



# TOWN OF WAKEFIELD

BOARD OF APPEALS

## MEETING MINUTES

Wednesday, April 28, 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 7:04 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:**

#### **(21-43 & 21-24) 97-99 WATER STREET – SGD MANAGEMENT GROUP LLC.**

Request from Attorney McGrail to continue the hearing until May 12, 2021, the petitioner is in the process of working on revisions requested by the Board.

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



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MICHAEL L. FEELEY, ALTERNATE

**Absent:**

AMI WALL, CLERK

**NEW HEARING:**

**(21-50, 21-51, 21-52) 200-4000 QUANNAPOWITT PARKWAY – CCF QUANNAPOWITT  
PROPERTY COMPANY, LLC.**

**Purpose:** Applications for Special Permits for a multi-family mixed-use apartment community with 485 residential units, associated parking and a restaurant use.

**Attendees:**

Attorney Brian McGrail, Allie Adams (Architect Cube 3), Jay Doherty, Matt D'Amico, John Sullivan (Development Team from Cabot, Cabot & Forbes), Donald Briggs (Eastern Real Estate), Ian Ramey (Landscape - Copley Wolff Design Group), Nick Dellacava (Civil Engineer –Allen & Major), Attorney Peter Tamm (Goulston & Storrs), Scott Thornton (Traffic - Vanasse & Associates), Scott Goddard (Wetlands Scientist – Goddard Consulting)

**Attorney Brian McGrail** - presented the meeting agenda and introduced the "Team"  
He also laid out the history, existing conditions and zoning of the property

- 24 acres of land, mostly in the limited business district
- The proposed uses are allowed in this district with the applicable relief.

- They have been before this Board with a pre-application proposal about a year ago. They walked away from that meeting knowing they needed to make a lot of changes, not only for this Board but for the stake holders such as the Friends of the Lake.
- The new design has included better lake water, better walkways, a better environmental impact, better for all involved including having a benefit for the lake and residents. This is also under the jurisdiction of the Conservation Commission; they are working closely with them.
- Existing Conditions of the project site was presented.
- Existing Site Conditions & site photos presented

**Jay Doherty – CEO of Cabot, Cabot & Forbes**

Gave a presentation of the Company – he introduced previous projects CCF has developed

**Matt D’Amico – Laid out Design Objectives**

- Create conservation
- Reduce impervious areas
- Proposing a café
- Restrooms
- Public safety room/facility
- They have lowered the height to 3 stories on the lake for buildings 1 & 2
- Building 3 on the site will be positioned to screen 128 and be 4 stories
- Provide affordable housing
- Reconstruct Quannapowitt Parkway with drainage and granite curbing
- Commit to the long-term improvement of water quality to the lake
- On-site security – 24/7, gated garage, security cameras, license plate recognition, video intercom

**Ian Ramey – Introduced the Landscaping**

- Presented the existing site
- Reduce impervious area and improve water quality with storm water management
- Rain gardens will capture runoff and filter out sediments and pollutants which will give a significant amount of water running into the lake which will improve the quality.

**Allie Adams – Presented Architecture**

- Buildings 1 and 2 will be 3 stories
- Building 3 will be 4 stories with the wrap parking garage
- There will be a large patio at the Café located in Building 1
- Building 1 will have 87 residential units and will be 32 feet high
- Building 2 will have 94 residential units and will be 32 feet high
- Building 3 will have 304 residential units and will be 45 feet high
- There will be 532 garage parking spaces
- There will be 215 surface parking

- They will not touch the walkway path that is already there, but will have another walkway which the public or residents can use.
- There is an active web site for this project (also visit the Town of Wakefield's Web Page)

Brian pointed out that they will have an O&M Plan like they always have but this one will be different because they want to include the current public walkway upkeep.

### **Board Comments**

Joe asked if this would put a strain on the school system – Brian responded that they have hired an expert to write a report that they will present and discuss.

Gregg- questioned when Mr. D'Amico pointed out that 87 units would be moderate – aren't they supposed to be low AND moderate. Brian responded that they will meet the requirement. There was discussion on what is the difference between low and moderate and Gregg pointed out that Wakefield is lacking in diverse housing stock.

Chip – asked if this project would be held by CCF, Mr. Doherty said this project will be a rental project. Co-council said it will totally comply & be regulated with law for moderate/low income and Wakefield residents will have first preference. The 87 units count towards the Towns inventory. There is a limited number of 3 bedroom units, typically that is what drives up the counts in schools.

Chip asked for the count and Allie only had percentages at this time.

12% - Studio

57% - 1-bedroom

27% - 2-bedroom

4% - 3-bedrooms

Tom Lucey – he feels this project is still too big and he is concerned about the loss of 18 significant trees, he would be interested in replacing those and wondering if some trees could be saved. He is interested in traffic. He also feels that the management plan is very weak.

Mike Feeley – asked what percentages the AMI would be

Dave – requested the slide presentation presented tonight be given to them for the file. He is also happy to see a web site for this project.

### **Public Testimony**

Peter Scott – 25 Avon Street - presented Brian Thomson's Master Plan – Peter and Brian are both architects and feel there is a better plan. Peter presented their plan that would move the roadway on the side of the lake.

Chris Kroon – 114 Main Street – His home looks directly out to 200-400 Quannapowitt, he is also a member of the Friends of the Lake and strongly opposes this project. This project is not to help our housing shortage, it is for a developer to make money. This project is not reasonable in size. It is no surprise that there were no elevations to show the height and what this project really looks like. Don't be fooled, their arguments carry no weight. Disruption to our town has not been mentioned – this construction could take years. He is also concerned about light and noise pollution on our lake. He urges the Board to deny their request.

Rada Frohlichstein – 9 Rochelle Dr – Rada owns a business downtown. The current pathway should not have a roadway next to it as Mr. Scott suggested. She also asked if the pathway would accommodate a bike. The project developer should accommodate jogging, walking and bikes. Concerns about the upgrade of the greenery and what kind of pesticides will they use near the lake. She is concerned about changing management companies if the building is sold. She asked what kinds of retail or if there will be restaurants. Would there be a bike rental or a shuttle to help the downtown businesses.

Bronwyn Della-Volpe – 8 Cyrus St. – Ms. Della-Volpe is almost speechless, she wants CCF to know that the vast majority of residents do not want this project. CCF may do nice work but they do urban work we are a suburban community. This project will change the character of our community. CCF needs to go back and re-think this because the town does not want this – it is appalling.

Carl D. – 485 units of residential units seems like it is changing the character of the property. There is a financial impact and service impact on the town and he is concerned about the size of the development. Wants clarification of the ownership of the property. He would encourage the Board to deny this project.

It was explained that Waterstone is the current owner, once the project is approved CCF will acquire the property.

Julie Scott – 226 Main Street - she thinks it is overly large and bring in more traffic. She is concerned about losing this property. She is worried about the quality of life for Wakefield residents.

Rick Stewart - 157 Salem Street - he asked if the site had to be raised 4 feet. CCF will have to get back to him as to how many truckloads of fill will have to be trucked in. He believes there should be a balance – less residential units.

Chip asked if Chris Kroon was representing the Friends – he said no.

Bill Conley – 83 Elm Street – he is the President of the Friends of the Lake and he explained to the Board that they have worked substantially with CCF on this project. They looked at the conservation and lake issues. They were initially against this project.

**Discussions for the Next Hearing:**

Architecture and massing

**Plans Presented:**

- Slide Presentation prepared by Cube 3 and dated April 28, 2021

Gregg suggested that they move economic benefits/impacts up on the list of discussions

Chip said traffic seems to be an issue, so when will they be ready for that. TAC is trying to setup a meeting in May.

Chip made a motion to continue to 5/12 – Tom 2<sup>nd</sup> – all were in favor

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Roll Call by David Hatfield, Chairman

**In Attendance:**

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JAMES H. MCBAIN  
JOSEPH PRIDE  
CHARLES L. TARBELL, JR.  
THOMAS J. LUCEY, ALTERNATE  
GREGORY W. MCINTOSH, ALTERNATE  
MICHAEL L. FEELEY, ALTERNATE

**Absent:**

AMI WALL, CLERK

**NEW HEARING:**

**(21-53) 218 VERNON STREET – MICHAEL MORMINO**

**Purpose:** Special Permit to raze and reconstruct a detached garage

**Attendees:** Michael Mormino, Tracy Sharkey (from Guaranteed Builders)

**Discussions:**

Ms. Sharkey said they are requesting a Special Permit and Determination and/or Finding to raze and reconstruct a detached garage.

50% of the height of the new garage will be in compliance.

The site plan was presented – it is a non-conforming lot.

There was some discussion on the requested relief – the Board wondered - did they need a Special Permit?

**Public Testimony:**

None

**Plans Presented:**

- Construction Plans prepared by Guaranteed Builders, dated 2/3/21

- Plot Plan prepared by Northwest Engineering Services LLC, dated 2/22/21
- Various letters of support from the neighbors
- Pictures of the property

Chip made a motion to Find that the architectural plans and engineering plan that has been proposed for this project as presented tonight, although it is higher, is not more substantially detrimental to the neighborhood. Tom seconded the motion

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



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MICHAEL L. FEELEY, ALTERNATE

**Absent:**

AMI WALL, CLERK

**NEW HEARING:**

**(21-54, 21-55, 21-56, 21-57) 13-15 ALBION STREET – ALBION STREET REBORN, LLC.**

**Purpose:** Special Permits, Determination and/or Finding and Variance to change the use of the second and third floors from commercial to residential use.

**Attendees:** Ralph Penney

**Discussions:**

Dave has concerns about the requested relief.

He thinks this hearing should not be opened because more relief may be necessary

Mr. Penney may need a Special Permit under 190-32 and 190-32.1 and Table 2

Dave explained he does not think they can entertain a conversation about the applications he has filed without this other relief.

Chip asked Mr. Penny why he did not have representation. Mr. Penney said the Town Planner Paul Reavis told him this is the relief he needed. Paul retired a year ago.

The Board does not feel comfortable moving forward without other forms of relief.

The Board suggested that Mr. Penny seek counsel to help him file the proper relief. Chip made a motion to table this petition – Tom seconded the motion and all board members agreed.

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THOMAS J. LUCEY, ALTERNATE  
GREGORY W. MCINTOSH, ALTERNATE  
MICHAEL L. FEELEY, ALTERNATE

**Absent:**

AMI WALL, CLERK

**NEW HEARING:**

**(21-58) 10-12 VERNON STREET – MASS MINI MART 2 INC.**

**Purpose:** Special Permit to incorporate fast food into the convenient store use

**Attendees:** Attorney McGrail, Pardeep Kumar

**Discussions:**

Attorney McGrail explained - 129 Quick Stop is a convenience store on the corner of Water and Vernon Street.

This property was rebuilt in 2007 the owner was in front of this Board.

All they want to do is sell sandwiches and pizza. The food will mostly be frozen and reheated.

Mr. Kumar does not need ventilation or stoves.

Brian showed the Board the floor plan with a new counter to prepare food and sandwiches and they will serve coffee.

Brian presented the menu.

There will be no seating, this is just an add-on to help his business.

Chip asked if the BOH has to approve this, Kumar said he has been to the Board of Health and they told him if this Board approves this then they also will.

**Public Testimony:**

None

**Plans Presented:**

- Floor Plan prepared by Beantown Gourmet Coffee
- Copies of previous ZBA Decisions dated 0/12/2007.
- Menu (presented, not in file)

Chip moved to grant the fast food Special Permit to Mass Mini Mart 2 Inc.

Mike seconded the motion

Voting members – Dave, Jim, Chip, Joe, Michael; all were in favor

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GREGORY W. MCINTOSH, ALTERNATE  
MICHAEL L. FEELEY, ALTERNATE

**Absent:**

AMI WALL, CLERK

**NEW HEARING:**

**(21-59) 249 NAHANT STREET – ELIZABETH LOMARDO**

**Purpose:** Modification of an Existing Variance

**Attendees:** Attorney McGrail, Elizabeth Lomardo, Michael Aveni (the architect)

**Discussions:**

Brian explained that they were in front of the Board in September, 2020.

At the September hearing the abutters that live at 243 Nahant Street voiced their concerns about losing privacy if the house was modified. Because of their concerns there was a condition in the decision that the building could not be changed.

Ms. Lomardo purchased the house and went to the building department to apply for a building permit to construct a dormer and that condition was noticed and that is why they are here tonight.

Plans were presented by Mr. Aveni, the dormer will be in the back of the house and stays within the footprint and stays within the height.

Jim has no problem with the plan.

**Public Testimony**

Patrick Thorman – 243 Nahant Street – Mr. Thorman stated they have no problem with this dormer at all.

**Plans Presented:**

- Proposed Plot Plan, prepared by PJF & Associates dated revised 9/10/20
- Architectural drawings, marked “proposed modifications”, dated 2/27/21

Chip moved to allow the modification of the condition created on the first variance in September to allow the dormer addition as presented this evening.

Jim 2<sup>nd</sup>.

Voting Members –Tom, Joe, Chip, Jim, Dave – all were in favor

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GREGORY W. MCINTOSH, ALTERNATE  
MICHAEL L. FEELEY, ALTERNATE

**Absent:**

AMI WALL, CLERK

**NEW HEARING:**

**(21-60 & 21-61) 17 PARK STREET – KEITH J BERNARDO AND NICOLE J. BERNARDO**

**Purpose:** Special Permit & Variance to Convert a Two-Family Dwelling into a Three-Family Dwelling

**Attendees:** Attorney McGrail, Keith & Nicole Bernardo

**Discussions:**

The Bernardo's purchased the property in 2008 and it has 3 units in it. When they went to refinance the house they did not find anything that proved it was a legal non-conforming three family. The only avenue was to convert it to a 3-family through this Board. They have spent a lot of time with the Fire Dept. and the Building Inspector to sort out if the building had to be sprinkled.

It was determined that it did not have to be sprinkled.

It meets the setback requirements but does not meet the conversion requirements.

The floor plan was presented.

On the 3<sup>rd</sup> floor unit there has to be a second means of egress, they are proposing to create an exit staircase going outside of the house, a shed dormer will be built in the back to serve the door.

Dave read letters into the record from Town Departments and there was one letter from a resident on Bryant Street who was opposed.

The Bernardo's submitted other letters from their abutters whom are in support.

Public Testimony

None

Plans Presented:

- Plot Plan prepared by PJF & Associates, dated 2/1/21
- Architectural plans prepared by Cornerstone Architects Inc., dated 2/3/21
- Letters of support from abutters (not in the file)

Jim made a motion to allow the Special Permit to be a 3 family dwelling and to allow the means of egress on the 3<sup>rd</sup> floor. According to the plans presented tonight and listed above.

Tom seconded the motion

Voting members - Dave, Jim, Joe, Gregg, Tom – all were in favor.

A motion was made to allow the Variance for the reductions from the requirements of Section 190-32G(2).

Jim seconded the motion

Voting Members – Dave, Jim, Joe, Gregg, Tom - all were in favor



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**NEW HEARING:**

**(21-62) 16 AMES STREET – CHRISTOPHER M. FRENI & MARILISA FRENI**

**Purpose:** Determination and/or Finding to Construct a Front Porch

**Attendees:** Attorney McGrail, Marilisa Freni

**Discussions:**

The Freni's would like to construct a porch on the front of their house.

They need a finding.

Brian explained that since the front does not comply already they need a finding not a variance.

Jim does would like a condition that the porch can never be enclosed – it must remain an open porch.

**Public Testimony:**

None

**Plans Presented:**

- Site plan prepared by Marchionda & Associates, dated 9/22/20
- Scheme A, prepared by Thomas Galvin

Dave made a motion to grant the Finding to allow the Freni's at 16 Ames Street be allowed to construct a front porch according to the site plan prepared by Marchionda & Associates, dated 9/22/20.

Jim 2<sup>nd</sup>

Voting Members – Ami, Joe, Michael, Dave, Jim – All were in favor

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AMI WALL, CLERK

**OTHER MATTERS:**

**27/37 WATER STREET – FRANK PASUITO**

Mike McCarthy gave an update on 27/37 Water Street project.

At the last hearing it was discussed to have Mr. Pasciuto give the Town a bond to make sure the work was completed.

Attorney McCarthy said the landscaping and irrigation has been done.

Just the sidewalk is left to be done – the Town Engineer, the project engineer and Frank have gone over the issues. There are issues with curbing in front of Sonny Notos, also with grading for ADA requirements; they agreed that it would be best for the Town to do the work. It will coincide with the upcoming Rails to Trails project and be in compliance with ADA and the town engineer has come up with the cost of the work - \$24,000, and Frank has agreed to pay for this and let the Town do the work. The Town will control the scope of the work, and both ends of the sidewalk will match up. Frank will pay the money on Monday.

Jim asked if the Town has a time-frame- Mike does not know. Mike explained that he and his client would rather the work be done sooner rather than later, but it is Town property so they have no say in the matter. Mike would like the Board to ask the Town when they expected to do the work. The Board also needs to do a final walk through to make sure the work has been done according to the plans. Dave explained that after talking with the Town Engineer and the walk through they will then write a letter to the Building Inspector to let him know they are all set. Chip and Jim will walk the site. Chip wants to see the sprinklers running.

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**OTHER MATTERS:**

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

Jim sent them information/calculations on the signage and NRP is reviewing and will come back.

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AMI WALL, CLERK

**APPROVED MINUTES:**

Chip made a motion to approve the minutes of April 14, 2021  
Ami 2nd  
All members voted in favor.

The meeting adjourned at 11:05 pm