairs are going on the side he is requesting, if they were on the other side he would not need side setback relief.

He explained it made more sense to have them on that side and is more of a preference.

Chip said he does not have a problem with this relief but wants a condition that this deck can never be converted into a room, even a sunroom. The Board agreed.

Public Testimony:

None

Plans Presented:

- Plan of Land prepared by Robert Grover, dated 10/23/20
- Proposed Deck Plan prepared by John Parson Architect, dated 10/21/20
- Photographs of the property

Chip made a motion to grant a Variance to Adam Johnston at 21 Shumway Circle to be able to build a 12 x 14 foot deck on the back of the existing dwelling. The rear yard setback of 20.5 feet and the right side setback of 11.7 feet. With the condition that the deck cannot be turned into a room.

Voting members Chip, Ami, Jim, Joe, Dave

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AMI WALL, CLERK

Ami read the Legal Notice

NEW HEARING:

(21-48) 30 KEELING ROAD– ANDREW & KARA KIERAN

Purpose:

Requesting a Determination and/or Finding to Construct an Addition

Attendees:

Attorney McGrail, Andrew & Kara Kieran, Molly Richter (Architect)

Discussions:

The Kierans are proposing a one story addition on the rear of the house, it is an extension of a nonconformity. There is no intensification. Ben the Building Inspector does not have the authority to approve this because he has not been appointed the Zoning Administrator yet. Molly ran through the proposed architectural plans and elevations.

The Board had no objections to this project.

Public Testimony:

None

Plans Presented:

- Letters of support from abutters
- Plan of Land, prepared by Peter Ogren, dated 2/25/21
- Architectural Plans, prepared by Hogan Richter Architects, dated 2/26/21

Chip moved to find that the addition presented this evening according to the above mentioned plans for the addition being proposed at 30 Keeling Road does not increase or intensify the nonconformity as presented.

Voting members - Chip, Dave, Ami, Joe Tom

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AMI WALL, CLERK

Ami read the Legal Notice

NEW HEARING:

(21-49) – 34 SALEM STREET – ARTHUR A PROUSALIS

PURPOSE:

Determination and/or Finding Allowing a Detached Garage to be Located Closer than 7.5 feet.

ATTENDEES:

Attorney McGrail, Michael Prousalis (Arthur's son)

DISCUSSIONS:

Mr. Prousalis has a multi-family dwelling and a two car garage on the property.

Two to three years ago the garage was hit by a car. The garage is not structurally sound. Mr. Prousalis would like to build a new garage exactly where it is now. It will be clapboarded and match exactly the same size that it is now.

Mike Prousalis stated that a person driving down pleasant street had a heart attack and drove through the garage. It was made of blocks and the blocks have been destroyed.

They will reuse the foundation, it is a slab.

Plot plan dated Gloral Associates, dated 9/16/20
Plans by Richard Arnold smith dated 9/10/20

Public Testimony:

David Marshall and Maureen Hughes - 58 Pleasant Street - they are the direct abutter. The build out extends another foot into the property line. They do not want to lose a foot. The Board feels the architectural plans are wrong, the Hughes say the survey and plans are incorrect. The Board will put a condition in the decision that the garage has to be built on the same footprint that it was before.

Plans Presented:

- Plot Plan, prepared by Gloral Associates, dated 9-16-20
- Existing & Proposed Floor Plans, prepared by JWV, dated 9-10-20.

Chip made a motion to approve the Finding according to Section 190-50(B) for an accessory building that if the building goes on the previous footprint on the previous slab before it was damaged then it is not more detrimental to the neighborhood and does not increase the non-conformity.

The plans will not be referenced – it has to go on the old foundation.

Ami seconded the motion

Voting member - Dave, Greg, Chip, Ami, Joe - they were all in favor.

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Ami read the Legal Notice

OTHER MATTERS:

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

Attorney McGrail brought the Board up to date on the project.

Last week they had a site visit with the following people - Bill Renault, Eric Sherman, Paul Finocchio, Jim McBain, two planning board members. They walked the site and found that it is not in compliance with drainage and landscaping and the engineers agreed that it is not a major design to get the drainage to work, it is being redesigned. Once Bill Renault approves the plan they will be back. The building inspector is willing to give a temporary occupancy to the front house the people have nowhere to live. The Board agrees as long as the house is not sold before this is done, a temporary occupancy can be issued.

Chip moved to allow the Chairman to give the Building Inspector a letter that this Board is in agreement to a temporary CO.

All Board members are in favor

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AMI WALL, CLERK

Ami read the Legal Notice

OTHER MATTERS:

168 ALBION STREET – A/K/A 178 ALBION STREET - NRP

When the Board approved the project they tabled signage.

Mark Shraiberg, Janice Carroll and John Shipe were all present from NRP to present signage on the building and the garage.

Mark presented the garage signage and building package in detail.

Jim asked if the new signage proposal affected the landscaping that has been approved.

Jim asked about the banners that were proposed – did they go away, John said they are going to work with the Town to put them on the light poles.

The Board felt there was too much signage to go over in just one night and it was getting late.

The Board asked Jim if he would work with NRP to go over the plans and come back to the Board

Jim agreed.

Chip made a motion to continue to 4/28, Ami seconded the m and everyone agreed.

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AMI WALL, CLERK

Ami read the Legal Notice

CLERK/BOARD COMMENTS

Tonight the Board will vote to appoint the Building Inspector as the Zoning Administrator. David Hatfield explained that he had reached out to Tom Mullen regarding the procedure and wording on the appointment. After the Board makes their motion the Town Council will also have to appointment Mr. DeChristoforo at their next meeting.

Chip made a motion to move that the Board appoint the Building Inspector, Benjamin DeChristoforo, to serve as the Zoning Administrator, and to delegate to the Zoning Administrator the power to determine, under MGL Chapter 40A, Section 6 and Zoning Bylaw Section 190-50(A), whether a proposed reconstruction, change, extension or alteration to a pre-existing nonconforming single or two-family residential structure would increase the nonconforming nature of said structure.

Ami seconded the motion

All members were in favor - Chip, Ami, Jim, Joe, Tom, Greg, Mike, Dave

CLERK/BOARD COMMENTS

The Board had some discussions regarding updating the ZBA "Rules & Regulations". Everyone agreed that this needs to be done, the Rules & Regulations have not been updated since 2000. Dave will work up a draft with Gail and present it to the Board for further comments and updates.

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AMI WALL, CLERK

Ami read the Legal Notice

APPROVED MINUTES:

Chip made a motion to approve the minutes of March 24, 2021
Ami 2nd
All members voted in favor.

The meeting adjourned at 11:57 pm